



ANNO QUINQUAGESIMO SECUNDO

# GEORGII III. REGIS.

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## Cap. 70.

An Act for making and maintaining a Navigable Canal from the River *Medway*, near *Brandbridges* in the Parish of *East Peckham* in the County of *Kent*, to extend to and unite with the Royal Military Canal in the Parish of *Appledore* in the said County; and also certain Navigable Branches and Railways from the said intended Canal.

[5th May 1812.]

**W**HEREAS the making and maintaining a Navigable Canal (with Basins and Reservoirs) for the Passage of Boats, Barges, and other Vessels from and out of the River *Medway*, near *Brandbridges* in the Parish of *East Peckham* in the County of *Kent*, to extend to and unite with the Royal Military Canal in the Parish of *Appledore* in the said County, and also the Navigable Branches and Railways hereinafter described, from the said intended Canal, will open an easy and commodious Communication, not only between the several Towns, Parishes, Districts, and Places, through or near to which the said intended Navigation will pass, but also between those Places and the Ports of *London* and *Rye*, the Towns of *Tonbridge*, *Maidstone*, *Rochester*, *Chatham*, and *Gravesend*, and the Arsenals and Dock Yards at *Chatham*, *Woolwich*, and *Deptford*; whereby the Conveyance of Coals, Timber, Sea Beach, Chalk, Lime, Manure, Goods, Wares, Stores, and Merchandize, to and from

[Loc. & Per.]

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those

those Places, and also to and from divers other Towns, Parishes, Districts, and Places within the Counties of *Kent* and *Suffex*, will be greatly facilitated and rendered much less expensive, and the Cultivation and Improvement of the adjacent Country considerably promoted, and will in many other Respects be of great public Advantage and Utility: And whereas the several Persons herein-after named being willing and desirous, at their own Costs and Charges, to make and maintain such Canal Branches and Railways, and the Basins, Reservoirs, and other Works requisite for the Purposes aforesaid, the Commissioners appointed by an Act made in the Forty-seventh Year of His present Majesty, intituled *An Act for maintaining and preserving a Military Canal and Road from Shorn-cliff in the County of Kent, to Cliffend in the County of Suffex, and for regulating the taking of Rates and Tolls thereon*, have, for the promoting and more speedily effecting the said intended Canal Navigation, consented and agreed that such Canal shall, in the Direction thereof towards *Rye* aforesaid, terminate in and unite with the Royal Military Canal in the said Parish of *Appledore*, as herein-after is mentioned: 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 *Thomas Adams*, Reverend *John Austen*, *John Austen*, *John Apsey*, *John Adolphus Charles Blackman*, *John Hicks Boorman*, *William Belcher*, *P. Boghurst*, *William Buss*, *W. W. Bentham*, *George Buck*, the Right Honourable *John Jeffries Earl Camden*, *Isaac Cloake*, *William Coleman*, *Mawer Cowtan*, *Richard Curteis*, *Henry Creed*, *George Carter*, *F. H. Douce*, *Joseph Dobell*, *Samuel Dobell*, *Richard Willett De Courcy*, *William Edwards*, *Elizabeth Ellis*, *Samuel Espenett*, Reverend *David Evans*, *William Fowle*, Sir *William Geary* Baronet, *Jonathan Gillett*, *James Grellier* and Company, *William Gaskell*, *Thomas Law Hodges*, *John Henry*, *Charles Honyset*, *William Haffenden*, *Charles Haffenden*, *Thomas Haffenden*, *John Hunter*, *Samuel Hill*, *Richard Hill*, *R. J. Hart*, Sir *Walter James* Baronet, *William Jemmett junior*, Reverend *Theophilus Jones*, *Thomas Jarvis*, *James Ivatts*, *William Knott*, *John Larking*, *Thomas Lediard*, *Samuel Lineker*, *Benjamin Munn*, *Robert Mascall*, *Robert Mason*, *Richard Mount*, *William Mount*, *John Mott*, *Mace and Company*, *J. B. Matthews*, *William Alexander Morland*, *Catharine Marriott*, *Thomas Ollive*, *James Ottaway*, *Samuel Oyler*, Sir *Charles Price* Baronet, *William Foster Pigott* D. D. *George Plomer*, Reverend *Richard Cooke Tylden Patten*son, *William Palmer junior*, *John Plumtre*, *George Prickett*, *Thomas Nelson Pickering*, the Right Honourable *Charles Earl of Romney*, *Thomas Scott Redford*, Reverend *John Cramer Roberts*, *William Randall*, *John Reader*, *Samuel Reader*, *John Read*, *Thomas Rider*, *James Alexander Randall*, *Stratford Robinson*, *John Springett*, *John Scudamore*, *John Scott*, *Samuel Shaw*, *Dame Rebecca Twisden*, *Nicolas Roundel Toke*, *Stephen Tournay*, *John Tournay*, *William Tooth*, *John Maxwell Tylden*, *William Titford*, *Richard Titford*, *Edward Vinser*, *Thomas Watson*, *John Amburst Walter*, *Stephen Walter*, *James Walter*, *Edward Wood*, *John Charles Woolley*, *Edward Vinser senior*, *Robert Watts*, *John Wilmburst junior*, *William Waterman junior*, *George Wilmburst*, *Henry Wright*, *Samuel Waters*, and *Robert Wilmott*; together with such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and their several and respective Successors, Executors, Administrators, and Assigns, who shall at any Time hereafter be possessed of One or more Share or Shares in the Navigation hereby authorized to be

Proprietors.

be made, are and shall be and they are hereby accordingly united into a Company for the carrying on, making, completing, and maintaining the said intended Navigable Canal Branches, and Railways, and the Works hereby authorized to be made, according to the Rules, Orders, and Directions herein-after contained and expressed; and for that Purpose are and shall be one Body Politic and Corporate, by the Name and Style of *The Company of Proprietors of the Weald of Kent Canal*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, and the several Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

United into a Company.

Their Style.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby fully authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, by Cuts, Tunnels, or otherwise, to make, complete, and maintain a Canal navigable for Boats, Barges, and other Vessels from and out of the River *Medway*, near a certain Place called *Brandbridges* in the Parish of *East Peckham* in the said County of *Kent*, into and through the several Parishes, Townships, Hamlets, or Places of *East Peckham, Yalding, Nettlested, Brenchley, Horsmonden, Goudhurst, Marden, Staplehurst, Cranbrook, Frittenden, Biddenden, Streud-Quarter, Halden, Middle-Quarter, Tenterden, Ebony, and Appledore* in the said County of *Kent*; to extend to and unite with the Royal Military Canal in the said Parish of *Appledore*, so as that such Canal may flow into and form a Junction with the Royal Military Canal at a Place distant from *Appledore* Bridge to the Southward about Thirty-five Chains, and from the *Old Knock* Channel to the Northward about Fourteen Chains, to be measured on the Military Road behind the Rampart of the said Royal Military Canal; and also to make, complete, and maintain a Cut or collateral Branch for the Navigation of Boats, Barges, and other Vessels from or out of the said intended Canal, at or near *Middle-Quarter* aforesaid in the Parish of *Halden* aforesaid, through or into the several Parishes, Townships, or Places of *Halden, Bethereden, Woodchurch, Shadoxhurst, Great Chart, Kingsnorth, Ashford, Willeborough, Hinxhill* alias *Hinkfell, Blackwall, and Wye* in the said County of *Kent*, to extend to or near to certain Chalk Hills in the Parish of *Wye* aforesaid; and also to make, complete, and maintain One or more Railway or Tramroad, or Railways or Tramroads, from the said last-mentioned Navigable Cut or collateral Branch in the said Parish of *Wye*, through or into the several Parishes of *Wye* aforesaid and *Brook* in the said County of *Kent*, to extend to and communicate with the said Chalk Hills in the said Parish of *Wye*; and likewise to make, complete, and maintain one other Cut or collateral Branch navigable for Boats, Barges, and other Vessels from and out of the said intended Canal in the Parish of *Goudhurst* aforesaid, through or into the same Parish, to extend to the Turnpike Road leading from *Goudhurst* aforesaid to or near to a certain Mill called *Hope Mill* in the said Parish of *Goudhurst*, and to supply the said intended Canal and collateral Cuts or Branches respectively, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Rivers, Brooks, Springs, Streams, Rivulets, Waters, and Water-courses as shall flow or be found in digging or making the said intended Canal

Company empowered to make the Canal, &c.

Canal

Canal and collateral Cuts or Branches respectively, or within the Distance of Two thousand Yards from any Part of the said intended Canal and Cuts or Branches respectively, or either of them, or any Reservoir or Reservoirs which shall belong thereto; and also to dig, make, finish, and complete the several Reservoirs, Basins, or Repositories for supplying with Water the said Canal and collateral Cuts or Branches respectively, or any Mill which may be effected in consequence of this Act, as are next herein respectively mentioned or referred unto; (that is to say), the Reservoir and Feeder for supplying Water to the said Canal in the Parishes of *Cranbrook*, *Biddenden*, and *Frittenden* aforesaid, which in the Plan herein-after mentioned to have been deposited at the Office of the Clerk of the Peace for the said County of *Kent*, is or are marked or distinguished by the Letter A; the Reservoir and Feeder for supplying Water to the said Canal in the said Parish of *Cranbrook*, which in such Plan is or are marked or distinguished by the Letter B; the Reservoir and Feeder for supplying Water to the said Canal in the said Parishes of *Cranbrook* and *Frittenden*, which in the same Plan is or are marked or distinguished by the Letter C; and the Reservoir and Feeder for supplying Water to the said Canal, and to the said intended Navigable Cut or collateral Branch from *Goudhurst* to the said Turnpike Road leading from *Goudhurst* aforesaid to *Hope Mill* aforesaid, situate in the said Parish of *Goudhurst*, and which in the said Plan is or are marked or distinguished by the Letter D; (all of which Reservoirs or Repositories shall be respectively filled with Flood-water from the Streams on which they are to be respectively made); and also all such other Feeders for conveying Water from such Reservoirs or any of them to the said Canal and collateral Cuts respectively as by the said Company of Proprietors shall be deemed necessary and proper; and also to erect and make at such Place or Places such Fire or Steam Engines and other Machines, and also such and so many Sloughs, Tunnels, Feeders, Aqueducts, Channels, and other Works for supplying the said Fire or Steam Engines, or any Mill which may be affected in consequence of this Act, with Water, as by the said Company of Proprietors shall be deemed necessary and proper, and also for effectuating any of the Purposes of this Act; and within the like Distance from any Part of the said intended Canal or collateral Cuts or Branches, or either of them, or any Part thereof respectively, to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten the Streams, Brooks, Rivulets, or Watercourses which run or may be brought into or made to communicate therewith respectively, and to dig, cut, or raise the Banks of any of the said Streams, Brooks, Rivulets and Watercourses for bringing and conveying Water into the said intended Canal and collateral Branches, or either of them; and to make such proper Trenches or Passages for Water in, upon, or through the Lands or Grounds adjoining or near to the said intended Canal or collateral Branches, or either of them, or such Streams, Brooks, Rivulets, or Watercourses as aforesaid, or any of them, as the said Company of Proprietors shall think fit; and for all or any of the Purposes aforesaid, the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen are hereby authorized and fully empowered to go, enter, and pass into, upon, through, and over the Lands and Grounds, Brooks, Streams, Waters, Highways, Roads, Passages, Streets, Commons, and other Lands, Grounds, and Places of or belonging to any other Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey, measure, and take Levels of the same,

same, or of any Part or Parts thereof, and to ascertain and set out such Part or Parts thereof as they the said Company of Proprietors, or the Engineer or Engineers, Surveyor or Surveyors employed or to be employed by them, shall think necessary and proper for making, completing, maintaining, improving, and using the said intended Canal and collateral Branches respectively, and such Rail or Carriage-ways, Reservoir or Reservoirs, Feeders and Aqueducts, and other Works and Conveniences as they may consider to be proper and necessary for making, effecting, preserving, improving, completing, maintaining, and easily using the said intended Canal, collateral Branches, Railways, and other Works respectively; and also to bore, dig, cut, trench, fough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatsoever which may be dug or got in making the said intended Canal, collateral Branches, Reservoirs, Feeders, Railways, or other Works respectively, or in making any such Reservoirs, Feeders, or Aqueducts as aforesaid, in, over, upon, or from or out of the Lands or Grounds of any Person or Persons adjoining or lying contiguous or convenient thereto, and which may be proper, requisite, and necessary for making, carrying on, maintaining, improving, or repairing the said intended Canal, collateral Branches, Railways, and other Works respectively, or which may prevent, obstruct, or impede the making, completing, extending, maintaining, or using the same respectively, or in making, using, completing, and maintaining such Reservoirs, Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid as shall be necessary and proper for the Conveyance of Water to or from the said intended Canal or collateral Branches, or either of them, according to the true Intent and Meaning of this Act; and to make, build, erect, construct, and set up, in or upon the said Canal or collateral Branches and Railways respectively, or upon the Lands adjoining or contiguous to the same, such and so many Banks, Bridges, Piers, Arches, Fords, Tunnels, Aqueducts, Pipes, Sluices, Locks, Weirs, Pens for Water, Water Stanks, Drains, inclined Planes, Rollers, Lifts, Balances, Steam and other Engines, Wharfs, Warehouses, Toll-houses, Quays, Landing Places, Weighing Beams, Cranes, Watch-houses, Docks, Basins, and other Works, Towing Paths, Roads, Ways, Conveniences, and other Works and Devices as the said Company of Proprietors shall consider to be requisite for the Purposes of this Act; and also from Time to Time to alter, repair, and amend, or discontinue the same, and to make, divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Basins, Reservoirs, Aqueducts, Sluices, and other Works and Conveniences, as well for procuring, carrying, and conveying Coals, Stones, and other Minerals, Goods, Wares, and Merchandize and other Articles to and from the said intended Canal, collateral Branches and Railways respectively, as for carrying and conveying all Kinds of Materials requisite for the making, erecting, constructing, finishing, maintaining, amending, improving, or enlarging the said intended Canal and collateral Branches, Rail, or Carriageways, and other Works of or belonging to the said Undertaking, or useful for any of the Purposes thereof; and also to place, lay, work, or manufacture the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Canal and collateral Branches, Rail or Carriageways respectively, or the Basins, Reservoirs,

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Tunnels,

Tunnels, Aqueducts, Soughs, Trenches, Feeders, and Watercourses respectively which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing Boats, Barges, and other Vessels passing in, through, or upon the said Canal and collateral Branches respectively, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon such intended Canal and collateral Branches respectively, to turn, lie, or pass each other, as they the said Company of Proprietors shall think fit and convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, Aqueducts, and other Works in, upon, and across any Rivers or Brooks, for the making, using, maintaining, or repairing the said intended Canal and collateral Branches, the Towing Paths on the Sides thereof, and the said Sluices and Trenches respectively; and to make such Roads and Ways as the said Company of Proprietors shall find necessary and expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated or divided, or otherwise affected by, or of which the Use or Occupation shall be obstructed or rendered inconvenient in consequence of the making of the said Canal and collateral Branches, or any or either of them, or by making or building Wharfs, Quays, Houses, Warehouses, Toll Houses, or other Buildings, or by making and using Landing Places contiguous or near thereto, or by the making of Sluices, Flood Gates, Weirs, Pens for Water, Water Stanks, Reservoirs, Dams, or Feeders for the Use of the said Canal and collateral Branches, or either of them; and to make, construct, erect, and do all other Matters and Things which they may think necessary and convenient for the making, effecting, extending, preserving, improving, and easy using the said intended Canal, collateral Branches, Railways, Carriageways, and all other Works in pursuance of, and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, doing as little Damage as may be in the Execution of the several Powers hereby in them vested, and making Satisfaction in Manner herein mentioned to the Owners or Proprietors of, and all other Persons interested in any Lands, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which may be taken, used, removed, diverted, prejudiced, or affected, for all Damages to be by them sustained, in or by reason of the Execution of all or any of the Powers of this Act; and this Act shall be a sufficient Authority to and shall effectually indemnify the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein contained: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors, under any Pretence whatsoever, to take or suffer to be taken or used for any of the Purposes of this Act, any of the Streams of Water now flowing into or forming Part of the River *Teise*, and as the same River runneth through the Parish of *Lamberhurst* aforesaid, until the said collateral Branch or Navigable Cut from the said intended Canal in the said Parish of *Goudhurst* to the said Turnpike Road leading from *Goudhurst* aforesaid to *Hope Mill* aforesaid, shall be dug and made fit to receive Water in pursuance and for the Purposes of this Act; and also that nothing in this Act contained shall authorize or extend to authorize

Proviso concerning the Water of the River *Teise*;

rize or empower the said Company of Proprietors to begin upon, or to make or excavate the said last-mentioned collateral Branch or Navigable Cut, until the Line of the said intended Canal from *Wye* aforesaid to the said Parish of *Goudhurst*, shall in the Opinion and to the Satisfaction of the Committee of Management for the Time being, to be appointed as herein-after directed, appear to be in so near a State of Completion as that such Line of Canal will be ready to be opened for the Purpose of navigating Boats, Barges, and other Vessels upon and along the whole Extent thereof, when and so soon as or before the said last-mentioned collateral Branch or collateral Cut can be dug, prepared, and made to be opened for the like Purpose of navigating the same.

and also as to Collateral Branch towards Hope Mill.

III. And be it further enacted, That in case the said Company of Proprietors shall deem it more expedient that Boats, Barges, or other Vessels, Waggons, or other Carriages, or any Manure, Goods, Wares, or other Things, should be conveyed over or along any Part or Parts of the proposed Track or Line in which the said intended Canal, or either of the said collateral Branches, is herein-before directed to be carried, by Means of one or more Railway or Tramroad, Railways or Tramroads, Rollers, Inclined Planes, or in any other Way than by Water, then and in every such Case it shall and may be lawful for the said Company of Proprietors to cause any Railways or Tramroads, Rollers, Inclined Planes, or other Works, with or without Water, to be made for that Purpose at such Part or Parts, Place or Places, in such proposed Line of the said Canal and Branches respectively, as they shall think proper, order, and direct; and the same when made, shall be deemed and considered as Part of the said Canal and Branches, in like Manner as though such Part or Parts, Place or Places had been made navigable.

Power to make Railways, Inclined Planes, &c. if deemed necessary.

IV. And be it further enacted, That no Person or Persons shall, without the Consent of the said Company of Proprietors, pass upon any Rail or Carriageways to be made by the Authority of this Act, with any Wagon or other Carriage, unless the same be constructed agreeably to the Orders and Regulations of the said Company of Proprietors (which Orders and Regulations shall be stuck up on a conspicuous Part of every Stop Gate and House erected on such Rail or Carriageways, for the collecting the Rates and Tolls hereby granted), except in crossing the same for the convenient Occupation of the adjacent Land, or in passing on any public or private Carriage Road which may cross the said Rail or Carriageways, or any of them; and in case any Person or Persons shall offend herein, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors the Sum of Ten Pounds.

No Carriage to pass on the Railways, unless constructed as directed by Company.

V. And whereas a Map or Plan, describing the Lines of the said intended Canal, and the said collateral Cuts or Branches and Railways respectively, and the Lands through which the same are intended to be carried, together with a Book of Reference, containing a List of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Kent*; be it therefore further enacted, That the said Map or Plan and Book of Reference, herein-before mentioned or referred unto, shall remain with the Clerk of the Peace of the said County, and all Persons shall at any reasonable Times have Liberty to inspect and peruse, and to examine

Plan and Book of Reference to remain with the Clerk of the Peace.

Not to deviate more than One hundred Yards from the Line laid down in the Plan.

mine and take Extracts from or Copies of the same, at their Will and Pleasure, paying to the said Clerk the Sum of One Shilling for every such Inspection, and for Extracts from or Copies of the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Plan and Book of Reference so deposited, or true Copies or Extracts of or from the same or either of them, signed by such Clerk of the Peace aforesaid, shall be and are hereby declared to be good Evidence in all Courts of Law, or elsewhere where their Production may be necessary; and the said Company of Proprietors, in making the said Canal and collateral Branches and Railways respectively, shall not deviate more than One hundred Yards from the respective Lines thereof so described in the said Map or Plan and Book of Reference as aforesaid (except as hereinafter mentioned); nor shall any such Deviation be made into or carried through the Lands of any Person or Persons, not named in the said Book of Reference, without the Consent in Writing of the Owners or reputed Owners for the Time being of the Estates, Lands, or Grounds which may be affected by any such Deviation respectively: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Canal and collateral Branches and Railways or either of them, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the County, within which such Lands or Grounds shall lie, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Reservoir to be made except those marked in the Plan.

