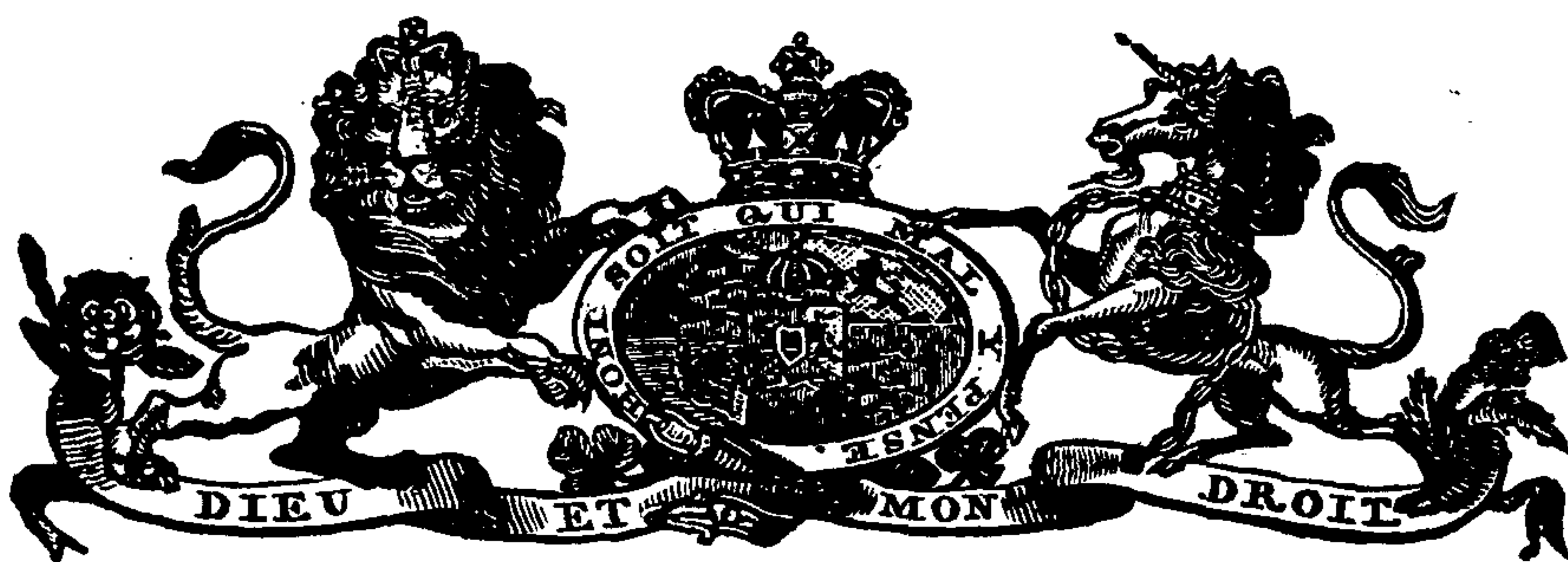




ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xi.

An Act to authorize the Company of Proprietors of the *Canterbury* and *Whitstable* Railway to vary the Line of the Railway, to raise a further Sum of Money for completing their Works, and to alter and enlarge the Powers of the Act passed for making and maintaining the said Railway. [2d April 1827.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tramroad from the Sea Shore, at or near Whitstable in the County of Kent, to or near to the City of Canterbury in the said County*; which Railway or Tramroad was by the said Act authorized and directed to be made in the Line or Direction described and set forth in a certain Map or Plan and Book of Reference deposited with the Clerk of the Peace for the said County of *Kent*, as in the said Act is mentioned; and by the said Act several Persons are united and made One Body Politic and Corporate, by the Name and Style of "*The Canterbury and Whitstable Railway Company*," for making such Railway, and the several other Works necessary for carrying the said Act into Execution: And whereas great Progress has been made in the said Railway or Tramroad thereby authorized to be made, but in consequence of the very
[Local.] M m serious

6 G. 4. c. 120.

serious and unexpected Cost and Expence of making a Tunnel on the said Railway, and the increased Cost of the Land taken for the same beyond the original Estimate, and other unforeseen Expences, the Capital authorized to be raised by the said recited Act is found inadequate for the Completion of the said Undertaking, and it is expedient that Power should be granted to raise a further Sum of Money, by the Creation of new Shares, to enable the said Company of Proprietors to complete the same: And whereas it has been found and ascertained, in the Course of the Operations now in Progress under the Powers of the said recited Act, that the Line of the said Railway or Tramroad thereby authorized to be made may be materially improved by making the Deviation and Alteration herein-after described or referred to, and also by making and constructing the Branch Railways or common Cart Roads herein-after respectively described: And whereas it is found to be expedient that Rates and Duties should be levied upon Ships, Vessels, Passengers, and Goods resorting to, using, landing, or passing upon the Piers, Wharfs, Landing Places, Quays, and other Works authorized by the said recited Act to be made and constructed in or near the Bay of *Whitstable* aforesaid: And whereas it is expedient that several of the Powers and Provisions contained in the said recited Act should be respectively altered, extended, amended, enlarged, explained, and repealed, in manner herein-after mentioned; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the several Powers, Privileges, Authorities, Advantages, Directions, Restrictions, Provisions, Rates, Tolls, Duties, and other Matters and Things therein contained, so far as the Nature and Circumstances of the Case will admit, (except such as are by this Act altered or repealed,) shall be as good, valid, and effectual for the several Purposes of this Act, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of
recited Act
extended to
this Act.

