ANNO TERTIO

VICTORIÆ REGINÆ.

****

Cap. lv.

An Act for improving the *Dartford* and *Crayford* Creeks in the County of *Kent*, and for making a Diversion in the Line of the said *Dartford Creek*, and other Works connected therewith.

[4th *June* 1840.]

WHEREAS the Towns of *Dartford* and *Crayford* in the County of *Kent* are situated upon or near to certain Creeks or Inlets from the River *Thames* formed by the Junction with the said River of the Rivers of *Darenth* and *Cray* respectively: And whereas the said Creeks being navigable for certain Descriptions of Craft or Barges, the said Two Towns, as well as the numerous Towns and Villages in the surrounding District, derive many and important Advantages from the Means afforded by the said Creeks for the Transit or Carriage of various Articles essential to the Promotion of the Commercial, Manufacturing, and Agricultural Interests: And whereas great Obstructions and Difficulties are at present occasioned to the Navigation of the said Creeks, as well by the Sinuosities and Irregularities in the Width of various Parts of the Watercourse, as by the Accumulation of Mud and Sand, and the Formation of inconvenient and dangerous Banks and Shoals: And whereas it would be of great Advantage to the Inhabitants of the said Towns and their Neighbourhood, and

in other respects of public Utility, if the said Creeks were deepened, widened, and improved, and if a Diversion or new Line of Navigation in lieu of a certain Portion of the said Creek called *Dartford Creek* were made, so as to render more certain and expeditious the Navigation of the said Creeks, and to admit of Vessels of greater Burden than can now navigate the same to pass and repass along the said Navigation: And whereas the whole of the Course of the said *Dartford* and *Crayford* Creeks respectively is through or within certain Levels or Districts which are under the Jurisdiction of the Commissioners of Sewers for the Limits extending from *Lombard's Wall* to *Gravesend Bridge* in the County of *Kent*, and it is important to the public Interests under the Charge of the Commissioners that the Works necessary for the Improvement of the said Creeks or Navigation, and the Alterations which may be required in the Banks or Watercourses belonging thereto, should be carried on and executed under the Superintendence and Control of the said Commissioners, in conjunction with the several Persons herein-after named, and of such other Person or Persons as may from Time to Time be elected 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 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 Commissioners of Sewers for the Time being for the Limits extending from *Lombard's Wall* to *Gravesend Bridge* in the County of *Kent*, being duly qualified to act as such Commissioners, together with *Frederick Barne*, *Thomas George Fonnereau*, *Matthias Wilks*, *Edward Hall* the younger, *Charles Swaisland*, *Augustus Applegath*, *Edward Stoneham*, *John Harrison*, *George Wilding*, *Simmons Hammond*, *William Philcox*, *John Willding*, *Henry Hall*, and such other Person or Persons as may from Time to Time be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution by the Name of "The Commissioners of the *Dartford* and *Crayford* Navigation."

Commissioners appointed.

Appointment of new Commissioners.

II. And be it further enacted, That when and as often as any of the Commissioners appointed under or by virtue of this Act shall die, resign, or refuse to act or become incapable of acting in the Execution of this Act, it shall be lawful for the continuing Commissioners for the Time being, from Time to Time, to nominate, elect, and appoint some Person or Persons to be a Commissioner or Commissioners in the Room of every Commissioner so dying, resigning, or refusing to act or becoming incapable of acting as aforesaid; and every Person who shall be so nominated, elected, and appointed a Commissioner as last aforesaid, being duly qualified, shall and may act with the surviving or continuing Commissioners in the Execution of this Act in the same Manner as if he had been originally named a Commissioner in this Act.

Qualification of Commissioners.

III. And be it further enacted, That no Person, except the said Commissioners of Sewers duly qualified as aforesaid, shall be capable of

of acting as a Commissioner in the Execution of this Act, (except in administering the Declaration herein-after mentioned, and which Declaration may be administered by any of the said Commissioners,) unless he shall be seised or possessed in his own Right of Real or Personal Estate, or both, to the Value of One thousand Pounds over and above what will satisfy all his Debts, and until he shall at some Meeting of Commissioners to be held under the Authority of this Act, have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Declaration.

'I *A. B.* do solemnly and sincerely declare, That I am *bonâ fide* in my own Right possessed of Personal Estate of the Value of One thousand Pounds, or of Real and Personal Estate together of the Value of One thousand Pounds, above Reprizes; and that I will faithfully and impartially, according to the best of my Judgment, execute the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*].'

Penalty on acting when not qualified.

IV. And be it further enacted, That if any Person, not being duly qualified as aforesaid, or being so duly qualified and afterwards ceasing to be so qualified, shall act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case; and every Person so sued or prosecuted shall prove that he was qualified or (as the Case may be) that he had not ceased to be qualified at the Time of acting, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that no Act or Proceeding which shall have been done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned shall be thereby impeached or rendered nugatory, but every such Act and Proceeding shall be as valid and effectual as if such Person had been duly qualified or had not ceased to be qualified as herein-before mentioned: Provided always, that any Person appointed and duly qualified to act as a Commissioner of Sewers for the Limits aforesaid shall and may, so long as he shall be so qualified, act in the Execution of this Act without being qualified as herein-before directed with regard to Commissioners under this Act not being Commissioners of Sewers as aforesaid, and without being required to make and subscribe the Declaration herein-before prescribed to be taken by Commissioners under this Act, (not being Commissioners of Sewers as aforesaid,) with regard to their Qualification, and without being liable to the Forfeiture or Penalty herein imposed upon Commissioners under this Act, not being Commissioners of Sewers as aforesaid, for acting without being qualified, or without having made and subscribed such Declaration as herein provided; any thing herein contained to the contrary notwithstanding.

V. And

First and other Meetings of Commissioners.

V. And be it further enacted, That the First Meeting of the said Commissioners under this Act shall be held in the Town of *Dartford* within Three Calendar Months after the passing of this Act, or as soon thereafter as conveniently may be, and the Commissioners then present shall proceed to put the Powers hereby given to them into execution; and such First Meeting shall be convened by public Advertisement in a Newspaper published in the County of *Kent*, to be signed by any Two or more of the said Commissioners, and to state the Time and Place of Meeting, and to be published as aforesaid Seven Days at least before the Time fixed for holding such Meeting; and the said Commissioners shall have full Power and Authority to adjourn from Time to Time, and from Place to Place, within the said Towns of *Dartford* and *Crayford*, or either of them, or within the Distance of Ten Miles of them, or either of them, as they shall think proper; and if at any such Meeting there shall not be Three or more Commissioners then and there present within One Hour after the Time appointed for such Meeting, then such Meeting shall be deemed to be adjourned to the same Day in the following Week, at the same Place and at the same Hour, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be executed by the Majority of the said Commissioners present at any Meeting to be held under this Act, the Number of Commissioners present at such Meeting not being less than Three; and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote), the Chairman shall have a second or casting Vote: Provided nevertheless, that it shall be lawful for the said Commissioners and they are hereby authorized from Time to Time to hold any Special Meeting, so that such Meeting be required by Three at least of the said Commissioners, and Notice thereof in Writing, stating the Purpose for which such Meeting is required to be called, be given to or left at the House or usual Place of transacting Business of the Clerk to the said Commissioners, who shall thereupon give Seven Days Notice at the least of such Special Meeting, and of the Time, Place, and general Purposes thereof, by Advertisement of the same in some Newspaper circulated in the said County of *Kent*: Provided nevertheless, that in the event of any imminent Danger being apprehended from unusually high Tides, or any other Cause, and that in the Judgment of Two or more of the said Commissioners the Exigency of the Case will not admit of the Delay of Seven Days Notice, it shall and may be lawful for any Two or more of the said Commissioners, or for their Clerk, upon the Direction in Writing of any Two or more of the said Commissioners, (and which he is hereby required to do upon such Direction,) to convene, by circular Letters sent to each acting Commissioner, a Special Meeting for as early a Day as the said Two or more Commissioners shall think fit in their Discretion to appoint, such Letters to specify the particular Object for which such Meeting is convened, and no Business shall be

transacted thereat but that which strictly relates or has reference to such Object.

Orders and Proceedings to be entered.

VI. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Commissioners shall be entered in a Book to be provided and kept for that Purpose, and shall be signed by the Person acting as Chairman at such Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others.

Commissioners to appoint Officers.

VII. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint a Treasurer, Superintendent of the Navigation, Collector, and Clerk, and also such Engineer or such other Officers as they shall think proper and expedient, for the better carrying the Purposes of this Act into execution, and to give them such Salaries or Allowances as the said Commissioners may think proper; and also from Time to Time to discharge and dismiss any such Treasurer, Superintendent, Collector, Clerk, Engineer, or other Officer, and appoint another or others in his Stead, as the said Commissioners shall think fit: Provided always, that the said Commissioners shall take good and sufficient Security, and to such Extent as they shall think requisite, from every Treasurer, Collector, or other Officer who shall be appointed to receive Money or have the Care or Custody thereof, for the due accounting of all such Monies with which he may be intrusted, and for the faithful Discharge of the Trust reposed in him.

Treasurer and Clerk not to be the same Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk to the said Commissioners in the Execution of this Act, or the Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer to the said Commissioners for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both Offices of Clerk and Treasurer to the said Commissioners for the Purposes of this Act, or if any Person being the Partner of any such Clerk to the said Commissioners, or the Clerk or other Person in the Service or Employ of any such Clerk to the said Commissioners or of his Partner, shall accept the Office of Treasurer to the said Commissioners, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or a Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk to the said Commissioners, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information.

Officers to account.

IX. And be it further enacted, That every Officer to be appointed under this Act shall, under his Hand, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments in his Possession or Power, and shall pay all such Money as shall remain due from him to the said Commissioners, or to such Person as they shall appoint; and if any such Officer shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver up to the said Commissioners or to such Person as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any of Her Majesty's Justices of the Peace for the County, City, or Place where such Officer shall have last resided or shall then reside, such Justice may and is hereby authorized and required to summon the Officer so refusing or neglecting before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody and Power of such Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for such County, City, or Place, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners

are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Officer who shall have been committed as before mentioned on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Three Calendar Months: Provided also, that the Imprisonment of any Officer shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Sureties or Securities, but such Officer and his Sureties and Securities shall remain liable for the Payment thereof, in the same Manner as if such Officer had not been imprisoned.

Commissioners to cause Accounts to be kept.

X. And be it further enacted, That the said Commissioners shall cause Books to be kept by the Clerk, or by the Treasurer, who shall enter or cause to be entered in such Books true and regular Accounts of all Sums of Money received and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been expended; and such Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and of the Creditors on the Duties and other Monies by this Act authorized, without Fee or Reward; and the said Commissioners and Creditors respectively may take Copies of or Extracts from the said Books without paying any thing for the same; and if the said Clerk or Treasurer or other Person having the Custody of such Books shall refuse to permit or shall not permit the said Commissioners and Creditors, or any of them, to inspect such Books, or to take such Copies or Extracts as aforesaid, such Clerk or Treasurer or other Person shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Commissioners not to be personally liable.

