ANNO SEPTIMO

GEORGII IV. REGIS.

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Horsley Deeps in a straight Line through a Part of the Parish of *Branston*, and of the Parish of *Washingborough*, to join the River again nearly opposite to certain Houses called *The Woadhouses*, in the Parish of *Fiskerton*; and from thence to widen and embank the old Course of the River from the said Place called *The Woadhouses*, to the High Bridge in the City of *Lincoln*; and the said Company of Proprietors were by the said Act also required to build a new Lock in the said new Cut in the Parish of *Branston*, and to build a Staunch and Waste Weir across the River *Witham*, near to and above a certain Stream called *Barling's Eau*; and also to build another new Lock at or near the Place where the present *Stamp End* Lock stands, and to cause a Weir to be made in the East Bank of the said River *Witham*, at the Head of a Drain called *Bargate Drain*, in or near to the Parish of *Saint Botolph*, in the City of *Lincoln*; and to scour out, widen, deepen, and enlarge the said *Bargate Drain*, and a certain Drain called *Sincil Dyke*, nearly to the Junction of the said *Sincil Dyke* with the River *Witham*, and form a Delph from thence along the Back of the South Bank of the said River to *Horsley Deeps*, below the said intended Lock in the Parish of *Branston*; and also to make a Delph along the Back of the North Bank of the said River from a certain Staunch at or near to the said *Barling's Eau* upwards, as far as should be necessary for the Discharge of the Waters from the Lands lying on the North Side of the said Navigation into the said River, below the said Staunch; and the said Company of Proprietors were by the said Act also required to scour out, deepen, and embank the old Course or Channel of the said River downward from *Barling's Eau* aforesaid to its Junction with the new Cut near *Horsley Deeps*; and for the Purpose of enabling the said Company of Proprietors to execute the several Works of Drainage and Navigation thereby required, they were by the said Act authorized to raise and contribute amongst themselves, by Shares of One hundred Pounds each, any Sum of Money not exceeding in the whole the Sum of One hundred and twenty thousand Pounds; and in the Event of that Sum proving insufficient for the Purpose aforesaid, then the said Company were authorized to raise a further Sum of Money, not exceeding Sixty thousand Pounds, either by the Creation of further Shares, or by Mortgages upon the Tolls and Duties of the said Navigation; and for enabling the said Company of Proprietors to carry on the said Undertaking, they are by the said Act entitled to demand and receive certain Tolls, Rates, and Duties upon Goods navigated upon the said River *Witham*, Part of which Tolls, Rates, and Duties were payable to the said Company of Proprietors immediately after the passing of the said Act, and the Remainder in proportion to Distance upon the River for which the Works should from Time to Time be completed; and the said Company of Proprietors were also entitled to an Annuity of One thousand four hundred Pounds, to arise from an Acre Tax charged on the Lands adjoining upon the River *Witham*, which became payable immediately after the passing of the said Act; and to a certain other Annuity of One thousand four hundred Pounds, also charged on the Lands adjoining upon the said River *Witham*, which is made payable to them in proportion to the Distance for which the Works should from Time to Time be completed: And whereas

the said Company of Proprietors have completed the whole of the Works by the said recited Act authorized and required to be made and executed, from the Grand Sluice in the Borough of *Boston*, to the new Lock in the new Cut in the said Parish of *Branston*; and have partially made the said new Cut, and have erected a new Lock in the said new Cut, near to *Horsley Deeps* aforesaid; and have also in part executed the Works in and about the said River, and the other Works by the said recited Act authorized and required to be completed: And whereas the said Company of Proprietors have raised and contributed amongst themselves, by Shares of One hundred Pounds each, the Sum of One hundred and fifty-six thousand and eight hundred Pounds; and have also raised, by Mortgages of the Tolls, Rates, and Duties by the said Act granted, the further Sum of Twenty-three thousand two hundred Pounds, making together the Sum of One hundred and eighty thousand Pounds; the whole of which Sum of One hundred and eighty thousand Pounds they have expended in carrying into Execution such of the said Works as have been already either altogether or partially executed; and the said Company of Proprietors have also expended, in the Execution of the said Works, a considerable Sum of Money, arising from the aforesaid Tolls, Duties, and Annuities, beyond the said Sum of One hundred and eighty thousand Pounds, and have foregone the Receipt of Interest upon the said Shares for Two Years and Three Quarters of a Year, amounting at the Rate of Five Pounds *per Centum per Annum* to the Sum of Twenty-one thousand five hundred and sixty Pounds: And whereas, in order to enable the said Company of Proprietors effectually to complete and carry into full Execution the several Works required of them by the said recited Act, and more effectually to secure Payment of the said Arrears of Interest, it is necessary and expedient that the said Company should be empowered to raise an additional Sum of Money by the Means herein-after mentioned; and it is also expedient that some of the Provisions and Powers in the herein-before recited Act contained should be altered, amended, and enlarged; but the Purposes aforesaid 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 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 immediately after the passing of this Act, it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise a further Sum of Money, not exceeding the Sum of Sixty thousand Pounds, over and above the Sums already raised by them as aforesaid, either by the Disposal or Appropriation of new Shares of One hundred Pounds each in the said Undertaking, in addition to the original Shares which by the said recited Act they were authorized and empowered to dispose of or appropriate, or by a Mortgage or Mortgages of the Tolls and Duties of the said Navigation, or by both of the said Means, as herein-after declared.

