



ANNO SEXTO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act to extend the Powers and Provisions of
an Act passed in the last Session of Parliament,
intituled *An Act for improving the Navigation
of Faversham Creek in the County of Kent.*

[31st May 1843.]

WHEREAS an Act was passed in the last Session of Par-
liament, intituled *An Act for improving the Navigation of* 5 & 6 Vict.
Faversham Creek in the County of Kent: And whereas c. 42.
the Commissioners acting under and by virtue of the said Act have
proceeded to put the same in execution, and to cleanse, straighten,
embank, widen, and deepen the said Creek, and otherwise to improve
the Line of Navigation, by making a new Cut across the *Narrows*, by
removing and rebuilding the Sluice Bridge on a new Site and in a
better Direction for keeping the Channel clear, by deeper Cuttings in
various Parts of the Creek, and by erecting and forming the Embank-
ments and Sluices to stop off *Thorn Creek*, whereby the Sum estimated
to be expended when the said Act was granted by Parliament has
been considerably exceeded: And whereas it would be of great public
Utility if the Commissioners were empowered to make and maintain
a Towing Path by the Side of the said Creek or Navigation, and to
execute other Works for the Improvement thereof: And whereas
it is expedient that for the Purpose of enabling the Commissioners
to execute such Works, and to complete the Improvements autho-
rized

[Local.]

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Provisions of former Act extended to this Act, except as hereby altered.

rized by the recited Act, they should be enabled to raise a further Sum of Money, and to take an additional Toll to defray the Interest thereon, and gradually to redeem the Capital, and that some of the Provisions contained in the recited Act should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 recited Act, and all the Powers, Provisions, Matters, and Things therein contained, (except such of them as are by this Act repealed, altered, or otherwise provided for,) shall, so far as the same are applicable, extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, and of the recited Act as altered and amended by this Act, as effectually as if the same Powers, Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes of the same.

Interpretation of the Words "the Navigation."

II. And be it enacted, That in the recited Act and this Act the Expression "the Navigation" shall mean the Parts of the Creek called *Faversham Creek* authorized by the recited Act and by this Act to be deepened and improved, and also the Diversion or new Line referred to in the recited Act, and all Works connected with or belonging to such Parts as aforesaid of the said Creek, or executed under the Powers and Provisions of the recited Act or this Act, or belonging to the Commissioners.

Power to execute Works.

III. And be it enacted, That in addition to the Works authorized by the recited Act it shall be lawful for the Commissioners to construct, make, and maintain One or more than One Towing Path by the Side and along the Line of or contiguous to the Navigation, and to regulate the Use of and manage each such Towing Path, and to deepen, widen, embank, alter, cleanse, scour, dredge, cut, enlarge, contract, straighten, and otherwise improve the Navigation from *Hollow Shore* up to Ordnance Wharf, both inclusive, as delineated upon the Plan and described in the Book of Reference herein-after mentioned, and to regulate and manage the Navigation, and from Time to Time to fix, construct, make, maintain, and use all such Works and Conveniences for the Purposes thereof as the Commissioners shall deem necessary, and from Time to Time, at their Discretion, to alter, discontinue, or remove the same.

Power to purchase Lands described in deposited Plans and Books of Reference and Schedule.

IV. And whereas Plans and Sections of the said Works to be made by virtue of this Act, including Works authorized by the recited Act, and showing the Lines and Levels of such Works, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through or upon which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Kent*, being the County within which the same are intended to be made, and such Lands are also described in the Schedule to this Act; be it enacted, That it shall be lawful for the

Commis-

Commissioners, subject to such of the Provisions of the recited Act as are not hereby repealed, and to the Provisions of this Act, to enter into, purchase, and take, in manner expressed in the recited Act, such of the Lands described in the said Plans, Books of Reference, and Schedule as shall be necessary for the Purposes of the recited Act and this Act, and Conveyances of the Lands so taken may be in the Form of Conveyance prescribed in the recited Act, with such Variation therein and Addition thereto as shall be deemed necessary.

V. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans, or in the said Books of Reference, or the Schedule hereto, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Document or the Schedule to this Act shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to execute the Works in accordance with such Certificate.

Errors and
Omissions to
be corrected.

