ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. xciv.

An Act for enabling the Company of Proprietors of the *Leominster* Canal to raise further Sums of Money to discharge their Debts and to complete the Canal, and for amending the Acts for making and maintaining the said Canal, and for granting to the said Company further and other Powers.

[26th *May* 1826.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Navigable Canal from* Kington *in the County of* Hereford, *by or through* Leominster, *to join the River* Severn, *near* Stourport Bridge *in the County of* Worcester, whereby certain Persons therein named, and their Successors, Executors, Administrators, and Assigns, together with such Persons, Bodies Politic or Corporate, as they should appoint under their Hands and Seals, were incorporated into a Company for carrying on, making, completing, and maintaining the said Navigable Canal, and were incorporated by the Name of "The Company of Proprietors of the *Leominster* Canal Navigation," and by that Name were to have perpetual Succession and a Common Seal, with such Powers as in the said Act are mentioned; and the said Company were authorized and empowered to raise and contribute amongst themselves, in such Proportions as to them should seem meet, such Sum or Sums of Money for making, completing, and maintaining the said Canal, the Reservoirs, Feeders, Ways, Quays, Wharfs, Landing Places, and other Works and Conveniences to the same belonging or requisite, as should be judged sufficient, 31 G. 3. c. 69.

sufficient, not exceeding the Sum of One hundred and fifty thousand Pounds (except as therein mentioned); and the Money so to be raised is thereby directed to be laid out and applied in the first place for and towards the Discharge of all Fees and Disbursements for obtaining the said Act, and for making the Survey, Plans, and Estimates incident thereto, and all other Expences relating to the same, and all the Residue of such Money for and towards the making, completing, and maintaining of the said Canal and other Purposes of the said Act; which said Sum of One hundred and fifty thousand Pounds, or so much thereof as should be raised by the several Persons therein-before named, was to be divided into One thousand five hundred Shares, at a Price not exceeding One hundred Pounds a Share, as therein is mentioned; and in case the said Sum of One hundred and fifty thousand Pounds should be found insufficient for making, completing, and maintaining the said Canal, and other Works by the said Act authorized to be made, and all necessary Charges and Expences relating thereto, then the said Company of Proprietors are thereby authorized to raise and contribute amongst themselves, in manner in the said Act mentioned, any further Sum of Money for the Purposes of the said Act, not exceeding the Sum of Forty thousand Pounds; and in case the said Company of Proprietors should be desirous of raising the said Sum of Forty thousand Pounds by Mortgage of the said Undertaking, they are thereby empowered to borrow and take up at Interest all or any Part of the said Sum of Forty thousand Pounds upon the Credit of the said Undertaking as to them should seem fit and convenient, and to assign the Property of the said Navigation, and the Rates granted to the said Company of Proprietors by the said Act, or any Part thereof, as a Security to any Person or Persons for any Sum or Sums of Money so to be borrowed: And whereas another Act was passed in the Thirty-
36 G. 3. c. 70. sixth Year of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the* Leominster *Canal Navigation to finish and complete the same*, whereby the said Company of Proprietors were authorized and empowered to raise and contribute amongst themselves, in manner in the said Act mentioned, or by the Admission of new Subscribers, or by Mortgage of the Rates authorized to be collected by the said first herein recited Act, any Sum or Sums of Money for the Purposes of the said Act, not exceeding in the whole the Sum of One hundred and eighty thousand Pounds: And whereas by another Act passed in the Forty-third Year of the Reign of His said
43 G. 3. c. 141. late Majesty, intituled *An Act for enabling the said Company of Proprietors of the* Leominster *Canal to raise Money to discharge their Debts and to complete the Canal, and for explaining and amending the Acts for making and maintaining the said Canal, and for granting to the said Company further and other Powers*; after reciting (amongst other things) that only Six hundred and eighty-six Shares of One hundred Pounds each had been subscribed for, and the Sum of Sixty-eight thousand five hundred and eighty-two Pounds had been received and paid by the Subscribers of such Six hundred and eighty-six Shares, and that the said Company of Proprietors had proceeded in the making and completing of certain Parts of the said Navigation and Works by the said firstly recited Act authorized to be made, and had expended therein not only the whole of the said Sixty-eight thousand five hundred and eighty-two Pounds, but had incurred sundry Debts in the