XI. And be it further enacted, That no Commissioner shall be personally liable for any Contracts or Agreements which he may enter into in pursuance of this Act, nor for the Repayment of any Money which shall be borrowed under the Provisions hereinafter contained, nor for any Penalties or Damages, Costs or Expences, which may be incurred in relation to any thing done in pursuance of this Act, nor for any Banker with whom any Money which shall be borrowed, raised, or levied under the Provisions of this Act shall, with the previous Consent or by the Direction or Authority of the Commissioners from Time to Time, be lodged or deposited, nor shall any Commissioner be personally answerable for the Receipts, Accounts, or Omission of the Treasurer, Clerk, or other Officer, nor for the Receipts or Accounts of any other Commissioner, but each Commissioner for his own Acts and Deeds, Receipts and Accounts only.

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

XII. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk or Treasurer for the Time being, or of any of the said Commissioners; and no Action or Proceeding which may be brought or instituted by or against the said Commissioners by virtue of or on account of this

this Act shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Treasurer, or by the Death of such Commissioner, or by any Act or Default of such Clerk, Treasurer, or Commissioner, done or suffered without the Direction or Consent of the said Commissioners, but such Clerk, Treasurer, or Commissioner shall always be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of Actions or Proceedings prosecuted between the said Commissioners and their Clerk or Treasurer for the Time being; and if a Verdict shall be obtained against the said Commissioners in the Name of their Clerk or Treasurer, or in the Name of any One of the said Commissioners, and the Amount of such Verdict and any Costs due thereon shall not be paid to the Person to whom the same shall be due within the Space of Two Calendar Months after Demand made thereof, it shall be lawful for Two or more Justices of the Peace acting for the said County of *Kent*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of the Person or Corporation entitled to the same, by an Order under their Hands, to appoint some Person to receive the Whole or some Part of the Rates or Tolls by this Act granted; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person or Corporation to whom such Money shall be so due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the said Rates or Tolls, shall be fully paid and satisfied; and after such Money and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine: Provided always, that in all Cases in which the Clerk or Treasurer for the Time being of the said Commissioners, or any Commissioner as aforesaid, shall be Plaintiff or Defendant on the Record of any Action or Proceeding in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk, Treasurer, or Commissioner as aforesaid, such Clerk, Treasurer, or Commissioner as aforesaid may, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Commissioners; and all Affidavits of Debt or Service, which may be necessary to be made in reference to any such Action or Proceeding, may be lawfully made by such Clerk, Treasurer, or Commissioner, (as the Case may be,) notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every Clerk, Treasurer, or Commissioner as aforesaid, in whose Name any Action or Proceeding may be instituted or defended as herein-before mentioned, shall always be reimbursed out of the Monies arising by virtue of this Act all such Costs and Expences as he shall incur or shall become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or have been instituted or defended without the Direction or Consent of the said Commissioners.

Power to improve the Creeks, and

XIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to

to deepen, widen, embank, alter, cleanse, scour, dredge, cut, enlarge, contract, straighten, and otherwise improve the Part of the said Creek called *Dartford Creek* commencing at Low-water Mark on the River *Thames*, and terminating at the Point where the same is joined by the Diversion or new Line of Navigation hereafter mentioned, and such further Part of the said *Dartford Creek* as shall lie between the Termination of the Diversion or new Line of Navigation herein-after mentioned and the *Phœnix Mills* at or near the Town of *Dartford*, and also the Creek called *Crayford Creek*, commencing from its Junction with the said Diversion or new Line of Navigation, and terminating at a certain Mill formerly called the Saw Mill, but now used in part as a Flour Mill, and a certain Wharf near or adjoining thereto, now used as a Coal Wharf, all which said Premises are situate in the Parish of *Crayford* aforesaid, and are now in the several Tenures or Occupations of *John Cooper*, *Henry Davids*, and *Augustus Applegath*, or some or one of them; and also to make and maintain a Diversion or new Line of Navigation, commencing from and out of the said *Dartford Creek* in or near certain Fields numbered 19 and 20 on the Plan herein-after mentioned, in the Parish of *Crayford*, and terminating in the said *Dartford Creek* in the Parish of *Dartford*, in the Line or Course, and in, upon, and over the Lands delineated upon the Plan and described in the Book of Reference herein-after mentioned and referred to: Provided always, that the Plan of the Works herein-before authorized to be done and performed connected with the River *Thames* shall be approved by the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, previously to their being executed, and that the said Works shall be performed to the Satisfaction of the Clerk of the Works of the *Thames* Navigation for the Time being: Provided also, that in the Execution of the said Works all necessary Means be taken to remove to some Place on the Shore above the High-water Mark all such Earth, Rubbish, or other Materials as shall be taken, cut away, or dredged from the said Creek, so that the same may not be liable to be washed into the River or carried away by the Tide: Provided further, that no Quay, Wharf, Erection, Embankment, or other Work be made or projected below the Line of High-water Mark at ordinary Spring Tides.

make new Cuts.

XIV. And be it further enacted, That for the Purposes aforesaid, and subject to the Provisions and Restrictions of this Act, the said Commissioners, their Engineers, Contractors, Agents, Workmen and Servants, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Corporation delineated on the Plan and described in the Book of Reference herein-after mentioned, and to set out and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary or expedient for improving the said Creeks, and making the said Diversion or new Line of Navigation, or the Works connected therewith, or herein-after authorized to be made; and also from Time to Time, as Occasion may be or require, to cut, dig, blast, and remove all Matters of Excavation, and take up, get, remove, and carry away, lay, use, and manufacture any Rock, Stone, Earth, Clay, Soil, Sand, Gravel, Silt, Rubbish, Trees, Roots of Trees, or any other Materials

Power to enter Lands for Works, &c.

or Things, which can or may be dug, raised, or gotten in the making the said Improvements and Diversion or new Line of Navigation aforesaid, or which may now or at any future Time in any way obstruct or impede the making, improving, and maintaining the said Navigation; and also to make, construct, erect, place, complete, and maintain such Feeders, Sluices, Culverts, Drains, Dams, Weirs, Locks, Arches, Bridges, Toll and other Houses, Roads, Approaches, Banks, Towing Paths, Mooring and other Posts, Hedges, Fences, and generally all such other Works, Conveniences, Matters, and Things for the Improvement of the Navigation of the said Creeks, and making the said Diversion or new Line of Navigation, and maintaining the same respectively, as the said Commissioners may think expedient; and also from Time to Time, as Occasion may require, to lay and deposit upon such of the Banks of and adjoining to the said Creeks, and the Lands delineated on the said Plan, and mentioned in the said Book of Reference, at such Place as may from Time to Time be found necessary, and to remove from the said Banks and Lands respectively, all such Matters of Excavation as aforesaid, and also such other Matters and Things as aforesaid, and also all Materials requisite for carrying into effect the Purposes of this Act, and to pass and repass, with Horses, Carts, and Carriages, in, over, upon, and along the said Banks and Lands respectively, and to do all such Acts, Matters, and Things as shall or may from Time to Time be deemed by the said Commissioners necessary or expedient for the Purposes aforesaid, or any of them, according to the true Intent and Meaning of this Act, they the said Commissioners, their Engineers, Contractors, Agents, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby given or granted, and the said Commissioners making full Satisfaction, in manner hereafter mentioned, to all Persons and Corporations interested in any Lands which shall be used or injured, for all Damage to be by them sustained in or by the Execution of all or any of the Powers hereby given or granted: Provided always, that the Plan of the Works and Conveniences herein-before authorized to be done and performed connected with the River *Thames* shall be approved by the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, previously to their being executed, and that the said Works shall be performed to the Satisfaction of the Clerk of the Works of the *Thames* Navigation for the Time being.

Any Accumulation of Mud to be removed.

XV. And be it further enacted, That in case at any Time there shall be any Accumulation of Mud, Sand, Dirt, or other Matter adjoining to the said Works, and occasioned thereby, which shall appear to the said Mayor, Aldermen, and Commons, in Common Council assembled, or to the Lord Mayor of the City of *London* for the Time being, as Conservator of the said River *Thames*, to be injurious to the Navigation of the said River, then and in every such Case the said Commissioners shall, within Thirty Days after Notice in Writing for that Purpose by the Town Clerk of the said City of *London* shall have been left at the Office of the Clerk of the said Commissioners, cause the said Mud, Sand, Dirt, or other Matter to be taken away, and effectually removed; and in case the said Commissioners shall neglect or refuse to cause the said Mud, Sand,

Dirt, or other Matter to be removed effectually, it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, or the said Lord Mayor for the Time being, to employ Persons to take away and remove the same; and the said Commissioners shall, on Demand, pay to the Mayor and Commonalty and Citizens of the City of *London* all Costs and Charges occasioned by the Removal thereof, and the same may be recovered from the said Commissioners by an Action of Debt in any of Her Majesty's Courts of Law at *Westminster*.

Plan of Creeks, &c. to remain in the Custody of the Clerk of the Peace, and be open to Inspection.

XVI. And whereas a Plan describing the Situation of the said Creeks, and the intended Line or Course of the said Diversion or new Line of Navigation, and the Lands in and through which the same, and the Works connected therewith, are intended to be made, together with a Book of Reference containing the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County of *Kent;* be it therefore enacted, That the said Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner shall at all seasonable Times have Liberty to inspect and to make Extracts from or Copies of the said Plan and Book of Reference, paying to the Clerk of the Peace having the Custody thereof the Sum of One Shilling for every such Inspection, and for Copies or Extracts therefrom the Sum of Sixpence for every One hundred Words; and the said Plan and Book of Reference, or a true Copy thereof certified by the said Clerk of the Peace, shall be and is hereby declared to be good Evidence in all Courts of Law or elsewhere.

Deviation from Plan.

XVII. Provided always, and be it further enacted, That the said Commissioners in making the intended Diversion or new Line of Navigation and other Works shall have full Power and Authority to deviate from the Line delineated on the Plan so deposited with the Clerk of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend more than One hundred Yards from the Course or Direction delineated on the said Plan, nor shall any such Deviation extend into the Lands or Grounds of any Person not mentioned in the said Book of Reference, unless the Name of such Person shall have been omitted by Mistake, and unless the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-after provided for in Cases of unintentional Errors in the said Book of Reference.

Breadth of Land to be taken for Navigation.

XVIII. And be it further enacted, That the Lands to be taken for making the said Diversion or new Line of Navigation and other Works, and the Towing Paths, Banks, and Side Drains thereof respectively, and the Ditches and Fences for separating such Towing Paths, Banks, and Side Drains from the adjoining Lands, and for the other Appurtenances, shall not in any Case exceed Seventy-five Yards in Breadth.