VI. And be it enacted, That the Commissioners in making such Towing Path and other Works shall have Power to deviate from the Line delineated on the Plans so deposited with the Clerk of the Peace as herein-before mentioned, provided that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Plans, nor beyond the Line of Deviation marked on the said Plans, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Books of Reference or the Schedule hereto, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Books of Reference or the Schedule hereto.

Commission-
ers empower-
ed to deviate
from Plan to
an Extent
not exceeding
100 Yards.

VII. And be it enacted, That the Commissioners shall not take or injure any Property of the following Kinds (except such as shall be specified in the Schedule to this Act) without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-before contained, to have proceeded from Mistake; (that is to say,) any

Houses and
inclosed
Grounds not
to be taken
unless speci-
fied in the
Schedule.

any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-two, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House.

Power to take temporary Possession of Land without previous Payment of Price.

VIII. And be it enacted, That, subject to the Provisions in the recited Act and this Act contained, it shall be lawful for the Commissioners, at any Time before the Expiration of the Period by this Act limited for the Completion of the said intended Works, and also at any Time thereafter, in case any of the said Works shall be damaged or destroyed by Floods or other unexpected Accidents, without making any previous Payment, Tender, or Deposit, to enter upon any Lands not being more than One hundred and fifty Yards distant from the Navigation, and not being an Orchard, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being nearer than Five hundred Yards to the Mansion House of the Owner of any such Lands, and to occupy the said Lands during the Construction of or for the Repair or Restoration of the said Works, and to use the same for any of the following Purposes; that is to say, for the Purpose of taking Earth, Gravel, or Soil, and other Materials, therefrom; and in the Exercise of the Power aforesaid it shall be lawful for the Commissioners to deposit and also to manufacture and work upon such Lands Materials of every Kind used in constructing the said Works, and also to dig and take out of any such Lands any Clay, Stone, Gravel, Sand, or other Things that may be found therein useful or proper in the Execution of such Works.

Notice to be given previous to such temporary Possession.

IX. And be it enacted, That the Commissioners shall, before entering on any such Land, (except in the Case of Accident requiring immediate Reparation,) give Six Weeks Notice in Writing to the Owners and Occupiers of such Lands of their Intention to enter upon the same for such Purposes.

Owner may object that other Lands ought to be taken.

X. And be it enacted, That if such Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before required to be given, it shall be lawful for the Owner or Occupier thereof, within Ten Days after Service of such Notice, to object to the Commissioners making use of such Lands, on the ground that other Lands lying contiguous thereto, and being such as the Commissioners are herein-before authorized to use for the Purposes aforesaid, might be more beneficially occupied for such Purposes by the Commissioners; and in such Case, if the Commissioners shall refuse to occupy such other Lands in lieu of those mentioned in the Notice, it shall be lawful for Two Justices, on Application of such Owner and Occupier, to summon the Commissioners and the Owners and Occupiers of such other Lands to appear before them at any Time, not being more than Fourteen Days after such Application, nor less than Seven Days from the Service of such Summons; and on the Hearing pursuant to such Summons it shall be lawful for such Justices to determine summarily which of the said Lands shall be occupied by the Commissioners for the Purposes

Purposes aforesaid, and to authorize the Commissioners to occupy the same accordingly.

XI. Provided always, and be it enacted, That if it shall appear to such Justices upon the Inquiry before them that the Lands of any other Party summoned before them, being sufficient in Quantity, and such as the Commissioners are herein-before authorized to take or use for the Purposes aforesaid, would be more suitable to be used by the Commissioners than the Lands of the Person who shall have been so summoned as aforesaid, it shall be lawful for such Justices to adjourn such Inquiry, and for such Justices to summon such other Person to appear before them at any Time, not being more than Fourteen Days from such Inquiry, nor less than Seven Days from the Service of such Summons, and on the hearing of such last-mentioned Summons to determine finally which Lands shall be occupied or used for the Purposes aforesaid, and to authorize the Commissioners to occupy the same accordingly.

Justices may
summon their
Owners be-
fore them.

XII. And be it enacted, That before entering upon any such Lands with respect to the Entry of which Notice is required the Commissioners shall, if required by the Owner or Occupier thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, and in all other Cases when required by the Owner or Occupier of any Land entered into, find Two sufficient Persons, to be approved of by a Justice in case the Parties differ, who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein-after mentioned.

The Com-
missioners to
give Sureties
if required.

