ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

C A P. XLI.

An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at *Chatham* in the County of *Kent*, and to embank Part of the River *Medway*; and for other Purposes connected therewith. [22d *July* 1861.]

WHEREAS it is expedient for Her Majesty's Service that Her Majesty's Dockyard at *Chatham* in the County of *Kent* should be enlarged, and for such Purpose that the Commissioners for executing the Office of Lord High Admiral of *Great Britain* and *Ireland* (herein-after styled the Commissioners) should have the Powers herein-after mentioned conferred upon them: And whereas Plans and Sections and a Book of Reference relating to the Enlargement of the said Yard and to the Embankments and Works herein-after referred to have been deposited with the Clerk of the Peace for the County of *Kent:* Be it therefore 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, as follows:

Chatham Dockyard Enlargement.

Interpretation of Terms.

1. In the Construction of this Act—

The Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Occupation Roads or Ways, Footpaths, Causeways, Passages, and other Ways of every Kind soever:

The Word "Lands" shall include Lands, Messuages, Buildings, Tenements, Landing Places, Wharves, Fisheries, and Hereditaments of every Description and every Tenure, and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, and Hereditaments:

The Words "Special Act" in the Act incorporated herewith shall mean this Act, and the Words "Promoters of the Undertaking" and "Company" in the Act incorporated herewith shall mean the Commissioners:

The Word "Person" shall include a Body Corporate.

Certain Clauses of 8 & 9 Vict. c. 18. incorporated.

2. The several Provisions of "The Lands Clauses Consolidation Act, 1845," except Sections 11, 12, 13, 14, 16, 17., 123., 127, 128, 129, 130, 131, 132, 133, 134., 140., 148., 150, and 151. of such Act, shall, so far as the same Provisions may be respectively applicable to and not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act as if re-enacted herein, and shall be applicable to the Purposes hereof.

Power to Admiralty to purchase Lands.

3. Subject and according to the Provisions of this Act, it shall be lawful for the Commissioners, if they think fit, at any Time hereafter to purchase or take all or any of the Lands delineated on the said Plans and mentioned in the said Book of Reference so deposited with the Clerk of the Peace for the County of *Kent* as aforesaid, or any Estate, Lease, Term, Share, or Interest thereof or therein, and to vary or extinguish any Rights or Privileges connected with any of such Lands which they may at any Time consider requisite for the Enlargement or Improvement of the said Dockyard, or for the Purposes of this Act, and to enter into, execute, and make and do all such Contracts, Assurances, and Things as may seem to them necessary or proper in that Behalf, and when so purchased or taken the same Lands shall be and become and continue vested in the Commissioners and their Successors in Office for the Time being, according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by the Commissioners, to be held and enjoyed by the Commissioners for the Time being in succession in trust for Her Majesty, Her Heirs and Successors, for the

the Public Service, or as the Commissioners or their Successors in Office may at any Time or Times direct.

Power to the Commissioners to stop up Creeks and abolish Landing Places, Ferries, and Roads.

4. When the Commissioners shall have acquired or purchased in perpetuity the Fundus or Soil of *Saint Mary's Creek*, otherwise *Swinborough Creek*, in the Parishes of *Chatham* and *Gillingham*, or One of them, in the County of *Kent*, and of any other Creek or Inlet shown on the said Plans or One of them, and have compensated the Mayor and Aldermen and Company of Free Dredgers of the City of *Rochester* for the Destruction of the Fishery in the said Creeks, or any or either of them, it shall be lawful for the Commissioners, without any Writ being issued or other legal Proceeding being adopted, to embank and stop up both or either of the Ends of such Creeks, or of any or either of them, the Fundus or Soil of which shall have been so purchased or acquired, and in respect of which Compensation for the Destruction of the said Fishery shall have been made as aforesaid, and to reclaim the Fundus or Soil, and divert the Waters of such Creeks or any or either of them, and to abolish the Ferry across the River *Medway* from the Hard or Landing Place called *Prince's Bridge* to and from the opposite Shore of the said River at *Upnor*, and to stop up and abolish the Highway, Carriageway, and Footpath passing on the Outside of and adjacent to the Eastern and Northern Boundary Walls of Her Majesty's Dockyard at *Chatham*, extending from the Lower End of *Westcourt Street* in the Town of *Brompton* in the Parish of *Chatham* in the County of *Kent* to the said Hard or Landing Place called *Prince's Bridge*, and the Ends nearest the said Highway, Carriageway, and Footpath of all Ways leading into, across, or from the said Highway, Carriageway, and Footpath, passing on the Outside of or adjacent to the said Boundary Walls, and also all Ways over, through, or across any of the Lands acquired or to be acquired under the Provisions of this Act, and also to abolish the Hards or Landing Places at *Prince's Bridge* and *Gillingham Bridge*, and the Parish Wharf near thereto, or any or either of them, or any Part or Parts thereof; and the Fundus or Soil of the said Creeks and each of them, when so purchased or acquired respectively as aforesaid, and of the said Hards and Landing Places, and the Site and Soil of the said Highway, Carriageway, and Footpath, shall vest absolutely and exclusively in the Commissioners, as is herein provided with respect to Lands purchased, taken, or acquired by the Commissioners under this Act; and it shall be lawful for the Commissioners to make such Openings in the Embankments or Walls of the said Creeks, or any or either of them, at any Time or Times, as they the Commissioners may deem expedient for Her Majesty's Service.