Power to
alter the
Line.

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 authorized and empowered, to make such Deviation in the Line of the said Railway or Tramroad, authorized to be constructed as in the said recited Act mentioned, as are herein-after expressed and specified; (that is to say,) the said Deviation to be made from or near to the North-east Corner of a certain Field belonging to *Deane John Parker* Esquire, and numbered 9 in the Schedule annexed to the said recited Act of the Lands lying in the Parish of *Saint Stephen* otherwise *Hackington*, through certain other Land and Property of the said *Deane John Parker*, over and upon a Piece or Parcel of Freehold Arable Land belonging to and in the Occupation of *George Baker* Esquire, a Piece or Parcel of Meadow Land belonging to *Edward Darell* Esquire, several Pieces or Parcels of Land belonging to his Grace *Charles* Lord Archbishop of *Canterbury*, and severally leased to or in the several Occupations of the said *George Baker* and *Thomas Foord* Esquire, and into, over, and upon certain Farm Yards, Land,

Hereditaments, and Premises belonging to the said *Deane John Parker*, and a Piece or Parcel of Meadow or Pasture Land belonging to the said Lord Archbishop of *Canterbury*, and leased to or in the Occupation of the said *Thomas Foord*, so as to open a direct Communication between the said Railway or Tramroad and a certain Street or Lane called *North Lane* in the Parish of *Holy Cross Westgate*, near to the said City of *Canterbury* in the said County of *Kent*, and so as to make the said Farm Yards, Lands, and Hereditaments last mentioned, or some Part or Parts thereof respectively, the principal Station at the *Canterbury* End of the said Railway or Tramroad.

III. 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, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, in addition to the said Main Railway or Tramroad by the said recited Act and this Act respectively authorized to be made as aforesaid, to make, complete, and maintain a Branch Railway or common Cart Road from *Saint Dunstan's Street* through *Croker Lane*, in the Parishes of *Saint Dunstan* and *Holy Cross Westgate*, in the said County of *Kent*, through, over, and upon the before-mentioned Piece or Parcel of Meadow or Pasture Land in the Occupation of the said *Thomas Foord*, to join and communicate with the said Main Line of Railway or Tramroad by this Act authorized to be made as aforesaid; and also to make, complete, and maintain another Branch Railway or common Cart Road from *North Lane* aforesaid over the River *Stour*, into and across a Piece or Parcel of Meadow or Pasture Land and Causeway belonging to the said *Deane John Parker*, lying and being in the several Parishes of *Westgate Within* and *Saint Peter the Apostle*, or One of them, in the said City of *Canterbury*, so as to open a Communication for the Purposes of the said Railway or Tramroad between *North Lane* aforesaid and *Pound Lane* and *Saint Peter's Lane* in the said City of *Canterbury*; and also to make, erect, execute, do, and perform all such Roads, Bridges, Works, Matters, and Things as shall be requisite and convenient for making, completing, and maintaining the said several Branch Railways or common Cart Roads in manner directed, and subject to the Provisions and Directions contained in and according to the true Intent and Meaning of this Act.

Power to
make Branch
Roads or
Cartways.

IV. And whereas a Map or Plan describing the Line of the said Deviation or Alteration, and also the Lines of the said several Branch Railways or common Cart Roads, and the Lands and Premises in, upon, and through which the said Variation and Branches respectively are to be made and carried, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands and Premises, hath been deposited at the respective Offices of the Clerks of the Peace for the said County of *Kent* and City of *Canterbury* and County of the same City; be it therefore further enacted, That the same Map or Plan and Book of Reference shall remain in the Custody of the said respective Clerks of the Peace, to the end and intent that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take

Plans and
Books of
Reference
deposited
with the
Clerks of
Peace to
remain there,
and be open
to Inspection.

Copies

Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the said Book of Reference.

Not to deviate more than One hundred Yards.

V. And be it further enacted, That the said Company of Proprietors in making the said intended Deviation and Branch Railways or common Cart Roads shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan.

Mistakes or Omissions in Book of Reference not to obstruct the making of the Deviation.

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

Houses and Gardens not to be used, except those specified in the Schedule.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize the said Company of Proprietors, or any other Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Deviation or Alteration in the said Railway, or the said Branch Railways or common Cart Roads or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-seven, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

Houses, &c. to be purchased within Five Years.

VIII. And be it further enacted, That if the said Company of Proprietors shall not, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as herein-after mentioned, the several Houses, Buildings, Lands, Tenements, and Hereditaments which they are by the said recited Act and this Act empowered to purchase, or so much thereof as they shall deem necessary or proper for the Purposes of the said recited Act and this Act, then and from thenceforth the Powers and Authorities

Authorities in and by the said recited Act and this Act granted to them for such Purpose only shall cease, determine, and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

IX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, by such Person or Persons as they shall appoint, and they are hereby authorized and empowered from Time to Time and at all Times to ask, demand, take, collect, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors, of and from all and every the Masters, Commanders, Owner or Owners, or other Person or Persons having the Rule or Command, or navigating any Vessel or Ship resorting to or using the Piers, Wharfs, Landing Places, Quays, and other Works to be erected by the said Company of Proprietors in or near the Bay of *Whitstable* aforesaid, for the Purpose of importing to or exporting from the same any Kind of Goods, Wares, Merchandize, or Passengers, the several Rates and Duties herein-after mentioned; (that is to say,)

Company
empowered
to take Rates
for the Use of
the Quays.