VI. And it is hereby also enacted, That no Reservoir, Basin, or Repository shall be made for any of the Purposes of this Act, other than the several Reservoirs which are herein-before severally mentioned to be in the said Map or Plan marked or distinguished by the Letters A, B, C, and D, respectively.

For remedying Omissions of, or Mistakes in the Names of Proprietors and Occupiers.

VII. And it is hereby further enacted, That the said Company of Proprietors may and they are hereby enabled to make the said intended Canal, collateral Cuts or Branches, Reservoirs, Railways, and other Works, in, through, across, or over the Estates, Lands, and Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the Commissioners herein-after appointed, and be by them certified under their Hands, to have been by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein, any Thing herein either contained or implied to the contrary notwithstanding; and also that it shall be lawful for the Engineer, Surveyors, Agents, Workmen, and Servants of the said Company of Proprietors from Time to Time, and at any and all Times hereafter, to enter upon the Estates, Lands, or Grounds of the said several Persons, Bodies Politic, Corporate, or Collegiate, through, over, or across which the said Canal, Branches, and Railways, or any Part thereof are or is intended to pass, in order to make any additional or further Survey, to take such Levels of the same, or to set out and ascertain such Parts thereof as may be thought necessary or proper for the Purpose of making, completing, or improving the said intended Canal, or either of the said collateral Branches or Railways, and also the said Reservoirs and such other Works as may be considered requisite for the Purposes

Lands may be entered to make further Surveys.



Purposes thereof, the said Company of Proprietors making or tendering reasonable and proper Compensation for the Damage which may be thereby done to the respective Occupiers of such Estates, Lands, or Grounds for the Time being; and in case any Dispute shall arise respecting the Amount of such Compensation, then the same shall be referred to and be ascertained and settled by a Jury as is herein-after directed, in like Manner as any other Disputes are herein directed to be settled by such Jury.

VIII. And be it further enacted, That the Lands and Grounds (not being Part of any Common or Waste Lands) to be taken or used for the said intended Canal and collateral Branches respectively, and for the Towing Paths thereto, and the Drains, Ditches, and Fences to separate such Towing Paths from the adjoining Lands or Grounds, shall not exceed Forty-four Yards in Breadth measured horizontally, except in such Places where any Dock, Basin, Pen of Water, or Reservoir, shall be made, or where the said Canal or collateral Branches or either of them shall be raised higher or cut more than Eight Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged proper by the said Company of Proprietors for Boats, Barges, or other Vessels to turn, lie, or pass each other, or where any Warehouse Crane or Weighing Beam shall be erected, or where any Wharf or other Place shall be made, set up, or appropriated for the Reception or Delivery of any Coals, Lime, Limestone, or other Mineral, Timber, or other Goods, Wares, or Merchandize, which shall be conveyed on the said Navigation, nor in any Place more than One hundred and fifty Yards in Breadth without the Consent of the Owner or Owners of any Lands or Grounds through which the said Canal or Branches respectively will pass, under his, her, or their Hand or Hands, except where the said Canal or Branches shall pass through or over any Common or Waste Lands; and also that the Lands or Grounds to be taken or used for the Towing Path upon or by the Sides of the said Navigation, shall not exceed Six Yards in Breadth in the straight Parts thereof, and in the crooked Parts thereof Eight Yards, without the like Consent of such Owner or Owners, except as lastly herein-before excepted.

Breadth of  
Canal,  
Branches,  
Towing  
Paths, &c.

IX. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to take, use, injure, or damage any House or other Building which was erected and built on or before the First Day of *January* in the Year of our Lord One thousand eight hundred and eleven, or any Land or Ground which on the said First Day of *January* was set apart and used as and for a Garden, Yard, Park, Paddock, Orchard, planted Walk or Avenue to a House, without the Consent in Writing of the respective Owners thereof, other than and except such as are particularly mentioned, described, and enumerated in the Schedule hereunto annexed, and which are intended and meant to be taken for the Purposes of this Act.

Houses or  
Gardens not  
to be taken  
or injured,  
except those  
specified in  
the Schedule.

X. And be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, under any Pre-  
tence whatsoever, to take or use or suffer to be taken or used for any of the Purposes of this Act, any of the Streams of Water now flowing into or forming Part of the River *Stour*, or of any Branch thereof; nor shall any Thing in this Act contained which requires any Miller, or Owner or

Restraining  
the Company  
from taking  
the Streams  
of the *Stour*,  
and for pro-  
tecting the  
Millers on the  
same River.

Occupier of any Mill, to draw or keep up, or open or shut, and put down and keep shut any Sluice or Sluices, Flood-gate or Flood-gates, extend or apply, or be construed to extend or apply to any Mill upon the said River *Stour* or any Branch thereof.

Millers to put up or down Sluices or Flood-gates, when required by the Company.

Recompense to be made to Millers for the same.

XI. And be it further enacted, That if any Miller, or Owner or Occupier of any Mill upon or contiguous to the Line of the said intended Canal or collateral Branches respectively, do or shall at any Time while the said Canal or Branches, or either of them, shall be making or necessarily repairing, upon Twelve Hours Notice being given by the said Company of Proprietors, or any Person or Persons employed as their Clerk or Agent, neglect or refuse either to draw or keep up or open, or shut or put down and keep shut any Sluice or Sluices, Flood-Gate or Flood-Gates belonging to such Mill, and which shall in the Judgment of the Engineer employed by the said Company be necessary to be opened or shut respectively, for the better or more conveniently making or repairing the said Canal or Branches respectively, or the Works necessary for that Purpose; every Person so offending shall for any such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds: Provided nevertheless, that the said Company of Proprietors shall forthwith make or tender full Recompense and Satisfaction for the Stoppage or Hindrance of working the Wheel or Wheels of any such Mill or Mills by reason of such Sluices or Flood-Gates being drawn up, opened, put down, or shut respectively; and in Default of such Tender being forthwith made by the said Company of Proprietors as aforesaid, or in case any such Miller, Owner, or Occupier shall consider the Recompense or Satisfaction so tendered to be insufficient, then the Amount of such Recompense or Satisfaction shall be settled by a Jury in Manner herein-after mentioned; and also that if any Mill or Mills shall be injured, damaged, or rendered useless, by or by reason or on account of the making, forming, and keeping up any or either of the Reservoirs so hereby authorized to be made as aforesaid, then and in every such Case the said Company of Proprietors shall, being thereunto required, purchase any such Mill or Mills, with the Appurtenances thereto belonging, or any Part or Parts thereof respectively, at or for such Price or Prices, in case the Parties cannot agree, as by a Jury, to be summoned in Manner herein-after mentioned, shall be deemed just and reasonable.

Incapacitated Persons empowered to sell Land, &c.

XII. And be it further enacted, That after any Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments shall be set out and ascertained for making the said Canal and collateral Cuts or Branches, Reservoirs, Feeders, Basons, Railways, Roads, and other Works hereby authorized to be made, or any of them, or any Part or Parts thereof respectively, or for providing or constructing the Wharfs and other Works and Conveniences herein before mentioned, or any of them, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Mortgagees and their Assigns, (whether in Possession of the Premises mortgaged or not), Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert,

Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised and possessed of or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person and Persons whomsoever who is, are, or shall be seised, possessed of, or otherwise interested in or entitled unto any Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments which shall be so set out and ascertained as aforesaid, or which shall be taken or purchased by the said Company of Proprietors for any of the Purposes aforesaid, or who is, are, or shall be seised, possessed of, interested in, or entitled to any such Mill or Mills, as the said Company of Proprietors are so hereby authorized to purchase as aforesaid, to contract for, sell, and convey the same Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments, and such Mill or Mills as last aforesaid, with their Appurtenances, and every or any Part or Parts thereof respectively, to the said Company of Proprietors, or to such Person or Persons as they shall nominate or appoint, for the Purposes of this Act, either in Consideration of a Sum of Money at once to be paid for the same, or of an annual Rent or Payment to be charged as herein-after mentioned; and all such Bodies Politic, Corporate, or Collegiate, and other Persons so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale, as he, she, they, or any of them shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors, shall be made and effected by a Deed in Writing according to the following Form, or as near thereto as the Nature of the Case will admit; *videlicet*,

<p>‘ I A. B. of  ‘ of  ‘ tion of the annual Rent of  ‘ yielded and paid by yearly [<i>or</i>, Half-yearly] Payments, [<i>as may be agreed upon</i>] by the Company of Proprietors of the Weald of Kent  ‘ Canal, do hereby grant and release to the said Company of Proprietors  ‘ all [<i>describing the Premises to be conveyed</i>] and all my Right, Title, and  ‘ Interest to and in the same and every Part thereof, to hold to the said  ‘ Company and their Successors for ever, by virtue and according to the  ‘ true Intent and Meaning of the Act passed for making and maintaining  ‘ the said Canal. In Witness whereof I have hereunto set my Hand and  ‘ Seal, this</p>	<p>in Consideration of the Sum  to me paid [<i>or</i>, in Considera-  to be hereafter</p>	<p>Form of Con-  veyance to  the Company.</p>
	<p>Day of</p>	

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel.

XIII. And be it further enacted, That every such Conveyance and Assignment to be made to the said Company of Proprietors, shall be kept by their Clerk for the Time being, who shall, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive after the Rate of Sixpence for every One hundred Words of each such attested Copy; and every Conveyance and Assurance to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, and shall be a complete Bar of all Estates Tail, and other Estates, Rights, Titles,

Conveyance  
to the Com-  
pany to be  
kept by the  
Clerk.

Titles, Trusts, and Interests whatsoever, in Possession, Reversion, Remainder, or Expectancy, without any Bargain and Sale for a Year, Livery of Seisin or Inrolment, and without any Fine or Recovery being levied or suffered of the Hereditaments and Premises to be therein severally comprised, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding.

Respecting  
Copyholds.

XIV. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of or concerning any Houses, Lands, Tenements, or Hereditaments, which shall be Copyhold, or of the Nature of Copyhold, shall be executed and compleated by Surrender thereof in the Court of the Manor of which the same is or are holden, according to the Custom of such Manor, and such Houses, Lands, Tenements, and Hereditaments, shall continue subject to the same Fines, Rents, and Services as may be due, payable, and of Right accustomed, as if this Act had not been made, unless the Lord or Lords of the same Manor for the Time being shall be desirous of enfranchising the same, in which Case such Lord or Lords is and are hereby authorized and fully empowered so to do, notwithstanding he or they shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; but inasmuch as the vesting and continuing of such Copyhold Premises in the said Company as a Body Corporate, would prevent such Lord or Lords from receiving such Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, in like Manner as he or they would have done in case such Copyhold Premises had continued to be the Property of Persons in their natural Capacities; therefore the said Lord or Lords, in case he or they shall decline to enfranchise the respective Parcels of Copyhold Land held of the said Manor or Manors which shall be purchased by, or vested in the said Company of Proprietors for the Purposes aforesaid, shall be entitled to, and be paid by the said Company a reasonable Recompence and Compensation for the Loss that will arise to him or them in respect of such Fines, Heriots, and other Services, the Enjoyment of which will be diminished or lost by vesting and continuing such Copyhold Premises in a Body Corporate; which Recompence and Satisfaction, and also the Apportionment of the certain Copyhold Rents issuing out of such Copyhold Tenements, of which a Part only shall be taken for the Use of the said Canal, if not settled by Agreement between the Parties, shall be ascertained and fixed by the Verdict of a Jury, as is herein-after directed.

Common or  
Waste Lands  
to be con-  
veyed by the  
Lords of the  
Manors.

XV. And be it further enacted, That in all Cases where in making, compleating, enlarging, or improving the said intended Canal, collateral Branches or Works hereby authorized to be made, or any Road or Roads thereto respectively, there shall be Occasion to cut through, take, or use any Part of any Commons or Waste Grounds, the Conveyance of such Parts of such Commons or Wastes by the Lord or Lady of the Manor wherein the same are situate, to the said Company of Proprietors, shall be a good and effectual Conveyance thereof, (without the Commoners or other Persons interested therein joining in such Conveyance), and a Jury to be summoned and returned in Manner herein directed, are hereby required to ascertain what Proportion of the Purchase Money shall be due to such Lord or Lady for his, her, or their Interest in such Lands, and such Proportion shall be thereupon paid to him or her, for his, her, or their

their own Use, or otherwise paid into the Bank of *England* in the Manner by this Act directed, as the Case may be; and the Remainder of such Purchase Money shall be paid to the Churchwardens of the Parish in which such Lands or Grounds shall lie, and be applied by them either in Aid of the Poor Rates, or to be applied for such General or Public Purposes within such Parish as a Vestry of the same Parish, to be convened by such Churchwardens for that Purpose shall direct; and the Receipts of the said Lord or Lady, and of such Churchwardens respectively, shall be sufficient Discharges to the said Company of Proprietors for the same.

XVI. And be it further enacted, That if in making the said Canal and collateral Branches, or either of them, or any other of such Works as aforesaid, any Pieces or Parcels of Ground shall be so cut through or divided, that what shall be left on either Side of the said Canal or Branches respectively, shall be less than Half an Acre in Quantity, or less than Forty Yards in Average Breadth throughout the whole Length thereof; and in case the Owner or Owners of such Pieces or Parcels of Ground shall not have or be possessed of any other Land or Ground contiguous to or adjoining what shall be so left on each or either Side of the said Canal, or Branches, or other Works respectively, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Pieces of Ground so left on each or either Side of the said Canal, Branches, or other Works respectively, being less than Half an Acre in Quantity, or less than Forty Yards in Average Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be used for the Purposes of the said Canal, Branches, or other Works; provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Ground respectively, shall, by Writing under his or their Hands to be delivered to the Clerk for the Time being to the said Company of Proprietors, within the Space of Three Calendar Months from the Time of such Slip or Piece of Land or Ground being so cut through or severed as aforesaid, require the said Company of Proprietors to take and purchase the same, but not otherwise; and that in all Cases when any Part or Parts of the Lands or Grounds of any Person or Persons whomsoever shall be so severed and divided as to deprive such Person or Persons, or the Occupier or Occupiers of such Lands or Grounds of a convenient and proper Means of Access to the same, and the Lands or Grounds so severed and divided shall on each Side of the said Navigation exceed Half an Acre in Quantity, the said Company of Proprietors shall in every such Case, and they are hereby required to build and construct, and afterwards to maintain and support a proper Bridge or Bridges at the sole Expence of the said Company, for the Convenience and Accommodation of the Owner or Owners, and Occupier or Occupiers of such Lands or Grounds; and in case the said Company of Proprietors shall neglect or refuse, by the Space of Three Calendar Months next after Notice shall be given to them or their Clerk, to build and construct, or to keep in good Repair such Bridge or Bridges, then it shall and may be lawful for the Person or Persons whose Lands or Grounds shall be so separated and divided, to build such Bridge or Bridges as may be requisite for the Purpose of making a proper Communication between the different Parts of the Lands so separated, or to repair such

Company compelled to purchase small Parts of Land left by the Side of the Canal.

But where Land is so severed as to leave more than Half an Acre on each Side of the Canal, the Company are to build Bridges.

Bridge or Bridges when necessary, and to recover the Expence of such Building, or of so repairing such Bridge or Bridges, from the said Company, by Action on the Case in any Court of Record at *Westminster*.

Vesting  
Lands in the  
Company.

XVII. And be it further enacted, That all the Lands, Grounds, Tenements, and Hereditaments which shall be purchased by the said Company of Proprietors by virtue of this Act, shall be and are hereby absolutely vested in the said Company, and shall and may be by them used, applied, and disposed of as they the said Company of Proprietors shall think fit, for the several and respective Purposes of this Act.

Company em-  
powered to  
re-sell Lands  
which may  
not be wanted.

XVIII. And whereas for effectuating the Purposes of this Act, and for avoiding Disputes with the Owners of Lands, Grounds, or Hereditaments which may be effected by making the said Canal, collateral Branches, Reservoirs, and other Works, the said Company of Proprietors may purchase Lands, Buildings, or Hereditaments not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of and by Indenture under their Common Seal absolutely to grant and convey such Part or Parts of the Lands or Hereditaments as shall be so purchased by, and conveyed to the said Company of Proprietors as aforesaid, and as shall not be wanted for the Purposes of this Act; and also to lay out and appropriate any Part of the said Lands and Premises as and for a Way or Ways, Avenue or Avenues, Passage or Passages; and that all such Conveyances from the said Company of Proprietors shall be good, binding, valid, and effectual, and upon Payment of the Money which shall arise by the Sale of such Lands, Hereditaments, and Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the said Lands, Hereditaments, and Premises shall be so sold, or for so much thereof as in such Receipts shall be expressed to be received; and such Person or Persons shall not be answerable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Hereditaments, shall first offer to resell the same (except such small Slips of Land as the said Company of Proprietors are herein-before required to purchase), to the Person or Persons from whom they shall have purchased the same, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person or Persons no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on Behalf of the said Company of Proprietors, and was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, shall be in all Courts whatsoever sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; and provided also, that if the Person or Persons to whom any such Offer shall be made as last is mentioned, shall be desirous of purchasing

But must  
make the first  
Offer to the  
Person from  
whom they  
were origi-  
nally pur-  
chased.

purchasing the Land so offered, but shall not agree with the said Company of Proprietors respecting the Price to be paid to him or them for the same, then and in every such Case, the Price or Value of such Land shall be referred to and settled in the like Way and Manner as herein-after is directed for ascertaining and settling the Sum or Sums which ought to be paid by the said Company of Proprietors for the Purchase of any Lands taken for the Purposes of this Act.

XIX. And be it further enacted, That in all Conveyances to be made by the said Company of Proprietors under or by virtue or in pursuance of this Act, the Words "Grant, bargain, and sell," shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or other Purchaser, his or her Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Lands or Hereditaments thereby granted, bargained, and sold, for an indefeasible Estate of Inheritance in Fee Simple free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by them, and also for further Assurance of the same Lands or Hereditaments thereby bargained and sold, to be made by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and that such Purchasers, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as he, she, or they might do in case such Covenants were expressly inserted in such Conveyances respectively.

The Words "Grant, bargain, and sell," to operate as Covenants for the Title.

XX. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors, as the Consideration of any such Sale as aforesaid, and the Rents and Profits of the said last-mentioned Lands or Hereditaments and Premises, in the mean Time and until such Sale or Sales, shall be paid, applied, and disposed of in such and the like Manner as the Rates, Tolls, and Duties arising or to arise from the said Canal and collateral Branches respectively, are hereby directed to be paid, applied, and disposed of.

Application of Rent and Purchase Money.

XXI. Provided always, and be it further enacted, That all and every Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, upon, or across which the said Canal, collateral Branches, Towing-paths, Railways, and other Works hereby authorized are intended to be made, or any of them, or any Mills, Forges, or other Works from which any Water to supply the said Canal and collateral Branches, or either of them, may or shall be directed, may accept and receive Satisfaction for the Value of such Lands, Grounds, Mills, Forges, or other Works and Hereditaments, and for the Injury to be sustained by making and completing the said Works herein-before directed,

Satisfaction to be made for Lands, &c.

either by  
gross Sums or  
annual Pay-  
ments.

rected, either in gross Sums or by annual Rents or Payments (except in Cases of Spiritual Persons, to whom all such Compensations for Glebe and Tythes are herein-after directed to be made by an annual Rent, or by a Conveyance of Land as herein-after mentioned), as shall be agreed on by and between the said Parties interested respectively, or any of them, and the said Company of Proprietors; and in case the said Company of Proprietors and the Parties interested in such Lands, Grounds, or other Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as is herein-after directed; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Company of Proprietors may and shall be at Liberty to enter upon and from thenceforth for ever, to have, hold, and enjoy the said Lands, Grounds, or other Hereditaments, for the Uses and Maintenance of the said Canal, collateral Branches, and Reservoirs respectively, and for supplying the same with Water.

The yearly  
Rents to be  
charged on  
the Rates.