Prosecution of the said Undertaking, amounting to Twenty-five thousand Pounds and upwards; it was (amongst other things) enacted, that the Number of Shares in the said Canal Navigation should stand limited to Six hundred and eighty-six Shares, being the Number of Shares then already subscribed and paid for, and that the remaining Eight hundred and fourteen Shares which had not been subscribed and paid for should be void, and that the Proprietors of the said Six hundred and eighty-six Shares, and their respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons, Bodies Politic or Corporate, as they should from Time to Time nominate and appoint under their Hands and Seals, should thenceforth be the United Company incorporated by the said first-recited Act, and that in lieu of the Subscriptions for the said Eight hundred and fourteen Shares so declared to be void, the Sum of Fifty thousand Pounds only should be raised, in manner therein-after mentioned and directed, on the several Proprietors of the remaining Six hundred and eighty-six Shares, their respective Successors, Executors, Administrators, and Assigns, in a due Proportion according to the Number of Shares each Proprietor was or should be entitled to in the said Canal Navigation; and that so much of the said recited Acts as authorized the raising the said several Sums therein respectively mentioned in manner therein mentioned should be and the same was thereby repealed, and in lieu thereof the several Sums by the now reciting Act authorized to be raised, in addition to the Sums then already subscribed, should be raised in manner therein mentioned for the Purposes of the said recited Acts and the now reciting Act; and that the said Company of Proprietors, in addition to the said Sum of Fifty thousand Pounds authorized to be raised by the now reciting Act, and also in addition to the Sum of Ten thousand Pounds by the now reciting Act authorized to be raised by the select Committee as in the now reciting Act is mentioned, to raise the further Sum of Thirty thousand Pounds by Mortgage of the Tonnage Duties, in manner in the said first recited Act mentioned, and for that Purpose to put in force all the Powers and Authorities in the said Acts or any of them contained in relation to raising Money by Mortgage for the Purposes of the said Acts: And whereas the said Company of Proprietors have, since the passing of the lastly herein-before recited Act, received the Sum of Five hundred Pounds or thereabouts from the Subscribers of the said Six hundred and eighty-six Shares, to which the said Company was so limited as aforesaid, making, with the said Sum of Sixty-eight thousand five hundred and eighty-two Pounds, which had been previously received, the Sum of Sixty-nine thousand eighty-two Pounds or thereabouts: And whereas the said Company of Proprietors have made further Progress towards the Completion of the said Canal, and have expended upon the same not only the whole of the said Sum of Sixty-nine thousand eighty-two Pounds, but have incurred various Debts as well for Lands set out or taken for the Use of the said Canal Navigation and the Works belonging thereto or connected therewith, as also for the Materials, Implements, and Instruments, and Labour performed in the Prosecution of the said Undertaking, to the Sum of Twenty-three thousand Pounds and upwards: And whereas the said Company of Proprietors have been unable to raise any Sum of Money by Mortgage of the said Canal Navigation and Works, for the Discharge of their Debts,

Debts, or for carrying on the said Undertaking: And whereas some of the Proprietors of the said Six hundred and eighty-six Shares have died in a State of Insolvency, and others have relinquished their Shares in the said Concern, and it hath been found impracticable to raise any further Sums of Money by Calls on the Proprietors of the said Shares: And whereas it is requisite for carrying on the Works of the said Canal, that a further Sum of Money should be raised, and for that Purpose it is expedient that the Number of Shares in the said Undertaking should be increased; and with a view to facilitate a Disposal of the additional Shares, it is expedient that the Holders thereof should have Priority over the Holders of the present Shares: And whereas the Powers and Provisions of the said recited Acts have in other respects been found insufficient and inconvenient, and it is requisite that the same should be altered and amended: 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 all and every the Provisions of this Act shall, in the Execution of the said recited Acts, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said Acts; and all and every the Provisions of the said recited Acts shall, in the Execution of this Act (except where the same are varied, altered, or repealed,) be used, applied, extended, and construed, in like manner as if the same Provisions (except as aforesaid) were specially enacted in this Act.

Powers of this Act may be used and applied in the Execution of the recited Acts.