Company empowered to raise a further Sum of Money by the Sale of new Shares, not exceeding 60,000*l*.

II. And be it further enacted, That it shall be lawful for any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who

The present Proprietors may take new

Shares in proportion to their original Shares.

who now are or for the Time being shall be Proprietor or Proprietors of any of the original Shares, to accept and take any such Number of the said new Shares as he, she, or they shall think proper, not exceeding in Amount the Proportion which the present Shares of such Proprietor or Proprietors bears to the Sum of One hundred and fifty-six thousand eight hundred Pounds already raised under the Authority of the said recited Act (such Proportion to be increased or diminished by the Committee for the Time being, under the Authority herein-after given to them for the Purpose of making the Sum to be paid by the Proprietor or Proprietors to amount to a Share or Shares of One hundred Pounds each); and in case any such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, herein-before authorized and enabled to accept and take such new Share or Shares, in respect of his, her, or their original Share or Shares as aforesaid, shall not, by Notice in Writing under their respective Hands, or in the Case of a Body or Bodies Politic, Corporate, or Collegiate, under their Common Seal, consent and agree to accept and take the same within the Space of One Calendar Month next after he, she, or they shall have been informed by the acting Committee of the said Company for the Time being, of his, her, or their respective Numbers of the said new Shares, and such Information communicated to such Person or Persons, or such Body Politic, Corporate, or Collegiate, by Letter signed by the Clerk to the Company, and addressed to such Person or Persons, or to the Head or other Officer of such Body Politic, Corporate, or Collegiate, at his, her, or their usual Place of Abode, and put into the Post Office of the Town where the said Clerk shall reside, the Proportion of the Person or Persons, Body Politic, Corporate, or Collegiate, so neglecting or refusing to take the same, shall be raised by a Mortgage or Mortgages of the Tolls and Duties of the said Navigation, as hereinafter mentioned: Provided always, that it shall be lawful for the said Committee, at their Discretion, so to arrange the said new Shares to be taken by the said original Proprietors, by increasing or diminishing the Proportion of each Proprietor, as that the Proportion of each Proprietor shall be made to amount to an even Share or even Shares of One hundred Pounds each; and the said Company of Proprietors shall have and be invested with such and the same Powers and Remedies of making Calls for, and for compelling and enforcing Payment of the Monies to be called for in respect of the said new Share or Shares, and of declaring Forfeiture of such new Shares for Non-payment of the Instalments, and the said new Share or Shares shall be subject to all such Rules, Orders, and Regulations, as are contained in the said recited Act in relation to the Shares raised in pursuance and by the Authority of the same Act.

Proprietors of new Shares to have the same Privileges as the Proprietors of original Shares.

III. And be it further enacted, That all and every Persons and Person, Bodies and Body Politic, Corporate, or Collegiate, who shall for the Time being be possessed of any One or more of such new Shares as aforesaid, shall, from the Time when they, he, or she shall have paid the first Instalment to be required thereon respectively, be considered in respect thereof as a Proprietor or Proprietors in the said Undertaking, and shall in respect of every such new Share of which they, he, or she shall be possessed, have a Vote or Votes, such