XIII. And be it enacted, That before the Commissioners shall use any such Lands for any of the Purposes aforesaid they shall, if required so to do by the Owner or Occupier thereof, separate the same by a sufficient Fence from the Lands adjoining thereto.

Commission-
ers to separate
the Lands
before using
them.

XIV. And be it enacted, That where the Commissioners shall, in exercise of the Powers aforesaid, enter upon any Lands for obtaining Materials therefrom for the Construction or Repair of the Navigation, it shall be lawful for the Owners or Occupiers of such Lands, having such Estates or Interests therein as under the Provisions of the recited Act or this Act would enable them to sell or convey Lands to the Commissioners, at any Time during the Possession of any such Lands by the Commissioners, and before such Owners or Occupiers shall have accepted Compensation from the Commissioners in respect of such temporary Occupation, to serve a Notice in Writing on the Commissioners requiring them to purchase the said Lands, or their Estates and Interests therein respectively, and in such Notice such Owners or Occupiers shall set forth the Particulars of their Estate or Interest in such Lands, and the Amount of their Claim in respect thereof; and the Commissioners shall thereupon be bound to purchase the said Lands, or the Estate and Interest therein, of the Parties serving such Notice; and the Value of such Lands, and the Compensation payable therefor to such

Owners of
Lands may
compel Com-
missioners to
purchase
Lands so
temporarily
occupied.

[Local.]

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Owners

Owners and Occupiers, shall, in case of Difference, be determined as in other Cases of disputed Compensation.

Compensation to be made for temporary Occupation.

XV. And be it enacted, That in any of the Cases aforesaid it shall be incumbent on the Commissioners, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of such Lands the Value of any Crop or Dressing that may be thereon, and to agree with the Owner and Occupier thereof for the Payment of an annual Sum by way of Rent during the Occupation thereof, and also, within Six Calendar Months after they shall have ceased to occupy the said Lands, to pay to such Owner and Occupier Compensation for all Materials dug or taken from the said Lands, and for any Damage or Injury that may have been done to the said Lands in the Exercise of the Powers by the recited Act or this Act granted; and the Amount of such permanent Damage shall, in case of Difference, be determined as in other Cases of disputed Compensation under the recited Act; and the Value of any Crop or Dressing which may be on the said Lands, and the Rent payable in respect thereof during the Possession thereof by the Commissioners, whatever the Amount of Claim in respect of the same may be, shall, in case of Difference, be determined as other Cases of disputed Compensation under Fifty Pounds are determined under the recited Act.

Bonds for Costs of Trial by Jury in case of temporary Damage.

XVI. Provided always, and be it enacted, That if any Party entitled to Compensation in respect of Damage temporarily sustained shall require to have the Amount of such Compensation determined by a Jury, he shall, before requiring the Commissioners to issue their Warrant, as by the recited Act is provided, for causing such Jury to be summoned, enter into a Bond to the Commissioners, with Two sufficient Sureties, in the penal Sum of Two hundred Pounds, duly to prosecute his Claim, and to bear such Part of the Costs, if any, incidental to the Inquiry, as he shall be required to pay under the Provisions of the recited Act or this Act in that Behalf.

Compulsory Purchase limited for Two Years.

XVII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or Taking of Lands for the Purposes of the recited Act and of this Act shall not be exercised after the Expiration of Two Years from the passing hereof.

Provision for Sale of Land within a Town.

XVIII. And be it enacted, That in any Case in which the Commissioners shall have purchased or acquired any House or Land within any Town it shall be lawful for them to sell or dispose of the same or any Part thereof to such Person and in such Manner as the Commissioners shall think proper, without being previously required to offer to sell the same to the Persons whose Lands adjoin thereto.

Power to fill up the Town Dock.

XIX. And whereas it would tend greatly to the permanent Improvement of the Navigation if the Commissioners were empowered to fill up a certain Dock called the *Town Dock*, adjoining the Wharf or Quay called the *Town Wharf*, and near to the Sluice Bridge there; be it therefore enacted, That the Commissioners shall, at the

the Request of the Town Council of the Borough of *Faversham*, fill up the said Dock called the *Town Dock*, and bring and carry the same out in a Line with and annex the same to the said Wharf or Quay called the *Town Wharf*, so as to form an entire Wharf.