Company may increase their Capital.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise and contribute amongst themselves, or to admit other Persons to become Subscribers, towards raising the Sum of Sixty thousand Pounds, by the Creation of Six hundred additional Shares of One hundred Pounds each in the said Undertaking, any thing in the said recited Acts contained to the contrary notwithstanding; which said Sum of Sixty thousand Pounds so to be raised shall be applied in Payment of the Debts which have been incurred by the said Proprietors in the Prosecution of their said Undertaking, and in defraying the Expences of finishing and completing the said Canal and the several other Works authorized to be done by the said recited Acts; which said new Shares shall be deemed Personal Estate, and be transmissible as such; and all Bodies Politic, Corporate, and Collegiate, and other Persons who shall subscribe for or towards raising the said new Shares or any of them, or who shall become entitled thereto, and the several and respective Successors and Executors, Administrators, and Assigns of such Bodies Politic, Corporate, and Collegiate, and Person and Persons respectively as aforesaid, shall be and they are hereby declared to be the Owners or Proprietors of the said new Shares in the said Undertaking, and shall be and are hereby united to and incorporated with the said Company of Proprietors: Provided always, that the Holders of the said additional Six hundred Shares hereby authorized to be raised shall have Priority over and precede all other Shares already subscribed for in the said Undertaking, and also all Division of Profit or Interest upon any Sums subscribed or contributed towards the

the said Undertaking; any thing in the herein-before recited Acts to the contrary notwithstanding.

Altering the Mode of choosing the Committee.

III. And whereas so much of the said recited Act of the Thirty-first Year of the Reign of His late Majesty as directs that the Choice of a Committee to manage the Affairs of the said Company shall be made by Proprietors who have Three hundred Shares in the said Company, hath been found inconvenient, and it is expedient that the Choice of such Committee should be made by Proprietors possessing a smaller Number of Shares; be it therefore enacted, That the Choice of a Committee to manage the Affairs of the said Company shall from Time to Time be made by Persons present at such General Assembly, as in the said Act of the Thirty-first Year of His said late Majesty's Reign is mentioned, who have Sixty Shares in the said Company, and such Committee shall be chosen in all other respects in the same Manner as in the said last-mentioned Act is directed; and the several Powers, Directions, and other Provisions contained in the said last-mentioned Act with respect to such General Assemblies and the Committee thereby directed to be appointed, shall extend in all respects to the Committees hereby authorized to be appointed, by Persons present at any such General Assembly who have Sixty such Shares as aforesaid; any thing in the said Act mentioned to the contrary notwithstanding.

Company may raise Money by any of the Methods prescribed by former Acts.

IV. And be it further enacted, That it shall and may be lawful to and for the said Company to raise all or any Part of the Monies authorized to be raised by the said recited Acts or either of them, and which now remain to be raised, by all or any of the Ways by which the said Company are authorized to raise any Money by the said recited Acts or either of them, and also to dispose of any of the Shares authorized to be created in and by the said recited Acts as now remain unsold or unappropriated, or such Part or Parts thereof as the said Committee shall from Time to Time think proper.

Treasurer and Clerk not to be the same Person.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner or Partners, the Treasurer for the Purposes of the said Act and this Act, or to appoint any Person who may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said Acts and this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk, or the Clerks or other Person or Persons in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said

said Company (other than that of Treasurer), every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, 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.

Table of Tolls to be fixed up.

VI. And be it further enacted, That a Table or Tables of the Rates or Tolls which shall or may be from Time to Time payable or demandable, painted in large Characters on a Board or Boards, shall be affixed and continued at the Place or Places where such Rates or Tolls shall be payable, received, or taken, and tendered, as often as the said Rates or Tolls shall be altered, or as the said Board or Boards shall be obliterated or defaced: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates or Tolls but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Repeal of the Power to take Water from Springs, &c. except as already commenced.

VII. And be it further enacted, That so much and such Part of the said first-recited Act as authorizes or empowers the said Company to divert or take or make use of the Water from all Rivers, Springs, Brooks, Streams, and Watercourses which should be found within the Distance of Two thousand Yards from the said Canal be and the same is hereby repealed, except with respect to any Works for the Purposes aforesaid which may have been made or commenced previously to the passing of this Act.

Repeal of so much of first-recited Act as relates to Commissioners.

VIII. And be it further enacted, That so much of the said first-recited Act as relates to the Appointment of Commissioners for settling, determining, and adjusting such Questions, Matters, and Differences as are therein mentioned, and all the Powers by the said Act vested in or given to such Commissioners, shall be and the same are hereby repealed; Provided always, that nothing herein contained shall invalidate, prejudice, alter, or affect any Acts, Orders, or Judgments made, done, executed, or passed in conformity with the said recited Act by or before the said Commissioners previously to the passing of this Act.

Compensation hereafter to be made in gross Sums and not by annual Rents.