XXII. And be it further enacted, That all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors and the said Parties interested in such Lands, Grounds, or other Hereditaments, or which may be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors, either yearly or half yearly, as the same shall be agreed to become due and payable; and in case the same be not paid within Thirty Days next after the same shall become due and payable, and after Demand made thereof in Writing to the Clerk or Treasurer of the said Company, it shall be lawful for such Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or to seize and distrain any Boats, Vessels, Goods, or Effects of the said Company of Proprietors which may be found on the said Canal or either of the said collateral Branches, or in or upon any or either of the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company of Proprietors by Notice in Writing delivered to their Clerk, or any of the Collectors of the Rates or other known Officers, or affixed to some or one of their Wharfs or Quays near to the Place where such Distress was made), and to detain the same until Payment of such yearly Rents or Sums of Money then due and owing, together with the reasonable Charges and Expences attending such Distress; and if such Distress be not redeemed within Five Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, Goods, or Effects so distrained, shall and may be sold or disposed of in such Manner as the Law directs in the Case of Distress for Rent.

Mortgages in  
certain Cases  
to convey.

XXIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, or Hereditaments, not being in Possession thereof by virtue of such Security, shall on Payment or Tender of the Principal Money and Interest due thereon, by or on Behalf of the said Company of Proprietors, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case the said Company of Proprietors or their Clerk (by their Direc-



tion, or by the Direction of the Committee of Management for the Time being) shall give Notice in Writing to such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, that they intend to pay off and discharge the Principal Money and Interest which shall be due on such Mortgage or Mortgages, at the End or Expiration of Three Calendar Months, to be computed from the Day of delivering such Notice, then at the Expiration of the said Three Calendar Months, on Payment or Tender of the Principal and Interest so due, such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, shall and they are hereby required to convey, assign, and transfer his, her, or their Interest in the Premises to the said Company of Proprietors, or to such Person or Persons as shall be appointed in Trust for them; which said Conveyance, Assignment, or Transfer shall be made according to the Form herein-before prescribed in the Case of Conveyances of Lands, Tenements, or Hereditaments to the said Company by virtue of this Act, or as near thereto as the Circumstances and Nature of the Case will admit; and in case such Mortgagee or Mortgagees shall refuse to convey, assign, or transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Amount of the Principal and Interest due on any such Mortgage or Mortgages shall exceed the real Value of the Premises therein comprized, (such Value to be ascertained according to the Directions of this Act), then the said Company of Proprietors shall not be compellable or liable to pay to such Mortgagee or Mortgagees, his, her, or their Executors, Administrators, or Assigns, more than the actual Value of such Premises, to be so ascertained as aforesaid: Provided also, that in case any such Mortgagee, his or her Executors, Administrators, or Assigns, shall neglect or refuse to convey, assign, or transfer as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage into the Bank of *England*, at the End or Expiration of Three Calendar Months from the Day of delivering such Notice, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the same, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for or claiming under him, her, or them, shall vest in the said Company of Proprietors, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage, or Mortgages to all Intents and Purposes whatsoever: And provided also, that if such Mortgage or Mortgages shall comprize any other Messuages, Lands, Tenements, or Hereditaments than those which shall be so purchased or taken by the said Company of Proprietors, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the Lands, Tenements, or Hereditaments to be taken for any of the Purposes of this Act, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Company of Proprietors, or to such Person or Persons as shall be appointed in Trust for them; and in Default of their so doing, and on Payment of such Money into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Per-

son and Persons in Trust for them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Tenants at Will, &c. to quit, on having Notice.

XXIV. And be it further enacted, That every Tenant at Will or Lessee for a Year or Years, or any other Person or Persons in Possession of such Lands, Tenements, or other Hereditaments, or any Part thereof as shall be taken or used for the Purposes of this Act, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year or otherwise, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Three Calendar Months Notice to quit such Possession, from the said Company of Proprietors or from their Clerk for the Time being; and such Person or Persons in Possession, shall at the End of the said Three Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenant or Tenants holding or not, or so soon after as he, she, or they shall be required so to do, peaceably and quietly deliver up Possession of the said Premises to the said Company of Proprietors, or the Person or Persons authorized by them to take Possession thereof; and in case such Person or Persons so in Possession shall refuse to relinquish such Possession as aforesaid, it shall be lawful for the said Company, or the Committee of Management for the Time being, or the Clerk of the said Company, in their Name and by their Direction, to issue their or his Precepts or Precept to the Sheriff of the County in which such Lands, Tenements, or other Hereditaments are situate, to enter upon and deliver Possession of the same to such Person or Persons as shall in such Precepts or Precept be nominated and appointed to receive the same; and the said Sheriff is hereby required immediately to enter upon and deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue in consequence of the issuing and Execution of such Precepts or Precept on the Person or Persons so refusing to relinquish and give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels: Provided always, that where any such last-mentioned Tenant shall be required to quit or deliver up the Possession of the Premises held by him or her, before the Expiration of the then current Year of his or her holding the same, then and in every such Case the said Company of Proprietors shall pay to each such Tenant so much Money as shall be sufficient to make full Satisfaction to him or her for the Loss or Damage which he or she shall sustain, by reason of such quitting as last aforesaid; the Quantum or Amount of such Satisfaction (in case of any Difference respecting the same) to be assessed by a Jury in the Manner herein-after mentioned.

But in case any such Tenant shall be required to quit before the Expiration of the current Year of his Tenancy, the Company to make him a reasonable Compensation.

Determinations of Jury, &c. concerning the Value of Lands to be distinct from those

XXV. And be it further enacted, That the said Jury shall award all Determinations, Judgements, and Verdicts which they shall make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained or to be sustained

by

by any Person or Persons, in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

relating to  
Compensa-  
tions for  
Damages.

XXVI. And inasmuch as the Expectation of Advantage to be derived from the said intended Canal, to the several Proprietors of Lands adjoining or lying contiguous thereto, may be considerably diminished, as the Distance from the Chalk Hills, and from the several Ports, navigable Rivers, considerable Towns and Places, to and from which the said intended Canal will pass, decreases; be it therefore further enacted, That the said Jury, in estimating the Value of the Lands and Hereditaments to be purchased by virtue and for the Purposes of this Act, and in assessing the Recompence for any Injury or Damage which may be sustained by any Person or Persons in the Execution of the said Undertaking, shall in every Case take into their Consideration the local Situation of such Lands or Hereditaments, with respect to such Chalk Hills; Ports, navigable Rivers, considerable Towns and Places, and the present near or easy Communication therewith by Means of good Roads or otherwise, independently of other Circumstances affecting the Value of the same Lands or Hereditaments, or the Extent of such Damage or Injury.

Jury in  
estimating the  
Value of  
Lands, &c.  
to take into  
Consideration  
the local  
Situation of  
such Lands.

XXVII. And be it further enacted, That in case such Price or Value, Damage or Recompence respectively, cannot be settled, adjusted, and agreed on by and between the said Company of Proprietors or their Agents, and such Proprietors or Persons interested in such Messuages, Buildings, Lands, Tenements, Waters, or Hereditaments as aforesaid; or if any such Bodies Politic, Corporate, or Collegiate, Trustees or other Persons so entitled or interested as aforesaid, shall refuse to accept and receive, upon due Tender thereof made, such Purchase Money, or such Recompence as shall be offered to be paid by the said Company of Proprietors, or shall for the Space of Thirty Days next after Notice in Writing given to the Principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or (in case such principal Officer or Officers or other Person or Persons cannot be met with, or his, her, or their Place or Places of Abode cannot be discovered) with the Tenant or Tenants, Occupier or Occupiers of such Messuages, Buildings, Lands, Tenements, Waters, or Hereditaments respectively, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, or by reason of Absence shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as may be expedient or necessary for the Purposes of this Act, or shall not within the Space of Thirty Days produce and fully disclose the State of the Title to the Messuages, Buildings, Lands, Tenements, Waters, or Hereditaments which they are or shall be in Possession of, or to the Interest they claim therein, then and in every such Case the said Company of Proprietors or the said Bodies Politic, Corporate, or Collegiate, Trustees or other Persons so entitled or interested as aforesaid, shall be and they are hereby respectively empowered and required to make Application to the Sheriff of the County in which the Matter in Question shall arise; or in case such Sheriff or his Under-

If the Parties  
are dissatis-  
fied, a Jury  
to be impan-  
nelled to de-  
cide the  
Matter.

Sheriff

Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to one of the Coroners of such County who shall not be so interested as aforesaid; and in case all the Coroners of such County shall be so interested, then to the last uninterested Person who filled the Office of Sheriff of such County, commanding such Sheriff, Coroner, or other Person forthwith to impanel, summon, and return a Jury; and the said Sheriff, Coroner, or other Person, is hereby accordingly required to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts at *Westminster*, to appear at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen nor more than Twenty-one Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so appointed as aforesaid, the said Sheriff, Coroner, or other Person, shall and he is hereby required to return other honest and indifferent Men of the Standers-by, or that may be speedily procured to attend that Service (being qualified as aforesaid), to make up the said Jury to the Number of Twelve; and every such Jury and Jurymen shall be liable and subject to the same Regulations and to the same Pains and Penalties for Default as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under-Sheriff, or Coroner, are hereby empowered and required, by a Summons or Notice to be signed by either of them, either previously to or at the Time of any such Meeting or Meetings, to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as a Witness or Witnesses, touching the Matter in Question, and to hear and examine such Witness or Witnesses on Oath; and the said Sheriff, Under-Sheriff, or Coroner, shall and may order, direct, and authorize the said Jury or any Six or more of them to view the Place or Places or Matter or Matters in Controversy, and such Jury, upon their Oaths, (which Oaths, as well as the Oaths to be administered to the Person or Persons called on to give Evidence, the said Sheriff, Under-Sheriff, or Coroner is hereby empowered to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid or rendered for the Purchase or Use of such Messuages, Buildings, Lands, Tenements, Waters, or Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff, Under-Sheriff, or Coroner, shall give Judgement for such Purchase Money, Rent, or Recompence so to be assessed by such Jury accordingly; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Sheriff, Under-Sheriff, or Coroner, and shall be binding and conclusive against all Bodies Politic, Corporate, or Collegiate, Mortgagees, Trustees, *Cestuique* Trusts, and all other Persons affected thereby, and shall not be removed by *Certiorari* or other Process, into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary notwithstanding.

Witnesses  
may be sum-  
moned.

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

Persons requesting a Jury, to enter into a Bond to prosecute, before the Sheriff, &c. shall issue for a Jury.

XXIX. And be it further enacted, That the said Company of Proprietors shall not, nor shall any Jury to be summoned by virtue of this Act, be allowed to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained, unless Notice in Writing stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their Treasurer or Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given before Appeal to a Jury.

XXX. And be it further enacted, That if the Sheriff, Coroner, or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall neglect to appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending (having no reasonable Excuse, to be allowed by the said Sheriff, Under Sheriff, or Coroner) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hands and Seals of any Two Justices of the Peace for the said County, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering unto him the Overplus, after such Penalty and the Charges of Distress and Sale shall be deducted; and every such Penalty as shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid or applied to or among the Person or Persons who shall appear to the said Justices to have been injured or inconvenienced by such Neglect, Refusal, or Default, in such Way and Manner as the said Justices shall in their Judgement consider to be just and equitable; and such Penalties as shall or may be incurred by and recovered of or from any Sheriff, Coroner, or other Person, by

Penalty on Sheriffs, Jurymen, or Witnesses making Default.

Application of Penalties.

[Loc. & Per.]

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reason.

reason of his having made Default in summoning or returning a Jury, in pursuance of any Warrant to be issued for that Purpose, or by any such Jurymen in consequence of his neglecting to obey such Summons, or having appeared, refusing to be sworn or return a Verdict, shall be applied in such Manner and for such Purposes as the said Justices shall order and direct.

Punishment  
of Persons  
guilty of  
Perjury.

XXXI. And be it further enacted, That all and every Persons and Person who, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Expences of  
Jury and Wit-  
nesses how  
to be paid.

XXXII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Purchase, or for the Use or Enjoyment of any Lands or Hereditaments to any Person or Persons whomsoever, or as a Compensation for any Injury or Damages done or to be done to such Lands or other Hereditaments or Property, than had previously been offered or tendered by or on Behalf of the said Company of Proprietors, before the summoning of such Jury, or where a Verdict shall be found for any Damages, however inconsiderable, if the Dispute be for Damages only; and in case no Compensation had been previously offered or tendered in respect thereof by or on Behalf of the said Company of Proprietors; or where by reason of Absence in Foreign Countries, or other Impediment or Disability, there shall not be found any Person or Persons at hand, who may be legally, by virtue of the Powers of this Act or otherwise, capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company of Proprietors as herein-before mentioned; then and in all such Cases the Costs and Expences incurred in summoning such Jury and taking such Inquest shall be settled by the said Sheriff, Under-Sheriff, or Coroner, and defrayed by the said Company of Proprietors; but if a Verdict be given for the same or a less Sum or Rent than had been previously offered or tendered by or on Behalf of the said Company of Proprietors, or a Verdict found for the same, or in case no Damages shall be adjudged, assessed, or given, if the Dispute be for Damages only, or in case of a Refusal or Neglect to enter into Treaty with or make Conveyances to or receive Compensation from the said Company of Proprietors; by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise, legally capacitated to treat and convey, or receive such Compensations as aforesaid; then and in all such Cases (except when by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, Under Sheriff, or Coroner, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed or adjudged, as so much Money advanced to and for

for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed or adjudged, in case such Costs and Expences shall not exceed the Amount thereof; but if such Costs and Expences shall happen to exceed the same, then the Balance may be sued for and recovered by the said Company of Proprietors against the Person or Persons with whom they shall have had such Concern, Controversy, or Dispute, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

XXXIII. And be it further enacted, That all the Verdicts of the said Juries and the Judgements thereon, being first signed by such Sheriff, Under Sheriff, or Coroner, shall be transmitted to and kept by the Clerk of the Peace, or other Person having the Custody of the Records of the Quarter Sessions of the County wherein the Matter in Question shall happen and such Verdict given, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good and sufficient Evidence in all Courts whatever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words therein contained.

Verdicts of Jury to be recorded by the Clerk of the Peace.

XXXIV. And, in order that the said Company of Proprietors may not be impeded in the Execution of their said Undertaking by reason of any such Proceedings before the said Jury; be it further enacted, That either on Payment or legal Tender of such Sum or Sums of Money, or on such Security being given under the Common Seal of the said Company of Proprietors as the said Sheriff, Under Sheriff, or Coroner shall approve, for the due Payment of any such annual Rent as shall have been contracted and agreed between the Parties, or assessed by such Jury in Manner aforesaid, for the Purchase of any such Messuages, Buildings, Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein before mentioned to the Proprietor or Proprietors of such Messuages, Buildings, Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall appear to be interested therein, or entitled to receive such Money, Rent, or Compensation respectively at any Time after the same shall have been actually so agreed for, determined, or assessed, or on paying or depositing such Sum or Sums of Money into the Bank of *England*, in Manner as by this Act is directed, as the Case may be, such Messuages, Buildings, Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all and every Person or Persons whomsoever therein, shall from thenceforth be vested in and become the sole and absolute Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and they shall respectively be deemed in Law to be in the actual Possession and Seisin thereof to all Intents and Purposes whatsoever; and such Payment or Tender or Security given, shall not only bar all the Estate, Right, Title, Interest, Claim and Demand whatsoever of the Person or Persons to whose Use the same shall be or ought to have been made or granted, but shall also extend to and be deemed and construed to bar

Lands, &c. to vest in the Company in Payment of the Purchase Money or Compensation for Damages.

the

the Dower of the Wife of every such Person, and all Estates Tail, and all other Estates in Reversion or Remainder of his, her, or their Issue, and of every other Person whomsoever therein; and then also (but not before, unless with the Consent and Approbation of the Owners and Occupiers of the Premises) it shall and may be lawful for the said Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter into and upon such Messuages, Buildings, Lands, Tenements, and other Hereditaments respectively, and to dig, cut, trench, and remove the Earth, Stones, Rubbish, Trees, Roots, and other Obstructions, and to do all other Matters and Things necessary for any of the Purposes of this Act, which they the said Company of Proprietors may think fit, and to have, use, and enjoy such Messuages, Buildings, Lands, Tenements, and Hereditaments, to and for their own sole and exclusive Use and Benefit, without any Interruption or Molestation of or by any Person or Persons whomsoever.

Application  
of Purchase  
Money, in  
case the same  
exceed 200l.

XXXV. And be it further enacted, That all Sums of Money to be paid to any Body Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or Trustees, for or on Behalf of any Infants, Lunatics, Idiots, Femēs Covert, or *Cestuique* Trusts, or to any other Person or Persons whomsoever whose Lands or Estates are limited in strict or other Settlement, or to any other Person under any other Disability, for the Purchase of or by way of Compensation for Damage done or to be done to any Lands, Tenements, or Hereditaments by virtue of the Powers herein contained, shall be paid and applied in Manner following; (that is to say), in case the same shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* The Weald of *Kent* Canal Company, together with the Name or Names of such Person or Persons as any Three of the Committee of Management for executing this Act, shall by Writing under their Hands direct or appoint, to the Intent that such Money shall and may be applied and disposed of under the Direction and with the Approbation of the said Court, (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments), in the Purchase or Redemption of the Land Tax, or discharge of any Debt or Debts or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes, or when such Money shall not be so applied, then the same shall be laid out and invested under the Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Premises which shall be so purchased, taken, used, or damaged as aforesaid stood limited or settled, or such of them as at the Time of making such Conveyances and Settlements shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by the Order of the Court of Chancery upon

Application.



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

XXXVI. Provided always, and be it further enacted, That in case any Monies so agreed, awarded, assessed, or adjudged to be paid for or in respect of any Lands, Tenements, or Hereditaments belonging to any Corporation, or to any such other Person or Persons as last herein-before mentioned, and which Monies would by virtue of this Act in case the same amounted to Two hundred Pounds or upwards, be payable into the Bank of *England* as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall be equal to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signed in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Committee of Management for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

In case the same be less than 200l. and exceed 20l.

XXXVII. Provided always, and be it further enacted, That in case such Money so agreed, awarded, assessed, or adjudged to be paid as last herein-before mentioned, shall not be equal to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, in such Manner as the said Committee of Management or any Three or more of them shall think fit, or to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use of such Person or Persons so entitled respectively, and the Receipt or Receipts of the Person or Persons to whom the said Committee of Management or any Three of them as aforesaid shall direct the same to be paid, shall be sufficient Discharges for the same.

If the Money is less than 20l.

Purchase  
Money to be  
paid into the  
Bank of Eng-  
land in certain  
Cases.

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums shall be awarded, assessed, or adjudged for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company of Proprietors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded, assessed, or adjudged as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part or Parts thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in  
Possession to  
be deemed  
qualified,  
unless the  
contrary be  
shewn.

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

ions was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

XLI. And be it further enacted, That in case any Body Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, shall sustain any Injury or Damage in their, his, or her Lands, Waters, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through and for which no Recompence or Satisfaction is hereby otherwise provided, then and in every such Case, such Damages shall and may be assessed by a Jury in Manner aforesaid, and the same may be recovered by Action upon the Case in any of His Majesty's Courts of Record at *Westminster*.

Damages not provided for to be settled by a Jury.

XLII. And be it further enacted, That the First General Assembly of the said Company of Proprietors shall be holden at the *Bell Inn* in *Maidstone*, in the County of *Kent*, upon the Third *Monday* next after the passing of this Act, at the Hour of Eleven in the Forenoon, for the Purpose of carrying this Act into Execution; and all subsequent General Assemblies of the said Company (except such Special General Assemblies as may be convened in Manner herein-after mentioned) shall be holden on the Third *Monday* in the Month of *June* in every Year, at the Hour of Eleven in the Forenoon, at such Place within the Space or Distance of Twenty-five Miles at the most from the main Line of the said Canal, as the said Company at their preceding General Assembly shall from Time to Time direct and appoint; of all which General Assemblies at least Ten Days previous Notice shall be given in some Newspaper or Newspapers published or usually circulated in the County of *Kent*, stating when and where the same will be holden; and it shall be lawful for the Proprietors assembled at any such General Meeting, to appoint a Chairman, but if upon the Election of any Chairman Two or more Persons shall be proposed, and shall have an equal Number of Votes, the Persons so proposed shall draw Lots for the same.

First and subsequent General Meetings.

XLIII. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present as Principals and Proxies, who shall be possessed of at least Fifty Shares in the said Undertaking, no Business shall be transacted at such Assembly, but in such Case such Meeting shall be adjourned, and another shall be holden at the same Place, within the Space of Twenty-one Days from the Day on which

If not a certain Number of Proprietors present, the Meeting to be adjourned.

such General Assembly was appointed to be holden, and so from Time to Time until there shall be Persons present as Principals and Proxies at such adjourned General Meeting, having or being entitled to vote in respect of the said Number of Shares; and of every such adjourned Meeting Ten Days previous Notice in Writing shall be sent by the Clerk to the said Company to the several Proprietors at their usual Places of Abode.