such Vote or Votes for the Instalments to be only in respect of each entire Sum of One hundred Pounds, in the same Manner as a Vote or Votes for a Share or Shares by the said recited Act, and be entitled to such and the same Benefit and Profit out of the said Undertaking, and be liable to such Forfeitures, and shall stand interested in the said Undertaking as generally and extensively to all Intents and Purposes, and under the same Restrictions, as they, he, or she would have been if such new Share or Shares, of which they, he, or she shall for the Time being be possessed as aforesaid, had been a Part of the Number of the said original Shares; and all and every such new Shares and Share shall be of the same Nature, and capable of being sold, transferred, or transmitted in the same Manner, and shall be subject and liable to the same Provisoes, Regulations, and Restrictions in every respect, as the said original Shares are by the said recited Act made and declared to be: Provided always, that the Head or other Officer or Member of every Body Politic, Corporate, or Collegiate, who now is or hereafter shall be Proprietor of Shares in the said Undertaking, by Deputation under the Seal of such Body, may attend any General or Special General Assembly of the said Company of Proprietors, and may give any Vote or Votes, or may become a Member of the Committee, for or in respect of the Shares of any such Body Politic, Corporate, or Collegiate, in the same Manner as if the Person or Persons so deputed had been a Proprietor or Proprietors of Shares in his or their own Right.

Power to raise the Amount of the new Shares not accepted, by way of Mortgage or Security on the Tolls.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Company of Proprietors (if they shall think fit) to borrow and take up at Interest, on the Credit of the Tolls and Duties of the said Navigation authorized to be taken by virtue of the said recited Act, any Sum or Sums of Money, not exceeding the Amount of such of the said new Shares as shall not have been so accepted and taken by the Proprietors of original Shares; and for securing the Repayment thereof, with Interest, it shall be lawful for the said Company to assign the Property of the said Undertaking, and the Tolls or Sums of Money arising or to arise to the said Company by virtue of the said recited Act or this Act, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustees or Trustee, as shall advance the same, by Deed or Mortgage under the Common Seal of the said Company, in the Form or to the Effect specified in the said recited Act, or as nearly conformable thereto as Circumstances will permit; (but subject nevertheless and without Prejudice to the Mortgages or Securities already made by virtue of or under the said recited Act); and all Persons to whom any such Mortgages or Securities shall be made by virtue of or under this Act, shall be equally entitled to their Proportion of the said Tolls and Premises, according to the respective Sums in such Mortgages or Securities mentioned to be advanced, without any Preference by reason of the Priority of any such Mortgage or other Security, or on any other Account; and an Entry or Memorial of every such Mortgage or other Security shall be made, and the same, and the Monies thereby secured, may from Time to Time be assigned and transferred in the Manner and Form directed by the said recited Act with respect to the Mortgages and other Securities thereby authorized to be made, entered, and transferred, or

as nearly conformable thereto as the Case or respective Cases may be.

Interest on Mortgages to be paid in preference to Dividends to the Proprietors.

V. And be it further enacted, That the Interest of the Money (if any) which shall be borrowed or raised on the Credit of this Act, by way of Mortgage as aforesaid, shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors, or any of them, shall be made or divided.

Application of the Money to be raised.

VI. And be it further enacted, That the said Company of Proprietors, with and out of the Monies to be raised by them by virtue of the Provisions in this Act contained, do and shall, in the first Place, pay and satisfy all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or in anywise preparatory or incident thereto; and do and shall, in the next Place, repay to and reimburse themselves all such Sum and Sums of Money as they shall have already expended subsequent to the First Day of *January* One thousand eight hundred and twenty-five, in, for, or about the Completion of the said Works, with, from, or out of their own proper Monies, or the Tolls, Duties, and Annuities by the said recited Act granted, or so much thereof as the said Company of Proprietors, or their Committee, shall from Time to Time deem expedient; and then do and shall pay and apply all the Residue or Overplus of the Monies to be raised as aforesaid, or so much thereof as shall be found necessary or expedient, in, for, and about the completing and finishing the Works, and other Matters and Things in and by the said recited Act required or directed to be done by the said Company of Proprietors, in such Way and Manner as they shall think most fit and expedient, under the Provisions and Regulations of the said recited Act; and if there shall be any ultimate Residue or Surplus of such Monies, after answering the Purposes aforesaid, then and in such Case the said Company of Proprietors shall pay and apply the same to and for such and the like Purposes as the Profits of the said Undertaking for the then current Year shall be applicable.

Proprietors of new, as well as old Shares, to have Interest at 5*l.* per Cent. till Works are completed and Debentures paid off.