For all Goods, Wares, and Merchandize imported to or exported from the said Piers, Wharfs, Landing Places, Quays, and other Works, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding One Penny *per* Hundred Weight; and for any Parcel not exceeding One Hundred Weight, the Sum of One Halfpenny :

Rates.

For every Person landed upon or embarked from the said Piers, Wharfs, Landing Places, Quays, and other Works, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of One Shilling for each Person.

X. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments (not exceeding in the whole Ten Statute Acres), in such Place or Places as shall be deemed eligible or convenient, for the Purpose of making and erecting a Wharf or Wharfs, and also for the Purpose of making, erecting, forming, and providing any Coal Yards, Staiths, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Merchandize, or other Things carried or conveyed or intended to be carried or conveyed upon the said Railways, Tramroads, or common Cart Roads, or any of them; or for making or diverting any Roads, Avenues, or Ways leading thereto, or for any other Purposes whatsoever connected with the said Railway or Tramroad, which the said Company of Proprietors shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company of Proprietors and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes

Empowering
the Company
to purchase
Ten Acres of
Land for
Wharfs, &c.

[*Local.*]

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last

last aforesaid or any of them, in the same Manner that Parties are authorized and empowered to convey Lands under and by virtue of the said recited Act.

Company may sell Lands not required for the Purposes of this Act, and afterwards purchase and sell again, within the Limit or Quantity prescribed.

XI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered from Time to Time and at any Time or Times hereafter, to sell and dispose of any Lands, Tenements, and Hereditaments whatsoever, which they are hereby authorized and empowered to purchase and shall have actually purchased for the Purposes of this Act or the said recited Act, or any of them, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company of Proprietors shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought adviseable or expedient, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid, or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Quantity or Number of Acres to be purchased by the said Company of Proprietors, for any of the Purposes herein-before mentioned, shall not exceed at any one Time the Quantity or Number of Acres by this Act or the said recited Act specified or allowed for the same respective Purposes.

Treasurer upon Payment of Money to give Receipts.

XII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being of 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 of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Lands intended to be resold, to be first offered to Proprietors of adjoining Lands.

XIII. Provided always, and be it further enacted, That the said Company of Proprietors, before they shall sell and dispose of any such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person or Persons whose Land or Premises shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire and Intention in that Behalf to the said Company within Fifteen Days after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to purchase such Lands, Tenements, and Hereditaments, for the Space of Fifteen

Days, then and in every such Case an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Kent*, or for the said City of *Canterbury* (as the Case may require), by some Person or Persons not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was refused or declined or was not accepted or agreed to by the Person or Persons to whom the same was made, within the Space of Fifteen Days from the Day or Time of making the same, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was refused or declined, or was not accepted and agreed to within the Time aforesaid by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Company of Proprietors shall differ or not agree with respect to the Price thereof, then and in such Cases the Price or Prices thereof shall be ascertained by a Jury in the Manner by the said recited Act directed with respect to the disputed Value of Lands, Tenements, and Hereditaments to be purchased by the said Company of Proprietors in pursuance thereof, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by the said recited Act is directed with respect to the Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of the said recited Act and this Act.

XIV. Provided always, and be it further enacted, That in case the said Company of Proprietors shall purchase the said Ten Acres of Land and Hereditaments of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of such Land and Hereditaments so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Land or Hereditaments, in lieu of the Land or Hereditaments so sold as last aforesaid, of or from the same, or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity; nor shall it be lawful for the said Company of Proprietors to purchase, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate,

Cor-

Restraining
the Company
from pur-
chasing more
than Ten
Acres of
Land from
incapacitated
Persons.

Corporations Aggregate or Sole, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company of Proprietors any other Lands or Hereditaments in lieu or stead of such Ten Acres of Land and Hereditaments, or any Part thereof, so sold or disposed of by the said Company of Proprietors.

Company may raise the further Sum of 19,000*l.* amongst themselves, or by the Admission of new Subscribers.

XV. And to the end that the said Company of Proprietors may be enabled to carry on and complete the said Railway or Tramroad and other Works authorized to be made and completed by the said recited Act and this Act, be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise and contribute amongst themselves, or by the Admission of other Persons as Subscribers to the Undertaking, any further Sum or Sums of Money (not exceeding in the whole the Sum of Nineteen thousand Pounds); and all and every the new Share or Shares to be created in consequence thereof shall be deemed Personal Estate, and shall be transmissible as such; and all Bodies Politic, Corporate, or Collegiate, and other Persons, who shall subscribe for or towards raising the said new Shares, or who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies and Persons respectively as aforesaid, shall be and they are hereby declared to be the Owners or Proprietors of the said new Shares in the said Undertaking, and are hereby united to and incorporated with the said Company of Proprietors.

Company may borrow Exchequer Bills on the Credit of the Undertaking.

XVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to borrow of and from the Commissioners for carrying into Execution an Act of Parliament made and passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sum or Sums of Money as the said Company of Proprietors may deem expedient for the Purposes of the said recited Act and this Act, upon Mortgage or Assignment of the said Undertaking, and of all Tolls authorized to be collected and received by the said recited Act and this Act, subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the Third Year of His present Majesty and the Acts therein recited and referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

For ascertaining the Proprietor-

XVII. And whereas in Cases where the original Holder or Proprietor or Holders or Proprietors of any Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the

the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company of Proprietors, it may not be in the Power of any Officer acting for the said Company of Proprietors to ascertain who is or are the Owner or Proprietor or Owners or Proprietors of such Share, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share, or to maintain any Action or Suit or other Proceeding against him, her, or them, or his, her, or their Executors, Administrators, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid where the Right and Property of any Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers or any Proprietor thereof to any other Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner therein specified or herein otherwise provided, an Affidavit shall be made and sworn to by One or more credible Persons before any of His Majesty's Justices of the Peace for the County of *Kent* or for the City of *Canterbury*, as the Case may be, stating the Manner in which such Share or Shares hath been passed to such other Person, his or her Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to and left with the Clerk of the said Company of Proprietors, to the Intent that he may preserve the same, and enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors of the said Undertaking to be kept by the Clerks of the said Company of Proprietors; and in all or any of the said Cases, after Ten Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Clerks of the said Company of Proprietors, to the Person or Persons stated or claiming in such Affidavit to be the Owner or Owners of such Share or Shares, or left at his, her, or their last or usual Place of Abode, to pay his, her, or their Proportion of Money to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company of Proprietors, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company of Proprietors at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company of Proprietors; and in case there shall be no such Affidavit made and filed as aforesaid, then and in that Case such Notice as is herein-before directed to be given shall be served upon or left at the last Place of Abode of the Executors or Administrators of such Subscriber so dying, or of the Assignees or Trustees of such Subscriber so becoming bankrupt or insolvent, or, in the Event of the Share or Shares being disposed of as aforesaid, of the last Person appearing in the Book of the said Company of Proprietors to have been possessed of the same; and in case the last or usual Place of Abode of such Person or Persons cannot be ascertained upon due Inquiry, such Notice shall be inserted Three Times in the *London Gazette*; and in

ship of
Shares in cer-
tain Cases.

[*Local.*]

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case any Subscriber shall go out of the Kingdom, such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases and after such Notices, on Default being made, the said Share or Shares shall be forfeited in manner aforesaid, except only, in case of the Subscriber or Subscribers being abroad, the Share or Shares shall not be forfeited until the Expiration of Three Calendar Months after the Day on which such Notice shall have been left at his or her last or usual Place of Abode in *England*, or inserted in the *London Gazette* as aforesaid.

Regulations
as to the
Acquisition
of Shares.

XVIII. And whereas by the Marriage or Death of Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors, who shall file the same and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers of Sales of Shares in the said Railway or Tramroad; and before any Person who shall claim any Part of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk; or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn to or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, before a Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases, other than herein-before mentioned, when the Right and Property of any Share of the said Railway or Tramroad shall pass from the original Proprietor or Proprietors thereof to any other Person, by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person or Persons before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person, and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company of Proprietors, who shall thereupon enter and register the Name or Names of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the Clerk of the said Company of Proprietors shall be entitled to receive for each and every

every of such Entries as is herein-before directed the Sum of Two Shillings and Sixpence, and no more.

XIX. And whereas it is enacted in and by the said recited Act, that all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons who should by virtue of that Act have subscribed for or should become entitled to and be in the actual Possession of One or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, should be deemed a Proprietor of every such Share, and should have a Vote for and in respect of every such Share, (provided nevertheless, that no Proprietor should be entitled to more than Fifteen Votes in the whole, notwithstanding the Amount of the Subscription of such Proprietor might exceed such Number of Shares,) in the stated and special General Meetings to be held as therein-after appointed for carrying on the said Undertaking, which Vote or Votes might be given by him or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hands of such other Person, every such Proxy being a Proprietor of the said Undertaking, and every such Vote by Proxy should be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every such Question, Matter, or Thing, which should be proposed, discussed, or considered in any stated or special General Meeting of the said Company, should be determined by the Majority of Votes and Proxies then present: And whereas it is expedient that the same should be repealed; be it therefore enacted, That the same be and is hereby repealed.

Repealing
Clause of
recited Act,
directing how
Subscribers
shall vote.

XX. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of the said recited Act and this Act have subscribed for or shall become entitled to any Share or Shares, not exceeding Twenty, in the said Undertaking, and their, his, or her respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each and every such Share; and every such Body or Person as aforesaid who shall subscribe for or shall become entitled to Twenty Shares and upwards in the said Undertaking, their, his, or her respective Successors, Executors, Administrators, and Assigns, shall, over and above the Twenty Votes which he, she, or they shall have for and in respect of the first Twenty Shares, have an additional Vote for every Four Shares which they, he, or she shall have subscribed for or shall become entitled to in the said Undertaking beyond the said Number of Twenty Shares; and such Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hands of the other Proprietors appointing such Proxy; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing, which shall be proposed, discussed, or considered in any General or special General Meeting of the said Company, shall be determined by the Majority of Votes and Proxies then present; and at every such Meeting the Chairman thereof

Directing
how Sub-
scribers shall
vote.

thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote ; and the Appointment of such Proxies may be made according to the Form in the said recited Act.