XIX. Pro-

Houses and Gardens not to be used without Consent.

XIX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Person acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred hundred and thirty-nine, or any 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 thereof and Persons interested therein respectively.

Misnomer in describing the Premises not to retard Execution of the Act.

XX. And be it further enacted, That if any of the Lands which are mentioned or described in the Book of Reference, or any of the Owners or Lessees thereof, or of the Persons in whose Occupation or Possession the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or incorrectly described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act; but the same Premises and every Part thereof shall and may be purchased and conveyed, disposed of, and applied to and for the Purposes of this Act as fully and effectually as if the same were more properly named and described in the said Book of Reference, provided it shall appear to any Two Justices of the Peace of the said County in Petty Sessions assembled, and be certified in Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only.

Where small Parcels of Land are intersected, Commissioners to purchase the whole.

XXI. And be it further enacted, That if, in making the said Diversion or new Line of Navigation or other Works hereby authorized to be made, any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side thereof shall be less than Half a Statute Acre in Quantity, or less than Forty Yards in Breadth throughout the whole Length thereof, and if the Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to that which shall be so left on each or either Side of the said Diversion or new Line of Navigation and other Works, then and in every such Case, if the Owner of the same shall so require, but not otherwise, the said Commissioners shall also take and purchase the Piece or Parcel of Ground so left on each or either Side of the said Diversion or new Line of Navigation and other Works, being less than a Half Statute Acre in Quantity, or less than Forty Yards in Breadth throughout the whole Length thereof as aforesaid, and the Value thereof shall be ascertained (if the Parties differ about the same), in the same Manner as is directed concerning any Land to be taken or used for the Purposes of this Act; or in case such Owner as aforesaid shall have any other Land or Ground adjoining that which shall be so left, he may require the said Commissioners, at the Expence of the said Commissioners, to throw the same into the adjoining Land or Ground, by removing the Fences and levelling the Sites thereof, and soiling the same, in a sufficient and workmanlike Manner.

XXII. Pro-

New Embankments to be kept in repair by the Persons liable to the Repair of the existing Banks.

XXII. Provided always, and be it further enacted, That from and after the Completion from Time to Time of the several Works authorized to be done under the Powers of this Act, the Embankments of the said Creeks, and the Embankments of the said Diversion or Line of Navigation, and the several Sluices made in pursuance of the Powers of this Act, shall thenceforth be maintained and kept in repair by the Person or Corporation who are now liable to the Maintenance and Repair of the Embankments, and Sluices in lieu of which the Embankments and Sluices respectively made under the Authority of this Act are substituted; and nothing in this Act contained shall extend or be construed to extend to release or discharge from the Maintenance and Repair of the Embankments and Sluices hereby authorized to be made any Person or Corporation from any Liability to which such Person or Corporation was or were before the passing of this Act subject, by reason of Tenure, Frontage, Prescription, Custom, Covenant, or Grant in respect of the Embankments and Sluices in lieu of which the Embankments and Sluices made under the Authority of this Act are so substituted respectively as aforesaid: Provided also, that nothing herein contained shall extend or be construed to extend to render liable any Person or Corporation to maintain and keep in repair a greater Length of Embankment or a larger Number of Sluices than he or they would have been liable to have maintained and kept in repair in case this Act had not been passed.

Power to purchase Lands.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to treat and agree, or to employ any Person to treat and agree, for the Purchase of any Land required for the Purposes of this Act, or any Part thereof, or of any Estate, Right, or Interest therein respectively, for the absolute Purchase of such several Premises, or any of them, or any Part thereof, or of any Estate, Right, or Interest therein respectively, which shall be necessary to be purchased for any of the Purposes herein-before mentioned, and such Lands, when purchased, shall vest in the said Commissioners, their Successors and Assigns; and it shall be lawful for the said Commissioners, their Successors and Assigns, to hold any such Lands, and any Right, Term, and Interest therein so purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever.

Persons under legal Disability empowered to sell and convey Lands.

XXIV. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs, Successors, and Issue respectively, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy, or for any Estate, Right, Title, or Interest to take effect in the Determination or wholly or partly in substitution for such partial, qualified, or defeasible Estate or Interest, and as to such Husbands also on behalf of their Wives, and as to such Guardians on behalf of their Wards, and as to such Committees also on behalf of the Lunatics

Lunatics and Idiots respectively, and as to all the aforesaid Persons in the same Manner and to the same Extent, and so as to bind the same Persons and Estates respectively, as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this Act, or otherwise, in case they respectively had been under no Disability, and as to all such Trustees also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever seised or possessed of or interested in any Lands authorized to be taken for the Purposes of this Act, to contract for the Sale thereof, and to convey to the said Commissioners their own Estates and Interests in the same Lands or any Part thereof, and also the Estates, Rights, or Interests, whether legal or equitable, of the several Persons on whose Behalf they are hereby authorized to contract, or as the said Commissioners shall direct, for the Purposes of this Act; and all such Contracts, Sales, and Conveyances which shall be so made as aforesaid shall be good and valid in the Law to all Intents, and the same shall be deemed and considered to bar all Right and Title to Dower, and all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and to the Lands in such Conveyances respectively comprised; and every such Corporation, Tenant for Life or in Tail, or Person having a qualified or partial Estate or Interest, and all such Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Conveyances to be made to the Commissioners.

XXV. And be it further enacted, That all Conveyances and Assignments of any Lands, or any Estate or Interest therein, to be made to the said Commissioners, may be made in the Form or to the Effect following, *mutatis mutandis;* (that is to say,)

Form of Conveyance.

‘ I in consideration of the Sum of
‘ to me [*or, as the Case may be,* into the Bank of *England* in the
‘ Name and with the Privity of the Accountant General of the Court
‘ of Exchequer *ex parte* the Commissioners of the *Dartford* and
‘ *Crayford* Navigation, *or* to *A. B.* of and *C. D.*
‘ of Trustees appointed to receive the same], pursuant
‘ to the Act after mentioned, paid by the Commissioners appointed
‘ and acting under and by virtue of an Act passed in the
‘ Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here*
‘ *set forth the Title of this Act*], do hereby grant and convey to the said
‘ Commissioners all [*here describe the Premises to be conveyed*], toge-
‘ ther with all Ways, Rights, and Appurtenances thereto belonging,
‘ and all my Estate, Right, Title, Term, and Interest to and in the
‘ same and every Part thereof, as I am or shall become seised,
‘ possessed of, or entitled to, or am by the said Act capacitated or
‘ empowered to convey, to hold to the said Commissioners, their
‘ Successors and Assigns, from henceforth for ever. In witness whereof
‘ I have hereunto set my Hand and Seal this Day of
‘ in the Year of our Lord .’

XXVI. Pro-

Lands bought of any Corporation or Person under legal Disability to be valued by Two Surveyors or their Umpire.

XXVI. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity, as in this Act is mentioned, or not having Power to sell, except under the Provisions herein contained, and the Consideration Money to be paid for any Lands to be purchased from any Person or who shall be absent from *England*, or not to be found, or be incapable of treating or agreeing for the Sale of such Lands, shall not be less than the Sum ascertained by a practical Surveyor, to be appointed by Two Justices acting for the said County of *Kent*; and such Surveyor so to be nominated by the Justices as aforesaid shall annex to his Survey or Estimate or Valuation, when completed, a Declaration of the Correctness thereof.

Mortgagees not in Possession to assign Mortgages.

XXVII. And be it further enacted, That every Person or Corporation who shall have any Mortgage on any Lands which may be required for the Purposes of this Act shall, on Tender of the Mortgage Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the Principal Money by the said Commissioners, immediately convey, assign, and transfer such Mortgage to the said Commissioners; or in case such Mortgagee shall have Notice in Writing from the said Commissioners that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months, then, on Payment of the Principal and Interest so due on such Mortgage, such Mortgagee shall convey, assign, and transfer the said Mortgage and his Interest in the Premises, to the said Commissioners; but in case such Mortgagee shall refuse to convey or assign on such Tender or Payment as aforesaid, then, upon Payment of the Principal Money and Six Calendar Months Interest into the Bank of *England*, in manner herein-after directed, all Interest on every such Mortgage shall from the Time of such Payment cease and determine: Provided always, that in case the Sum due upon any such Mortgage, with all Interest due thereon, shall amount to more than the real Value of such Lands, or the Part thereof which shall be taken for the Purposes of this Act, then the said Commissioners shall not be liable to pay the Mortgagee any more than the real Value of such Premises, which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury, in like Manner as the Value of any Property wanted for the Purposes of this Act is herein-after directed to be ascertained and settled, before which Jury it shall be lawful for the Party entitled to the Equity of Redemption of and in the Lands to appear and be heard.

On Persons refusing to treat or to sell, Jury to be summoned to assess Value, &c.

XXVIII. And be it further enacted, That if any such Corporation, Tenant in Fee Simple, or for Life or for Years, or in Fee Tail, General or Special, Feoffee, Husband, Guardian, Committee, Executor, or Administrator, Trustee, or other Person whomsoever in anywise interested in any Lands described in the said Plan, and included in the said Book of Reference, hereby authorized to be purchased, or any Lessee or Occupier thereof sustaining any Loss, Injury, or Damage, shall (upon Notice given to or left in Writing at the

the Dwelling House of such Person, or of the principal or head Officer of such Corporation), for the Space of One Calendar Month next after such Notice given or left as aforesaid, neglect or refuse to treat and agree, or shall not agree, for the Sale of the said Premises, or the Interest they respectively have therein, or are hereby capacitated to convey, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Commissioners, then and in every such Case it shall be lawful for the said Commissioners to issue a Warrant under the Hands of Three of the said Commissioners to the Sheriff of the said County of *Kent*, or in case the said Sheriff or his Under Sheriff shall be in anywise interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person living in the said County who shall have filled the Office of Sheriff or Coroner therein, and be free from personal Disability and uninterested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff, Coroner, or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, Coroner, or other Person, at such Time and Place as in such Warrant shall be appointed; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up such Jury to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby also required and empowered, from Time to Time as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath, every Person who shall be thought necessary and proper to be examined as a Witness touching or concerning the Premises; and the said Sheriff, Under Sheriff, Coroner, or other Person shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for his own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, Coroner, or other Person shall think fit; and the said Jury, upon their Oaths, or being Quakers solemn Affirmation, (which Oaths or Affirmations, as well as the Oaths or Affirmations of all Persons called upon to give Evidence, the said

Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) shall assess the Purchase Money or Compensation for Damages to be given for the said Lands, according to the respective Interests therein, and shall give in their Verdict thereupon; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money or Compensation as shall be assessed by such Jury: Provided always, that not less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioners to the Party with whom any such Controversy shall arise, by serving such Notice personally, or leaving such Notice at the Dwelling House of the Person or the Clerk or Agent or principal Officer of the Corporation interested in the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise: Provided also, that in all such Cases the Party claiming such Compensation shall be treated as the Plaintiff, and shall be entitled to all such Advantages and Privileges as Plaintiffs are in Actions tried in any of Her Majesty's Courts of Record at *Westminster* by Law entitled.