5. Not-

Before abolishing certain existing Landing Places Admiralty to construct a public Wharf at Eastern Side of proposed new Boundary Wall of Dockyard.

5. Notwithstanding anything in this Act contained, the Commissioners shall, before abolishing the said Ferries or Landing Places called respectively *Prince's Bridge* and *Gillingham Bridge*, and taking possession of the Wharf and Land belonging to the said Parish of *Gillingham*, and the Roads approaching thereto, construct and complete a public Wharf up to Low-water Mark at Spring Tides for the said Parish as near as may be to the Eastern Side of the proposed new Boundary Wall of the said Dockyard, such Wharf to be of the Length of Six hundred Feet or thereabouts, with a Wharf One hundred Feet in Width for the whole Length, with an inclined Road or Draw Dock for loading and unloading Barges, and shall in carrying out the Arrangement give adequate and sufficient Protection from the Sea up *Gillingham Reach* for Vessels when lying alongside the Wharf, either by an Embankment carried along the Line of Low-water Mark and raised above High-water Mark, or by forming the opposite or East Wall of the *Camber*, or by placing the *Camber* itself and Draw Dock on the West Side of the Wharf, or in some Manner to the Satisfaction of the Board of Surveyors of the said Parish of *Gillingham*, which may be equally efficient, and also make proper and sufficient Roads and Approaches to the said Wharf to and from the High Road near thereto, and that the Expenses of the Solicitor and Engineer of the Board of Surveyors connected with this Clause up to the Insertion thereof, and any necessary Expenses for conveying to the Commissioners the said Wharf and Land, Hards, Landing Places, Highways, Carriageways, and Footpaths authorized to be stopped up and abolished by this Act, and for vesting the new Wharf and the Roads approaching thereto in the Board of Surveyors of the Parish of *Gillingham*, shall be defrayed by the Commissioners; but the Board of Surveyors of the said Parish of *Gillingham* shall not be entitled to any pecuniary or further Compensation for such Conveyance by them to the Commissioners.

Power to the Commissioners to make Embankments.

6. It shall be lawful for the Commissioners to make at any Time or Times such other Embankments or Walls in the River *Medway* and on its Shores or Banks as they may think fit, either on the Sites indicated on the said Plans and Sections or any of them, or anywhere within the Limits of Deviation marked thereon, and to purchase or acquire the Fundus or Soil of such Parts of the River *Medway*, and of any of its Creeks or Inlets, and of its Shores or Banks, as may be necessary for such Embankments or Walls, and to have or leave within the same such Parts of such Fundus or Soil, and to make such Openings, Culverts, Quays, Hards, Landing Places, and Wharves in, through, or upon all or any of such Embankments or Walls, or any of the Lands acquired or to be acquired under this Act, as the Commissioners

missioners may at any Time or Times deem necessary; and after such respective Purchases or Acquisitions the Sites of such Embankments or Walls, and the Fundus or Soil of such Parts of the River *Medway* and of its Creeks and Inlets, and of its Shores or Banks, as may be within the same, shall vest absolutely and exclusively in the Commissioners for the Purposes of this Act.

Power to Admiralty to stop up Sewers, &c.