IX. And be it further enacted, That so much of the said first-recited Act as authorizes or directs any Compensation or Satisfaction to be made for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of the said recited Act by annual Rents, shall be and the same is hereby repealed; and from henceforth all such Compensations and Satisfactions shall be made by a Sum or Sums in gross: Provided always, that nothing herein contained shall affect or invalidate any Compensations or Satisfactions already made, and which are or shall be payable at the Time of passing this Act: Provided always, that it shall and may be lawful for the said Company of Proprietors, with the Consent of the Parties interested, to purchase for a Sum or Sums in gross any annual Rent or Rents now payable by them as a Compensation or Satisfaction for any Lands, Tenements, or

Hereditaments purchased for the Purposes of the said recited Acts by any annual Rent or Rents.

By whom Expences of Juries shall be paid.

X. And be it further enacted, That in every Case where a Verdict shall be given by any Jury for more Money than shall have been previously offered for or on behalf of the said Company of Proprietors, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of the said Acts or this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Seven Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of the said Acts and this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Hereford*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Hereford* not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties, or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to

the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Offer of Resale to be first made to the Owners of the adjoining Land.

XI. Provided always, and be it enacted, That the said Company, before they shall contract for the Sale and Disposal of any Messuages, Lands, Tenements, and Hereditaments, shall first offer to sell the same to the Owner or Owners of the adjoining Land, at a Price to be fixed on by the said Company of Proprietors; but in case of Difference in that respect, then the Price at which the same shall be sold shall be adjusted and settled by a Jury, in like Manner as the Price for any Land to be taken in pursuance of the said Acts or this Act is directed to be settled, in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons to whom such Offer shall be made shall not then and thereupon agree, or shall refuse to purchase the same, on Affidavit being made and sworn before One of the Masters of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Messuages, Lands, Tenements, and Hereditaments shall lie, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Application of Compensation when amounting to or exceeding 200*l.*

XII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of the said Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, 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 *ex parte* the Company of Proprietors of the *Leominster* Canal, pursuant to the Method prescribed by an Act made in the First Year of
1 G. 4. c. 35. the Reign of 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, 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, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same

same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyances and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, 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; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where Compensation is less than 200*l.* and exceeds 20*l.*

XIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the 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 shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Committee of Management of the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When less than 20*l.*

XIV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as last before men-

tioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Committee, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

XV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Committee of Management, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 Committee to order the said Sum or Sums so awarded to 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 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 Court; which said Court, upon 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, or 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 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 the same, mentioning and specifying for what and for whose Use the same is or are received, for such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Title, the Person in Possession to be deemed lawfully entitled.

XVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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 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 by the said Company, and all Persons claiming under such Person or Persons, or under the

Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; 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, 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.

The Court of Exchequer may order Expences of Purchasers to be paid by the Company.

XVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, 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 Court 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, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company hereby incorporated, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XVIII. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in the said Acts or this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges 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.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods, &c. of the Company.

XIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the said Acts or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company or any Person or Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall

shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of the said Acts or this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices; which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company or to their Treasurer for the Time being: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of the said Acts or this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Justices may proceed by Summons in the Recovery of Penalties.

XX. And be it further enacted, That in all Cases in which by the said Acts or this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said Acts or this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and, on Proof of the Offence, to commit the Offender, 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 was exhibited.

For Recovery of Penalties.

XXI. And be it further enacted, That all Complaints and Informations of and for Offences against the said Acts or this Act, shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Non-appearance of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal, or Hands and Seals, for levying the Penalty or Forfeiture by virtue of this

this Act imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, or before some other Justice of the Peace for the said County or Place in which such Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice is 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 or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures when recovered shall, where the Application is not otherwise directed by the said Acts or this Act, be paid into the Hands of the Treasurer or Treasurers of the said Company, and shall be applied and disposed of towards defraying the Expences of the said Navigation, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned upon Demand to the Owner of the Goods and Chattels so distrained.

Service of Notices on Company.

XXII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceeding, or Proceedings in Equity, the Service upon One of the Committee of Management to be appointed by virtue of the said Acts and this Act, or left at his last or usual Place of Abode, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said Company.

Expences of the Act.

XXIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Ex-

pences in anywise incidental thereto or concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of the Money now in the Hands of their Treasurer, and the first Money which shall be received by virtue of the said recited Acts or this Act.

Public Act. XXIV. 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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