Verdict to be recorded by the Clerk of the Peace.

XXIX. And be it further enacted, That the said Verdict and Judgment, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace of the said County amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying to such Clerk of the Peace for such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying to the said Clerk of the Peace for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff, or his Substitute, or Jurors or Witnesses, making Default.

XXX. And be it further enacted, That if any such Sheriff, or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay, for the Benefit of the Party by whom such Jury shall be required to be summoned, the Sum of Fifty Pounds, to be recovered by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned upon any such Jury shall not appear, or appearing shall refuse to be sworn, or, being a Quaker, to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or, being a Quaker, affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, (such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party

for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Ten Pounds, which said last-mentioned Penalty shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Superior Courts.

XXXI. And be it further enacted, That every such Jury and Juryman as aforesaid shall, in addition to the Penalty hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster;* and all Persons who in any Examination to be taken by virtue of this Act upon their Oaths, or, being Quakers, upon their solemn Affirmations, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the Pains and Penalties to which Persons guilty of wilful Perjury shall or may by Law be subject or liable.

Expences of Jury and Witnesses, how to be paid.

XXXII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Commissioners for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage occasioned by the Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Expences of the Bond to be given as herein-after mentioned, and the reasonable Fees and Expences which may have been paid to Counsel for attending the Inquiry before such Jury by the Party requiring the Jury to be summoned, shall be borne by the said Commissioners, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners, under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on the Behalf of the said Commissioners, one Moiety of the said Costs, Charges, and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom

the said Commissioners shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Commissioners; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use; and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender and Satisfaction of the whole thereof.

Persons requesting Juries to enter into Bond to prosecute their Complaint and pay Expences.

XXXIII. And be it further enacted, That all Parties with whom the said Commissioners shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Commissioners shall be obliged to issue their Warrant for summoning such Jury, enter into a Bond to the said Commissioners in a Penalty of One hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning, impannelling, and returning such Jury, taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incidental to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

Compensation for Damage under 25*l.* may be determined by Two Justices.

XXXIV. And be it further enacted, That in case where the Amount of the Compensation for any Damage done or occasioned by the said Commissioners in the Exercise of any of the Powers herein contained shall be disputed, and be alleged by the Parties claiming the Compensation to amount to any Sum under Twenty-five Pounds, then the Amount of the Compensation for such Damage shall or may be ascertained and settled by any Two Justices of the Peace acting for the said County of *Kent*, and shall and may be levied and recovered by Warrant under the Hands and Seals of such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods of the Treasurer of the said Commissioners, unless such Treasurer shall pay and discharge the same, which he is hereby authorized to do, out of any Monies received or to be received by him as such Treasurer.

Power to enter Lands on Payment or Tender of Purchase Money.

XXXV. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury, in manner in this Act mentioned, for the Purchase of any Lands for the Purposes of the said Undertaking, to the respective Proprietors of such Lands, or other Persons respectively interested therein and entitled to receive such Money, or, in the several Cases by this Act authorized or directed, upon Payment of such Money into the Bank of *England*, to the Credit of the Parties interested in such Lands, then and in every such Case it shall be lawful for the said Commissioners immediately to enter upon such Lands, and thereupon all the Estate, Use, Trust, and Interest of all Parties in respect of whose Rights or Interest such Purchase Money shall have been paid shall thenceforth be vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act; and

and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower and Courtesy, and all Estates Tail, and other Estates in Reversion and Remainder, and also all Titles, Limitations, and Trusts whatsoever of and in the said Lands purchased or paid for by means of such Payment, Tender, or Deposit: Provided always, that before such Payment or Tender, or such Deposit in the Bank of *England*, as aforesaid, it shall not be lawful for the said Commissioners, or for any Person acting under their Authority, to bore under, dig, or cut into, or enter upon such Lands for any of the Purposes of this Act, except as hereafter mentioned, and except in Cases of sudden Floods and Damage to the said Navigation as herein-after mentioned, without the previous Consent of the Persons in Receipt of the Rents and Occupiers thereof respectively: Provided nevertheless, that the said Commissioners shall be at liberty to enter upon the said Lands for the Purpose of setting out and marking by Stakes or otherwise the Line of the said Navigation, and ascertaining the precise Direction thereof, and the Quantity and Extent of Land requisite to be taken for the Purposes of the same, (but without boring upon, digging, or excavating the said Lands further than may be absolutely necessary for ascertaining the Nature of the Soil thereof,) with the Consent of the Owners and Occupiers thereof, or without their Consent, at such reasonable Times and under such Regulations and Restrictions as shall be authorized by any Justice of the Peace acting for the District within which such Lands or any Part thereof may be situate, upon Notice to be given to the respective Occupiers of the said Lands, or left at their last known or usual Place of Abode: Provided also, that the said Commissioners shall pay full Compensation for any Damage they may do in setting out or ascertaining their said Line and the Nature of the Soil thereof, whether by the Destruction of Timber, Boring, Excavation, or otherwise; such Compensation, in case of Dispute about the same, to be settled by any Two Justices of the Peace for the District where the Lands may be.

Penalty for entering on Lands before Purchase.

XXXVI. And be it further enacted, That if the said Commissioners or any of their Contractors shall wilfully enter upon and take possession of any Lands, except for the Purposes herein-before mentioned, without such Consent as aforesaid, or without having made or tendered Payment for the same as aforesaid, the said Commissioners shall forfeit and pay to the Party in Possession of such Lands the Sum of Ten Pounds over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before any Two Justices of the Peace for the said County of *Kent*; and if the said Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession or Receipt of the Rents and Profits, continue in the unlawful Possession of the said Lands after a reasonable Time allowed them for removing therefrom, the said Commissioners shall be liable to forfeit and pay the Sum of Five Pounds for every Day, and so in proportion for any fractional Part of a Day, they or their Contractors

tors may so remain in Possession as aforesaid; such Penalty to be recoverable by the Party in Possession and Receipt of the Rents and Profits of the said Lands, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that nothing herein contained shall be held to subject the said Commissioners to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid or tendered or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person, although such Person may not have been legally entitled to receive the same, or shall have *bonâ fide* made an incorrect Deposit thereof, nor shall any Decision of Justices under the Provisions herein-before contained be held conclusive as to the Right of Entry by the said Commissioners: Provided also, that the said Commissioners shall, after Notice of this Provision to any Contractor, be entitled to recover from such Contractor any Penalty in which they may have been convicted in consequence of the Acts of such Contractor done without the Authority of the said Commissioners.

Application of Compensation Money amounting to 200*l.*

XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Land to be taken or used by virtue of the Powers of this Act, or of any Interest therein which any Corporation, Tenant in Tail or for Life, Husband, Guardian, Trustee, or Feoffee in Trust, Committee, Executor or Administrator, Feme Covert, or any Person whomsoever, for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trust, whether Infants, Issue unborn, Femes Covert, or any Person whomsoever whose Lands are limited in strict or other Settlement, or any Person under any Disability or Incapacity shall be entitled unto or interested in, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of the *Dartford* and *Crayford* Navigation," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the general Orders of the said Court, without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made in a summary Way by Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Land standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by

1 G. 4. c. 35

Order of the said Court made in a summary Way as aforesaid, in the Purchase of other Lands or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

When under 200*l.* and exceeding 20*l.*

XXXVIII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before is mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, with the Approbation of the said Commissioners, signified in Writing under the Hands of Three of the said Commissioners, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, upon the Requests of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option (such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under the Hands of Three at least of the said Commissioners); and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When not exceeding 20*l.*

XXXIX. Provided also, and be it further enacted, That when any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been

been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation or Satisfaction shall be paid, for their own Use and Benefit, or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

In case of not making out Titles, &c., the Money to be paid into the Bank.

XL. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under or by virtue of the Powers of this Act, or for any Interest therein, or for Compensation as aforesaid, shall refuse or neglect to accept the same, or cannot be conveniently found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to such Lands or to such Interest in the Premises to the Satisfaction of the said Commissioners, or if the Party entitled unto or required by the said Commissioners to convey or join in conveying such Lands, or such Interest therein, shall not be known, or be not shown to the Satisfaction of the said Commissioners to be such Party, or shall refuse to convey or join in conveying the same, then and in every such Case, where not otherwise provided for by this Act, it shall be lawful for the said Commissioners to order the Money so agreed, offered, intended to be offered, or awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them so far as the said Commissioners can do), subject to the Control or Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof by Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the said Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, and in respect of what Purchase the same was so paid in.

In case of disputed Title, Persons in Possession to be deemed presumptively entitled.

XLI. And be it further enacted, That where any Question shall arise in reference to the Provisions aforesaid, or otherwise upon this Act, touching the Title of any Party to any Lands, or to any Interest in the same, or to any Compensation in respect of any Damage done thereunto, or to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, or to any Annuities or Securities to be purchased with any such Money, or to the Dividends or Interest of any such Annuities or Securities,

Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of taking or using the same, and all Corporations or Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, or to such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Commissioners.

XLII. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of this Act, from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money herein mentioned, the Purchase Money for the same, or any Money to be paid by way of Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same or the Government or Real Securities purchased therewith in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purchases, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Commissioners; and the said Commissioners shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Costs and Expences of making out Titles to be paid by the Commissioners.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances of any Lands which shall be purchased or taken by the said Commissioners for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Commissioners may require, and of making out and furnishing such Abstract and such attested Copies as the said Commissioners may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Commissioners; and the said Commissioners, before entering into Possession of the Premises so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences,

or,

or, in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Premises shall be purchased or taken: Provided always, that the said Commissioners shall not be prevented from entering into Possession of the said Premises so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to him by the said Commissioners, deliver a Bill of his said Costs, Charges, and Expences to the said Commissioners: Provided also, that in case the said Commissioners shall not require the making out or furnishing such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Property purchased or taken, such Seller shall be bound, at the Expence of the said Commissioners, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said Commissioners so to do, without furnishing any Abstract of his Title.

How such Costs are to be ascertained.

XLIV. And be it further enacted, That if the said Commissioners and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, and it shall be lawful for the said Court, on Petition to be presented by the said Commissioners, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Commissioners to the Party from whom the Premises shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Commissioners shall not be at liberty to enter into Possession of the Premises so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Commissioners shall have deposited the Sum claimed in respect of the same in the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners of the *Dartford* and *Crayford* Navigation," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, which Sum shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences aforesaid, and of obtaining the Order referring the same to be taxed,

shall be paid and borne by the said Commissioners, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Premises were purchased or taken, and the Amount thereof may then be paid to the said Commissioners out of the said Sum so deposited by them as aforesaid.