VII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, out of any Money to be raised by virtue of the said recited Act and this Act, or either of them, to advance and pay to the Owners and Proprietors, as well of the new Shares to be created by virtue of this Act, as also of the said original Shares in the said Undertaking, Interest after the Rate of Five Pounds *per Centum per Annum* on the Amount of all such Shares respectively, or on the Amount of so much and such Part of the said new Shares as shall have been actually advanced and paid up by virtue of a Call or Calls for that Purpose, during the Execution of the Works of the said Navigation, and until the same shall be completed and finished and certified so to be, as directed by the said recited Act, and also until such further Time or Period as the Debentures herein-after directed to be given for Payment of the Arrears of Interest now due to the said original Proprietors shall be fully paid off; it being hereby declared, that the said Company of Proprietors shall not be at liberty to pay to or divide amongst the said Owners or Proprietors, either of the present original Shares or of such

new Shares as aforesaid, any further or greater Sum of Money or Division of Profit, than Interest on such Shares after the Rate of Five Pounds *per Centum per Annum* will amount unto, until all such Arrears of Interest and the accruing Interest thereupon, as are directed to be secured by the Debentures next herein-after mentioned, shall have been fully and wholly paid off, satisfied, and discharged.

Debentures to be given to the Proprietors of old Shares for Payment of the Arrears of Interest due to them, bearing Interest at 5*l.* per Cent.

VIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and required, with all convenient Speed after the passing of this Act, to issue Debentures under the Common Seal of the said Company, specifying the Amount of the Arrears of Interest which shall be then due and owing to the Owners and Proprietors of the said original Shares, such Debentures to bear Interest on the Amount of such Arrears, after the Rate of Five Pounds *per Centum per Annum*, to commence from the passing of this Act, and to be payable as herein-after mentioned, and to deliver (on Demand) one of such Debentures to each individual Owner or Proprietor of any One or more of such original Shares, for Payment of his, her, or their Amount of the said Arrears, with the Interest to accrue thereon; and all such Debentures shall from Time to Time, until Payment thereof, be assignable and transferrable to any Person or Persons whomsoever, who shall thereupon be entitled to the Money thereby secured; but no Part of the Principal Monies specified in the said Debentures, or any of them, shall be actually payable by or from the said Company of Proprietors, until the surplus Receipts or Income of the said Company of Proprietors shall be of a sufficient Amount to enable their Committee from Time to Time to pay off and discharge the whole of such Debentures, or such Part thereof as may be deemed expedient: Provided always, that nothing herein contained shall extend or be construed to extend to hinder or prevent the said Company of Proprietors, or their Committee, from paying off and discharging the said Debentures or any of them, or any such Part of them as they may find convenient, whensoever the surplus Income or Receipts of the said Company of Proprietors, after Payment of the annual Expences and Interest upon the said Mortgage Debt (if any) and upon the said Debentures, and also Interest after the Rate of Five Pounds *per Centum per Annum* on the Amount of the said original and new Shares, will enable them so to do; the said Company of Proprietors, or their Committee of Management, being hereby fully authorized and empowered from Time to Time to pay off and discharge the said Debentures or any of them, or any Part of them, whenever they may be enabled so to do by the Means aforesaid, or otherwise to the Satisfaction of the said Company; and the said Company or their Committee shall also have full Power and Authority to determine by Lot or Ballot which of the said Debentures shall from Time to Time be paid off, unless the Owners of such Debentures shall from Time to Time consent and agree amongst themselves to receive in part discharge thereof such a Proportion or Share as the surplus Monies shall then amount to.

Interest on the Debentures to be paid previous to any Inte-

IX. Provided also, and be it further enacted, That previous to the Payment to the Proprietors of Interest after the Rate of Five Pounds *per Centum per Annum*, upon the Shares that have been already raised under the said recited Act, or that shall be hereafter raised under this Act,

rest being paid to the Shareholders.

Act, the said Company of Proprietors are hereby authorized and required from Time to Time, by and out of the said neat Profits, to pay to the Holders of the said Debentures, or of such of them as shall not have been paid off, Interest after the Rate of Five Pounds *per Centum per Annum*, until the Payment of the Principal Money mentioned in such Debentures respectively.

Clerk and Treasurer not to be the same.

X. And be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person who has been, is, or may be appointed to act as their Clerk in the Execution of the said recited Act or this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of the said recited Act or this Act, or to continue or appoint the Person who has been, is, or may be appointed Treasurer, or 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, the Clerk to the said Company of Proprietors; and if any Person shall accept of, or shall act in both the Offices of Clerk and Treasurer, for the Purposes of the said recited Act or this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall act as 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 act as Clerk in the Execution of the said recited Act or this Act, every 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 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.