7. It shall be lawful for the Commissioners, without any Writ being issued or other legal Proceeding being adopted, to stop up or divert or alter all Sewers, Streams, Watercourses, Drains, or Pipes, be the same for Gas or Water or other Purposes, in, under, or through or affecting any of the Lands acquired or to be acquired by them under this Act, they, at the Cost of Her Majesty, if necessary, previously making, opening, or laying down another good and sufficient Sewer, Drain, or Pipe, or a good and sufficient Course for the Stream or Watercourse, in lieu of any such diverted, altered, or stopped up, and at such convenient Distance therefrom as to the Commissioners shall seem proper and necessary; and upon such substituted Sewer, Drain, Pipe, or Course being completed or opened, or in case the same shall not be necessary, then as soon as Possession shall be taken by the Commissioners, the Site of so much of any such Sewer, Stream, Watercourse, Drain, or Pipe diverted, altered, or stopped up as lies or passes in, under, over, or across any of the Lands acquired or to be acquired under the Provisions of this Act, and all Interest therein, shall vest absolutely in the Commissioners and their Successors for ever, in manner herein-before provided with respect to Lands purchased, taken, or acquired by the Commissioners under this Act, and the new Sewer, Drain, Pipe, or Course shall vest in the same Bodies Corporate, Commissioners, Trustees, or other Persons, and for the same Estate and Interest, in whom and for which the Sewer, Drain, Pipe, or the Course of the Stream or Watercourse so diverted, altered, or stopped up was vested at the Time of the Diversion, Alteration, or Stoppage thereof by the Commissioners.

Power to survey.

8. It shall be lawful for the Commissioners, their Surveyors, Officers, Agents, Servants, and Workmen, at all reasonable Times, and causing as little Damage or Inconvenience as may be, to enter into or upon any such Lands as the Commissioners are empowered to take under this Act, and to survey and value the same, without being liable to any Action or Suit in respect thereof.

Lands purchased to be liable to Land Tax.

9. All Lands purchased, taken, or acquired under the Authority of this Act which may be charged with the Land Tax shall continue liable thereto as they would have been had such Lands not been so purchased, taken, or acquired, but so nevertheless that the Commissioners

sioners shall have Power to redeem the Land Tax, under the Acts in that Behalf made, if and when they think fit.

Services of Notices, &c.

10. Any Notice, Summons, Writ, or other Document required to be served on the Commissioners for the Purposes of this Act may be served by being delivered to their Solicitor for the Time being, or by being sent to him by Post addressed to him, either at his Office or at the *Admiralty, Whitehall, London*, or by being left for him at One of those Places; and any Notice, Summons, Writ, or other Document required to be given by, from, or on behalf of the Commissioners for the Purposes of this Act shall be given under the Hand of their Solicitor for the Time being.

Power for Admiralty to withdraw Notice.

11. If in any Case, after Notice has been given by the Commissioners for the taking of any Lands under this Act, it appears to them, from a Change of Circumstances or other Reasons, unnecessary or inexpedient to complete the taking of such Lands or any Part thereof, it shall be lawful for them to give a further Notice to the Effect that they thereby withdraw the Notice for the taking of the Lands comprised in the first Notice, or such Part thereof as they may think fit, and thereupon the Lands comprised in the Notice of Withdrawal shall be wholly discharged from the Effect of the first Notice, and may be dealt with as if the first Notice had not been given, and the Commissioners shall be wholly discharged from any Obligation to take such Lands, without Prejudice nevertheless to any Claim of the Owner of such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the first Notice; provided that every such Notice of Withdrawal be given within Two Months after the giving of the first Notice; provided also, that nothing in this Enactment contained shall be construed to give to any Person receiving from the Commissioners a Notice for the taking of Lands any further or other Right as against the Commissioners than he would have had if this Enactment had not been contained in this Act.

Errors on Plan or in Book of Reference may be corrected by Justices who shall certify the same.

12. If any Error, Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or Sections or in the said Book of Reference deposited as aforesaid, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof; and if it appear to such Justices that such Error, Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly,

accordingly, and shall in such Certificate state the Particulars of any such Error, Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the Clerk of the Peace for the County of *Kent*; and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which they relate, and thereupon such Plans, Sections, or Book of Reference shall be deemed to be corrected according to such Certificate, and the Commissioners may acquire the Lands mentioned in such Certificate, under or by virtue of this Act, as if such Error, Omission, Mis-statement, or wrong Description had not been made.