Tenants at Will to deliver Possession on Six Months Notice.

XLV. And be it further enacted, That every Tenant at Will or from Year to Year, and every other Person in Possession of any Lands which shall be purchased or taken by virtue and for the Purposes of this Act, who shall have a less Interest than as Tenant from Year to Year, shall deliver up the Possession of such Premises to the said Commissioners, orto such Person as they shall appoint to take possession of the same, upon having Six Calendar Months Notice from the said Commissioners, or their Clerk, to quit the same, at such Time as shall be required by such Notice, they the said Commissioners having first made a reasonable and proper Compensation to every such Tenant or other Person as aforesaid; and in case any Dispute or Difference shall arise touching or concerning the same, such Compensation shall be ascertained and settled in such and the like Manner as the Compensation to be made by the said Commissioners for the Purchase of any Lands, or any Damage to any Lands, is herein-before directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Tenant or other Person aforesaid in Possession shall, on Payment of such Compensation as shall be agreed upon between the Parties, or shall be awarded as herein-before mentioned, and at such Time as he shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person authorized by them to take possession thereof; and if any such Tenant or other Person aforesaid so in Possession as aforesaid shall refuse or neglect to deliver up such Possession, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept under the Hands of Three of the said Commissioners to the said Sheriff, to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept on the Person refusing to deliver up Possession as aforesaid, by Distress and Sale of his Goods and Chattels.

If Land not purchased in Three Years, Powers to cease.

XLVI. And be it further enacted, That in case any Land which the said Commissioners shall require to take for making the said Diversion or new Line of Navigation, and other Works, shall not be taken and paid for within the Space of Three Years from the passing of this Act, all the Powers and Authorities given by this Act for taking such Land shall cease and determine, except as to so much (if any) of the said Land as shall have been so paid for, and save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

XLVII. And

Enabling the Commissioners to sell Lands not necessary for the Purposes of the Act.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, within Ten Years after the passing of this Act, to sell any Lands not actually necessary for the Purposes of this Act, as they may deem expedient: Provided always, that the said Commissioners, before they shall sell any such Lands, shall first, by some Writing signed by their Clerk, offer to sell the same to the Party from whom they purchased the same, or who would have been entitled thereto if such Purchase had not been made; and such respective Party, in case he shall be desirous of purchasing the same, shall by Writing signed by him signify such his Desire in that Behalf to the said Commissioners, through their Clerk, within Fourteen Days after such Offer of Sale shall have been made; and in case any Party shall refuse or neglect to avail himself of the Offer of the Purchase to be made as herein mentioned, then and in every such Case a Declaration made before a Master or Master Extraordinary of the High Court of Chancery, or before some Justice of the Peace, by some Person not interested in the same Lands, stating that such Offer was refused or was not accepted within the Time herein limited, shall in all Courts whatever or elsewhere be sufficient Evidence that such Offer was made and was refused, or was not accepted within the Time aforesaid; and in case such Party shall be desirous of purchasing the same, and he and the said Commissioners shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Commissioners in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Commissioners, *mutatis mutandis*; and the Money produced by any Sale which may be made by the said Commissioners of such Lands as aforesaid shall be applied to the Purposes of this Act: Provided always, that in all Cases where, by reason of Absence or otherwise, any Party to whom such Offer is to be made cannot be found, it shall be lawful for the said Commissioners, by public Advertisement inserted Two successive Weeks in some Newspaper published within the said County of *Kent*, or, in case there shall be no such Newspaper, then in the *London Gazette*, to make such Offer; and if no Application shall be made to the said Commissioners, duly signed by or on behalf of such Party accepting such Offer within Three Calendar Months from the Date of the first Advertisement, such Omission or Neglect shall be considered as a Refusal on the Part of such Party to purchase the same: Provided also, that if the said Commissioners shall neglect to sell, within the Period herein-before limited, any Lands not required or used by them for the Purposes of this Act, such superfluous Lands shall become the Property of the Owners of the adjoining Lands.

Navigation to be kept open during the Progress of the Works.

XLVIII. And be it further enacted, That the Works by this Act authorized to be made shall, from the Time of the Commencement thereof, be prosecuted and proceeded in with all practicable Despatch to Completion, and during the Progress and until the Completion thereof

thereof the Navigation of the said Creeks shall at all Times be kept open.

If Works not completed in Seven Years, Powers to cease, save as to such Part (if any) as shall be completed, and saving the Right of Persons who may have advanced Money on Security of the Tolls.

XLIX. And be it further enacted, That if within the Space of Seven Years to be computed from the passing of this Act the Sum of One thousand Pounds shall not have been expended in improving the Navigation of the said Creeks, or some Part thereof, or in case the said Diversion or new Line of Navigation shall not have been made and completed, (unless prevented by inevitable Accident,) then, from and after the Expiration of the said Term of Seven Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Diversion or new Line of Navigation as shall be declared and certified to have been completed within the said Term by the Justices of the Peace for the said County of *Kent* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County of *Kent* at any Time before the Expiration of the Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or in case of Quakers Affirmation, to be produced before such Justices for that Purpose, and subject and without prejudice to the Rights of Persons who may have advanced any Money on the Security of the Tolls hereby granted, and the Powers and Remedies vested in them for securing the Repayment of such Monies and Interest thereon.

Reservation to Owners of Land of their Right to make Wharfs.

L. Provided always, and be it further enacted, That nothing herein contained shall prevent the Owner of or any Person interested in any such Ground adjoining the said Creeks or either of them, or the said Diversion or new Line of Navigation, as shall not be taken by the said Commissioners for the Purposes of this Act, from appropriating or using the same as Wharfs or Sites for Warehouses or other Buildings, or for Basins and Roads connected therewith, either for their own Use or the Use of the Public.

Buildings not to be erected so as to impede the Navigation.

LI. Provided always, and be it further enacted, That it shall not be lawful for any Person whomsoever to erect or place, or cause or suffer to be erected or placed, any Wharf, Warehouse, Tenement, Building, or Erection whatsoever, upon the Banks or Sides of the said Creeks or either of them, or of the said Diversion or new Line of Navigation, so as to diminish the Waterway between the same, or to impede the Navigation thereof respectively, or so as to pen the Water on the Water Wheels of the said Mills called the *Phœnix Mills*, and the said Mill called the *Saw Mills*, or either of them.

Superintendent to regulate Vessels.

LII. And be it further enacted, That the Superintendent for the Time being, or any Person appointed for the Purpose by the said Commissioners, shall have full Power and Authority from Time to Time to cause to regulate and remove all Vessels, Wrecks of Vessels, Timber, or any other Articles or Things whatsoever obstructing or

tending to obstruct the said Navigation, and shall give such other Orders and Directions for the Government and Regulation of the Vessels as to him shall seem expedient.

Penalty for not obeying his Orders.

LIII. And be it further enacted, That in case the Master or other Person having the Charge of any Vessel shall refuse or neglect, after being required so to do, to attend to the Directions of the said Superintendent or other Person as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Superintendent or other Person, and such other Persons as he shall call to his Aid, to remove such Vessel and other Matters, in such Manner as he shall deem necessary, and all reasonable Charges and Expences attending the removing such Vessel, after such Direction and Refusal or Neglect as aforesaid, (to be ascertained by any Two Justices of the Peace for the County of *Kent* in case of Dispute,) shall be forthwith paid by the Master or such other Person as aforesaid.

For weighing and raising Vessels sunk.

LIV. And be it further enacted, That if any Vessel shall sink, and the Master thereof shall not, within the Space of Twenty-four Hours next after such Vessel shall so sink, weigh or draw up and remove the same out of the Way of other Vessels, or within the Period aforesaid give sufficient Security to the said Commissioners or to the Superintendent or other Person appointed as aforesaid for so doing, and shall not remove the same within Seven Days after such Security, it shall be lawful for the Superintendent or other Person, or for any other Agent or Servant of the said Commissioners, to weigh, draw up, and remove such Vessel, and to detain and keep such Vessel, with her Tackle, Furniture, and Lading, until Payment of all Damages and Expences occasioned by the sinking of such Vessel, and attending the weighing, drawing up, and removing the same; and if the Amount of such Damages and Expences shall not be paid within Fourteen Days after Demand thereof made by or on behalf of the said Commissioners, it shall be lawful for the said Superintendent or other Person, or other Agent or Servant of the said Commissioners, to sell either by public Auction or private Contract such Vessel, her Tackle, Apparel, Furniture, and Lading, or so much thereof as shall be necessary for reimbursing the Amount of such Damages and Expences, and the Costs and Expences attending the keeping and selling the same, returning the Overplus (if any), on Demand, to the Master of such Vessel.

Penalty on Persons cutting Mooring Ropes or Buoys.

LV. And be it further enacted, That if any Person not legally authorized so to do shall wilfully cut, break, or in any other Manner destroy or injure, or cast loose or slacken, any Rope or Chain or other Thing by which any Vessel shall be moored or fastened, or shall deface or take away, or cast loose or cut away, any Floating Buoy, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence: Provided always, that the enforcing such Penalty shall not in any Manner lessen or affect the Remedy which any Person may have, by Action or otherwise, against such

Offender for any Damage or Injury done or occasioned by such Act.

Penalty on throwing Rubbish, &c. into Navigation.

LVI. And be it further enacted, That if any Person shall cast, empty, or lay any Ballast, Stones, Dust, Ashes, Earth, or other Rubbish into or upon the said Navigation, or the Banks, Shores, or Forelands thereof, or shall, without the Permission or contrary to the Direction of the said Superintendent or other Person appointed as aforesaid, dig for or take away any Sand, Brack, Earth, Clay, Gravel, or other Materials for Ballast, or for any other Purpose, in, upon, or from the Banks, Shores, or Forelands of the said Navigation, or shall contrary to such Direction as aforesaid moor any Vessel, or fasten or tie any Rope or Chain for any Purpose whatsoever to any Post, Pillar, or any other Part of the Works of or belonging to the said Navigation, or do any other Act or Thing contrary to the Provisions of this Act, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above any Damage which may be occasioned by the Commission of such Offence (the Amount thereof to be ascertained and determined by the Justices before whom the Conviction shall take place); and if any Master shall neglect or refuse, after Notice, to remove any Wreck, Timber, or other Article or Thing whatsoever lying on the Banks of the said Navigation, or tending to interrupt such Navigation, then and in every such Case such Person shall forfeit and pay a Sum not exceeding Twenty Pounds; and the said Superintendent or other Person is hereby respectively authorized, upon any Neglect or Refusal to remove any Obstructions as aforesaid, to cause the same to be removed; and the Expence of such Removal shall be borne and paid by the Owners thereof, in the Manner herein-before directed in Cases of removing Vessels by the said Superintendent or other Person.