XX. And whereas the due and effectual Working and Management of the Sluice erected at the Sluice Bridge on the Navigation will become of greater Importance to the cleansing and keeping open the Navigation when deepened up to the Ordnance Wharf, and the same has heretofore been under the Management and Control of the Council of the said Borough, who for the better Regulation and Management thereof have relinquished and given up the same to the Commissioners: And whereas the said Sluice has been heretofore worked Three Times during each Course of Spring Tides: And whereas it is essential to the keeping open of the improved Channel that the said Sluice should be more frequently worked; be it enacted, That it shall be lawful for the Commissioners to work the said Sluice Five Times during each Course of Spring Tides, if they shall think the same necessary to cleanse and keep open the increased Depth of Navigation up to the Ordnance Wharf; and that the Commissioners shall from and after the passing of this Act regulate and manage the same, and give all the necessary Orders and Directions from Time to Time for that Purpose, they the said Commissioners paying and defraying all Expences of working and managing the same and keeping the same in repair.

Power for Commissioners to work the Sluice.

XXI. And be it enacted, That after the Expiration of Six Years from the passing of this Act all the Powers by the recited Act and by this Act granted to the Commissioners for altering and making Diversions in the Line of the Navigation, and for making the said Towing Path, shall cease, except as to so much of such Works as shall then be completed.

Limiting Time for Completion of Works.

XXII. And whereas by the recited Act it is enacted that it should be lawful for the Commissioners to borrow at Interest, on the Credit of the Tolls thereby granted and other Property vested in the Commissioners, any Sum of Money which, together with any Sum previously borrowed, should not exceed the Sum of Sixteen thousand Pounds; be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the Tolls by the recited Act and by this Act granted, and other Property vested in the Commissioners, or of any such Tolls and Property inclusively, any Sum of Money which, together with any Sum of Money previously borrowed either under the recited Act or this Act, shall not exceed the Sum of Thirty-three thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Thirty-three thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners or any Three or more of them may assign over the said Tolls and Property, or any Part thereof, to the Person who shall advance

Power to borrow on Mortgage the Sum of 33,000*l*.

advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same, and the Money to be raised as aforesaid shall from Time to Time be applied for or towards answering the Purposes of the recited Act and this Act; and all Mortgages or Assignments to be made pursuant to this Act may be in the Form of Mortgage prescribed in the recited Act, with such Variation therein and Addition thereto as shall be deemed necessary.

Mortgages
under this
Act to be
without
Preference.

XXIII. And be it enacted, That all Persons to whom any Mortgages or Assignments shall be made under the Powers of this Act, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums in such Mortgages or Assignments respectively mentioned, be Creditors on the Tolls, Duties, Rates, and Assessments by the recited Act and by this Act granted, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Mortgages
under recited
Act to have
Priority.

XXIV. And be it enacted, That all subsisting Mortgages heretofore granted by the Commissioners under the Authority of the recited Act shall have Priority, so far as respects the Tolls and Property comprised in such Mortgages, in the Payment of Principal and Interest respectively, over all Monies to be raised or secured by Mortgage under the Provisions of this Act.

Tolls.

XXV. And be it enacted, That it shall be lawful for the Commissioners from and after the passing of this Act to demand, receive, and recover, for the Purposes of the recited Act and of this Act, the Tolls by the recited Act authorized to be levied; that is to say, a Toll or Duty not exceeding Five-pence *per* Ton upon all Vessels of Ten Tons Burden and upwards, and Three-pence *per* Ton upon all Vessels below Ten Tons Burden, carrying Passengers, Goods, Wares, Merchandize, or other Matters or Things whatsoever, on any Part of the Navigation between *Hollow Shore* and the Ordnance Wharf in the said Town of *Faversham*, both inclusive, and also in addition to the said Toll or Duty of Five-pence, or Three-pence *per* Ton, as the Case may be, a Toll or Duty not exceeding Sixpence *per* Ton upon every Ton of Coals brought, imported, or carried into or upon any Part of the Navigation; and where there shall be a Fraction of a Ton, being less than Half a Ton, no Toll or Duty shall be demanded or taken for such Fraction, and where there shall be a Fraction of a Ton exceeding Half a Ton such Fraction shall be deemed a Ton.

Further Toll
on Com-
pletion of
Works.