Special General Meetings may also be convened.

XLIV. And be it further enacted, That if at any Time it shall appear that for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be held, it shall and may be lawful to and for any Number of the said Proprietors, being collectively possessed of at least Fifty Shares in the said Undertaking, upon specifying the Purpose thereof, to require the Clerk to the said Company of Proprietors to call such Meeting, and the said Clerk shall thereupon convene the same, by giving at least Ten Days previous Notice thereof by Advertisement to be inserted in some Newspaper or Newspapers published or usually circulated in the said County of *Kent*, or in such other Manner as the said Company of Proprietors shall at any Meeting direct their General Assemblies to be from Time to Time convened; specifying in such Notice the Reason and Intention of calling such Special Meeting, and the Time and Place where the same will be holden; and the said Company of Proprietors are hereby authorized to meet pursuant to such Notice; and such Proprietors as shall be present (provided they shall be collectively possessed of Fifty Shares in the said Undertaking, either as Principals or Proxies, but not otherwise) shall proceed to the Execution of the Powers by this Act vested in the said Company, with respect to the Matter or Matters only for which such Meeting shall have been so convened; and all the Acts and Proceedings of the Proprietors and Proxies assembled at such Special General Meeting, shall be as valid and effectual with respect to such Matter or Matters, as though the same had been done at any Annual General Meeting appointed by this Act.

Committee of Management to be appointed.

XLV. And be it further enacted, That the said Company of Proprietors shall at their first General Meeting to be holden by virtue of this Act, nominate, appoint, and select Fifteen Persons, who for the Time being shall be respectively possessed of Three or more Shares in the said Undertaking, to be a Committee for managing the Affairs of the said Company as herein-after is directed, (to be called *The General Committee of Management of the Weald of Kent Canal*,) until the next General Meeting to be holden on the Third *Monday* in the Month of *June* following; and the Proprietors and Proxies present at such Second General Meeting, shall in like Manner nominate and appoint another Committee, consisting of the like Number of Proprietors qualified as aforesaid, of whom any of the former Committee may be re-elected, and so in like Manner at every ensuing General Meeting; which Committee of Management so to be from Time to Time appointed, shall continue and remain in Office until the Third *Monday* in the Month of *June* next ensuing their Election, or until an Election of a Committee of Management shall be made at any adjourned General Meeting to be holden in Manner herein-before directed: Provided always, that no Person holding any Place, Office, Employment, or Contract under the said Company, shall be elected One of the said Committee during the Time of his Continuance in such Place, Office, or Employment, or having such Contract.

XLVI. And

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at their first or any subsequent General Assembly to be holden by virtue of this Act, and they are hereby empowered and required from Time to Time to nominate and appoint, by Writing under their Common Seal, a Treasurer or Treasurers, and also One or more Clerk or Clerks, and Collector or Collectors of the Rates and Tolls hereby authorized to be taken, and such other Officers as they may think proper, granting to them respectively such Salaries, and taking such Security for the due Execution of their respective Offices as the said Company of Proprietors shall think proper, and from Time to Time to remove any such Treasurer, Clerk, Collector, or other Officer; and every such Clerk shall always attend the General Assemblies of the said Company of Proprietors and the Meetings of the said Committee, and shall in a proper Book to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of this Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the General and other Committee or Committees by virtue of and under the Authority of this Act; and every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks shall refuse to permit any Proprietor so interested as aforesaid to inspect and peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to the Person or Persons to whom such Refusal was made; and all Writs of Process, Notices to and other Proceedings against the said Company, shall and may be served on such Clerk, and such Service shall be deemed good and effectual in Law to all Intents and Purposes whatsoever.

General Assembly to appoint Officers.

Clerk to attend Meetings and enter Proceedings, which may be inspected.

All Process, &c. to be served on the Clerk.

XLVII. And be it further enacted, That the Proprietors from Time to Time electing any such Treasurer or Treasurers, Collector or Collectors as aforesaid, shall direct such Security to be taken from him or them, for the faithful Execution of his or their Office, as they in their Discretion shall deem sufficient; and such Security shall be required and taken accordingly before such Treasurer or Treasurers, Collector or Collectors shall be permitted to receive any Monies for or on account of the said Company.

Security to be taken from the Treasurer.

XLVIII. And be it further enacted, That in case so many of the said Company of Proprietors as shall be collectively possessed of Three hundred Shares in the said Undertaking, shall at any Time be dissatisfied with the Conduct of the Treasurer or Treasurers to the said Company, and shall signify such their Disapprobation in Writing signed by them, to the Committee of Management assembled at any Meeting under this Act, then such Committee shall thereupon appoint and convene a Special General Assembly of the Proprietors at large, to be holden within Twenty-one Days from that Time, for the Purpose of taking into Consideration the Cause of Complaint against such Treasurer or Treasurers, and shall give

Proceedings of Proprietors with respect to the Removal of their Treasurer or other Officers.

public Notice of such Meeting in Manner aforesaid Ten Days at least before the Time appointed for holding the same; and the Proprietors to be assembled at such Meeting shall and may, after taking the Matter into Consideration, either continue such Treasurer or Treasurers in his or their Office, or remove and dismiss him or them from the same, and elect and appoint some other Person or Persons in his or their Stead, as they may judge proper and expedient; and also that if by reason of any Negligence, Misconduct, or Inability in any Treasurer, Collector, Clerk, or other Officer appointed by virtue of this Act, it shall be requisite to remove him or them, then it shall and may be lawful to and for the said Proprietors assembled at any such General or Special Meeting as aforesaid, or for the Committee of Management for the Time being, to displace any such Treasurer, Collector, Clerk, or other Officer; or in case any such Officer shall die, be removed from, or quit the Service of the said Company or of the said Committee, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors at their said General or Special Assemblies, or for the said Committee to appoint some other fit and proper Person or Persons to execute such Office or Offices in the Place of the Person or Persons so dying, removed, or quitting the Service of the said Company, or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall continue only till the next General or Special Assembly of the said Proprietors, when such Appointment shall either be confirmed, or some other fit and proper Person or Persons appointed to succeed to such Office as the said Proprietors at such General or Special Assembly may think proper; and every such Treasurer, Clerk, Collector, or other Officer of the said Company, who shall at any Time quit or be dismissed from his Office, and the Executors or Administrators of any who may happen to die, shall when required produce and deliver up to the said Committee, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever belonging to the said Company, or relating to the said Navigation, which shall be in his or their Custody or Possession; and every such Officer and other Person as aforesaid neglecting or refusing to deliver up such Books, Accounts, Papers, or Writings, shall for every such Neglect or Refusal forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds.

Officers when  
dismissed to  
deliver up  
Books, &c.

Officers to  
account.

XLIX. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid, shall under their Hands, at such Time and Times, and in such Manner as the said Company of Proprietors, or such Committee as aforesaid shall direct, deliver to the said Company of Proprietors or to such Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors or their Committee, or to such Person or Persons as they shall respectively direct; and if any such Officer or Person shall refuse to produce or deliver such Receipts or Vouchers, or to make such Payments as aforesaid,

or

or shall not deliver to the said Company of Proprietors or to such Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after being thereto required as aforesaid, all Books, Papers, and Writings in his or their Custody or Possession, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, according to the Directions of the said Company of Proprietors or such Committee; then and in either of the said Cases, the said Company may and they are hereby fully authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for Recovery of the Monies that shall be in his or their Hands respectively; or if Complaint shall be made by the said Company of Proprietors or their Committee, or by such Person or Persons as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the said County, such Justices may and they are hereby authorized, empowered, and required, by a Warrant under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting to be brought before them, and upon his or their appearing or not being to be found, to hear and determine the Matter in a summary Way, and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of any such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be raised and levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company of Proprietors, or to such Committee, or as they shall respectively appoint, then and in either of the said Cases, such Justices shall commit every such Offender to the Common Gaol of the County in which such Offender shall usually reside, there to remain without Bail or Mainprize until he shall render and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they shall respectively appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors or to the said Committee.

In Default of which an Action may be brought, or Complaint made to Magistrates.

L. And be it further enacted, That every such General Assembly shall have full Power to call for, audit, and settle all Accounts of Monies received, laid out, and disbursed on account of the said Navigation by the Treasurer, Collector, and other Officers, to be by them appointed by virtue of this Act, or any other Person or Persons whomsoever employed by or concerned for them in and about the said Undertaking or any Branch

Power of General Assemblies to audit and settle Accounts.

Branch thereof, but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of such Accounts.

General Assemblies may make Bye Laws, and inflict Fines on Offenders against the same.

LI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered from Time to Time, at any General Assembly to be holden under this Act, to order and dispose of the Custody of their Common Seal and the Use and Application thereof, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet, (the Method of calling General or Special Assemblies and their Time and Place of meeting and voting and appointing Committees only excepted), and also to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company, for regulating the Proceedings of the said Committee of Management; and all Officers, Workmen, and Servants to be employed or concerned in the Affairs of the said Company, and for the whole, complete, and total Superintendence and Management of the said Navigation, and the Locks, Basins, Reservoirs, Aqueducts, and Towing Paths thereto belonging, for regulating the passing and re-passing of Barges, Boats, and other Vessels, and the Conveyance of Goods, Wares, and Merchandize which shall be navigated or conveyed thereon, and for the orderly Behaviour of Watermen, Boatmen, and others who may be employed in carrying and conveying such Goods, Wares, and Merchandize, or shall use any of the Works by this Act authorized to be made, and in all other Respects whatsoever concerning or relating to this Undertaking, as to the said General Assemblies shall seem meet and fitting; and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws or any of them, and to make others, and to impose and inflict such Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws or any of them, not exceeding the Sum of Five Pounds for any one Offence, as to such General Assembly shall appear to be proper or expedient; all which Rules, Orders, and Bye Laws being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Persons using or in anywise concerned in or connected with the said Undertaking and Works, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, provided that they be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any of the Directions or Provisions of this Act; and all such Rules, Orders, and Bye Laws shall be subject to Appeal in Manner herein-after mentioned; and that Copies of such Rules, Orders, and Bye Laws respectively, so far as the same relate to or affect the using of the said Canal and other Works hereby authorized to be made, and to the Conduct and Behaviour of Watermen, Boatmen, and others conveying Vessels or Goods, and of Officers, Lock-keepers, Servants and other Persons employed in or about the said Navigation, or of Persons resorting to or using the same, shall be printed and affixed to some conspicuous Place or Places upon the Wharfs of the said Company on the said Navigation.

Books of Accounts and Proceedings to be kept.

LII. And be it further enacted, That proper Books of Accounts and other Matters relating to the said Navigation and Undertaking shall be provided, deposited,



deposited, and kept under the Direction of the said Committee of Management for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and every Proprietor at all reasonable Times shall have free Access thereto for his or her Inspection without Fee or Reward; and that every such Committee so to be appointed as aforesaid, shall from Time to Time make Reports of their Proceedings to, and be subject to the Examination and Controul of the said General and Special Assemblies of the said Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Assembly, provided such Orders and Directions be not repugnant to or inconsistent with any of the Directions or Provisions of this Act.

Committee to be subject to the Controul of General Assemblies.

LIII. And be it further enacted, That the Committee of Management so to be nominated and chosen as aforesaid, shall hold their first Meeting at such Time and Place as shall be appointed and fixed by the said Company of Proprietors at their First General Assembly to be holden under this Act, such Time being within the Space of Three Calendar Months from the Day on which such General Assembly shall be holden, and it shall be lawful for the said Committee to hold their subsequent Meetings at such Times and Places, and from Time to Time to adjourn themselves to such other Times and Places as they shall think fit.

Regulations respecting the General Committee, and Powers of the same.

LIV. And be it further enacted, That the said Committee of Management shall at the First Meeting to be held after every Election of such Committee, elect a Chairman to preside at that and every other Meeting to be held by them until the next Election of a Committee of Management; and in case Two or more Persons shall at any such First Meeting be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same, and that after such Chairman shall have been so elected, he shall have Power from Time to Time during his Continuance in the said Office, in all Cases where he shall be prevented from personally attending any such Meeting, by Writing under his Hand, and previously sent to the Clerk of the said Committee, to appoint One other of the said Committee to act as Deputy Chairman of such Meeting in his Absence; and no Member of the said General Committee (although he may be a Proprietor of more Shares than One in the said Undertaking) shall have more than One Vote at any Meeting of such Committee, except the Chairman or such his Deputy as aforesaid, who in case of an Equality of Votes shall have the casting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said General Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management at their Meetings to be holden in Manner aforesaid, shall be decided and determined by the Majority of the Members there present, but no Member shall be permitted to vote as Proxy for any absent Member: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting

Chairman to be elected.

Committee  
may contract  
for and pur-  
chase Lands,  
&c.

for exercising the Powers vested in such Committee by this Act, then and in every such Case the Meeting shall be adjourned to that Day Fortnight by the Member or Members present, or if no Member shall attend, by the Clerk to the said Company of Proprietors, or such other Person as shall attend on his Behalf; and every such General Committee of Management shall from Time to Time have full Power and Authority at such their Meetings as aforesaid, on Behalf of the said Company of Proprietors, to contract for and purchase all such Lands, Tenements, and Hereditaments, and all such Materials and other Things as shall or may be requisite for the Purpose of the said Navigation and Undertaking, and from Time to Time to treat and agree with any Person or Persons whomsoever, touching the Compensation to be made for any Injury or Damage which may be done in the Exercise of the Powers hereby granted; and the said Committee shall also have Power from Time to Time, (subject nevertheless to the Direction and Controul of any such General Assembly,) to appoint an Engineer or Engineers to plan and inspect the Works of the said Navigation and Undertaking, and an Architect or Architects for erecting and surveying any Buildings to be erected by the said Company of Proprietors, and also a Land Surveyor or Land Surveyors for any Purpose relating to the Execution of this Act; and every such Engineer, Architect, and Land Surveyor shall be paid by the said Company such Salary or Allowance as the said Committee shall direct or appoint, and any such Committee may remove any such Engineer, Architect, or Land Surveyor whenever they shall think proper; and such General Committee of Management shall also have full Power and Authority to enter into and make such Contracts or Agreements with, or employ any Canal Diggers or other Excavators, Bricklayers, Stone Masons, Carpenters, Workmen, Servants, or other Persons in and about, and for carrying on the said Navigation and other Works; or any Part thereof, as shall be thought expedient, and to enter into and make all such other Contracts, Bargains, and Agreements whatsoever touching, or in anywise concerning the said Undertaking, as they shall think proper, and to order and direct how the several Works shall be from Time to Time carried on, and to sell such Lands or Buildings as shall not be wanted for the Use of the said Company; and generally to direct, conduct, and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at large at their General Assemblies as herein is mentioned.

Committee of  
Management  
may appoint  
Sub-Commit-  
tees, with  
Power to  
make Con-  
tracts, &c.

LV. Provided always, and be it further enacted, That it shall and may be lawful to and for every General Committee of Management, at their First Meeting after their Election in every Year, to nominate and appoint out of their own Body, One or more Sub-Committee or Sub-Committees, (every such Sub-Committee to consist of Three or more Persons), and such Sub-Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever in and about the said Undertaking, which the said General Committee of Management shall from Time to Time intrust to the Management of such Sub-Committee or Committees respectively, and such Sub-Committee or Committees shall meet at such Times and Places as they shall think proper; and all Powers hereby vested, or which shall be vested in such Sub-Committee or Sub-Committees

Committees by the said General Committee as aforesaid, shall and may be exercised by the major Part of them present at their respective Meetings, the whole Number of Members present not being less than Three, and all Questions shall be decided by the Majority of Votes, and the Chairman shall have the casting Vote in case of an equal Division, but no other Member shall have more than One Vote; and such Sub-Committee or Committees shall from Time to Time make Reports and send Copies of their Proceedings to the General Committee, if required, and shall at all Times be subject to the Controul of the said General Committee, and shall obey all their Orders and Directions in and about the Affairs of the said Company, so that such Orders or Directions be not contrary to the express Directions, Regulations, and Provisions contained in this Act: Provided always, that it shall and may be lawful to and for the said General Committee of Management for the Time being, by any Order or Resolution for that Purpose given or entered into at some Meeting to be holden under the Authority of this Act, to break up and dissolve any such Sub-Committee, or to remove and displace any particular Member or Members thereof, and nominate and appoint some other or others in his or their Place and Stead, when and as often as such Committee of Management shall think proper and expedient.

LVI. And be it further enacted, That the Committee of Management for the Time being, and also every such Sub-Committee as aforesaid, shall enter or cause to be entered in proper Books to be provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Monies disbursed and Payments made by such Committee and Sub-Committees respectively, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively on account of the said Undertaking; and likewise proper Notes and Minutes of every Contract, Bargain, and Agreement which shall be entered into by them respectively, for or on Behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and the said Committee of Management shall produce at every Annual General Assembly of the said Proprietors, such Books, Minutes, Accounts, and all other Papers and Writings relating to the said Company's Affairs, in order that the Proprietors may have an Opportunity of inspecting the same.

Committee and Sub-Committees to keep Accounts of Monies paid and received, &c.

and produce the same to General Assemblies.

LVII. And be it further enacted, That all such Expences as may be incurred in or by reason of any Meeting of the said Committee and Sub-Committees respectively, and which the said Company of Proprietors may judge reasonable and allow, shall be borne and sustained by the said Company of Proprietors out of their general Stock or Fund.

Expences of Committee and Sub-Committees.

LVIII. And be it further enacted, That the said Committee of Management shall and may, and they are hereby authorized and empowered from Time to Time to draw on the Treasurer or Treasurers for the Time being of the said Company of Proprietors, for the Amount of Expences incurred in the Execution of this Act; but no Money shall be issued or paid by any such Treasurer or Treasurers for or on account of the said Company of Proprietors, without an Order being made and signed for that

Committee to draw on the Treasurer.

that Purpose by Three or more Members of the said Committee at some Meeting to be holden by virtue of this Act.

Treasurer's  
Accounts.

LIX. And be it further enacted, That the Accounts of the Treasurer or Treasurers of the said Company of Proprietors for the Time being, shall be regularly made up and laid before the said Committee of Management once in every Six Calendar Months, to be by them audited, examined, and settled, and at all other Times when the said Committee shall think proper to inspect the same.

Committee  
may call Special  
General  
Meetings.

LX. And be it further enacted, That if and when and so often as it shall appear to the said Committee of Management for the Time being to be necessary or expedient to call a General Meeting or Assembly of the Proprietors of the said Undertaking, for more effectually putting this Act into Execution, or in order to take their Opinion or Directions respecting any Matter or Thing to be done in, about, or concerning the said Undertaking, it shall be lawful for the said Committee of Management, pursuant to any Order or Resolution to that Effect to be made at any Meeting of the same Committee, to call such Special General Meeting or Assembly by Public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Kent*, specifying the Cause of calling such Special General Meeting or Assembly, and the Time and Place where the same will be holden, the Time not being less than Ten Days after such Notice shall be given; and the said Proprietors are hereby authorized to assemble pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall be entitled to give either as Principals or Proxies respecting such Matters, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

Members of  
the Committee,  
how disqualified.

LXI. And be it further enacted, That in case any Member of the said Committee of Management shall at any Time accept any Office or Place of Profit under the said Company of Proprietors, or shall neglect to attend Four successive Meetings of the said Committee, without sending what shall in the Opinion of the major Part of the Members present at the last of such Four Meetings be a sufficient Excuse; or attending any Meeting shall decline or refuse to act in the Business then brought forward, every such Person shall thenceforth cease to be a Member of such Committee, and all his Power and Authority as such shall end and determine.

How Vacancies in  
Committee are to  
be filled up.

LXII. And be it further enacted, That when and so often as any Member of the said Committee of Management shall become incapacitated in Manner aforesaid, or shall die or deliver in his Resignation, such of the remaining Members as shall be present at the Meeting at which such Incapacity, Death, or Resignation shall be declared or announced, shall thereupon (notwithstanding there may not be Five Members present at such Meeting) elect some other Person to be a Member of the said Committee in his Place, until a fresh Committee shall be appointed according to the Provisions of this Act; and every Person who shall be so elected by virtue of this present Clause, shall have full Power and Authority to act

in all Matters and Things relating to the said Navigation and Undertaking, in the same Manner as if he had been originally elected a Member thereof at any General Assembly of the said Proprietors, in pursuance of the Directions herein-before contained.