Power to take Tonnage Rates.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners, or such Person as they shall from Time to Time appoint, and they are hereby authorized and empowered, from Time to Time and at all Times, after the Expenditure of the said Sum of One thousand Pounds in improving the Navigation of the said Creeks, and after the said Diversion or new Line of Navigation shall have been declared and certified to have been completed as herein-before mentioned, to ask, demand, take, receive, collect, recover, and levy a Duty, not exceeding Three-pence *per* Ton, upon all Coals, Stone, Timber, Goods, Wares, Merchandize, Cattle, Commodities, and other Matters and Things whatsoever, which shall be carried or conveyed upon any Part of the said Navigation, and also a further Duty for and upon all Vessels carrying any Passengers upon the said Navigation, not exceeding Three-pence *per* Ton of such Vessels for each and every Time that such Vessels shall ply upon or navigate the said Creeks, or any Part thereof, upwards, and a like Duty, not exceeding Three-pence *per* Ton, for each and every Time such Vessels shall ply upon or navigate the said Creeks, or any Part thereof, downwards.

LVIII. And

Application of Rates.

LVIII. And be it further enacted, That the Rates or Tolls by this Act authorized to be collected and received shall be applied in the first place in paying the Interest of any Money borrowed under the Authority of this Act; in the next place, in paying the Salaries of the Clerk, Treasurer, Collector, and other Officers to be appointed under or by virtue of the Provisions of this Act; in the third place, in repairing and maintaining, altering and rendering more convenient, the said Navigation and other Works, and in deepening and widening the same, or in repairing and maintaining the Towing Paths, Communications, and other Works connected therewith, and in otherwise discharging the necessary current Expences incidental to the Provisions of this Act, and then in Repayment of the Principal Monies borrowed under the Authority of this Act.

Reserve Fund.

LIX. Provided always, and be it enacted, That it shall be lawful for the Commissioners under this Act to provide, out of the Rates or Tolls by this Act authorized to be collected and recovered, a reasonable Reserve Fund for extraordinary Repairs or Improvements, but that such Reserve Fund shall at no One Time exceed the Sum of Two thousand Pounds; and the Monies constituting the same shall, as and when they shall from Time to Time amount to the Sum of One hundred Pounds, be invested in Exchequer Bills, the Public Funds, or other Government Securities.

Ascertaining Tonnage of Vessels.

LX. And be it further enacted, That the Tonnage or Admeasurement of all Ships, Steam Packets, and other Vessels required to be registered by any Act of Parliament, and liable to the Payment of the Rates or Tolls by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of such Ship or Vessel is hereby required to produce such Certificate of Register at the Time of Payment of the said Rates or Tolls to the Person duly authorized to collect and receive the same; and in case of any Dispute about the same, whether the Ships, Steam Packets, or Vessels shall be *British* or Foreign, then the Tonnage shall be ascertained in the Manner and according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

Power to Collector to measure Vessels.

LXI. And be it further enacted, That if the Collector of the Rates or Tolls by this Act imposed, or such other Person as the said Commissioners shall appoint, and the Owner, Master, or other Person having the Charge or Command of any Vessel, cannot agree about or otherwise ascertain the Tonnage of such Vessel, then and in every such Case it shall be lawful for such Collector or other Person appointed as aforesaid, from Time to Time and at all convenient and reasonable Times, to stop, detain, enter into, measure, and gauge the same according to the Mode prescribed by any Act for the registering of *British* Vessels.

For enforcing Payment of Rates and Tolls.

LXII. And be it further enacted, That such Rates or Tolls shall be payable by the Owner, Master, or other Person having the Charge or

or Command of any such Vessel on the Entrance of the same into the said Navigation, and also previous to the Departure of the same therefrom, before such Vessel shall leave her Moorings or weigh Anchor; and in case of any Neglect or Refusal to pay the Rates or Tolls by this Act granted, it shall be lawful for the said Commissioners to sue for and recover the same by Action of Debt or upon the Case in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for their Collector or other Person appointed or authorized for that Purpose to detain any Vessel coming into or making use of the said Navigation, or attempting to depart therefrom, in respect of which the Rates or Tolls payable under this Act shall not have been paid, until such Rates or Tolls shall be fully paid; and if such Payment shall not be made within Three Days from the Detention of such Vessel, it shall be lawful for the said Collector to apply to Two or more Justices of the Peace acting for the said County of *Kent*, and such Justices are hereby authorized and required to examine into the Matter, and if they see fit to cause any such Vessel to be sold, or so much of the Furniture or Tackle thereof as shall be deemed sufficient to discharge all such Rates or Tolls, and all Expences incurred on account of or attending such Distress and Sale, or otherwise occasioned by the Nonpayment of such Rates or Tolls, and in the Event of there being any Overplus of the Money so raised, the same shall be paid to the Person owning or having Charge of the said Vessel, on Demand.

Provision against evading the Payment of Rates.

LXIII. And be it further enacted, That if any Owner, Master, or other Person having the Charge or Command of any Vessel shall elude or evade the Payment of any Rate or Toll payable to the said Commissioners in respect of such Vessel, such Owner, Master, or other Person shall stand charged with and be liable to the Payment of the same, and the same shall be recovered from such Owner, Master, or other Person in the same Manner as Fines and Penalties imposed by this Act are directed to be levied and recovered, or by Action or Actions at Law.

Duties may be varied.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to reduce all or any of the Rates or Tolls by this Act granted, and again to raise the same to any Amount not exceeding the respective Rates or Tolls by this Act granted; and such reduced and also such advanced Rates or Tolls shall be paid, collected, recovered, and applied in the same Manner as the said Rates or Tolls in this Act specified and made payable are directed to be paid, collected, recovered, and applied: Provided nevertheless, that until the whole Money borrowed on the Credit of the Rates or Tolls granted by this Act shall have been paid or discharged, no such Rates or Tolls shall be lessened or reduced without the Consent of the Person or Corporation entitled to Four Fifth Parts of the Money remaining due upon Security of such Rates or Tolls.

No Reduction to be made without Consent of Creditors in certain Cases.

Rates to be charged equally.

LXV. Provided always, and be it further enacted, That the aforesaid Rates or Tolls to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate in respect of all

Vessels using the said Navigation or Works aforesaid; and no Reduction, Exemption, or Advance in the said Rates or Tolls shall either directly or indirectly be made partially or in favour of or against any particular Person or Company; but that every such Reduction, Exemption, or Advance of Rates or Tolls shall extend to all Persons using the said Navigation, any thing to the contrary thereof in anywise notwithstanding.

Power reserved to Her Majesty and the Lords of the Treasury to reduce Duties on Foreign Ships.

LXVI. Provided always, and be it further enacted, That it shall and may be lawful for Her Majesty, in and by an Order in Council, or for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, and at all Times when She and they shall deem fit so to do, in and by Her or their Order in Writing, to reduce the Duties hereby made payable on all or on so many of the Foreign Vessels as She or they in their Judgment shall deem expedient to the same and like Duties as are hereby made payable in respect of the *British* Vessels.

List of Tolls to be fixed in conspicuous Places.

LXVII. Provided always, and be it further enacted, That the said Commissioners shall from Time to Time cause to be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, in some conspicuous Places near or adjoining to the said Navigation, in large and legible Characters, an Account or List of the Rates or Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken.

Commissioners empowered to demise the Tolls.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, by any Instrument in Writing under their Hands and Seals, to let or demise all or any Part of the Rates or Tolls arising from or to be payable under or by virtue of this Act, to any Person for any Term not exceeding Three Years at any One Time, for the highest Rent that can be had or gotten for the same, either by public Bidding or otherwise, provided Two Calendar Months previous Notice be given in some One or more public Newspaper or Newspapers published or usually circulated in the said County of *Kent* of the Intention of the said Commissioners to let or demise the said Rates or Tolls, and so as that the Person renting the same shall give satisfactory Security to the said Commissioners for the due Performance of his Contract; and the Person so renting the said Rates or Tolls, and their Agents, shall have full Power and Authority to ask, demand, collect, and receive the same, and to that End shall be deemed and taken to be a Collector or Collectors appointed by the said Commissioners.

Power to re-enter Toll Houses, &c.

LXIX. And be it further enacted, That in case any of the said Rates or Tolls shall be demised, and the Rent agreed to be paid by such Lessee or any Part thereof shall be in arrear for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid, or in case there shall be any other Breach of the Terms, Covenants, Agreements, and Conditions of such Lease, or either of them, on the Part of such Lessee, his Executors, Administrators,

trators, or Assigns, then and in such Case (although there shall be no Provision for that Purpose in such Lease) it shall be lawful for the said Commissioners, if they shall see fit, to vacate and determine the Lease, and the same shall accordingly be utterly void, to all Intents and Purposes, both at Law and in Equity, save as to the past Operation thereof, and without Prejudice to the subsisting Remedies in respect of the same; and in case any such Lessee, or in case any temporary or other Collector of the said Rates or Tolls, or any Servant of the said Commissioners, shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector or Servant who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector or Servant, who shall die, abscond, or absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, Dwelling House, Office, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, for the Space of Three Days after Demand thereof made in Writing left at such Toll House, Dwelling House, Office, or Building, or at any of the Toll Houses, Dwelling Houses, Offices, or Buildings which shall have been in the Possession of such Lessee, Collector, Servant, or other Person, such Demand to be signed by any Two of the said Commissioners, (although not assembled at a Meeting,) or by the Clerk or Treasurer for the Time being of the said Commissioners, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace, within their Jurisdictions, upon Application made by the said Commissioners, or by the Treasurer or Clerk for the Time being of the said Commissioners, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Dwelling House, Office, or other Building, with the Appurtenances thereto belonging, and to remove and put such Lessee or other Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Commissioners, or their new Lessee or Collector or Servant, into the Possession thereof.

For preventing Toll Collectors misbehaving.

LXX. And be it further enacted, That every Toll Collector shall, immediately on his coming on Duty, place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of his Toll House, each of the Letters of such Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector shall make default therein, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do, or shall refuse to permit any Person to read the Inscription on any Board or Boards affixed at such Toll House, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the said Rates or Tolls, or any of them, or shall, in answer to such Demand, give a false Name or Names, or

upon

upon the legal Rate or Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent the Passage of any Vessel as aforesaid, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Owners to put their Names and Numbers on the Outsides of their Vessels.

LXXI. And be it further enacted, That the Owner of every Vessel navigating the said Creeks or either of them shall cause his Name and Place of Abode, and the Number of such Vessel, to be painted and continued and renewed from Time to Time in large White Capital Letters and Figures on a Black Ground Two Inches high at the least, and of a proportionate Breadth, on some proper and conspicuous Part of the Outside of every such Vessel; and every Owner offending in or about the Premises shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Vessels to be accountable for Damages done by their Servants or Seamen.