XXVI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, and at all Times after the Cuttings and Works of the said Creek which are authorized by the recited Act and this Act, and are defined and laid down in and upon the deposited Parliamentary Plans and Sections, shall have been completed, and the Completion thereof certified, reported, and declared in manner required by the recited Act, to demand, take, and recover, for the Purposes of the recited Act and this Act, a further Toll or
Duty

Duty not exceeding Sixpence *per* Ton upon every Ton of Coals brought, imported, or carried into or upon any Part of the Navigation, and that Portions of Tons shall be estimated in manner aforesaid : Provided nevertheless, that with respect to the Towing Path and Floating Bridge defined and laid down in and upon the said Plans and Sections, in case the Commissioners shall consider that any Part or Parts thereof respectively is or are unnecessary, or that the making or maintaining of any Part or Parts thereof respectively will not produce an adequate local or general Advantage, they shall have full Power, in their Discretion, to postpone making, or to abstain altogether from making, or if made, from maintaining, any such Part or Parts of the said Towing Path or Floating Bridge respectively as aforesaid.

XXVII. And be it enacted, That all Money to arise by or from the Tolls to be from Time to Time received by virtue of the recited Act and this Act, or recovered by the Commissioners for any Penalties by the recited Act or this Act imposed, shall be from Time to Time applied by the Commissioners in the Manner following; (that is to say,) in paying the Interest of the Monies lent or advanced on Mortgage of the said Tolls, in making Compensation to any Owner or Occupier of any Lands or Premises for any Injury which may be done to such Lands or Premises, under or by reason of the Operation of the recited Act or of this Act, in Payment of any Expences incurred by the Commissioners under and by virtue of the recited Act or of this Act, and in constructing, making, maintaining, and keeping in repair the said Towing Path, and all necessary Apparatus appurtenant thereto, and all other Works by the recited Act or by this Act authorized to be done or belonging to the Commissioners, and in maintaining and keeping the Navigation deepened, embanked, cleansed, and navigable from *Hollow Shore* to the Ordnance Wharf aforesaid, both inclusive, and the Costs, Charges, and Expences generally of carrying into effect the recited Act and this Act; and after Payment of all such Expences the Remainder (if any) of such Monies shall from Time to Time be applied in repaying the Principal Money so lent or advanced, or which shall be borrowed for the Purposes of the recited Act and of this Act, and on the Credit thereof respectively. Application of the Tolls.

XXVIII. And be it enacted, That in addition to the Bye Laws authorized by the recited Act it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; that is to say, Bye Laws.

For governing and regulating the Navigation, and the Towing Path, Sluices, and other Works belonging to the Navigation, or to the Commissioners, and the Use thereof respectively :

For regulating the placing, removing, passing, navigating, loading, and unloading of Vessels on the Navigation, and for the good Order and Government of all such Vessels :

For making and preserving a free and clear Passage for Vessels into, upon, and out of the Navigation :

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For

For regulating the Duties and Conduct of all Persons, as well the Servants of the Commissioners as others, who shall be employed at the Works of the Commissioners :

For preventing Damage or Injury to any Vessels, Goods, Articles, or Things in or on the Navigation and Premises under the Control of the Commissioners :

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Commissioners, and the Duties and Conduct of all Weighers and Meters appointed by them :

And it shall be lawful for the Commissioners, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions herein contained, and be reduced into Writing, and signed by the Clerk of the Commissioners, and, if affecting other Persons than the Officers and Servants of the Commissioners, be published as herein provided.

Enforcing
Bye Laws
by Penalties.

XXIX. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence ; provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalties to be paid.

Bye Laws to
be confirmed.

XXX. And be it enacted, That no such Bye Law which shall be made by the Commissioners under the Authority herein contained, except such as may relate to the Commissioners or their Officers or Servants, shall be valid or binding unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General Meeting or Quarter Sessions of the Peace for the County of *Kent* ; and it shall be incumbent on such Justices, on the Request of the Commissioners, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow the same as they shall think meet ; provided always, that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Kent* One Month at least before the hearing of such Application ; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

A Copy of
proposed
Bye Laws to
be open to
Inspection.

XXXI. Provided always, and be it enacted, That for One Month at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the Office of the Clerk of the Commissioners, and it shall be lawful for all Persons at all seasonable Times to inspect such Copy without Fee or Reward, and to be furnished by

by the Commissioners with a Copy thereof or of any Part thereof on Payment of Sixpence for every One hundred Words.