Books of the Company to be *prima facie* Evidence of Proprietors of Shares.

XXI. And whereas it was by the said recited Act enacted, that upon the Trial of any Action to be brought by the said Company against any Owner of any Share in the said Undertaking, to recover any Sum or Sums of Money due or payable to the said Company for or by reason of any Call to be made by virtue of the said recited Act, it should only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as was directed by the said Act : And whereas it is expedient to facilitate the Means of such Proof ; be it therefore further enacted, That upon the Trial of any Action to be brought by the said Company, in which it shall be necessary to prove that the Defendant or Defendants was or were a Proprietor or Proprietors of some Share or Shares in the said Company, the Production of the Book or Books in which the Clerks of the said Company are by the said recited Act directed to enter and keep the Names and proper Additions of the several Persons entitled to Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, and of the several Persons who shall from Time to Time become Owners and Proprietors thereof, or be entitled to any Share therein, shall be *prima facie* Evidence of such Defendant or Defendants being a Proprietor or Proprietors, and of the Number or Amount of his, her, or their Shares therein.

All Meetings to be held in or within Ten Miles of Canterbury.

XXII. And be it further enacted, That from and after the passing of this Act, all and every the General and special General Meetings of the said Company of Proprietors, and also all and every the Meetings of Directors of the said Company, shall be held in or within the Distance of Ten Miles from the said City of *Canterbury*.

Company may allow Interest to Shareholders paying in advance, and charge Interest upon Defaulters.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to allow and pay Interest, at the Rate of Five Pounds *per Centum per Annum*, to all and every the Proprietors of Shares in the said Undertaking, upon all and every Sum and Sums of Money paid or to be paid by them in advance before the Calls upon their said Share or Shares shall be made payable, under and by virtue of the said recited Act and this Act ; and the said Company of Proprietors shall and may charge, demand, and recover Interest, at the said Rate of Five Pounds *per Centum per Annum*, upon and against all and every the Proprietors of Shares in the said Undertaking who shall be in arrear in Payment of the several Calls made or to be made upon them as aforesaid, for the Space of Seven Days after the said several Calls shall become payable.

XXIV. And

XXIV. And whereas, by an Act made in the Twenty-seventh Year of His late Majesty's Reign, intituled *An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other Public Passages and Places within the Walls of the City of Canterbury and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein*, it was (amongst other Things) enacted, for raising an additional Fund for the Purposes of the said Act, that from and after the passing of the said Act, for all Coal, Coke, or Cinder which should be brought or conveyed through any of the Turnpikes to be erected or appointed by virtue of the said Act, for the Purpose of collecting a Duty on such Coal, Coke, or Cinder, there should be paid to the respective Collectors to be appointed by virtue of the said Act the Sum of One Shilling *per* Chaldron for such Coal, Coke, or Cinder as had been usually sold by Admeasurement (every such Chaldron containing Thirty-six Bushels *Winchester Measure*), and the Sum of One Shilling *per* Ton for all such Coal, Coke, or Cinder as had been usually sold by Weight, and brought through such respective Turnpikes (every such Ton containing Twenty Hundred Weight), and so in proportion for every greater or less Quantity than a Chaldron or Ton; and the Commissioners appointed for putting the said Act into Execution, or any Nine or more of them, were thereby empowered to erect and appoint any Number of Turnpikes which they should think necessary or expedient within the Liberties of the said City, or at any of the Avenues leading into the said City, at any Distance not exceeding Three Miles from the said City, for the Purpose of collecting the said Duty on Coal, Coke, or Cinder, and the said Duty is thereby directed and required to be paid at the respective Turnpikes so to be erected or appointed; and it is by the said last-recited Act provided, that so soon as the Sum of Four thousand Pounds, Part of the Money to be borrowed on the Credit of the same Act, should be paid off and discharged, the Duty thereinbefore granted upon or in respect of Coal, Coke, or Cinder, should from thenceforth cease and determine; but such Sum of Four thousand Pounds, Part of the Money which has been borrowed on the Credit of the said last-recited Act, hath not yet been paid off and discharged: And whereas, after the said Railway or Tramroad, and other Works to be made by virtue of the said first-recited Act and this Act, shall be completed, considerable Quantities of Coal, Coke, or Cinder will be brought or conveyed to the said City of *Canterbury* and the Neighbourhood thereof upon the said Railway or Tramroad, without passing through any of the Turnpikes which have been erected or appointed by virtue of the said last-recited Act, whereby the Payment of the Duty imposed by the said last-recited Act, which would otherwise be paid upon such Coal, Coke, or Cinder, might be avoided, and the additional Fund thereby provided might be materially lessened, and might become inadequate for the Purposes of the said Act; for Remedy whereof, be it further enacted, That from and after the said Railway or Tramroad and other Works shall be made and completed, and the said Railway or Tramroad shall be opened for Carts and Carriages, for all Coal, Coke, or Cinder which shall be carried or conveyed upon the said Railway or Tramroad within the Distance of

Certain Duties to be taken on all Coal, Coke, and Cinder carried on the Railway within Three Miles of Canterbury, for the Use of the Commissioners for paving and lighting the City of Canterbury.