LXIII. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every other Person or Persons whomsoever, who shall by virtue of this Act have subscribed or undertaken for One or more Share or Shares in the said Navigation and Undertaking, and his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of, and shall be entitled to and have a Vote for every such Share at, or in every such General or other Assembly to be held as herein appointed and directed for carrying on the said Undertaking; which Vote or Votes may be given by him, her, or them, either personally, or by his, her, or their Proxy or Proxies, (such Proxy or Proxies being also a Proprietor or Proprietors of Shares in the said Undertaking), duly constituted under his, her, or their Hand or Hands, or under the Seal of any Corporation Aggregate; and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person, and whatever Question or Questions as to the Election of proper Officers, or the Determination of any other Matter or Thing, shall be proposed, discussed, or considered in any General or other Assembly of the said Company of Proprietors to be held by virtue of this Act, the same shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share, and the Appointment of every Proxy shall be made according to the Form following; (that is to say,)

Subscriber to have a Vote for each Share.

Votes may be given by Proxy.

‘ I of one of the Proprietors of ‘ The Weald of Kent Canal Navigation,’ do hereby nominate, constitute, and appoint of (being also one of the Proprietors of the said Navigation) to be my Proxy, in my Name and in my Absence to vote or give my Assent or Dissent in any Matter, Business, or Thing relating to the said Navigation and Undertaking, that shall be proposed or mentioned at any General or Special Assembly, or other Meeting of the Proprietors of the said Navigation at all Times hereafter, until I shall revoke this Appointment by Notice in Writing under my Hand to the Clerk to the said Company of Proprietors. In Witness whereof I have hereunto set my Hand this Day of

Form of Proxy.

Provided nevertheless, that no Proprietor shall be entitled to give more than Twenty Votes on account of the whole Number of his, her, or their Shares in the said Navigation or Undertaking; and that no Person shall give or deliver in or vote in respect of Proxies for more than Twenty Shares of absent Proprietors.

No Subscriber entitled to more than 20 Votes in the whole.

LXIV. And be it further enacted, That every Question, Matter, and Thing which shall be proposed, discussed, or considered at any General or Special Assembly of the said Company of Proprietors, shall be determined by the Majority of Votes given by such Principals and Proxies as may be then present; and at every such General or Special Meeting, the Chairman for the Time being shall not only be at Liberty to vote as a Proprietor

Determination of Meetings to be by the Majority of Votes.

prietor and Proxy, but also in case of an Equality of Votes shall be entitled to the decisive or casting Vote.

Committee of Management may make Calls for Money;

LXV. And be it further enacted, That the said General Committee of Management shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the several Subscribers to and Proprietors of Shares in the said Undertaking, or Persons who have advanced or may advance any Sum or Sums of Money on account of such Shares or any of them, in order to defray the Expences of carrying on the same Undertaking, as they shall find wanting and necessary for that Purpose; provided that no such Call shall exceed the Sum of Ten Pounds for or in respect of every Share in the said Undertaking, and so that no such Calls be made but at the Distance of Three Calendar Months at least from each other, and Twenty-one Days Notice at least shall be given of every such Call by Advertisement in some *London* Newspaper or Newspapers, and likewise in some Newspaper or Newspapers published or usually circulated in the said County of *Kent*, and by Letter from the Clerk to the several Proprietors; all which Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company, to be issued, paid, and applied in such Manner as the said Committee of Management shall from Time to Time order and direct; but if any Subscriber or Subscribers to the said Undertaking shall be desirous to pay in Advance immediately into the Hands of the said Committee, or of the Person or Persons whom they shall appoint to receive the same, the full Amount of his, her, or their Subscription for the Share or Shares for which he, she, or they may have subscribed or any Part thereof, not being less than a Sum of Fifty Pounds, without waiting for the said Call or Calls, then and in such Case it shall and may be lawful to and for the said Committee to pay to such Subscriber or Subscribers out of the Funds of the said Company, Interest for the same at the Rate of Five Pounds *per Centum per Annum*, upon the Amount which such Payment in Advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment in Advance up to the Period of such subsequent Call respectively, according to the Sum then in Advance over and above the Amount of the said Call.

and allow Interest on Payments in Advance.

Subscribers to pay Calls at the Times appointed by Committee.

LXVI. And be it further enacted, That the respective Persons who have already subscribed or advanced, or who shall hereafter subscribe or advance any Money towards the said Undertaking, or shall be or become the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and are hereby required to pay the Sum or Sums by them respectively subscribed, or to be called for in respect of the Shares on account of which they have advanced or shall advance any Sum or Sums of Money, (or such Parts and Proportions thereof as shall from Time to Time be called for by the said Committee of Management, by virtue of the Powers and Directions of this Act), at such Times and Places, and in such Manner as shall be directed by the said Committee, and of which Notice shall be given as is herein-before directed; and in case any of such Persons shall neglect or refuse to pay the same at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, every such Person so neglecting or refusing shall forfeit and pay to the said Company of Proprietors the Sum of One Pound for every Share in the said Undertaking, for or in respect whereof he, she, or they

they have subscribed or advanced, or shall subscribe or advance any Sum or Sums of Money as aforesaid; and it shall be lawful for the said Company of Proprietors to sue for and recover from any such Person or Persons so in Default, his, her, or their proportionable Part of the Money so called for, together with Interest thereon after the Rate of Five Pounds *per Centum per Annum*, from the Time appointed for Payment thereof, and the Amount of the Forfeiture so incurred by him, her, or them, by reason of such Neglect or Refusal, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, without any previous Notice of such Action or further Demand of such Money: Provided always, that every such Subscriber, his Heirs, Executors, Administrators, or Assigns, shall be allowed and paid Interest at the Rate of Five Pounds *per Centum per Annum* on the Sum or Sums of Money advanced and paid by him or them for the Purposes of this Act.

Calls and Forfeitures may be recovered by Action.

LXVII. And be it further enacted, That in Actions brought by the said Company of Proprietors against any such Person or Persons as aforesaid, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants in such Action or Actions is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares, for or in respect whereof such Defendant or Defendants shall have subscribed or advanced any Sum or Sums of Money as aforesaid (as the Case may be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Actions it shall only be necessary to prove that the Defendant or Defendants at the Time of such Call or Calls was or were a Subscriber or Subscribers, or Owner or Owners, or Proprietor or Proprietors of some Share or Shares in the said Undertaking, or had paid or advanced, or caused or procured to be paid or advanced some Sum or Sums of Money in respect of any such Share or Shares, and that such Call or Calls was or were actually made, and that Notice thereof was given in pursuance of the Directions of this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall be thereupon entitled to recover what shall appear due, together with full Costs of Suit, and that no Wager of Law shall be allowed in any such Action.

How Actions for Calls, &c. shall be proceeded in.

LXVIII. And to the End that the said Company of Proprietors may be enabled to complete and carry on so useful an Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making, completing, and maintaining the said intended Canal, and the Branches, Railways or Tram Roads, Cuts, Trenches, Sluices, and Towing Paths, and the Reservoirs, Feeders, Basins, Locks, Quays, Wharfs, Warehouses, Bridges, and all other Works and Conveniences requisite or useful thereto respectively, so that the same do not exceed in the Whole the Sum of Three hundred and twenty thousand Pounds (except as hereinafter mentioned); and the Money so to be raised shall and is hereby

Company to raise among themselves Money for the Purposes of this Act.

directed

The Money to be divided into a certain Number of Shares.

No Person to be a Proprietor of less than One or more than 100 Shares; nor be liable for the Company's Debts beyond the Extent of their respective Shares.

Company of Proprietors to raise £305,800, by Subscription,

directed to be laid out and applied in the first Place in defraying and discharging the Costs and Expences of applying for and obtaining this Act, and of making the Surveys, Plans, and Estimates preparatory and incident thereto, and all other Expences relating to the same; and all the Residue and Remainder of such Money shall be used and applied for and towards making, completing, and maintaining the said Canal, Branches, Railways, and other Works and Conveniences respectively, and for other the Purposes of this Act; and so much of the said Sum as shall be raised and contributed by Subscription shall be divided and distinguished into as many equal Shares of One hundred Pounds each as the same shall amount unto, which Shares shall be numbered in and for ever afterwards distinguished by the same numerical Progression, and shall be deemed Personal Estate, and shall be transmissible as such, and not of the Nature of Real Property; and the said Shares shall be and are hereby vested in the said several Subscribers and their several and respective Executors, Administrators, Successors and Assigns, to their and every of their own proper Use and Behoof, proportionably to the Sums which they shall severally subscribe and pay thereunto; and all and every the Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds for every Share, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Canal and other Works respectively, shall be entitled to and receive, after the same shall be completed, the entire and net Distribution of a proportionate Part of the Profits and Advantages which shall and may arise and accrue by or by virtue of the Rates, Tolls, and other Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politic, Corporate, or Collegiate, Person or Persons holding one or more Share or Shares in the said Undertaking, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein directed: Provided always, that no Body Politic, Corporate or Collegiate, or Person subscribing or becoming a Proprietor in the said Undertaking, shall become a Proprietor of less than One Share or of more than One hundred Shares, either in his own Name or in the Name or Names of any other Person or Persons in Trust for him or her, (unless the same shall come to him or her by Will, Bequest, Right of Administration or Marriage), upon Pain of forfeiting to the said Company of Proprietors all such Shares exceeding One hundred Shares; and also that nothing in this Act contained shall extend to charge or render liable any Body Politic, Corporate or Collegiate, or other Person or Persons who shall be or become a Proprietor or Proprietors of the Stock of the said Company, or his, her, or their Real or Personal Estate, with or for any Debt or Demand whatsoever due or to become due from or by the said Company of Proprietors, beyond the Extent of his, her, or their Share or Shares of the Capital Stock of the said Company, any Law, Custom, or Usage to the contrary thereof notwithstanding.

LXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors to take any Lands, Grounds, Houses, Tenements, Hereditaments, or Premises for the Purposes of this Act, or to proceed



proceed in the Execution of the Works herein authorized to be made, unless a sufficient Number of Subscribers shall within Three Years next after the passing of this Act be obtained, who will undertake to raise the Sum of Three hundred and five thousand eight hundred Pounds, towards making and completing the said intended Canal and other Works herein authorized to be made, nor until it shall be proved to the Satisfaction of the major Part of the Justices of the Peace for the County of *Kent*, assembled at any General Quarter Sessions of the Peace holden in and for the same County, that a Subscription to the Amount, and within the Period aforesaid, hath been actually entered into or engaged to be raised for the Purposes of this Act.

before the Powers of the Act are carried into Execution.

LXX. And be it further enacted, That in case any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, for the Space of Three Calendar Months after such Call or Calls shall have been made as aforesaid, and the same shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for shall not have been recovered by them; then and in every such Case the Person or Persons so neglecting or refusing, shall absolutely forfeit all his, her, or their Share, Part, or Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof; and all Money theretofore paid and advanced by him, her, or them on account thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking, and all Shares which shall be so forfeited shall become vested in the said Company in Trust, and for the Benefit of such other Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall at the Discretion of the said Committee of Management be disposed of at par to any Person or Persons who may be willing to take the same, or sold by Public Auction for the most Money that can be gotten for the same, and the Produce thereof shall be added to and become Part of the Stock or Fund of the said Company, and be applied to the Purposes of this Act: Provided always, that no Advantage shall in any Case be taken of such Forfeiture of any Share or Shares in the said Undertaking, until after Personal Notice of such Call shall have been given by the Clerk of the said Company of Proprietors to the Person or Persons, or to the Clerk or Clerks, or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or a Notice in Writing signed by such Clerk shall have been left at his, her, or their usual or last Place of Abode; nor unless the same Share or Shares shall have been declared to be forfeited at some Meeting of the said Committee of Management, within Six Calendar Months next after such Forfeiture shall have been incurred; and that every such Forfeiture, after being so declared, shall be an absolute Indemnification and Discharge to the Person or Persons so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

If Calls are not answered in Three Months, the Shares to be forfeited.

But not until after Notice given to the Proprietors thereof, nor without being declared forfeited at some Meeting of the Committee.

LXXI. And be it further enacted, That if any Owner or Owners of any Share or Shares, or Person or Persons having advanced, or who may advance any Sum or Sums of Money for or in respect of any Share or

Indemnification for Executors.

[Loc. & Per.]

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Shares

If Calls are not paid, the Company may admit other Persons to become the Proprietors of the deceased Subscribers Shares;

or they may be forfeited.

In case new Subscribers are admitted, original Subscribers to be paid Interest for Sums advanced by them.

Shares in the said Undertaking, shall happen to die before Payment shall have been made by him or her of the full Sum to be advanced in respect of each Share which he or she shall have been possessed of or entitled unto, or have made any Advancement in respect of, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and how the future Calls in respect thereof shall be answered, then and in every such Case the Executor or Executors, or Administrator or Administrators of any such Owner so dying, or the Trustee or Trustees, Guardian or Guardians of any Infant or other Person entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every Person and Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to complete the Subscription of such deceased Owner or Owners, or Person or Persons as aforesaid; but in case any such deceased Owner or Owners, or Person or Persons shall not have left Assets sufficient, or if such Executors or Administrators, Trustees or Guardians, shall neglect or refuse to answer such Calls, it shall be lawful for the said Company of Proprietors, and they are hereby empowered and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, or Person or Persons on Condition that he, she, or they shall, on or before such Admission, pay to the said Company the Call or Calls unpaid on such Share or Shares, and also to the Executors or Administrators of such deceased Owner or Owners, or Person or Persons, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons entitled to his or her Effects, the full Sum or Sums of Money which shall have been paid by such deceased Owner or Owners, or Person or Persons in his, her, or their Lifetime, by virtue of any Call or Calls upon such Share or Shares; and in case no Person shall be found willing to be admitted on the Conditions aforesaid, such Share or Shares shall be forfeited to and become absolutely vested in the said Company, in Trust for and for the Benefit of the rest of the Proprietors, in Proportion to their respective Interests in the said Undertaking, and may be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

LXXII. And be it further enacted, That if for the Purpose of raising all or any Part or Parts of the Sum of One hundred and sixty thousand Pounds herein-after authorized to be raised, the said Company of Proprietors shall admit any additional or new Subscribers to this Undertaking, in Preference to borrowing the same on Mortgage, in pursuance of this Act, then it shall and may be lawful to and for the said Company of Proprietors and they are hereby required out of their General Fund, to pay or cause to be paid unto every Body Politic, Corporate, or Collegiate, and other Person or Persons, their several and respective Executors, Administrators, or Assigns, who shall previously to the Admission of such additional or new Subscribers, have contributed and paid in the Sum of One hundred Pounds, or such Sum or Sums of Money as shall from Time to Time have been demanded and paid in respect thereof, towards carrying on and completing the said Navigation and other Works, Interest for the same after the Rate of Five Pounds *per Centum per Annum*, from the Time that each of such Sum or Sums of Money shall have been respectively advanced, until the first Call on the several Sums so to be raised and contributed by the Admission of such additional or new Subscribers shall be made.

LXXIII. And,

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

Names of Proprietors to be entered in a Book, with the Numbers of their Shares, and Tickets delivered to them.

LXXIV. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of Shares in the said Undertaking, to sell and dispose of any Share or Shares which he, she, or they shall or may be entitled to therein, subject to the Rules and Conditions herein mentioned; the Transfer of which Share or Shares shall be in the Form or to the Effect following; that is to say,

Shares may be sold.

‘ I of \_\_\_\_\_ of \_\_\_\_\_ in Consideration of the Sum \_\_\_\_\_  
 ‘ of \_\_\_\_\_ paid to me by \_\_\_\_\_  
 ‘ do hereby bargain, sell, assign, and transfer to  
 ‘ the said \_\_\_\_\_ my \_\_\_\_\_ Share of the Navigation called  
 ‘ *The Weald of Kent Canal*, (being Number \_\_\_\_\_), to hold unto the said  
 ‘ \_\_\_\_\_ his Executors, Administrators, and Assigns, subject  
 ‘ to the same Rules, Orders, and Restrictions, and on the same Conditions  
 ‘ that I held the same immediately before the Execution hereof; and I  
 ‘ the said \_\_\_\_\_ do hereby agree to accept the said Share,  
 ‘ subject to the same Rules, Orders, Restrictions, and Conditions: As  
 ‘ Witness our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_ ”

Form of Transfer.

And on every such Sale the said Transfer (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, in the Presence of Two credible Witnesses) shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk to the said Company of Proprietors shall have registered in a proper Book or Books, to be provided by the said Company and kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and shall have testified or indorsed the Registry of such Memorial on the said Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to register such Memorial accordingly;

Conveyances to be produced to the Clerk, who is to enter a Memorial of every Sale.

No Title until Registry.

accordingly; and until such Memorial shall have been registered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation or Undertaking, nor any Interest or Dividend in respect of such Share or Shares paid to him, her, or them, or any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

Shares not to be disposed of after Calls made, until the Call be answered.

LXXV. Provided always, That after any Call of Money shall have been made in pursuance or by the Authority of this Act, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust for the Benefit of all the other Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred; but such Forfeiture shall nevertheless be notified and declared at some General Meeting of the Committee of Management in Manner herein-after directed.

Regulations as to the Acquisition of Shares by Marriage, Will, or in course of Administration.

LXXVI. And, for preventing Inconveniences that might otherwise arise or happen, be it further enacted, That before any Person or Persons, who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, a Master, or Master Extraordinary in Chancery, or before One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk to the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book which shall be kept by him for the entering of Transfers of Shares in the said Undertaking; and that before any Person or Persons who shall be entitled to and claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case such Proprietor shall have died intestate, shall be made and sworn to by the Executor, or One of the Executors (in case there shall be more than One) of such Will, or by the Administrator of the Estate and Effects of such Intestate (as the Case may be), before One of the Judges at *Westminster*, a Master, or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be in like Manner transmitted to the said Clerk, to be by him entered and filed in Manner herein-before directed.

Directions respecting the Shares of Persons dying, becoming insolvent, &c.

LXXVII. And be it further enacted, That whenever, in consequence of the original Subscriber of One or more Share or Shares in the said Undertaking having died, or become insolvent or bankrupt, left the Kingdom, or transferred his Right and Interest to some other Person, without any Register having been made of a Memorial of such Transfer as herein-before is directed, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to ascertain who is the Owner

or Proprietor of such Share or Shares, in order to give him, her, or them such Notice or Notices of Calls made on such Share or Shares, as is hereby required, and to maintain any Action or Actions against him, her, or them, for Recovery of the same, or for the Purpose of paying safely to him, her, or them, the Interest or Dividends to which he, she, or they may be entitled by virtue hereof; then and in every such Case where the Right and Property in One or more Share or Shares in the said Undertaking, shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by such Transfer or Conveyance thereof as herein-before directed, and which is by this Act required to be produced to the said Clerk for the Purpose aforesaid; an Affidavit shall and may be made and sworn to by some credible Person before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to and become the Property of such other Person or Persons; which Affidavit shall be transmitted to the said Clerk, to the Intent that he may, and he is hereby required to enter and register the Name or Names of every such Proprietor or Proprietors in the Register Book of the said Company; and that in all or either of the Cases herein-before respectively mentioned, it shall and may be lawful to and for the Committee of Management to be appointed as herein-after directed, at any Meeting to be holden after Three Calendar Months Notice shall have been given by the Treasurer or Clerk to the said Company of Proprietors, to the Person or Persons claiming by such Affidavit to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money to become payable by virtue of any Call or Calls to be made as herein-after directed, and Notice thereof shall have been given Three Times, at the Intervals of Seven Days between each Advertisement, in some *London* Newspaper or Newspapers, and likewise in some Newspaper or Newspapers published or usually circulated in the said County of *Kent*, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited and sold, and disposed of in such Manner as the said Company of Proprietors, or their Committee for the Time being shall direct, or otherwise become consolidated in the general Fund of the said Company.