XXXII. And be it enacted, That such Bye Laws when so confirmed shall be published by being painted on Boards, or printed on Paper and affixed to Boards, and hung up, affixed, and continued in the Office of the Clerk of the Commissioners, and also on some conspicuous Part of the Works of the Commissioners, and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Publication
of Bye Laws.

XXXIII. And be it enacted, That such Bye Laws when so confirmed shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Bye Laws to
be binding
on all Parties.

XXXIV. And be it enacted, That the Production of a written or other Copy of the Bye Laws of the Commissioners, authenticated by the Signature of the Clerk of the Commissioners, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, or of any particular Bye Law, it shall be sufficient that painted Boards, or printed Papers affixed on Boards, containing a Copy thereof, were affixed or continued in the Manner herein directed; and in case of any such Boards being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed or continued to be affixed as herein required.

Evidence of
Bye Laws.

XXXV. And be it enacted, That any Person who shall destroy or pull down, injure or deface, except on the Authority of the Commissioners, any Board on which any Bye Law of the Commissioners, or any Toll or Rate to be taken under the recited Act or this Act, shall be printed or painted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on
pulling down
Boards used
for Publica-
tion of
Penalties.

XXXVI. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and of all Arrangements preparatory thereto, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the Commissioners out of the Money already raised and received, or out of the first Money to be raised or to be received by virtue of the recited Act or this Act, in preference to any other Payment whatsoever.

Expences of
this Act.

XXXVII. And be it enacted, That all Offences, Acts, Matters, and Things whatsoever requiring the Cognizance of any Justice or Justices, under the Provisions of the recited Act or of this Act, may be taken and cognizable before a Justice or Justices of the Peace for the County of *Kent*, notwithstanding the same may arise

Offences
cognizable
before a
Justice for
Kent.

arise or be locally situate within any City or Liberty having an exclusive Jurisdiction, and notwithstanding any thing in the recited Act to the contrary.

Public Act.

XXXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE to which the foregoing Act refers.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Faversham.				
1	Ordnance Wharf -	Devisees and Co-heirs of the late Samuel Shepherd deceased	- - -	Richard Goodfellow Stone and George Shepherd.
4	Faversham Creek -	- - -	- - -	Public.
4 a	Arable Land, Salts, and Sea Wall.	Charles John Lawson	- - -	John Chambers.
4 b	Arable Land - -	Lord Sondes - -	- - -	Giles Hilton.
5	Pasture Land - -	Lord Sondes - -	- - -	Frederick Francis Giraud.
5 a	Salts and Sea Wall -	Lord Sondes - -	- - -	John Holmes.
5 b	Salts and Sea Wall -	Lord Sondes - -	- - -	Frederick Francis Giraud.
5 c	Cement Wharf - -	Devisees and Co-heirs of the late Samuel Shepherd deceased.	- - -	Charles and John Shep- herd, and the Com- missioners of the Faversham Naviga- tion.
6	Pasture Land - -	Lord Sondes - -	- - -	John Holmes.
6 a	Wharf - -	Lord Sondes - -	- - -	John Holmes.
9	Wharf and Premises -	Lord Sondes - -	- - -	Charles Horne.
10	Wharf and Premises -	Lord Sondes - -	- - -	Mark Redman.
10 a	Pasture Land - -	Lord Sondes - -	- - -	Mark Redman.
11	Marsh Land, Salts, and Sea Wall.	Lord Sondes - -	- - -	Giles Hilton.
12	Marsh Land - -	Lord Sondes - -	- - -	Giles Hilton.
13	Marsh Land - -	Lord Sondes - -	- - -	Giles Hilton.
14	Marsh Land, Salts, and Sea Wall.	Lord Sondes - -	- - -	Giles Hilton.
15	Marsh Land - -	Lord Sondes - -	- - -	Giles Hilton.
17	Thorn Creek - -	- - -	- - -	Public.
27	Sluice Bridge -	Faversham Corpora- tion.	- - -	Public.
28	Wharf - -	William Augustus Munn, and the Trus- tees under his Mar- riage Settlement.	- - -	Richard Goodfellow Stone and George Shepherd, and the Commissioners of the Faversham Naviga- tion.
29	Wharf and Premises -	Henry Shepherd -	- - -	Henry Shepherd.
Parish of Preston.				
2	Marsh Land, Salts, and Sea Wall.	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	The Commissioners of the Faversham Navi- gation.