LXXII. And be it further enacted, That the Owner of every Vessel using the said Navigation shall be and he is hereby made answerable for any Trespasses, Damages, Spoil, or Mischief that shall be done by his Vessel, or by any of the Seamen or Boatmen, or other Persons belonging to or employed in or about the same respectively, to the said Navigation, or to the Banks, Towing Paths, or other Works or Conveniences belonging thereto, by any Means whatsoever, or to the Owners or Proprietors of any Buildings or other Erection on the Lands adjoining or lying near the same; and such Owner of such Vessel shall for every such Damage, upon Conviction of such Person before Two Justices of the Peace, either by Confession of the Party offending or upon the Oath of One credible Witness, pay to the Person injured the Damages to be ascertained by such Two Justices, provided that such Damages do not exceed the Sum of Twenty-five Pounds, and also shall, over and above such Damages, forfeit and pay all the Costs, Charges, and Expences attending such Conviction, which Damages, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels of the Owner of any such Vessel, by Warrant under the Hands and Seals of such Two Justices; and the Overplus (if any), after such Damages, Costs, Charges, and Expences, and the Costs and Expences of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels, or if the Damages shall exceed the Sum of Twenty-five Pounds, then and in such Case the Owner of such Vessel may be sued and prosecuted for the same in any of Her Majesty's Courts of Record.

Servants to repay their Masters for Damages.

LXXIII. And be it further enacted, That if the Owner of any Vessel shall be compelled to make Satisfaction for any Damage by reason of any wilful Act, Neglect, or Default of his Seamen, Boatmen, or other Persons employed by him, then and in such Case every such Seaman, Boatman, or other Person shall be liable to repay such Damages, with the Costs attending the same, to such Owner; and in case of Nonpayment thereof, on Demand, the same shall be recovered

vered in like Manner as any Penalty may by virtue of this be Act recovered.

Duties not to extend to Vessels in Her Majesty's Service.

LXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any of Her Majesty's Vessels of War, to any Vessels employed in or on Her Majesty's Service for the Conveyance of Officers or Soldiers, or of Horses, Arms, Ammunition, or Baggage to them belonging, or of Ordnance, Barrack or Commissariat Stores, or to any Vessel in the Service or Employ of the Ordnance, Customs, or Excise, or of Her Majesty's Postmaster General.

Power to borrow Money on Security of the Rates or Tolls.

LXXV. And, for more speedily raising Money for carrying the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up at Interest, upon the Credit of the Rates or Tolls to be collected by virtue of this Act, in such Manner as they shall think proper, any Sum or Sums of Money which they shall think it necessary or expedient to borrow, to be applied in or towards deepening and improving the Navigation of the said Creeks, and in or towards making and maintaining the said Diversion or new Line of Navigation and other Works, and for the general Purposes of this Act, or for the Purpose of paying off any former Mortgage or Mortgages which may have been made of the said Rates or Tolls, or of any Part or Proportion thereof; and the said Commissioners are hereby empowered from Time to Time to assign by way of Mortgage the said Rates or Tolls, or any Part or Proportion thereof, as a Security to any Person who shall advance such Sum or Sums of Money, his Executors, Administrators, and Assigns, or to his Trustee, his Executors, Administrators, and Assigns, for the Principal Money so to be advanced, with such lawful Interest for the same as shall be agreed upon in that Behalf; and every such Mortgage shall be made by Deed duly stamped under the Hands and Seals of Three or more of the said Commissioners, in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Year of the Reign 'of Her Majesty Queen *Victoria*, intituled [*here set forth the* '*Title of this Act*], we of the Commissioners of the '*Dartford* and *Crayford* Navigation, appointed by virtue of the said 'Act, in consideration of the Sum of to us paid by ' of in the County of 'do hereby assign unto the said his [her *or* their] 'Executors, Administrators, and Assigns, all [*or* One undivided 'Part of] the Rates or Tolls to be collected by virtue of the said 'Act [*or* such Proportion of the Rates or Tolls to be collected by 'virtue of the said Act as the said Sum of doth or 'shall bear to the whole Sum which may at any Time be borrowed 'or become due and owing or be charged on the Credit of the said 'Rates or Tolls,] [*or to any other Sum which may be agreed upon,* '*as the Case may be, or otherwise as the Circumstances may re-*'*quire,*] to hold the same unto the said his [her

‘ *or* their] Executors, Administrators, and Assigns, until the said
‘ Sum of together with Interest for the same after
‘ the Rate of *per Centum per Annum*, shall be fully paid
‘ or satisfied to the said his [her *or* their] Exe-
‘ cutors, Administrators, or Assigns, [*or* to hold the same unto the
‘ said his, her, *or* their Executors, Administrators,
‘ and Assigns, *with a Clause of Redemption on Payment unto the*
‘ *said his [her or their] Executors, Administrators, or Assigns, of the said Sum by the said Commissioners on a*
‘ *Day or Days to be fixed for that Purposes, with Interest for the*
‘ *same.* Given under our Hands and Seals this Day
‘ of in the Year of our Lord .’

Or in any other Form or to any other Effect which shall be agreed upon by the Parties thereto as better adapted to the Circumstances under which any such Sum or Sums of Money shall be borrowed; and Copies of all such Mortgages shall be entered in a Book to be kept for that Purpose by the said Commissioners; which Book shall and may at all seasonable Times be perused and inspected without Fee or Reward by any Person interested therein.

Mortgagees to be Creditors in equal Degree.

LXXVI. And be it further enacted, That all Persons to whom any Mortgages shall be made as aforesaid shall be equally entitled to their Parts or Proportions of the said Rates or Tolls according to the Sums in such Mortgages respectively mentioned to have been advanced by them respectively, without any Preference or Priority by reason of the earlier Date or Execution of any such Mortgage, or on any other Account whatsoever: Provided always, nevertheless, that for facilitating the borrowing of any Sum or Sums of Money it shall be lawful for the Commissioners to agree with any Mortgagee or Mortgagees as to the total Amount to be advanced by him, her, or them on the same Footing as to Security, and to give Priority to such Mortgagee or Mortgagees, to the Extent of such total Amount so to be agreed upon, over all subsequent Mortgagees, and also, in case any prior Mortgagee or Mortgagees (if any) will consent thereto (but not otherwise), over any prior Mortgagee or Mortgagees who shall consent thereto in Writing under his, her, or their Hand or Hands.

Commissioners empowered to give Priority to a limited Amount.

Mortgages may be transferred.

LXXVII. And be it further enacted, That every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to any such Mortgage, is hereby empowered from Time to Time to transfer the same, and the Monies due and to grow due thereon, to any Person whomsoever, either by Indorsement thereon or otherwise, which Transfer shall and may be made, by Deed duly stamped, in the Form or to the Effect following; (that is to say,)

Form of Transfer.

‘ I [*or* We] in consideration of the Sum of
‘ to me [*or* us] paid by of do hereby
‘ transfer the within Mortgage, [*or* a certain Mortgage made to me
‘ *or* us,] by of the Commissioners of the *Dartford* and
‘ *Crayford* Navigation, bearing Date the Day of]
‘ and the Principal Sum of thereby secured, and the
‘ Interest

‘ Interest now due and hereafter to become due for the same, and
‘ all my [*or* our] Right and Property therein, unto the said
‘ his [her *or* their] Executors, Administrators, and Assigns. In
‘ witness whereof I [*or* we] have hereunto set my [*or* our] Hand
‘ and Seal [*or* Hands and Seals] this Day of
‘ in the Year of our Lord .’

Or in any other Form or to any other Effect which shall be agreed upon by the Parties thereto as better adapted to the Circumstances under which any such Transfer shall be made; and every such Transfer shall be produced and notified to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book, such Memorial to contain the Date, the Names of the Parties, and the Amount of Principal Money therein transferred, for which Entry the said Clerk shall receive the Sum of Two Shillings and Sixpence, and no more; and after such Entry shall have been made, but not before, such Transfer shall entitle the Assignee therein named, his Executors and Administrators, to the full Benefit of the original Mortgage, and the Principal and Interest Monies thereby secured, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person, except the Person to whom the same shall have been last transferred, his Executors or Administrators, to make void, release, or discharge the original Mortgage, or the Monies due thereon, or secured thereby, or any Part thereof.

Interest on Mortgages to be paid half-yearly.

LXXVIII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid shall be paid half-yearly to the Persons for the Time being entitled thereto; and in case such Interest or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall have become due and payable, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made of the said Commissioners, or left at the Office of the said Commissioners, the Interest so due and unpaid may be sued for and recovered by the Person entitled thereto from the said Commissioners, with Costs, by an Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Kent*, not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Person whose Interest or any Part thereof shall be so in arrear, (but without prejudice to any Mortgagee having Priority over him, or to the Executors, Administrators, or Assigns of any Mortgagee having such Priority,) by an Order under the Hands of such Justices, to appoint some Person to receive the said Rates or Tolls, or such Part or Proportion thereof as shall be liable to pay the Interest so due and unpaid as aforesaid; and the Money to be received by the Person so appointed Receiver is hereby declared to be so much Money received to the Use of and shall be paid over to the Person to whom such Interest shall be then due, until such Interest, and also all Costs and Charges of recovering and receiving the same, shall be fully paid or satisfied; and after

such Interest, Costs, and Charges shall have been fully paid or satisfied, the Power or Authority of such Receiver for the Purposes aforesaid shall cease and determine.

Application of Money to be raised by Mortgage.

LXXIX. And be it further enacted, That the Money to be raised by the said Commissioners by virtue of this Act, except what shall be borrowed for the Purpose of paying off any former Mortgage or Mortgages which shall have been made of the said Rates or Tolls, or any Part or Proportion thereof, shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating or incidental thereto; and the Remainder of such Money shall be applied in and towards purchasing Lands, and in deepening and otherwise from Time to Time improving the said Creeks, and in making the said Diversion or new Line of Navigation and other Works, and in maintaining the same respectively, and in otherwise carrying this Act into execution; and the Money which shall be borrowed for the Purpose of paying off any former Mortgage or Mortgages which shall have been made of the said Rates or Tolls, or any Part or Proportion thereof, shall be applied in or towards paying off such former Mortgage or Mortgages accordingly; and that no Mortgagee by whom any Money shall have been advanced or paid to or to the Order of the said Commissioners or any Three of them, or his Heirs, Executors, Administrators, or Assigns, shall be bound to see to the Application or be in anywise answerable or accountable for the Loss, Misapplication, or Nonapplication of the Money which shall have been so advanced or paid by him, or any Part thereof.

Declaring what shall be good Service on the Commissioners.