LXXVIII. And be it further enacted, That in case the said Sum of Three hundred and twenty thousand Pounds shall at any Time or Times be deemed or found insufficient for or inadequate to the making, completing, and maintaining the said intended Canal, Branches, Railways, and other the Works hereby authorized to be made, and for defraying all the necessary Charges and Expences incident thereto; then and in such Case it shall and may be lawful for the said Company of Proprietors to raise and contribute among themselves in such Shares or Proportions, and in Manner and Form as is herein-before directed, or by the Admission of new Subscribers (as to them shall seem meet), any further or other Sum of Money for completing and perfecting the said Navigation or Undertaking, not exceeding the Sum of One hundred and sixty thousand Pounds; and every such new Subscriber (if any) shall become a Proprietor in the said Navigation or Undertaking, and shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall also be subject and liable to such and the same Restrictions, Penalties, and Forfeitures, as if such further or other Sum hereby allowed to be subscribed for and raised had been Part or Parcel of the said original Sub-

Company empowered to raise a further Sum among themselves, or by Mortgage.

scription; but in case the said Company of Proprietors shall be desirous to raise such further or other Sum of One hundred and sixty thousand Pounds, or any Part thereof, by Mortgage of the said Navigation and Undertaking, instead of by Contribution or Subscription; then and in such Case it shall be lawful for the said Company of Proprietors, or their Committee, by an Order of any General Assembly of the said Company, to borrow and take up at Interest of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Navigation or Undertaking, any such further Sum or Sums of Money, not exceeding in the Whole the said Sum of One hundred and sixty thousand Pounds, as to them shall seem meet and convenient; and the said Company of Proprietors or their Committee (after an Order of any General Assembly) are hereby fully authorized and empowered to assign the Property of the said Navigation or Undertaking, and the Rates and Tolls arising or to arise by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money to be so borrowed as aforesaid, with Interest to the Person or Persons who shall advance the same, or to his, her, or their Trustees, by Deed of Mortgage under the Common Seal, and at the Expence of the said Company, according to the Form following; that is to say,

Form of  
Mortgage.

WE, the Company of Proprietors of The Weald of Kent Canal, in Consideration of the Sum of Pounds, to us paid by of do hereby, by virtue of an Act of Parliament passed in the Year of the Reign of King George the Third, intituled [*set forth the Title of the Act*] bargain, sell, and assign unto the said the said Navigation and Undertaking, with all and singular the Rates and Tolls arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors, of, in, and to the same, to hold unto the said his [*or, her*] Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year of our Lord

And all Persons to whom such Mortgages shall be made, shall be equally entitled to their Proportion of the said Rates and Premises, according to their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed to be laid out and applied for and towards the making and completing the said Navigation and Works hereby authorized to be made, and other the Purposes of this Act, and to and for no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Addresses) to whom the same shall have been made, and of the Sum of Money borrowed, shall within Twenty-one Days next after the Date thereof, be written and inserted *gratis* in a Book or Books to be kept for that Purpose by the Clerk of the said Company of Proprietors; which Book or Books shall and may be seen, inspected, and perused at all reasonable Times by any

Memorials of  
Mortgages to  
be entered in  
a Book to be  
kept by the  
Clerk to the  
Company.

any of the Proprietors or Creditors of the said Navigation or Undertaking, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign or transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall be made according to the Form following; that is to say,

Mortgages may be transferred.

‘ I [or, we] of in Form of  
 ‘ Consideration of the Sum of paid by Transfer.  
 ‘ of do hereby transfer  
 ‘ a certain Mortgage made by the Company of Proprietors of The Weald  
 ‘ of Kent Canal (Number ) bearing Date the  
 ‘ Day of for securing the Sum of  
 ‘ and the Interest now due and hereafter to become due thereon, and all  
 ‘ my [or, our] Right and Property therein, to the said  
 ‘ his [or, her] Executors, Administrators, and Assigns. In Witness  
 ‘ whereof, I [or, we] have hereunto set my [or, our] Hand and Seal [or,  
 ‘ Hands and Seals] this Day of  
 ‘ in the Year of our Lord

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

A Memorial of every such Transfer to be entered by the Clerk to the Company.

LXXIX. And be it further enacted, That the Interest of the Money to be so borrowed on Mortgage as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in preference to any Dividends or Interest due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for, before the yearly or other Interest or Dividends due to the said Proprietors shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid for the Space of Thirty Days next after the same shall become due, and a Demand made thereof, then it shall and may be lawful for any Three or more Justices of the Peace for the said County of Kent, by an Order under their Hands and Seals, to appoint one or more Person or Persons to receive the Whole or such Part or Parts of the said Rates or Duties as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully liquidated and discharged; and from and immediately after such Interest and Costs shall be so paid and satisfied, the Power and Authority hereby vested

Interest of Money borrowed to be paid in preference to Dividends.

If not regularly paid, how recoverable.

vested in such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or the said Interest so due and in Arrear for the Space aforesaid (having been duly demanded), may be sued for and recovered with Costs, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Notice to be given of Payment of Money borrowed.

Persons lending Money not entitled to vote at General Meetings on that Account.

LXXX. Provided always, and be it further enacted, That no Sum or Sums of Money so lent or advanced on Mortgage shall be paid off and discharged, (except with the Approbation and Consent of the Person or Persons entitled to receive the same), unless Three Calendar Months previous Notice under the Common Seal of the said Company of Proprietors shall have been given to the Person or Persons lending, advancing, or appearing to be entitled to such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same; and that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall by reason thereof be deemed a Proprietor of any Share in the said Undertaking, or be capable of acting or voting by virtue of such Security, either as a Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced Money on such Security or Assignment, or taken any Transfer thereof, or otherwise in Relation thereto.

The Company empowered to take Rates and Tolls for Tonnage and Wharfage of Goods, &c.

LXXXI. And, that in Consideration of the Charges and Expences which the said Company of Proprietors must sustain and incur in making and maintaining the said intended Canal and other Works hereby authorized to be made, erected, and maintained as aforesaid; be it further enacted, That it shall and may be lawful to and for the said Company from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Benefit, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Timber, Chalk, Lime, Coals, Minerals, Manure, Goods, Wares, and Merchandize, and all other Matters and Things whatsoever which shall be carried or conveyed upon the said intended Canal and Branches, or either of them; (that is to say),

Rates of Tonnage.

For all Chalk, Lime, Marle, Dung, Compost, and all other Articles to be actually used for Manure, which shall pass through any Lock or Locks of or belonging to the said intended Navigation, the Sum of One Penny Halfpenny *per Ton per Mile*:

For all Chalk, Lime, Marle, Dung, Compost, and all other Articles to be actually used for Manure, which shall not pass through any Lock or Locks of or belonging to the said intended Navigation, the Sum of One Penny *per Ton per Mile*:

For all Coals, Culm, and Coke, the Sum of Two-pence *per Ton per Mile*:

For all Sea Beach or Shingle, the Sum of One Penny *per Ton per Mile*:

For all Timber, and also all Merchandize, Goods, Commodities, and Things whatsoever, not herein-before enumerated, which shall pass through any Lock or Locks of or belonging to the said intended Navigation, the Sum of Three-pence *per Ton per Mile*:

And for all Timber, and also all Merchandize, Goods, Commodities, and Things whatsoever, not herein-before enumerated, which shall not pass through any Lock or Locks of or belonging to the said intended Navigation,



vigation, the Sum of Two-pence *per Ton per Mile*; and so in Proportion for any Quantity less than a Ton, or any Distance less than a Mile:

LXXXII. And be it further enacted, That it shall be lawful to and for the said Company of Proprietors from Time to Time to ask, demand, take, and receive, to and for their own Use and Benefit, the several Tolls following; (that is to say),

Company to take Tolls for passing on Towingpaths, &c.

For every Horse, Mare, Gelding, Mule, or Ass passing on any Towing-path, or Railway or Tramroad, belonging to the said Company of Proprietors, (except such as shall be hauling or drawing any Boat, Barge, or other Vessel), before the same shall be permitted to pass through any Bar or Gate or Bars or Gates, (which Bars and Gates the said Company of Proprietors are hereby empowered to erect or cause to be erected,) the Sum of One Penny :

Tolls.

For every Drove of Oxen or Neat Cattle passing on any such Towing-path, or Railway or Tramroad, (except as aforesaid), the Sum of Ten-pence *per Score*; and so in Proportion for any greater or less Number :

For every Drove of Swine, Sheep, or Lambs passing on any such Towing-path, or Railway or Tramroad, the Sum of Five-pence *per Score*; and so in Proportion for any greater or less Number.

LXXXIII. Provided always, and be it further enacted, That no such Tolls shall be demanded or taken for any such Horse, Beast, or Cattle more than Once in a Day, to be computed from Twelve of the Clock at Night until Twelve of the Clock in the succeeding Night, for the same Horse, Beast, or Cattle, on a Ticket or Tickets, denoting the Payment of such Toll or Tolls on that Day, being produced to the Toll-gatherer or Toll-gatherers; which Ticket or Tickets every Toll-gatherer is hereby required to deliver *gratis*, on Payment of such Toll or Tolls: Provided always, that it shall be lawful for the said Company of Proprietors and their Committee of Management from Time to Time and at all Times, when they shall respectively deem it necessary, to hinder and prevent any Horse, Beast, or other Cattle, not hauling or drawing any Boat, Barge, or other Vessel, or not going from Field to Field, to or from Water or Pasture, from passing along any of the said Towing-paths or Railways.

Tolls to be taken but once a Day.

LXXXIV. And be it further enacted, That it shall and may be lawful to and for the said Company and they are hereby authorized from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own Use and Benefit, for all light Boats or other Vessels without a Lading, or in Ballast only, which shall be navigated upon or through the said Canal or either of the said Collateral Branches, such reduced Rates and Duties as the said Company shall think fit, not exceeding Three-pence Sterling *per Mile* for every Ton Burthen of such Boats or Vessels, which may be recovered in like Manner as the said other Rates and Duties.

Rates to be taken for light or empty Vessels.

LXXXV. And be it further enacted, That it shall and may be lawful to and for the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments adjoining to the said Canal, or either of the said proposed Branches or Reservoirs, to use any Pleasure Boat or Boats upon the same (not passing through any Lock or Locks, unless Tonnage, equal

Land Owners may use Pleasure Boats.

[*Loc. & Per.*]

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to a Boat, Barge, or other Vessel of Forty Tons laden with Merchandize, shall be first paid, or the Consent of the said Company previously obtained for that Purpose,) without any Interruption from the said Company of Proprietors or any of their Officers or Agents, and without paying any Rate for the same; provided such Pleasure Boat or Boats be not made use of for the Purpose of carrying any Goods or other Things, and do not obstruct, impede, or prejudice the Navigation of or otherwise injure the said Canal or either of the said Collateral Branches, or the Towing-paths or other Works belonging thereunto.

Rates for entering Basins.

LXXXVI. And whereas the said Company of Proprietors will be at considerable Expence in making and preserving Harbours, Basins or Pens of Water, for the Reception of Boats, Barges, and other Vessels; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors to demand and take, to and for their own Use and Benefit, any Rate not exceeding Three-pence *per* Ton for all Manner of Goods, Wares, Merchandize, and other Things whatsoever, landed from any Boat, Barge, or other Vessel having entered any such Harbour, Basin, or Pen of Water, or which shall be put into any other Boat, Barge, or other Vessel; and also any Rate not exceeding Three-pence *per* Ton on every Boat, Barge, or other Vessel on entering such Harbour, Basin, or Pen of Water, which shall not have passed along Ten Miles of the said Canal and Branches, or some Part thereof respectively: Provided always, that if any such Boat, Barge, or other Vessel shall afterwards proceed along Ten Miles of the said Navigation, then and in such Case the Rate so paid for entering such Harbour, Basin, or Pen of Water shall be deducted from the Rates, the said Company of Proprietors are hereby enabled to take for or in respect of Vessels passing thereon.

General Assemblies may fix the Price of Carriage of small Parcels.

LXXXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time at any of their General Assemblies, to make such Bye Law or Bye Laws for ascertaining and fixing the Rate to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal and Branches respectively as to them shall seem reasonable and proper; and the said Company of Proprietors shall from Time to Time print and stick up or cause to be printed and stuck up on every Public Wharf upon the said Canal and Branches respectively, in some conspicuous Place, a Paper ascertaining and particularizing the Rates to be charged and taken in respect of the Carriage of Parcels not exceeding Five hundred Pounds Weight as aforesaid, upon the said Canal and Branches respectively or upon any Part thereof; and every such Bye Law shall be valid and binding on all Persons whomsoever; and in case any Owner or Master or other Person entrusted with the Care of any Boat, Barge, or other Vessel navigating or passing upon the said intended Canal and Branches, or any Part thereof respectively, after such printed Paper shall be so stuck up as aforesaid, shall demand or take more or any greater Sum than is authorized by such printed Paper, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds to any Person or Persons who shall sue for the same.

Fractions of a Mile and a Ton how chargeable.

LXXXVIII. And be it further enacted, That in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge,

Barge, or other Vessel shall have been navigated or passed upon the said Canal and Branches or either of them, such Fraction shall in ascertaining the said Rates. be considered as a full Quarter of a Mile; and that in all Cases, where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said Canal and Branches or either of them, a Proportion of the said Rates shall be demanded and taken by the said Company for such Fraction, according to the Number of Tons contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be considered as a full Quarter of a Ton.

LXXXIX. And, for the better ascertaining, and more easily collecting the said Rates; be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel navigated upon the said Canal and Branches or either of them, or any Part thereof, or entering any Harbour, Basin, or Pen of Water hereby authorized to be made, shall deliver to the Collector or Collectors of the said Rates, or to some other Officer or Officers to be appointed by the said Company of Proprietors to receive the same, a true and just Account in Writing signed by such Master, Owner, or other Person, of the Quantities, Qualities, and Weight of the Goods and other Things embarked in and conveyed by such Boat, Barge, or other Vessel, from whence brought, and where it is intended to land the same; and in case the Goods or other Things contained in such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons shall specify distinctly the Quantity liable to the Payment of each of the said Rates; and in case he or they shall refuse or neglect to deliver such Account and produce such Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or any Part thereof, produce a false Account, or deliver out any Part of the Lading or Goods embarked on board in such Boat, Barge, or other Vessel, at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors the Sum of Ten Pounds, over and above the respective Rates authorized to be demanded and directed to be paid for the same by virtue of this Act.

Masters of Boats to give an Account of their Lading.

Penalty for Neglect.

XC. And be it further enacted, That the Rates hereby authorized to be demanded and taken shall be paid at such Place or Places at or near to the said intended Canal and Branches respectively, or to some Part thereof, and the Tolls hereby authorized to be demanded and taken shall be paid at such Place or Places at, upon, or near to the said Railways and Towing Paths respectively, and such Rates and Tolls shall be respectively paid to such Person or Persons and in such Manner, and subject to such Regulations as the said Company of Proprietors shall from Time to Time direct and appoint, and in case of Refusal or Neglect of Payment of any such Rates or Tolls, or any Part thereof respectively on Demand to any such Person or Persons as aforesaid, the said Company of Proprietors shall and may sue for and recover the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; or the said Company of Proprietors, or the Person or Persons to whom the same ought to have been paid, may and they are hereby respectively authorized

For Recovery of Rates and Tolls.

to

to seize and distrain the Goods or other Things for which or in respect whereof such Rates or Tolls ought to have been paid, or any Part thereof, or the Boat, Barge, or other Vessel laden therewith, or the Horse or Horses, Beasts or Cattle for which or in respect whereof such Tolls ought to have been paid as aforesaid, and to detain the same respectively until Payment thereof, together with all reasonable Charges for such Seizing and Distress; and if such Distress be not redeemed within Five Days next after the taking thereof, the same may be appraised and sold in the same Manner as the Law directs in Cases of Distress for Rent.

Company  
empowered to  
reduce the  
Rates.

XCI. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time at any General Assembly to be holden under this Act, to lessen or reduce all or any of the said Rates and Tolls hereby granted as they shall think proper, and at any subsequent General Assembly to advance and raise all or any of the said Rates or Tolls so reduced, to any Sum or Sums of Money not exceeding the respective Rates and Tolls hereby granted, but no Reduction of the said Rates and Tolls, or any of them, shall be made without the Consent of Proprietors possessed of at least Five-sixth Parts of the Shares in the said Undertaking.

Committee of  
Management  
may farm the  
Rates.

XCII. And be it further enacted, That it shall and may be lawful to and for the said Committee of Management, and they are hereby authorized and empowered from Time to Time to let to farm the Rates and Tolls hereby granted or either of them, or any Part or Parts thereof respectively, unto such Person or Persons upon such Conditions and for such Term or Terms, (not exceeding in any Case Seven Years), as they may think proper, and the Lessee or Lessees, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates or Tolls so let, shall during the Continuance of every such Lease be deemed Collectors of the same to all Intents and Purposes whatsoever, and shall have the same Power and Authority for collecting and recovering such Rates or Tolls as if he or they had been appointed for that Purpose by the said Company of Proprietors; provided that public Notice of the Intention to let such Rates and Tolls respectively, or any Part thereof, be given in some Newspaper or Newspapers published or usually circulated in the said County of *Kent*, at least Fourteen Days previously to the Meeting of the said Committee of Management at which they are proposed to be let.

Navigation  
to be free on  
Payment of  
Rates.

XCIII. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, (except the Towing Paths and Railways), to be made by virtue of this Act for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things to or from the said Canal and Branches respectively, or any Part thereof, without paying any Thing for the Use of the same, and also to navigate, pass upon, and use the said Canal and Collateral Branches with any Boats, Barges, or other Vessels, and to employ the Wharfs and Quays for the Purpose of loading and unloading such Timber, Merchandize, and other Goods and Things, and also to use the said Towing Paths with Horses and other Cattle for hauling and drawing such Boats, Barges, and other Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors not exceeding

exceeding the respective Sums herein mentioned, and subject to such Rules and Regulations as may from Time to Time be made and adopted by the said Company of Proprietors by virtue of the Powers hereby vested in them.

XCIV. And, inasmuch as considerable Inconvenience might arise if the Tonnage Rates to be charged and taken on the Royal Military Canal aforesaid, and on the said intended Canal hereby authorized to be made (so far as such Canals shall be necessarily connected together by or by virtue of this Act) should not be alike; be it therefore further enacted, That it shall not be lawful for the Commissioners of the said Royal Military Canal, or any other Person or Persons, to charge or take any Tonnage Rate or Rates on or in respect of any Goods, Commodities, Articles, or Things whatsoever passing to or from the Harbour of *Rye* aforesaid, by Means of the said Canal hereby authorized to be made, other than such or the same Rates as are by this Act authorized to be charged by virtue of this Act, and as shall be actually charged and taken by the said Company of Proprietors; saving and excepting only, that as the Distance from the said intended Place of Junction of the said Two Canals to the Lock of the Royal Military Canal will be about Three Miles only, a Tonnage Rate for Four Miles may be charged and taken by the Commissioners of the said Royal Military Canal, in Consideration of the expensive Lock connecting the said Military Canal with the River *Rother*; which Lock, the said Company of Proprietors after the Completion of the said Canal hereby authorized to be made, are hereby authorized to lengthen at the Expence of the said Company, if they shall think proper so to do: Provided always, that the particular Time of their so doing, and the Qualities and Natures of the Materials, and the Numbers of Workmen to be employed for that Purpose, shall be subject to the Discretion and Direction of the Surveyor or Engineer to be named and authorized by the Commissioners of the said Military Canal, to inspect and superintend the lengthening of such Lock as last aforesaid.

Commissioners of the Military Canal not to take higher Tolls than are taken by virtue of this Act;

except as herein mentioned.

Company may lengthen the Lock of the Military Canal.

XCV. And be it further enacted, That no Boatman, Bargeman, or other Person navigating or having the Care of any Boat, Barge, or other Vessel upon the said Canal, or either of the said Branches, and passing through any Lock to be made thereon, shall suffer the Water to remain in any Lock for any longer Space of Time than shall be necessary for the Passage of his Boat, Barge, or other Vessel through the same; and that every such Boatman, Bargeman, or other Person as aforesaid, in going down the said Canal or either of the said Branches from the respective Head Levels thereof, shall, previously to his bringing his Boat, Barge, or other Vessel into any Lock, shut the lower Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof; and after he shall have brought such Boat, Barge, or other Vessel into the said Lock, he shall shut the upper Gates thereof and the Sluices belonging thereto, before he shall draw the Sluices of the lower Gates thereof; and that every such Boatman, Bargeman, or other Person as aforesaid in going up the said Canal or either of the said Branches towards the respective Head Levels thereof, shall (so soon as he shall have passed with his Boat, Barge, or other Vessel into the said Lock) shut the lower Gates thereof and the Sluices belonging thereto, before he shall draw the Sluices of the upper Gates thereof, and immediately afterwards

Regulations for passing Locks.

[Loc. & Per.]