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

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other Person or Persons under any other Disability or Incapacity, 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 said Company of Proprietors, pursuant to the Directions of an Act passed in the First Year of the Reign of His present 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, 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, Tene-

1 G. 4. c. 35.

ments,

ments, and Hereditaments, in the Purchase of the Land Tax, or 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 Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and 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 and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, 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 Conveyance 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 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 of Exchequer 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 Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation is less than 200*l.* but not less than 20*l.*

XII. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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, and 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 Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Company of Proprietors (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.

Application where less than 20*l.*

XIII. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned 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 the said recited Act or of this Act, in such Manner as the said Company of Proprietors 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 Titles, the Money to be paid into the Bank.

XIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or 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 Company of Proprietors, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 Company of Proprietors 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 said Court of Exchequer, to be placed to his Account, to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; 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 same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution 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 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 who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money.

XV. 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 the said recited Act and 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 Act and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of

any Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands, Tenements, and 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 have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said 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 to 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 reasonable Expences of Purchases to be paid by the Company.

XVI. 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, Hereditaments, and Premises, to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the 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 of Exchequer to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of the said Act or this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

In case of Nonpayment of Compensation for Damages, &c.

XVII. 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 recited Act 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 of Proprietors, or any Person or Persons acting by or under their Authority, and such Sum or 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 and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of 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,

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, as the Case may be: 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 recited Act 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.

Declaring what shall be good Service of Notices on the Company.

XVIII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons or Party or Parties to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings, or Proceedings in Equity, upon the said Company, Service thereof respectively upon any One of the Members of the Committee of the said Company, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Recovery and Application of Penalties.

XIX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said recited Act or this Act, or by any Rule, Order, or Bye Law made in pursuance thereof respectively (the Manner of levying and recovering whereof is not otherwise particularly directed), may, in case of Nonpayment thereof, be heard, adjudged, and determined in a summary Way, by or before any One Justice of the Peace for the County or Place in which the Offence shall be committed, on Complaint to him for that Purpose exhibited; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalties or Forfeitures hereby or by the said recited Act made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in default of Payment of such Penalties or Forfeitures, together with the Costs of Conviction, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted), and (except as by the said recited Act is otherwise provided or directed) shall be paid to the Overseers of the Poor of the Parish or Place where the Offence shall be committed, to be by them applied to the Use of the Poor of such Parish or Place; and in case such

Penalties

Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said County or Place in which the 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 Penalties, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid; or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where the Offence or Offences shall have been committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with the Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice) shall be sooner paid and satisfied, or such Offender or Offenders shall otherwise be discharged by due Course of Law.

Limitation of Actions.

XX. Provided always, and be it further enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic or Corporate or Collegiate, for any thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the County, Division, or Place where the Matter in Dispute shall arise, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead specially, or plead the General Issue, and give this or the said recited Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this or the said recited Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Ten Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County, Division, or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or

suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Case or Cases by Law.

Not to alter the Powers of the General Commissioners for Drainage.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to abridge, alter, lessen, defeat, invalidate, or take away any of the Clauses, Powers, Provisoes, and Authorities given to and vested in the general Commissioners for Drainage by the River *Witham*, by virtue of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, or of an Act passed in the Second Year of the Reign of His said late Majesty, intituled *An Act for draining and preserving certain low Lands called* The Fens, *lying on both Sides the River* Witham, *in the County of* Lincoln, *and for restoring and maintaining the Navigation of the said River, from the High Bridge in the City of* Lincoln, *through the Borough of* Boston, *to the Sea*, so far as their Powers under the said last-mentioned Act are not varied, altered, or restricted by the said recited Act of His said late Majesty, but that the same shall remain and continue in full Force and Effect, and be as good, valid, and effectual, to all Intents and Purposes, as if this Act had not been passed; any thing herein contained to the contrary thereof in anywise notwithstanding.

2 G. 3. c. 32.

Powers of recited Act 52G.3.c.108. extended to this Act.

XXII. And be it further enacted, That the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, and all and every the Powers, Provisoes, Authorities, and other Matters and Things therein contained (save and except such of them, or such Part or Parts thereof, as are expressly varied, altered, or repealed), shall remain and continue in full Force and Effect, and be as good, valid, and effectual to all Intents and Purposes, for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Public Act.

XXIII. 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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