[Local.]

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
2 a	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	The Commissioners of the Faversham Navi- gation. Public.
2 b	High Road to the Brents.	- - -	- - -	
3	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	The Commissioners of the Faversham Navi- gation. The Commissioners of the Faversham Navi- gation.
3 a	Marsh, Salts, and Sea Wall.	Dean and Chapter of Canterbury	Lord Sondes and Thomas Waller.	
7	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	John Wise, and the Commissioners of the Faversham Naviga- tion.
7 a	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	John Wise, and the Commissioners of the Faversham Naviga- tion.
7 b	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	John Wise, and the Commissioners of the Faversham Naviga- tion.
7 c	Salts and Creek -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	John Wise, Richard Goodfellow Stone, and George Shep- herd.
8	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	John Wise, and the Commissioners of the Faversham Naviga- tion.
8 a	Salts and Sea Wall -	Dean and Chapter of Canterbury.	Lord Sondes and Thomas Waller.	John Wise, and the Commissioners of the Faversham Navi- gation.
16	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes - -	Henry Murton.
16 a	Marsh, Salts, and Sea Wall.	Dean and Chapter of Canterbury.	Lord Sondes -	Henry Murton.
16 b	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes, Tho- mas Waller, and Giles Hilton.	John Marsh.
17 a	Marsh Land - -	Dean and Chapter of Canterbury.	Lord Sondes -	Henry Murton.
17 b	Salts and Sea Wall -	Dean and Chapter of Canterbury.	Lord Sondes -	Henry Murton.
17 c	Salts and Sea Wall -	Samuel Norman Cow- ley.	William Kite and Henry Kite.	William Kite and Henry Kite.
18	Faversham Creek -	- - -	- - -	Public.
19 a	Salts and Sea Wall -	Dean and Chapter of Canterbury.	Lord Sondes -	Henry Murton.
-20	Marsh Land - -	Samuel Norman Cow- ley.	William Kite and Henry Kite.	William Kite and Henry Kite.
21	Marsh Land - -	Samuel Norman Cow- ley.	William Kite and Henry Kite.	William Kite and Henry Kite.
23	Marsh Land, Salts, and Sea Wall.	Samuel Norman Cow- ley.	William Kite and Henry Kite.	William Kite and Henry Kite.
27	Sluice Bridge - -	Faversham Corpora- tion.	- - -	Public.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Parish of Graveney.</i>				
17	Thorn Creek - -	- - -	- - -	Public.
18	Faversham Creek -	- - -	- - -	Public.
18 a	Nagden Wharf, and Marsh Land, Salts, and Sea Wall.	The Trustees under the Settlement of Major and Mrs. Bridges.	- - -	Charles Jones Hilton.
18 b	Marsh Land, Salts, and Sea Wall.	The Trustees under the Settlement of Major and Mrs. Bridges.	- - -	Charles Jones Hilton.
18 c	Marsh Land, Salts, and Sea Wall.	The Trustees under the Settlement of Major and Mrs. Bridges.	- - -	Charles Jones Hilton.
19	Marsh Land, Salts, and Sea Wall.	Elizabeth Simpson -	- - -	Charles Neame.
19 b	Marsh Land, Salts, and Sea Wall.	Elizabeth Simpson -	- - -	Charles Neame.
25	Faversham Creek -	- - -	- - -	Public.
26	Marsh Land, Salts and Sea Wall.	The Trustees under the Settlement of Major and Mrs. Bridges.	- - -	Charles Jones Hilton.
26 a	Pasture - -	The Trustees under the Settlement of Major and Mrs. Bridges.	- - -	Charles Jones Hilton.
<i>Parish of Luddenham.</i>				
24	Marsh Lands, Salts, and Sea Wall.	Samuel Norman Cow- ley.	William Kite and Henry Kite.	William Kite and Henry Kite.
24 a	Marsh Lands, Salts, and Sea Wall.	Samuel Norman Cow- ley.	William Kite and Henry Kite.	William Kite and Henry Kite.
25	Faversham Creek -	- - -	- - -	Public.

LONDON : Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1843.