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draw the Sluices of the lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel in Sight of the said Lock coming down the said Canal or Branches, (as the Case may be), in which Case the lower Gates of the said Lock and the Sluices thereof shall be left shut, and the upper Gates remain open; and that at all Times the Vessels going up the said Canal and Branches respectively, if within Sight of any Vessel coming down, and at a Distance not exceeding Three hundred Yards below any Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel above such Lock shall come down, and in case there shall happen to be more Vessels than One below and One above any Lock at the same Time within the Distance aforesaid, (at which Distance a Post or Mark shall be fixed and set up by the said Company of Proprietors for ascertaining the same), such Vessels shall pass up and down through such Lock by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that One Lock full of Water may serve Two Vessels; and every Person who shall act contrary to or offend in any of these Particulars shall for every such Offence forfeit and pay to and for the Use of the said Company of Proprietors, the Sum of Five Pounds.

Regulations as to Vessels of less than a certain Tonnage.

XCVI. And be it further enacted, That no Boat, Barge, or other Vessel of less Burthen than Forty Tons shall be permitted to pass through any of the Locks to be made by virtue of this Act, without the Consent in Writing of the Committee of Management, or the Clerk of the said Company of Proprietors, (being thereunto authorized by the said Committee), unless the Owner, Master, or other Person entrusted with the Care of such Boat, Barge, or other Vessel shall pay the same Tonnage as for a Vessel of Forty Tons Burthen: Provided nevertheless, that Two or more Boats, Barges, or other Vessels so constructed as to be admitted at the same Time into and to pass through any of the Locks to be made by virtue of this Act, and capable of carrying together Forty Tons or more, may pass any such Locks upon a Tonnage being paid for the Quantity of Goods or other Things on board such Boats, Barges, or other Vessels, so that such Quantity of Goods or other Things be not less than Forty Tons.

When Vessels laden with Hay, &c. may pass Locks.

XCVII. Provided always, and be it further enacted, That no Boat, Barge, or other Vessel laden with Hay, Straw, or Corn in the Straw, shall pass through any Lock to be made by virtue of this Act, (except at such Times only as the Water shall flow over the Waste Weir next to such Lock,) without the Consent of the said Company of Proprietors or their Committee, or some of their Agents or Collectors, unless such Boat, Barge, or other Vessel shall be returning or going to any Collieries for the Purpose of being laden with Coals to be conveyed along some Part of the said Canal and Branches.

Penalty on Lock-keepers shewing Partiality.

XCVIII. And be it further enacted, That in case any Lock-keeper, Wharfinger, or other Officer or Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat, Barge, or other Vessel in passing through any Lock upon the said intended Navigation, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighing Beams, Cranes, or other Machines belonging to the said Company of Proprietors; every Person

Person so offending shall for every such Offence forfeit and pay to the Person or Persons to whose Prejudice such Preference or Partiality shall be given or shewn, the Sum of Five Pounds.

XCIX. And, for the more easy ascertaining the Tonnage of Stone, Timber, and other Goods charged with the Payment of such Rates as aforesaid; be it further enacted, That Thirty-five Cubic Feet of round or Forty-five Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Sixty Cubic Feet of Fir or Deal, Balk, Poplar, Birch, or other Timber, or Wood square or cut into Scantlings, shall for the Purposes of this Act be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and twelve Pounds Weight Avoirdupois of all other Commodities and Things whatsoever shall for the Purposes of this Act be deemed, rated, and estimated as and for One hundred Weight, any Usage of rating or estimating the same to the contrary in anywise notwithstanding.

What Quantities of Timber, &c. shall be deemed a Ton.

C. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Master or other Person having Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods or other Things, concerning the Weight or Quantity thereof, or of any particular Part thereof, it shall be lawful for any such Collector to detain such Boat, Barge, or other Vessel, and to weigh, measure, or gauge the same, or cause the same to be weighed, measured, or gauged, and all such Goods and other Things as may be contained therein; and in case the same shall, upon such weighing, measuring, or gauging appear to be of greater Weight or Quantity than what is set forth and contained in the Account thereof so directed to be delivered and given in as aforesaid, then the Master, Owner, or other Person delivering such Account shall pay the Costs and Charges attending such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be levied and recovered by such Ways and Means, and in such Manner as the said Rates are hereby directed to be levied and recovered; but if such Goods or other Things shall be found to be of the same or less Weight or Quantity than the same by such Account shall appear to be, then the Collector of the said Rates shall forthwith pay the Costs and Charges attending such weighing, measuring, and gauging, and shall render and pay to such Master or other Person, or to the Owner or Owners of such Goods or other Things, such Compensation as shall have arisen from such Detention, and in Default of immediate Payment thereof by the said Collector, the same shall be recovered from the said Company of Proprietors in like Manner as any other Money is hereby directed to be recovered from them.

In case of Dispute Collectors may gauge or weigh Boats or Goods.

CI. And be it further enacted, That every Owner, Master, or Person having the Charge or Command of any Boat, Barge, or other Vessel passing on the said intended Navigation, shall cause his or her Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures of the Length of Four Inches at the least, and of a proportionable Breadth, on a Black Ground on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden;

Owners to put their Names on the Outside of Boats;

and also Indexes to denote the Weight of Lading.

Penalty for Neglect.

and also shall fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Company of Proprietors shall from Time to Time direct, so that the true Weight of Lading on board may at all Times be thereby ascertained and shewn; and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged or measured at the Expence of the said Company of Proprietors, whenever it shall be required by them or any Person or Persons appointed for that Purpose; provided that no such Boat, Barge, or other Vessel, shall be gauged or measured more than Four Times in any one Year; and every such Owner, Master, or other Person having Command or Charge of any Boat, Barge, or other Vessel, who shall navigate the same upon the said intended Canal and Branches, or any Part thereof respectively, without having such Name, Figures, and Index thereon as herein-before directed, or shall alter, erase, deface, or destroy the same or any Part thereof, or shall affix any false Name, Figures, or Index, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay to and for the Use of the said Company of Proprietors any Sum not exceeding Five Pounds.

Owners of Boats answerable for Damage done by Servants.

CII. And be it further enacted, That the Master or Owner of any Boat, Barge, or other Vessel navigating upon the said intended Canal and Branches or any Part thereof respectively, shall be and he is hereby made answerable for any Damage, Injury, Spoil, or Mischief that shall be done or occasioned by his Boat, Barge, or other Vessel, or any of the Boatmen, Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Locks, Sluices, Banks, Weirs, Dams, Engines, or other Works in, upon, or belonging to the said intended Navigation, or any of the Basins, Trenches, Aqueducts, or Passages to be made as aforesaid, or by loading or unloading any Boat, Barge, or other Vessel, and for any Trespass, Damage, or Injury that shall or may be done to the Owners or Occupiers of any Buildings, Erections, Lands, Tenements, or other Property adjoining or lying contiguous to the same or any of them, or any other Trespass whatsoever, contrary to the several Provisions and Restrictions in this Act contained or any of them; and the said Owner or Master of every such Boat, Barge, or other Vessel shall for every such Injury or Damage, upon Conviction of such Person or Persons before any Justice of the Peace for the County or Place where any such Offence shall be committed, either by the Confession of the Party or Parties offending, or on the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justice is hereby authorized to administer), pay to the Person or Persons injured such pecuniary Compensation as shall to such Justice appear to be just, reasonable, and equitable, provided such Compensation do not exceed the Sum of Five Pounds, and also over and above such Compensation shall forfeit and pay to the Informer the Sum of Twenty Shillings, and all Costs, Charges, and Expences attending the Conviction; which Compensation, Fine, Penalty, and Costs shall be raised and levied by Distress and Sale of the Goods and Chattels of such Master or Owner, by a Warrant or Warrants under the Hand and Seal of such Justice; but in case the Damages sustained shall exceed the Sum of Five Pounds, then and in such Case the Master or Owner or Owners of such Boat, Barge, or other Vessel shall and may be sued for the same in any Court of Record at *Westminster*; and if a Verdict pass against him, or Judgement be given  
against



against him upon Demurrer or by Default, the Plaintiff in such Action shall recover his Damage thereby sustained, together with full Costs of Suit.

CIII. Provided always, and be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel using the said Navigation shall be compelled to pay any Penalty, or render any Compensation for any Damage by reason of any wilful Neglect or Default of or done or committed by his or their Servant, such Servant shall be liable to repay such Penalty and Compensation to such Owner or Owners; and in case of Non-payment upon Demand thereof, on Oath being made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Compensation, and that the same hath not been repaid to him, her, or them by such Servant, or by any Person or Persons on his Behalf, although demanded, (which Oath shall be made before some Justice of the Peace for the County or Place wherein such Penalty and Satisfaction shall have been recovered), the same Penalty and Satisfaction, together with the Costs incurred and paid by such Owner or Owners by reason thereof, shall be levied and recovered of such Servant in such and the same Manner in all respects as any Penalty or Forfeiture is by this Act directed to be levied and recovered by and before any Justice of the Peace.

If any Owner pay Money for Damages done by his Servant, it may be recovered back from him.

CIV. Provided always, and be it further enacted, That in all Cases where in the Exercise of any of the Powers of this Act, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or rendered inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company of Proprietors or their Successors shall at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so intended to be cut through, taken, or injured as aforesaid, and as near thereto as may be, and shall cause the same to be put into good and substantial Order and Condition.

Where Roads are injured, others to be made.

CV. And be it further enacted, That the said Company of Proprietors shall be liable to be indicted at Common Law for neglecting to construct Stone or Brick Bridges in all Highways over and across the said Canal and Branches, Sluices and Trenches, together with proper Wing Walls, Ramparts, and Side Banks over and from such Bridges; or for not repairing and keeping the same in Repair.

Company indictable for not making Highways, &c.

CVI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required at their own Expence, after any Land shall be taken for the Use of the said intended Canal, Branches, and Railways respectively, or any of the said Towing Paths, to divide and separate and keep constantly divided and separated the Towing Paths on the Sides of the said intended Canal and Branches, and the Trenches, Feeders, and Passages, Railways and other Works hereby authorized to be made from the Lands or Grounds adjoining the same respectively, with good and sufficient Posts, Rails, Hedges, Ditches, or other Fences, and

Towing Paths to be fenced from adjoining Lands.

Gates and Stiles to be erected for the Accommodation of Occupiers of Land.

shall at their own Expence from Time to Time maintain and support the said Towing Paths, Railways, and other Works, and also the said Posts, Rails, Ditches, and other Fences so directed to be made as aforesaid; and that the said Company of Proprietors shall also at their own Expence make, erect, support, and keep in good Repair for the Accommodation and Convenience of the Owners and Occupiers of the Lands, Grounds, and Hereditaments adjoining the said Navigation and Towing Paths, such and so many convenient Gates and Stiles in and through the Hedges and other Fences so herein-before directed to be made by them as aforesaid, at such Places and of such Dimensions and in such Manner (in case of any Dispute about the same) as the Justices of the Peace of the County or Place within which such Dispute shall arise shall, at the General Quarter Sessions, or General Sessions of the Peace, from Time to Time judge necessary and direct.

If the Company do not fence off and repair Towing Paths, &c. Land Owners may at the Company's Expence.

CVII. And be it further enacted, That in case the said Company of Proprietors shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said Towing Paths, Railways, and other Works, and also such Gates and Stiles in and through the said Fences, or to make such Watering Places for Cattle as herein-before directed, or to repair, maintain, and support such Fences, Gates, Stiles, and Watering Places when set up, erected, and made in Manner aforesaid, for the Space of Twenty-one Days next after the Times to be respectively appointed by the said Justices at the said General Quarter Sessions or General Sessions as aforesaid for those Purposes, or after Notice shall have been given by or on Behalf of such Owners or Occupiers as shall feel themselves aggrieved by such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up such Fences, Gates, Stiles, Watering Places and other Conveniences as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion may require; and all the reasonable Expences thereof shall be repaid to such Owners and Occupiers respectively, within the Space of Twenty-one Days next after the same shall have been settled and allowed by Two or more Justices of the Peace for the said County, and an Account thereof delivered to the said Company of Proprietors, and in Default of such Payment such Owners or Occupiers respectively shall and may sue for and recover the same against the said Company of Proprietors by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Canal to be measured and Stones to be erected.

CVIII. And be it further enacted, That as soon as conveniently may be after the said intended Canal and Collateral Branches hereby respectively authorized to be made shall be completed, the said Company of Proprietors shall cause the same to be measured, and Stones or Posts to be erected and for ever afterwards maintained on the Side or Sides thereof respectively, at the Distance of One Mile from each other, with proper legible Marks thereon, denoting the Distance from such Places as may be thought proper.

Company to make Bridges across Roads.

CIX. And be it further enacted, That the said Company of Proprietors shall not make the said intended Canal or either of the said Collateral Branches, or any Trench, Feeder, or Watercourse on or across any common Highway, public Bridle Way or Foot Path, until they shall at their own Expence have made and perfected proper Bridges, Arches,  
or

or other sufficient Roads or Passages to and across the same respectively with Wing Walls, Ramparts, and Side Banks belonging or approaching to, over, and from such Bridges, the same to be of such Dimensions, and to be constructed in such Manner as the said Justices at the said General Quarter Sessions or General Sessions as aforesaid shall judge proper; and all such Gates, Stiles, Bridges, Arches, Roads, or Passages, and other Works and Conveniences so to be made, erected, and constructed, shall from Time to Time be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors in the same Manner and for the same Extent, (as to such Bridges, Arches, and Roads or Passages as last aforesaid), as Counties are in other Cases by Law bound or obliged to do.

CX. Provided always nevertheless, and be it further enacted, That in case it shall appear to the said Company of Proprietors or to their Engineer, that on account of the Situation of any of the Bridges intended to be made over any Part of the said Canal or Branches, a Swivel or Wooden Bridge would be more convenient to the Public, or as convenient to the Public, and more commodious or less expensive to the said Company of Proprietors than a Bridge of Stone or Brick, then and in such Case, upon Application being made to such of His Majesty's Justices of the Peace as may be assembled at any General Quarter Sessions of the Peace to be holden for the County in which such Bridge is intended to be made, or any Adjournment thereof by or on Behalf of the said Company of Proprietors, it shall be lawful for such Justices upon Proof of Fourteen Days Notice of such intended Application having been previously given to the Surveyors of the Highways within the Parish, Township, or Place wherein such Bridge is proposed to be erected, or to any One or more of them, to inquire into the Premises, and to determine, order, and direct whether any such Bridge shall be constructed of Brick or Stone, or shall be merely a Wooden or Swivel Bridge, and of what Ascent the Approach to such Bridge shall be, any Thing herein-before contained to the contrary thereof notwithstanding.

Quarter Session to determine in certain Cases what Bridges shall be made.

CXI. And be it further enacted, That the said Company of Proprietors shall, at the Expence of the said Company, also construct and erect a substantial Bridge of Masonry, not less than Twenty Feet wide in the Road Way, so as to form a Communication over the said Canal hereby authorized to be made, at the Place where the present Military Road shall be intersected or otherwise cut off by Means of such Canal; and shall also construct a wooden Horse Bridge over the said Royal Military Canal, to connect the Towing Paths of the said Two Canals together at such their intended Junction as aforesaid; and also that the said Company of Proprietors shall bear and defray the Expences of such Alteration in the Rampart of or in the Military Road belonging to the said Military Canal, which shall be deemed expedient to be made in consequence or by reason of such Junction of the said Two Canals as aforesaid: Provided always, that no Lock shall be made on the said Canal hereby authorized to be made, within the Distance of Half a Mile of the Junction thereof with the said Military Canal.

Company to erect Bridges where the Military Road is intersected by the Canal, &c.

No Lock to be made within Half a Mile of the Junction of the Canals.

CXII. And be it further enacted, That it shall not be lawful for the Commissioners of the said Royal Military Canal, or any other Person or Persons

Commissioners of the Military Canal not to

obstruct the Navigation of that Canal, except in certain Cases.

Persons acting under their Authority, to shut up or obstruct the Passage, to, or in any Manner interrupt the free Intercourse (subject to the Rules and Regulations now in force on the said Royal Military Canal) between the Place of Junction of the said Military Canal and the Canal hereby authorized to be made, with the Harbour of *Rye* aforesaid, save and except in the Event of an actual Invasion of the Coast of *Kent* or *Suffex* by His Majesty's Enemies, or in case the Level of the Water in the said Royal Military Canal shall at any Time or Times unavoidably sink below a certain Mark to be fixed and erected in solid Masonry in or upon the said Military Canal; such Mark to be so fixed and erected as to leave the Depth of Water in the same Canal Six Feet at the least below such Mark.

Penalty on Persons leaving open Drawbridges,

or wilfully opening the same without Occasion.

CXIII. And be it further enacted, That in case any Swivel Bridge or Drawbridge or Bridges shall be laid over or across any Part of the said intended Canal and Branches, Trenches and Passages for Water to be made by virtue of this Act, all and every Person and Persons opening any such Draw or Swivel Bridge for the Passage of any Boat, Barge, or other Vessel, shall from Time to Time so soon as such Boat, Barge, or other Vessel shall have passed such Bridge, shut and fasten the same, and that every Person neglecting so to do shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and in case any Person or Persons shall wilfully open any such Draw or Swivel Bridge when no Vessel is about to pass through the same, so as to interrupt the free Passage for Travellers, Cattle, or Carriages, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, which said Penalties and Forfeitures shall be paid and applied, One Moiety to the Informer, and the remaining Moiety to the Use of the said Company of Proprietors.

Works damaged by Floods to be immediately repaired, and to that End Stones, &c. may be dug from the adjoining Lands.

CXIV. And be it further enacted, That in case any Lock, Weir, Flood Gate, Dam, Bank, Basin, Trench, or any other of the Works belonging to the said intended Navigation shall be so injured, destroyed, or affected by any Flood or other unexpected Cause or Accident, that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further Injury, it shall and may be lawful to and for the said Company of Proprietors from Time to Time, or to and for their or any of their Agents, Servants, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or lying contiguous to the said intended Canal or either of the said Branches or other Works, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Park, Paddock, Planted Walk, Nursery for Trees, Shrubbery or Avenue to a House), and to dig for, work, take, carry away, and use all such Stones, Gravel, and other Materials as may be requisite and proper for the Purposes aforesaid, without any previous Treaty whatever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will admit, and making Recompence for the same to the several Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Twenty-one Days next after the same shall be demanded; which Damages, and the Compensation to be made for the same shall be settled, determined, assessed,

and recovered in the same Manner and by the same Means as are herein prescribed with respect to other Damage to be done in and about the making and maintaining the said intended Navigation and the several Works thereto belonging.

CXV. And, to the End that the said Navigation may be carried on with as little Prejudice to private Property as possible; be it further enacted, That the said Company of Proprietors shall and they are hereby required at their own Expence to make or cause to be made such Arches, Tunnels, Drains, or other Passages over, under, or into the said intended Canal and Branches, and the Cuts, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or near to the said intended Navigation, without obstructing or impeding the same; and likewise to make or cause to be made such Back Drain or Drains as may be requisite and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal or either of the said Branches, to the Prejudice of the Lands or Grounds contiguous thereto, making Satisfaction for the Grounds so used for the same; and that all such Arches, Tunnels, Drains, and other Passages shall from Time to Time be supported, maintained, and kept in good and sufficient Repair by the said Company of Proprietors.

Company to  
make Drains  
in the ad-  
joining Lands.

CXVI. And be it further enacted, That if at any Time the Ditches or Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous to the said Canal and Branches or any Part thereof respectively, shall not be sufficiently open for the free Passage of the Water from the Drains, Culverts, and Passages belonging to the said Canal or either of the said Branches, and the same shall not be remedied within Twenty-one Days after Notice for that Purpose shall have been given to such Owner or Occupier by the Clerk to the said Company of Proprietors, having an Order for that Purpose in Writing under the Hands of any Three or more Justices of the Peace for the said County, as often as there shall be Occasion to direct and procure such Ditches and Drains to be properly opened and cleansed, and the reasonable Expences thereof shall be repaid to the said Company of Proprietors by such Owner or Occupier, and in case of Refusal to satisfy the same for the Space of Twenty-one Days after Demand made thereof, the same shall and may be sued for by Action of Debt or on the Case, in any Court of Record at *Westminster*, and be recovered with full Coists of Suit, or otherwise recovered before any Justice or Justices of the Peace for the County wherein such Lands shall lie, in the same Manner as any Penalties are herein-after directed to be recovered.

Company  
may cleanse  
adjoining  
Ditches at  
the Expence  
of Occupiers.