LXXX. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Commissioners, in pursuance of this Act, personal Service thereof upon One of the said Commissioners, or upon the Clerk of the said Commissioners, or leaving the same at the Office of the Clerk of the said Commissioners, or at the last or usual Place of Abode of such Clerk, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service of Notices, Summonses, &c. by the Commissioners.

LXXXI. And be it further enacted, That in all Cases in which it may be necessary to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity or otherwise, by or on behalf of the said Commissioners, upon any Person or Corporation under the Provisions of this Act, personal Service of such Summons, Demand, Notice, Writ, or other Proceeding respectively, either upon the Person to whom the same ought to be given, or upon the Clerk or principal Officer of such Corporation, or in case the same respectively shall not be found or known, then Service thereof upon any Agent or other Officer of such Corporation, or leaving the same at the Office of such Corporation, or at the last or usual Place of Abode of such Person, or of such Clerk

or

or principal Officer of such Corporation, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by the Clerk of the said Commissioners (unless it be otherwise specially directed by this Act), and may be in Writing or in Print, or partly in Writing and partly in Print.

Abstract of Penalties under Act to be affixed near Navigation.

LXXXII. And be it further enacted, That before any Penalty imposed by this Act on any Person other than the said Commissioners, or their Servants or Officers, shall be recovered, the said Commissioners shall cause to be painted on Boards, and affixed in some conspicuous Place near or adjoining to the said Navigation, an Abstract or List of the Penalties by this Act imposed, for any thing done contrary to the Provisions thereof, and the said Commissioners shall cause the same to be continued and renewed as often as the same shall be obliterated or defaced; and if any Person shall wilfully pull down, deface, or destroy any such Board which shall have been affixed according to the Directions of this Act, or shall concur or aid therein, he shall, on Conviction, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For securing Offenders whose Names and Residences are unknown.

LXXXIII. And be it further enacted, That it shall be lawful for any Constable, or any Officer or Servant of the said Commissioners, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Constable, Officer, or Servant, who shall commit any Offence against this Act, and to convey him, with all convenient Despatch, before some Justice or Justices of the Peace for the said County of *Kent*, without any Warrant or other Authority than this Act; and such Justice or Justices is or are hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Recovery and Application of Penalties.

LXXXIV. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall in every Case be heard, adjudged, and determined by or before Two Justices of the Peace for the said County of *Kent* in a summary Way; and if, upon the Confession of the Party accused, or on the Oath of any credible Witness, the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty, Fine, or Forfeiture hereby made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justices, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then, except in Cases otherwise provided by this Act, the same shall, by Warrant under the Hands and Seals of such Justices (which they

are

are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of such Offenders, rendering the Overplus of the Money arising by such Sale (if any) to the Party whose Goods and Chattels shall be distrained; any Portion of which Penalties not herein directed to be otherwise applied, not exceeding one Moiety thereof, and which Portion is to be fixed and determined by such Justices, shall be paid to the Informer, and the Residue of such Penalty shall be paid to the said Commissioners; and it shall be lawful for the said Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justices, for his Appearance before the said Justices on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Eight Days from the Time of taking any such Security), and which Security the said Justices are hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Fine, or Forfeiture, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justices, either upon the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods or Chattels whereon such Penalty, Fine, or Forfeiture, and such Costs as aforesaid, can be levied, if such Distress Warrant were issued, such Justice shall not be required to issue the same; and thereupon it shall be lawful for the said Justices, and they are hereby empowered, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for the said County of *Kent*, there to remain, without Bail or Mainprize, for any Term not exceeding Two Calendar Months, or until such Offender shall have fully paid such Penalty, Fine, or Forfeiture, and all Costs attending such Proceedings as aforesaid, to be ascer- by such Justices, or shall otherwise be discharged by due Course of Law.

Forms of Information and Conviction:

LXXXV. And be it further enacted, That the Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Information.

‘ County of *Kent* } BE it remembered, That on the
‘ to wit. } Day of *A. B.* of
‘ informeth me *C. D.*, one of Her Majesty's Justices of the Peace
‘ for the County of *Kent*, that *E. F.* of [*here describe*
‘ *the Offence, and the Time and Place when and where committed,*]
‘ contrary to an Act passed in the Year of the Reign
‘ of Her Majesty Queen *Victoria*, intituled [*here insert the Title of*
‘ *this Act*], which hath imposed a Forfeiture of for
‘ the

' the said Offence. Taken the Day of
' before me, *C. D.*'

Conviction.

' County of *Kent* to wit. } BE it remembered, That on the Day of in the Year of our Lord ' *A. B.* is convicted before us, Two of Her Majesty's Justices of the ' Peace for the County of *Kent*, [*here describe the Offence, and the* ' *Time and Place when and where committed,*] contrary to an Act ' passed in the Year of the Reign of Her Majesty ' Queen *Victoria*, intituled [*insert the Title of this Act*], for which ' Offence we do adjudge the said *A. B.* to have forfeited [*if the* ' *Offence is to be subject to a Fine*] the Sum of [*insert* ' *the Penalty*], together with the Sum of for Costs ' [*if any given*], [*or if to be imprisoned*], do adjudge the said *A. B.* ' to be committed to the [*naming the Gaol*], for the Space of [*insert the* ' *Time, and if the Commitment be for the Nonpayment of a Penalty then* ' *add*] unless the said Sum of be sooner paid. Given ' under our Hands and Seals the Day and Year first above written.'

Damages and Charges in Cases of Dispute to be settled by Justices.

LXXXVI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, which Justices are hereby authorized and required, on Nonpayment thereof, to order such Damages or Charges to be levied by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

LXXXVII. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice or Justices of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against, and any Witness the said Justice may think proper; and on due Proof of the Service of such Summons any Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, whether he be present or absent, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were exhibited.

Distress not to be unlawful for Want of Form.

LXXXVIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in such Distress, or in any Proceeding relating thereto, nor a Trespasser *ab initio* on account of any subsequent

sequent Irregularity in the prosecuting of such Distress, but the Person aggrieved by such Irregularity may recover Satisfaction for special Damages in an Action upon the Case.

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

LXXXIX. And be it further enacted, That no Order, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act shall be quashed or vacated for Want of Form only, or be removed or removeable, by Certiorari or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Plaintiffs not to recover without Notice, or after Tender of Amends

XC. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person or Party for any thing done in pursuance of this Act, if Tender of sufficient Amends shall have been made to him, or his Attorney, by or on the Behalf of the Defendant, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal to the General Quarter Sessions.

XCI. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Order, Conviction, Judgment, or Determination made, or by any Matter or Thing done by any Justices in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the next or second Court of General or Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to the Justice, by whose Act such Person shall think himself aggrieved, Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of such Appeal, within Fourteen Days after such Cause of Complaint shall have arisen, and within Four Days after such Notice entering into a Recognizance before some Justice, conditioned to try such Appeal at, and to abide the Order of, and to pay such Costs as shall be awarded by, the Court at such General or Quarter Sessions; and such Court, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever, and shall not be removeable by Certiorari or otherwise into any of Her Majesty's Courts of Record at *Westminster*: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor in the Hearing of such Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

XCII. And

Compelling Witnesses to attend.

XCII. And be it further enacted, That if any Person shall be summoned as a Witness by any Justice of the Peace for the said County of *Kent*, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor, or on behalf of the Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a sufficient Excuse being given for such Non-appearance, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, (the Amount of such Costs and Expences to be ascertained and determined by the said Justice,) or appearing shall refuse or decline to be examined upon Oath or upon solemn Affirmation, or to give Evidence touching the Matter in question, before such Justice, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

General Power to Justices to administer Oaths.

XCIII. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the solemn Affirmation of any Person before he shall be examined by or before such Justice; and if any Witness who shall be examined by or before any Justice of the Peace under this Act, upon Oath, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he shall be subject to the same Punishment as Persons convicted of Perjury are by Law subject and liable to.

How Debts may be proved in case of Bankruptcy.

XCIV. And be it further enacted, That in case any Fiat in Bankruptcy shall be awarded against any Person who shall be indebted to the said Commissioners, or against whom the said Commissioners shall have any Claim or Demand, it shall be lawful for any Person who shall from Time to Time in that Behalf be appointed, by Writing under the Hands of any Three or more of the said Commissioners, in respect of any such Claim, Debt, or Demand, before the Commissioners under any such Fiat in Bankruptcy, either personally or by his Affidavit, to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat; and such Person so to be appointed shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Commission on behalf of the said Commissioners in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates, and otherwise in respect of any Debt admitted to be proved on behalf of the said Commissioners, as any other Person being a Creditor of such Bankrupt in his own Right would have in respect of the Debt proved by him under such Fiat.

Meaning of certain Words in this Act.

XCV. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things as well as One

One Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to One Person, Matter, or Thing as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Corporation" shall extend to any Body, Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole; and the Word "Lands" shall extend to Messuages, Lands, Tenements, Land covered with Water, and any other Hereditaments and Premises of any Tenure; and the Word "Navigation" shall be construed to mean the Parts of the said Creeks called *Dartford Creek* and *Crayford Creek*, authorized to be deepened and improved by this Act, and also the said Diversion or new Line of Navigation, and the Works connected therewith or belonging thereto; and the Word "Vessel" shall extend to any Ship, Steam Ship, or Steam Packet, Boat, Lighter, Barge, or other Craft or Vessel whatsoever; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Saving the Metage Dues to the City of London.

XCVI. Provided always, and be it further enacted, That the Mayor and Commonalty and Citizens of the City of *London*, and their Successors, and their Officers, Porters, and Deputies, and the Lord Mayor of the said City and his Deputies, shall exercise the Office of Weigher and Measurer of all Coals, Grain, Fruit, Roots, Onions, and other Merchandizes, Wares, and Things weighable and measurable, and brought in any Boat, Barge, or other Vessel in any Part of the new Creek and Works herein-before authorized to be made, in the same Manner as if such Boat, Barge, or other Vessel had passed into the River *Thames* within the Port of the City of *London*, or into *Dartford Creek* or *Crayford Creek*, or any Part or Parts of them; and shall receive and enjoy in like Manner the same Wages, Rewards, Fees, and Profits in respect of the same, and in respect of every Barge and Vessel navigating the said intended new Creek and Works, as if the same had been Part of the said Port of *London*.

Saving the Rights of the Corporation of London.

XCVII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, and their Successors, or the Lord Mayor of the said City for the Time being, or prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, as Conservator of the River *Thames*, did or might lawfully claim, use, or exercise.

Saving Rights of the Trinity House.

XCVIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the Corporation of *Trinity House* of *Deptford Strond*.

Saving the Rights of the Commissioners of Sewers.

XCIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or in anywise affect, alter, abridge, or interfere with any of the Powers, Rights, Privileges, or Authorities vested in the Commissioners of Sewers for the Limits extending from *Lombard's Wall* to *Gravesend Bridge* in the County of *Kent*.

Public Act.

C. 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.

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