[Local.]

P p

Three

Three Miles from the said City of *Canterbury*, there shall be paid to and for the Use and Behoof of the Commissioners for the Time being acting in execution of the said last-recited Act, for the Purposes of the same Act, the like Duty or Sum of One Shilling *per* Chaldron for such Coal, Coke, or Cinder as have been usually sold by Admeasurement (every such Chaldron containing Thirty-six Bushels), and the Sum of One Shilling *per* Ton (every Ton containing Twenty Hundred Weight) for all such Coal, Coke, or Cinder as have been usually sold by Weight, and carried or conveyed upon the said Railway or Tramroad within the Distance of Three Miles from the said City, and so in proportion for any greater or less Quantity than a Chaldron or Ton; which last-mentioned Duty upon Coal, Coke, or Cinder, shall in the first Instance be paid to such Person or Persons as the Directors for the said Company of Proprietors shall from Time to Time direct and appoint, in the same Manner as the Rates, Tolls, and Duties authorized to be demanded and recovered by the said first-recited Act are thereby directed to be paid; and all and every the Powers, Authorities, Fines, Forfeitures, Penalties, and Provisions in the said first-recited Act or this Act given, enacted, or provided for or touching the Payment, Collecting, or Recovery of the said Rates, Tolls, and Duties mentioned in the said first-recited Act and this Act, shall apply and extend and shall be deemed to apply and extend, to the Payment, Collecting, and Recovery of the said last-mentioned Duty upon Coal, Coke, or Cinder carried or conveyed upon the said Railway or Tramroad within the Distance of Three Miles from the said City of *Canterbury*.

Application
of such
Duties on
Coal, Coke,
and Cinder.

XXV. Provided always, and be it further enacted, That all the Monies which shall from Time to Time be paid to such Person or Persons so to be appointed by the Directors of the said Company of Proprietors to collect and receive the said Duty upon Coal, Coke, or Cinder carried or conveyed upon the said Railway or Tramroad within the Distance of Three Miles of the said City, shall from Time to Time be accounted for and paid over by such Person or Persons to the Commissioners for the Time being acting in execution of the said last-recited Act, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same, for the Purposes of the said last-recited Act; and all such Monies shall be accounted for and paid over, or recovered by or from such Person or Persons, in like Manner as any Monies received by any Officer or Officers appointed by virtue of the said last-recited Act are directed to be accounted for and paid, or can or may be recovered by or by virtue of the said last-recited Act; and every such Person or Persons duly accounting for and paying over such Monies as aforesaid, shall be allowed and paid by the Commissioners for the Time being acting in execution of the said last-recited Act, or any Nine or more of them, for his or their Pains and Trouble in receiving, accounting for, and paying over the same, upon the full Amount of the Monies so by him or them received, at and after the Rate of Four Pounds for every One hundred Pounds so paid over as aforesaid, and so in proportion for any greater or less Sum so paid over as aforesaid.

XXVI. Provided always, and be it further enacted, That if the Commissioners for the Time being acting in execution of the said last-recited Act, or any Nine or more of them, or their Collectors or Collector appointed or to be appointed by virtue of the same Act, shall collect or receive at any of the Turnpikes erected or appointed or to be erected or appointed by virtue of the said last-recited Act, the Duty upon Coal, Coke, or Cinder which shall be carried or conveyed upon the said Railway or Tramroad, then and in such Case the Duty upon Coal, Coke, or Cinder made and payable by this Act upon such Coal, Coke, or Cinder as shall be carried or conveyed upon the said Railway or Tramroad within the Distance of Three Miles from the said City, shall from thenceforth cease and determine.

In what
Case such
Duty on Coal
not to be
collected.

XXVII. Provided also, and be it further enacted, That when and so soon as the said Sum of Four thousand Pounds, Part of the Money borrowed on the Credit of the said last-recited Act, shall be paid off and discharged, the Duty herein-before granted upon or in respect of Coal, Coke, or Cinder carried or conveyed upon the said Railway or Tramroad, shall from thenceforth cease and determine; any thing in this Act to the contrary thereof notwithstanding.

When 4,000*l.*
paid, Coal
Duty to
cease.

XXVIII. Provided also, and be it further enacted, That the Commissioners for the Time being acting in execution of the said last-recited Act, their Clerks and Treasurers, shall from Time to Time and at all Times hereafter permit and allow the Clerks for the Time being of the said Company of Proprietors, or other Person or Persons authorized by them, at all seasonable Times to inspect the Accounts of the said Commissioners, for the Purpose of ascertaining whether the said Sum of Four thousand Pounds shall be paid off and discharged as aforesaid.

Accounts of
Commis-
sioners to be
open to In-
spection.

XXIX: And whereas it is in and by the said recited Act of the Fourth Year of the Reign of King *George* the Fourth enacted, that it shall be lawful for the said Company of Proprietors at any of their General Meetings, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof, upon the whole or any Part or Parts of the said Railway or Tramroad, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let out, for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, be given in Writing by the said Directors, or any Three or more of them, or by the Clerk to the said Company of Proprietors, by Advertisement published in some Newspaper printed or circulated in the City of *Canterbury*, or by Notice to such Proprietors as afore-

Repeal of
Clause em-
powering
Company to
lease the
Rates.

said,

said, at least Twenty Days prior to any such General Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid; be it therefore enacted, That so much and such Part of the said Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Company
empowered
to lease the
Rates.

XXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any of their General Meetings, or at any special General Meeting to be held for that Purpose, to authorize, order, and direct the Directors for the Time being of the said Company, by Writing under the Common Seal of the said Company, at any Time or Times, to let to farm, by public Auction or private Contract, all and singular the Rates, Tolls, and Duties made payable in and by the said first-recited Act and this Act, or either of them, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway or Tramroad, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Fourteen Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors: Provided always, that the said Rates, Tolls, and Duties, or any Part or Parts thereof, shall not be leased as aforesaid unless Persons possessed or entitled to at least Two Thirds of the Shares in the said Undertaking shall consent to the granting of such Lease or Leases.

Repealing
Clause limit-
ing the Time
for complet-
ing Railway.

XXXI. And be it further enacted, That so much and such Part of the said first-recited Act as directs and provides that in case the said intended Railway or Tramroad and other Works thereby authorized shall not have been completed and made within the Space of Three Years, to be computed from the passing of the said first-recited Act, all the Powers, Authorities, and Privileges given by the same Act should cease and determine, shall be and the same is hereby repealed.

If Railway
and Roads not
completed
within Seven
Years, the
Powers of
this and
former Act
to cease,
except as to
Parts com-
pleted.

XXXII. Provided always, and be it further enacted, That in case the said Railway or Tramroad and other Works authorized to be made by the said first-recited Act, and the intended Deviation from or Alteration in the Main Line of the said Railway or Tramroad, and the said Branch Railways or common Cart Roads, and all the Works, Matters, and Things belonging thereto or connected therewith, shall not respectively have been made, completed, and finished within the Space or Term of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges by this Act and also by the said first-recited Act given to or conferred upon the said Company of Proprietors for making such Railway or Tramroad and Deviation or Alteration, and such Branch Railways or common
Cart

Cart Roads, and the several Works, Matters, and Things respectively belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said intended Railway or Tramroad, and Deviation or Alteration, and of the said Branch Roads or common Cart Roads, as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Kent*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Seven Years, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

XXXIII. Provided always, and be it further enacted, That the said first-recited Act, so far as the same relates to or concerns any Lands, Grounds, or Hereditaments through, in, or upon which so much and such Part or Parts of the said Railway or Tramroad thereby authorized to be made, as shall be relinquished or shall not be made by reason of the Deviation or Alteration in and by this Act directed to be made as aforesaid, was or were originally intended to pass, shall be and the same is hereby repealed, except only so far as the same may have been acted upon previously to the passing of this Act.

Former Act repealed as to such Part of the old Line as is now relinquished.

XXXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to carry and convey over, along, and upon the said Railway or Tramroad, or any Part thereof respectively, all such Goods, Wares, and Merchandize, Passengers, Matters, and Things, as shall be offered to them for that Purpose, and to ask, demand, receive, and recover to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Goods, Wares, Merchandize, Passengers, Matters, or Things carried and conveyed along and upon the same, such Sum of Money as the Directors for the Time being of the said Company shall from Time to Time appoint.

Company authorized to carry Goods, and to charge for Carriage.

XXXV. And be it further enacted, That so much of the said first-recited Act as directs that no Waggon or other Carriage shall pass upon any Part of the said Railway or Tramroad, unless the same shall be constructed agreeable to the Orders and Regulations of the said Company, be and the same is hereby repealed.

Repeal of Clause as to Construction of Waggons.

XXXVI. And be it further enacted, That no Person whosoever shall pass upon the said Railway or Tramroad with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, their Directors or Engineer, which Orders and Regulations shall be fixed on a conspicuous Part of every Toll House erected on such Railway or Tramroad for the collecting of the Rates and Tolls by the said first-recited Act imposed, (except in crossing or passing along the same for the convenient Occupation of the respective Lands through which such Railway or Tramroad shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway or Tramroad); and if any Person whosoever shall pass

No Waggon to pass unless constructed as directed by the Company.

[*Local.*]

Q q

upon

upon any Part of the said Railway or Tramroad with any Waggon or other Carriage not constructed in the Manner herein-before directed, except as aforesaid, he or she so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds nor less than Five Pounds.

Power to
divert certain
Footpaths.