CXVII. And be it further enacted, That where by Means of making the said Navigation any Cattle which used to depasture in the adjacent Lands or Grounds shall be deprived of their usual Watering Place, without having any other to which they can resort, the said Company of Proprietors shall at their own Expence set out and provide proper and convenient Places in the Lands adjoining to the said Navigation for Cattle to water at and drink out of in every such Ground; in lieu and stead of the Watering Place or Places of which they shall be so deprived, and to

Watering  
Places to be  
made for  
Cattle.

[*Loc. & Per.*]

17 F

supply

supply such newly made Watering Places, or such of them as shall be situate in the Lands adjoining the said Navigation with Water out of the same, in case the same shall be found to be necessary.

Compensa-  
tion to be  
made for  
Tythes.

CXVIII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, as well great as small, which would have been issuing from or payable in respect of the Lands, Tenements, and Hereditaments which shall be taken and used for the Purposes of this Act, to the several Persons entitled or who would have been entitled to such Tythes, in case such Lands had not been so taken or made use of according to their respective Interests therein, such Tythes to be estimated at the average Value of Four Years, commencing at *Michaelmas Day* One thousand eight hundred and eight, such average Value (in the Event of any Controversy or Dispute concerning the same) to be ascertained and settled in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that the Recompence and Satisfaction to be made by virtue of this Act for all Glebe Lands and Tythes belonging to Spiritual Persons shall not be made to such Persons by a Sum in Gross but by an Annual Rent; and in case such annual Rent shall not be paid within Thirty Days next after the same shall become due, such and the same Means shall and may be resorted to and made use of for recovering the same as are herein-before authorized and directed in Cases of other annual Payments.

How reco-  
verable.

Owners of  
Lands may  
erect Wharfs.

CXIX. And be it further enacted, That the Lord or Lords of any Manor, and the Owner or Owners of any Lands or Grounds into or through which the said intended Navigation and Collateral Branches or either of them, or any Part thereof, is intended to pass, or any Railway shall be made, may erect and use any Wharfs, Quays, Landing Places, Cranes, Weighing Beams, or Warehouses in or upon their respective Lands, Grounds, or Wastes adjacent, or lying contiguous to the said intended Canal, Branches, Railways, or other Works, and may land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Navigation; and may also make and use proper and convenient Places for Boats, Barges, and other Vessels to lie in, turn, and pass each other, provided the making or using thereof do not in any Case prejudice the Navigation of the said intended Canal and Branches or any Part thereof respectively, or any of the Towing Paths on the Sides thereof; and all Rates to be paid for the Use of such Wharfs, Quays, Landing Places, Cranes, Weighing Beams, and Warehouses respectively, shall be and the same are hereby vested in the Lord or Lords of such Manor, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid.

If they neg-  
lect to do so,  
the Company  
may erect  
Wharfs, &c.

CXX. Provided always, and be it further enacted, That in case any such Lord or Lords, Owner or Owners, shall not within the Space of Twelve Calendar Months next after Notice given in Writing to him or them, by or on Behalf of the said Company of Proprietors, that any Part of such Lands, Grounds, or Wastes is necessary or proper to be used by them for the Purpose of erecting Wharfs, Warehouses, or Buildings for the Use of the said Navigation, or for making convenient Roads for the Conveyance of Goods or other Things to or from the said Canal and

Branches

Branches or any Part thereof respectively, make, erect, and lay out, and from Time to Time maintain and keep in good Repair such proper and convenient Wharfs, Warehouses, Buildings, and Roads for the Use of the said Navigation as the said Committee of Management may think necessary, on the respective Parts of the Lands or Grounds described in such Notice, then the said Company of Proprietors shall have full Power and Authority without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes for erecting proper and sufficient Wharfs, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Canal and Branches respectively, agreeably to such Notice, first making or tendering Satisfaction for such Lands, Grounds, or Wastes so to be made use of, in the same Manner as is directed with regard to other Lands or Grounds which may be taken for the Purposes of this Act.

CXXI. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons to make use of any Wharfs, Quays, Landing Places, Weighing Beams, or Warehouses which shall be made, erected, or set up by the Lord or Lords, Owner or Owners of any Manor, Lands, or Grounds adjoining or lying contiguous to the said Canal and Branches respectively, for his, her, or their own exclusive private Use, or to erect or set up any Cranes or Weighing Machines in or upon any such private Wharfs, Quays, or Landing Places without the Consent of such Lord or Lords, Owner or Owners; and that no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Owner or Owners, who shall make, erect, or build any such Wharfs, Quays, or Landing Places, and make and lay out any such Roads for the public Use as aforesaid, for the Wharfage of any Coals, Lime Stone, Clay, Iron, Iron Stone, Lead, or any other Ore, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure whatsoever, which shall be placed upon any such Wharfs or Quays, and continue thereupon for any Time not exceeding One Calendar Month, nor more than Two-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandize, or Commodity whatsoever, which shall be placed upon any such Wharfs or Quays, and continue thereupon for any Time not exceeding Fourteen Days; but in case any of the Articles before specified, or any other Goods, Wares, Merchandize, or Commodities whatsoever, which shall be left and remain on any such Wharfs or Quays for any Time over and above the Period before limited for the same respectively, then the Owner or Owners thereof shall pay to the Proprietors of such Wharfs, Quays, or Landing Places respectively, the further Sum of One Halfpenny *per* Ton for every Day which the same shall remain upon such Wharfs or Quays after the Expiration of the Time before limited for the same respectively.

Regulations  
respecting  
Private  
Wharfs, &c.

CXXII. And be it further enacted, That in case any Person or Persons navigating or intrusted with the Care of any Boat, Barge, or other Vessel upon the said Canal and Branches, or any Part thereof respectively, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Duties hereby made payable, load, unload, or take into any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever liable to pay any of the Tolls, Rates, or Duties herein.

Penalty on  
Persons  
taking in or  
unloading  
Goods except  
at public or  
private  
Wharfs,

or doing any other Act to evade the Tolls.

herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Navigation, without having previously obtained Permission in Writing for that Purpose from the Committee of Management, or from some one of the Agents or Collectors of the Tolls to the said Company of Proprietors; or in case any Person or Persons shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds.

Places to be made for Vessels to turn in, &c.

CXXIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors and they are hereby required, in such Parts of the said Canal and Branches respectively as shall not be of sufficient Breadth for admitting a Boat, Barge, or other Vessel to turn about and lie, or Two Boats, Barges, or other Vessels to pass each other, to open and cut proper Spaces and Places in the Lands adjoining the said Canal and Branches respectively, at convenient Distances from each other, for the Purpose of admitting such Boats, Barges, and other Vessels to turn, lie, and pass each other; and that every Boat, Barge, or other Vessel shall, upon meeting any other Boat, Barge, or other Vessel, stop at or return to and lie in such Spaces or Places so made for that Purpose, in such Manner as the said Committee of Management shall by any Writing under their Hands direct and appoint.

Boats obstructing the Navigation to be removed;

if sunk, to be weighed up.

CXXIV. And be it further enacted, That in case any Boat, Barge, or other Vessel shall be placed or suffered to remain in any Part of the said Canal or Branches, so as to obstruct the free Navigation thereof, and the Owner or Person intrusted with the Care of such Boat, Barge, or other Vessel shall not immediately on Request being made for that Purpose remove the same, he shall for every such Offence forfeit and pay the Sum of Twenty Shillings for every Hour he shall permit such Obstruction to remain after being so requested to remove the same; and it shall be lawful for any Agent or Officer belonging to the said Company of Proprietors to cause any such Boat, Barge, or other Vessel to be unladen (if necessary), and to be removed in such Manner as shall be thought proper for preventing such Obstruction, and to detain the same and the Lading thereof until the Charges occasioned by such Removal be paid; and in case any Boat, Barge, or other Vessel shall be sunk in the said Navigation, or any Sluice, Trench, or Watercourse as aforesaid, and the Owner or other Person having Care thereof shall not without Delay weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain the same until Payment be made of all the Expences necessarily incurred by reason thereof.

Penalty on Persons obstructing the Navigation, throwing Ballast or Rubbish into the Canal, or opening Locks.

CXXV. And be it further enacted, That if any Person shall float any Timber or other Substance upon the said Canal or Branches, or any Part thereof respectively, or shall load any Boat, Barge, or other Vessel with Timber or any other Thing, so that the same shall lie and project over the Side of any such Boat, Barge, or other Vessel, or shall overload any Boat, Barge, or other Vessel navigating in or upon any Part of the said Canal or Branches respectively, so as to obstruct the free Passage of any other Boat, Barge, or other Vessel, and shall

not



not immediately on Request being made to him for that Purpose, remove such Obstruction; or in case any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Canal or Branches respectively, or into any Trenches, Sluices, Watercourses, or other Works to be made by virtue of this Act; or in case any Person or Persons shall wantonly, carelessly, or negligently open or cause to be opened any Lock, or any Gate, Valve, Sluice, or Clough belonging to any Lock or any Machine to be erected on the said Canal or either of the said Branches, or shall leave open any Gate upon any Railway, or suffer any Boat, Barge, or other Vessel to strike or run upon any of the said Bridges, Locks, or other Works, or shall wilfully draw off the Water from any Part of the said Canal or Branches, or cause the same to be done, or shall leave any of the Valves or Cloughs open after any Boat, Barge, or other Vessel shall have passed any Lock or other Machine; every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds.

CXXVI. And be it further enacted, That in case any Person shall wilfully and maliciously break, throw down, or destroy any Bank or other Work to be erected and made by virtue of this Act, or cause the same to be done, every Person so offending, and being thereof lawfully convicted, shall be guilty of Felony, and shall be transported in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm; or otherwise the Court before whom such Person shall be convicted, may in Mitigation of such Punishment, (if they think fit,) award any such other Punishment as the Law directs in Cases of Petit Larceny.

Persons wilfully destroying the Works.

CXXVII. And be it further enacted, That the said Canal and Collateral Branches or either of them, or any of the Works to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, any Law, Statute, Custom, or Usage to the contrary in anywise notwithstanding.

Canal, &c. not to be subject to the Commissioners of Sewers.

CXXVIII. And be it further enacted, That the Lord or Lords and Owner or Owners of all and every Manor and Manors through which the said Canal and Collateral Branches shall respectively be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal and Branches, Reservoirs, Trenches, and Sluices as shall be made over and through the Common or Waste Lands within his, her, or their Manor or Manors, and also in, over, or through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, Owner or Owners now have or hath, or is or are entitled to the Right of Fishery in the Ponds, Streams, and Waters now being in such lastly-mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said intended Navigation shall be carried, shall in like Manner have and be entitled to the Right of Fishery of and in so much of the said Canal and Branches, Cuts, Sluices, Reservoirs and Trenches respectively, as shall be made in, over, or through his, her, or their Lands or Grounds; and that it shall be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Ground, (being qualified by the Laws of this Realm so to do), to take and kill Game upon so much of the said Canal or Branches respectively, Cuts, Sluices, Reservoirs, Trenches,

Reserving Rights to Fisheries, &c.

[Loc. & Per.]

17 K

Towing

but not so as  
to obstruct  
the Naviga-  
tion.

Towing Paths and other Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through his or their Lands or Grounds as aforesaid; provided nevertheless, that in the Exercise and Use of the said respective Rights of Fishery and Shooting, the said Canal and Branches, or the Navigation thereof, or of any Part thereof respectively, or any of the Reservoirs, Feeders, Trenches, Sluices, Towing Paths, Banks, or other Works and Conveniences hereby authorized to be made shall not be injured, prejudiced, or obstructed, or any Water drained or drawn off or exhausted from or out of the said Canal and Branches, or any Reservoir, Sluice, Watercourse, or Bed of Water; and that the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not in any Case be subject or liable to any Penalty, Action, or Prosecution for or by reason of the taking or destroying any Fish in the said Canal or Branches or other Works, through or by Means of the letting off the Water out of any Part of the said Canal or Branches, Reservoirs, Trenches, Sluices, or other Works, for or on Account of Repairs or Improvements to be done in and about the same, or any Part thereof.

Penalty on  
Persons using  
Nets, &c.

CXXIX. And be it further enacted, That in case any Person or Persons navigating or working, or being on board any Boat, Barge, or other Vessel upon the said Canal or either of the said Branches, (not being qualified by Law to kill Game, or hereby authorized to take Fish), shall carry on board any Fishing Net or other Engine for taking or destroying Fish or Game, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Command of any such Boat, Barge, or other Vessel, shall knowingly and wilfully permit such Person or Persons (not being qualified or authorized as aforesaid) to have or carry on board any Fishing Net or other Engine for taking or destroying Fish or Game, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For returning  
to the suc-  
ceeding Sub-  
scribers a Pro-  
portion of the  
unexpended  
Part of the  
Deposits.

CXXX. And whereas divers Persons, Subscribers to the Works herein authorized to be made before the last Session of Parliament, who had paid Deposits of certain Sums for the Prosecution of the Surveys and other Measures necessary to be taken previously to the Application to Parliament for this Act, withdrew their Names from the List of Subscribers for carrying this Act into Execution on or before the Twenty-ninth Day of *February* next before the passing of this Act; and it hath been agreed that such Part of the Sums of Money so deposited as aforesaid, as remained unexpended on the Twenty-fifth Day of *December* next preceding the passing of this Act, shall be repaid to the Persons so withdrawing as aforesaid; be it therefore enacted, That the said Committee of Management shall and they are hereby empowered and required within Three Calendar Months after the passing of this Act, to nominate and appoint some indifferent Person on the Part and Behalf of the said Company of Proprietors, as an Arbitrator to meet such Person as shall be nominated and appointed at any Meeting to be holden of the said Subscribers so having withdrawn as aforesaid, as an Arbitrator on the Part and Behalf of the said Subscribers; and such Arbitrators shall and they are hereby empowered and required to meet and appoint an Umpire, and such Arbitrators and Umpire shall examine the Accounts of Monies received and disbursed in the Prosecution of the said Undertaking, previously to the  
said

faid Twenty-fifth Day of *December*, and assess and ascertain what Sum remained unexpended on the said Twenty-fifth Day of *December*, in respect of every Share subscribed for towards the said Undertaking; and the said Arbitrators and Umpire or any Two of them, shall and they are hereby empowered and required within Two Calendar Months after their Appointment, to make and publish their Award accordingly, and upon such Award the said Committee of Management shall within One Calendar Month from the Publication thereof, pay or cause to be paid to the said Subscribers so having withdrawn as aforesaid, such Sum as shall be so awarded as aforesaid, in respect of every Share subscribed for in the said Undertaking, expressed in any Receipt or Receipts produced by such Subscribers so having withdrawn as aforesaid: Provided always, that it shall be lawful for His Majesty's Court of King's Bench, upon Application made for that Purpose, and sufficient Cause stated, to extend the Period for making any such Award as aforesaid, or to make any Order for the Payment of any Proportion of such Deposit, in case of any Neglect or Refusal of the said Committee of Management to appoint any Arbitrator as aforesaid.

CXXXI. And be it further enacted, That all Fines, Penalties, or Forfeitures not exceeding the Sum of Twenty Pounds for Offences against this Act, or against any Rule, Bye Law, Order, or Regulation to be made in pursuance of this Act, the Manner of levying and recovering whereof is not herein-before particularly directed, shall upon Proof of the Offences respectively before any Justice of the Peace acting in the County wherein the Offence shall be committed, either on the Confession of the Party or Parties offending, or by the Oath of any credible Witness, (which Oath such Justice of the Peace is hereby empowered and required to administer) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, and the Overplus after such Fines, Penalties, or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, and such Fines, Penalties, or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice by Warrant under his Hand and Seal to commit such Offender or Offenders to the Common Gaol or House of Correction for the County wherein such Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Fines, Penalties, or Forfeitures, and all reasonable Charges attending the Recovery thereof shall be sooner paid and discharged; and all such Fines, Penalties, and Forfeitures, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer of the said Company of Proprietors, and be applied for the Purposes of this Act.

Recovery of Penalties by Distress.

Application of Penalties.

CXXXII. And be it further enacted, That when any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceeding relating thereto; nor shall the Party or Parties distraining be

Persons taking Distress not to be deemed Trespassers ab initio.

deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

CXXXIII. And, for the more easy and speedy Conviction of Offenders against this Act; be it further enacted, That every Justice before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; *videlicet*,

Form of the  
Conviction.

County of  
to wlt.

}<sup>c</sup> **B**E. it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year of our Lord \_\_\_\_\_  
' *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the  
' Peace for the said County of \_\_\_\_\_ [*specifying the Offence, and*  
' *the Time and Place when and where the same was committed.*] Given  
' under my Hand and Seal the Day and Year first above mentioned.'

Proceedings  
not to be  
quashed for  
want of Form,  
or removed  
by Certiorari.

CXXXIV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Appeal.

CXXXV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, relating to the Execution of this Act, may within Six Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the County in which such Cause of Appeal shall arise, (such Appellant or Appellants first giving Twenty-one Days Notice of such Appeal to the Party interested therein, and of the Nature thereof, and within Seven Days after giving such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Award of the said Court thereon), and the said Justices shall, upon due Proof of such Notice having been given, and Recognizance entered into, hear and determine the said Appeal at such Quarter Sessions; and it shall be lawful for the said Justices, if they see Cause, to mitigate any Forfeiture or Fine, and order any Money to be returned which shall have been levied in pursuance of any Rule, Bye Law, Order, and Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall consider to be reasonable and proper, any Thing herein-before contained or implied to the contrary notwithstanding.

Limitation of  
Actions.

CXXXVI. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be brought and commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing the same shall

shall cease and not afterwards; and every such Action shall be brought, and the Venue laid, in the County where the Fact or Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall be at Liberty to plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and insist that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action, Suit, or Information shall be brought otherwise than as before directed, then and in such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall be entitled to Treble Costs, and shall have such Remedy for the same as any Defendant hath for his Costs of Suit in any other Case by Law.

CXXXVII. 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 the foregoing Act refers.

LINE from the MEDWAY to the ROYAL MILITARY CANAL.

Nos. on the Plan.	Land Owners.	Occupiers.	Parishes.	Description of Property.
14	Thomas Beslee -	William Taylor -	Cranbrook -	Orchard.
28	William Bonny -	Himself -	- ditto -	Orchard.
25	Thomas Goble -	Himself -	Biddenden -	Orchard.
48	The Reverend Richard Cooke Tylden Pattenfon -	Himself -	- ditto -	Park.
46	James Jennings -	Himself -	Halden -	Shed and Yard.
48	James Blackmore -	Thomas Record -	- ditto -	Shed.
49	- ditto -	- ditto -	- ditto -	Yard.
51	- ditto -	- ditto -	- ditto -	Orchard.
57	Mrs. Farmer -	Benjamin Samson -	Tenterden -	Shed and Yard.
10	Sir Edw. Hales, Bart. -	Ruben Young -	Ebony -	Garden.

BRANCH to HOPE MILL.

43	Elizabeth Standen -	Catherine Udall -	Goudhurst -	Garden.
89	George Courthope, Esq. -	Samuel Atwood -	- ditto -	Garden.

BRANCH to near the CHALK HILLS.

18	John Ellis -	Dorothy Randle -	Woodchurch -	Orchard and Garden.
19	Richard Greenhill -	James Potts -	Ashford -	Garden and Shed.
21	Ditto, as Trustee for Sarah Aulten and Children -	- ditto -	- ditto -	Garden.
20	Edward Hughes -	Edmund Butler -	Willesborough -	Garden.

RESERVOIR and FEEDER in Cranbrook, Biddenden, and Frittenden, and distinguished on the Plan by the Letter A.

58	Stephen Bates -	Himself -	Cranbrook -	Shed, Garden, & Orchard.
85	Sir Horatio Mann, Bart. -	John Butler -	- ditto -	Road and Yard.
215	- ditto -	William Relf -	Biddenden -	Stable-yard and Garden.
212	- ditto -	Samuel Driver -	- ditto -	Upper Mill Pond.
223	- ditto -	- ditto -	- ditto -	Lower ditto.
225	- ditto -	- ditto -	- ditto -	Orchard.
226	- ditto -	- ditto -	- ditto -	Garden.
227	- ditto -	- ditto -	- ditto -	Yard.
228	- ditto -	- ditto -	- ditto -	House, Yard, Mill, &c.

RESERVOIR and FEEDER in GOUDHURST, and distinguished on the Plan by the Letter D.

134, 135	George Courthope, Esq. -	John Foreman -	Goudhurst -	Orchards.
145	Thos. Miller, Esq. -	Philip Town -	- ditto -	Ash Plantation.