ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxxv.

An Act for increasing the Rates on Goods and Commodities conveyed on the River *Itchin*, in the County of *Southampton*. [15th *July* 1820.]

WHEREAS by an Act made in the Sixteenth and Seventeenth Years of King *Charles* the Second, intituled *An Act for making divers Rivers navigable, or otherwise passable for Boats, Barges, and other Vessels*, the River *Itchin*, otherwise *Itching*, in the County of *Southampton*, was made navigable and passable, for the Purposes in the said Act mentioned, from a certain Place called *Blackbridge*, near the City of *Winchester*, to a certain Place called *Woodmill*, in the said County: And whereas another Act was made in the Seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend, explain, and render more effectual an Act made in the Sixteenth and Seventeenth Years of King* Charles *the Second, intituled,* '*An Act for making divers Rivers navigable, or* '*otherwise passable for Boats, Barges, and other Vessels, so far as the* '*same relates to the River* Itching, *running from* Alresford *through* 'Winchester *to the Sea, near* Southampton,' *and for better regulating the said Navigation:* And whereas an Act was made in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and render more effectual the several Acts of the Sixteenth and Seventeenth of King* Charles *the Second, and of the Seventh of His present Majesty, relating to the Navigation of the River* Itchin, *in the County of* Southampton, *and for improving the Navigation thereof, and for ascertaining the Rates of Carriage, Riverage, and Wharfage payable thereon:* And whereas an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for explaining, amending, and rendering more effectual, several Acts of the Sixteenth and Seventeenth Years of the Reign of King* Charles *the Second, and of the Seventh and Thirty-fifth Years of the Reign of His present Majesty relating to the Navigation of the River* Itchin, *in the County of* Southampton: And whereas an Act was passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for increasing the Rates on Coals conveyed on the River* Itchin, *alias* Itching, *in the County of* Southampton, *and for amending and rendering more effectual the several*

16 & 17 C. 2. c. 12.

7 G. 3. c. 87.

35 G. 3. c. 86.

42 G. 3. c. 111.

51 G. 3. c. 202.

Acts relating thereto: And whereas the said River has been made navigable for the Purposes, and according to the Directions of the said Acts, and the Works of the said Navigation have been from Time to Time improved, amended, and kept in Repair, the Expence whereof (owing to the greatly increased Price of Timber, Iron, and other Materials used in such Repairs, and of Labour, and owing to the great Number of Locks, Bridges, Hatches, and other Works on the said River, and to the decayed State in which they were when the present Proprietor thereof became Owner of the same) has been, and is likely to continue to be so great, that the said Proprietor has not an adequate and reasonable Interest for his Capital embarked and laid out in the Purchase thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the Proprietor and Proprietors of the said Navigation, his, her, or their Heirs or Assigns, and no others, from Time to Time, and at all Times for ever, to ask, demand, receive, take, and recover, to and for his, her, or their own Use and Benefit, for the Tonnage of all Coals, Corn, Salt, Iron, Timber, and all other Goods and Commodities which shall be navigated, carried on, or conveyed upon, through, or over the said Navigation, or any Part thereof, the Sum of One Halfpenny *per* Chaldron *per* Mile for Coals, and One Halfpenny *per* Ton *per* Mile for Corn, Salt, Iron, Timber, and all other Commodities, and so in Proportion for any greater or less Quantity than a Chaldron or Ton, or greater or less Distance than a Mile, over and above, and in Addition to the Rates already granted by the said recited Acts, or any of them.

Additional Rates.

Same Person not to act as Clerk and Treasurer.

II. Provided always, and be it further enacted, That it shall not be lawful for the said *George Hollis*, the present Proprietor of the said Navigation, his Heirs or Assigns, or the Committee of Management, when such shall be appointed in pursuance of the said recited Act of the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, to appoint the Person who may be appointed to act as his or their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said *George Hollis*, his Heirs or Assigns, or to the said Committee of Management, when such shall be appointed in pursuance of the said recited Act of the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of the said Acts, and this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said Acts and this Act, every Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

In case of not making out a good Title, &c.

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

In case of a disputed Title.

IV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities, to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession,

sion, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by the Trustees.

V. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Acts and this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases, from Time to Time, to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable to be paid by the said *George Hollis*, his Heirs or Assigns, or the said Committee of Management out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Directing the Mode of serving Notices.

VI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices, upon the said *George Hollis*, his Heirs or Assigns, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the said *George Hollis*, his Heirs or Assigns, or left at his or their usual Place of Abode, or upon the Clerk of the said *George Hollis*, his Heirs or Assigns, or One of the said Committee of Management of the said Navigation, or left at the Office of such Clerk, or at his last or usual Place of Abode; or in Case the same respectively shall not be found or known, then Service upon any Agent or Agents of the said *George Hollis*, his Heirs or Assigns, or of the said Committee of Management, or upon the Manager of the said Navigation for the Time being, or left at his or their respective usual Places of Abode, shall be deemed good and sufficient Service of the same respectively upon the said *George Hollis*, his Heirs or Assigns, or upon the said Committee of Management, as the Case may be.

Extending the Power of former Acts to this Act.

VII. And be it further enacted, That all and every the Powers and Provisions contained in the said recited Acts shall be used, applied, and construed, so far as the same are not hereby varied, altered, or repealed, in like Manner as if the same Powers, Provisions, and Clauses were repeated and re-enacted in this Act.

Public Act.

VIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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