Certificate, &c. to be deposited.

13. In lieu of a Bond, and with the same Effect as if a Bond were given, as mentioned in Sections Eighty-five and Eighty-seven of "The Lands Clauses Consolidation Act, 1845," it shall be lawful for the Commissioners to give to the Person who under the said Act would otherwise be entitled to such Bond a written Undertaking, without any Surety therein, for such Payment or Deposit as in and by the said Act is in that Behalf provided, and according to the Condition of such Bond as therein is described, so far as such Provisions and Conditions respectively shall and may be applicable to Proceedings under this Act, and the Commissioners shall not be required or be liable to be called upon to give any such Bond.

Undertaking in lieu of Bond.

14. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of or to let or demise any Lands acquired by or vested in them under this Act, which at any Time shall not in the Opinion of the Commissioners be required for the Public Service, and in case of a Sale to sell the same either by Public Auction or by Private Contract, and it shall be lawful for them to convey, surrender, and assign, or to grant or demise the same or any Part thereof, to any Person who shall be willing to purchase or take the same, and for that Purpose to make and execute all such Conveyances, Assurances, Leases, and Agreements as may be thought proper, and it shall also be lawful for the Commissioners to do any other Act, Matter, or Thing in relation to Lands acquired by or vested in them under this Act which shall by them be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any other Person having in such Lands the like Estate, Term, Share, or Interest as they shall have therein, and all Lands obtained by the Commissioners in Exchange shall vest in the Commissioners and their Successors in manner herein-before provided with respect to Lands purchased by the Commissioners.

Power for the Admiralty to sell and let Lands.

15. The

How Purchase Money to be paid.

15. The Monies to arise and to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, conveyed, or surrendered by the Commissioners under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being, whose Receipt for such Monies (endorsed on the Conveyance, Assurance, or Lease,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be so paid.

On Payment of Money Purchasers to stand seised of Lands purchased by them.

16. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall be deemed to stand seised or possessed of the Lands thereby conveyed or made over or leased to him, or (as the Case may require) the Lands taken in Exchange from the Commissioners shall go to the Uses therein expressed or referred to, in every Case freed and absolutely discharged of and from all and all manner of prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of the Lands so conveyed, made over, leased, or taken in Exchange by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interest, Charges, Incumbrances, Claims, and Demands (if any) as in any such Conveyance, Assurance, or Lease shall be excepted.

Admiralty may sue and be sued, and pay and recover Costs.

17. It shall be lawful for the Commissioners to bring, prosecute, and maintain any Action of Ejectment or other Proceeding at Law or in Equity for recovering Possession of any Lands acquired by or vested in them under this Act, and to distrain or sue for any Arrears of Rent which shall become due for or in respect thereof, under any Parol or other Demise, from the Commissioners, and also to bring, prosecute, and maintain, or to defend any other Action or Suit in respect of such Lands, or of any Trespass or Encroachment committed thereon, or Damage or Injury done thereto; and in every such Action, Proceeding, or Suit by or against the Commissioners they shall be called "the Commissioners for executing the Office of Lord High Admiral of the United Kingdom," without any of them being named, and no such Action or Suit shall abate by the Death, Resignation, or Removal of the Commissioners or any of them, and the Commissioners shall in all such Actions, Suits, and Proceedings be entitled to recover and be liable to pay Costs, as in ordinary Actions, Suits, and Proceedings between Subject and Subject.

18. All

18. All Monies which under this Act shall be agreed to be paid by or shall be recovered against the Commissioners by way of Purchase or Compensation Money, Damages, Costs, or otherwise, shall be paid by Monies to be provided and appropriated for that Purpose by Parliament. Purchase Money, &c. how to be provided.

19. The Provisions of this Act shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, extend and be applicable to any of the said Lands purchased or taken or agreed to be purchased or taken by them before the passing of this Act, as also to all the Lands which shall hereafter be purchased or taken by virtue of this Act. Provisions of Act may be applied to any of the Lands already purchased.

20. Nothing in this Act shall extend to take away, lessen, or prejudice any Powers, Rights, or Authorities which would or might have been vested in or exercised by the Commissioners if this Act had not been passed. Nothing to lessen Powers of Admiralty.