XXXVII. And whereas the said Company of Proprietors, in making the said Deviation from or Alteration in the said Main Line of Railway, or the said Branch Railways or common Cart Roads, may have Occasion to divert and turn the several public Footpaths herein-after mentioned, and in lieu thereof to make other more or equally convenient Footpaths on the Side of the said Railway, and to stop up certain other public Footpaths which will hereby be rendered unnecessary; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors to divert and turn a certain public Footpath leading from *North Lane* aforesaid over and across certain Lands belonging to and in the several Occupations of *Deane John Parker, Thomas Foord, and George Baker*, Esquires, to a certain Place called *Saint Stephen's Green* in the Parish of *Saint Stephen's* otherwise *Hackington* aforesaid, the said Company of Proprietors making a new Footpath from *North Lane* aforesaid, along the South Side of the said Railway, to a certain Archway proposed to be made through the Embankment of the said Railway, at or near to the South-east Corner of a certain Field now or lately belonging to the said *Deane John Parker*, and to continue the said Footpath from the said Archway along the East Side of the said Field into the King's Highway or Road at or near *Saint Stephen's Green* aforesaid; and also to divert and turn a certain other public Footpath, leading from the said South-east Corner of the said Field now or lately belonging to the said *Deane John Parker*, over and across certain Lands in the Occupation of the said *George Baker* and one *Thomas Pettit*, to a certain Lane called *Giles Lane*, leading from and out of the Turnpike Road between *Canterbury* and *Whitstable*, to the Top of a certain Hill called *Tyler Hill*, the said Company of Proprietors making and continuing the said proposed new Footpath from the said Archway along the North Side of the said Railway, and over the Course and Line of a certain Tunnel there, Part of the said Railway, to and into the said last-mentioned Lane; and also to stop up so much of a certain other public Footpath, leading from *Saint Stephen's Green* aforesaid to a certain Place called *Saint Dunstan's Cross* in the Parish of *Saint Dunstan* in the County of *Kent*, as lies on the North Side of the said Railway, over and across a certain Field in the Occupation of the said *George Baker*; and also to stop up so much of a certain other public Footpath, leading from and out of the above-mentioned Footpath leading from *North Lane* to *Saint Stephen's Green* towards and into the said Lane called *Giles Lane*, as lies on the East Side of the said Railway, over and across certain Land now or lately in the Occupation of the said *Thomas Foord*; and also to stop up so much of a certain other public Footpath, leading from *Saint Dunstan's Cross* aforesaid over and across to certain Fields in the Parish of *Saint Stephen's* aforesaid, in the Occupation of the said *George Baker*, called the *Gravel Pit Fields*, towards *Saint Stephen's Green* aforesaid, as lies within the said Two Fields.

XXXVIII. Provided always, and be it further enacted, That no public Footpath shall be diverted or turned or stopped up without Notice thereof being given pursuant to an Act made in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeals against turning or diverting a Public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads;* and the Order for diverting or turning or stopping up the same shall be subject to Appeal to the Quarter Sessions of the Peace in manner directed by the said Act.

Footpaths
not to be
turned with-
out Notice of
Appeal.

XXXIX. And be it further enacted, That all and every the Powers and Authorities for the Conviction of Offenders and Recovery of Penalties directed in and by the said first-recited Act to be adjudged by and recovered before any Justice or Justices of the Peace for the said County of *Kent*, shall be good, valid, and effectual to authorize any Justice or Justices of the Peace for the said City of *Canterbury* and County of the same City, within the Jurisdiction of the said last-mentioned Justice or Justices, to adjudge and recover all and every the Penalties and Forfeitures for all and every the Offences in the said first-recited Act and this Act mentioned.

Extending
the Powers
for Recovery
of Penalties
before Jus-
tices.

XL. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under the said first-recited Act or this Act, or otherwise, for any Claim or Compensation against, or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Chief Clerk or Chief Clerks or Treasurer for the Time being of the said Company to make, sign, seal, execute, and deliver all and every such general or other Release or Releases as may be or may be deemed to be necessary for the Purpose of exonerating, releasing, and discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings aforesaid, and also to do any other Act, Matter, or Thing in any such Actions, Suits, Prosecutions, Arbitrations, References, or other Proceedings, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Clerk or
Treasurer
of the Com-
pany may
grant Re-
leases to
Witnesses.

XLI. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all Costs, Charges, and Expences relating to or concerning the same or anyways incident thereto, shall be

Expences of
the Act.

be borne, paid, and defrayed by the said Company of Proprietors out of the Money received or to be received or raised by virtue of the said first-recited Act and this Act, or either of them, in preference to all other Payments whatsoever.

Public Act.

XLII. 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 of Property to be taken by virtue of this Act, and therein referred to.

No. as on Plan	OWNERS.	OCCUPIERS.	Description of Property.	PARISHES.
9	Deane John Parker, Esq. - - - }	Deane John Parker, Esq. - - - }	Arable Field - - - {	Saint Stephen's otherwise Hackington.
10	George Baker, Esq. -	George Baker, Esq. -	Arable Field - - -	Ditto.
11	Edward Darell, Esq.	Rev. James Hamilton	Pasture Field - -	Ditto.
12	George Baker, Esq., Lessee of his Grace Charles Lord Archbishop of Canterbury - - - }	George Baker, Esq. -	Pasture Field - -	Ditto.
13	Ditto - - -	Ditto - - -	Ditto - - -	Ditto.
14	Ditto - - -	Ditto - - -	Ditto - - -	Ditto.
15	Thomas Foord, Esq., Lessee of the Archbishop of Canterbury - - - }	Thomas Foord, Esq. -	Arable Field - - - {	Holy Cross Westgate, and Saint Stephen's.
16	Ditto - - -	Ditto - - -	Pasture Field - - -	Holy Cross Westgate.
17	Deane John Parker, Esq. - - - }	Deane John Parker, Esq. - - - }	Farm Yards, Stables, Barns, and other Buildings - - - }	Holy Cross Westgate.
18	Ditto - - -	Ditto - - -	Pasture Field - - -	Holy Cross Westgate.
19	Ditto - - -	Ditto - - - }	Pasture Field and Causeway - - - }	Westgate Within, and St. Peter's in Canterbury.