21. The Commissioners shall not, by reason of anything done or omitted to be done under this Act, be liable, collectively or individually, to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property. Protection to Commissioners.

22. All Acts, Deeds, Matters, and Things hereby authorized to be done or executed by the Commissioners, and all Powers and Authorities hereby given to or conferred upon the Commissioners, may be done, executed, and exercised by any Two of them, and when so done, executed, or exercised the same shall be as valid and effectual as if the same were and had been done, executed, or exercised by all the Commissioners, and all Privileges hereby given to the Commissioners shall be enjoyed and may be exercised by any Two of them. Any Two Commissioners may execute Powers.

23. If it shall please Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral of the United Kingdom, then and so long and as often as there shall be a Lord High Admiral of the United Kingdom all the Powers, Privileges, and Exemptions vested in or given to and all the Lands vested in the Commissioners under or by virtue of this Act shall be and become vested in the Lord High Admiral of the United Kingdom for the Time being, and all such Lands shall vest in him according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by him or the Commissioners, in trust for Her Majesty, Her Heirs and Successors, for the Public Service, and in any Action or Suit respecting any such Lands the Lord High Admiral Lord High Admiral to have the same Powers as Commissioners.

Admiral shall be called "the Lord High Admiral of the United Kingdom," without being named, and no such Action or Suit shall abate by the Death, Resignation, or Removal of any Lord High Admiral; and in the Construction of the said incorporated Provisions in connexion with this Act the Lord High Admiral for the Time being shall be deemed to be himself solely the "Promoters of the Undertaking," and he shall have the sole Authority for carrying this Act into effect, and generally in all respects, as far as may be, the Lord High Admiral for the Time being shall come in Place of the Commissioners for the Purposes of this Act.

Saving Rights of the Crown.

24. Nothing herein contained shall extend or be construed to extend to take away, lessen, prejudice, alter, damage, or affect any Estate, Right, Title, or Interest of the Queen's most Excellent Majesty of, in, or to the Bed, Soil, Banks, and Shores of the River *Medway*, and of, in, or to all or any Arms, Creeks, Streams, and Indraughts thereof, or otherwise, or of, in, or to any Tolls, Dues, Duties, Rents, Issues, Franchises, Profits, Powers, or Authorities, Customs, Immunities, Rights, or Privileges, belonging to the Queen's Majesty, other than and except as regards such Portions of the Bed, Soil, Banks, and Shores of the said River, Arms, Creeks, Streams, and Indraughts, and such Rights and Privileges, which the Commissioners are authorized to purchase or acquire under the Provisions of this Act.

Saving Rights of Corporation of Rochester.

25. Nothing herein contained shall extend or be construed to extend to take away, lessen, prejudice, alter, damage, or affect any Estate, Right, Title, or Interest of the Mayor, Aldermen, and Citizens of the City of *Rochester* of, in, or to the Bed, Soil, Banks, and Shores of the River *Medway*, and of, in, or to all or any Arms, Creeks, Streams, and Indraughts thereof, or otherwise, or of, in, or to any Tolls, Dues, Duties, Rents, Issues, Franchises, Profits, Powers, or Authorities, Customs, Immunities, Rights, or Privileges, of or belonging to or claimed by the said Mayor, Aldermen, and Citizens of the said City of *Rochester*, other than and except as regards such Portions of the Bed, Soil, Banks, and Shores of the said River, Arms, Creeks, Streams, and Indraughts, and such Rights and Privileges, which the Commissioners are authorized to purchase or acquire under the Provisions of this Act.

Saving Rights of the Corporation of London.

26. Nothing herein contained shall extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London* or their Successors, or of the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power,

Power, Authority, or Jurisdiction which, at the Time of making this Act, the Mayor and Commonalty and Citizens of the City of *London*, or the Lord Mayor of the said City for the Time being, as Conservators of the River *Medway*, did or might lawfully claim, use, or exercise, save and except so far as the Execution of the Works hereby authorized may prejudice or derogate from any such Estates, Rights, Interests, Privileges, Franchises, or Authority, or defeat, alter, or diminish any such Power, Authority, or Jurisdiction.

Powers for compulsory Purchases limited.

27. The compulsory Powers hereby given for effecting Purchases of and taking Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Short Title.

28. This Act may be cited as "The *Chatham* Dockyard Act, 1861."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.