

On Her Majesty's Service

WASC 148

1805

ACT OF PARLIAMENT
AN ACT FOR THE BETTER
PRESERVATION AND FURTHER
IMPROVEMENT OF THE
NAVIGATION OF THE RIVER
LEA IN HERTFORD, ESSEX,
AND MIDDLESEX

WASC 148

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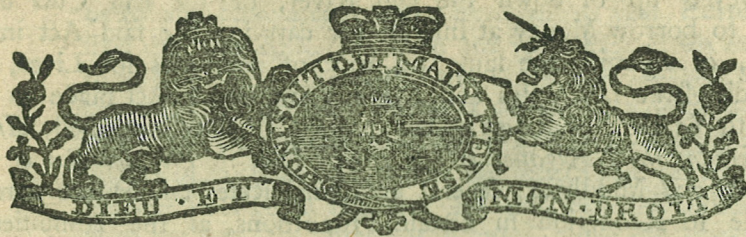
River Lee 1805.

WASC 148

R B Office

Waltham Abbey

No 5



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 69.

An Act for the better Preservation and further Improvement of the Navigation of the River *Lee*, in the Counties of *Hertford*, *Essex*, and *Middlesex*.

[27th June 1805.]

WHEREAS by an Act made in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for improving the Navigation of the River Lee, from the Town of Hertford to the River Thames; and for extending the said Navigation to the Floodgates belonging to the Town Mill, in the said Town of Hertford*, certain Persons therein mentioned were appointed Trustees for making, extending, improving, and maintaining the Navigation of the said River *Lee*, from the Floodgates belonging to the Town Mill in the Town of *Hertford* to the River *Thames*, and for putting the said Act into Execution; and said Trustees, or any Five or more of them, were thereby empowered to make and maintain certain new Cuts or Canals specified in the said Act, to communicate with the said River, and be used for the said Navigation; and the said Navigation was declared by the said Act to be a free Navigation, subject to the Payment of such Rates and Duties as were thereby made payable, and to the Orders and Bye Laws of the said Trustees, for the Regulation of the said Navigation; and the said

7 G. 3. c. 51.

[Loc. & Per.] 13 X Trustees,

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29 G. 3. c. 58.

Trustees or any Seven or more of them, were authorized by the said Act to appoint Collectors, and take the Rates and Duties therein mentioned for Goods, Wares, Merchandizes, or Commodities carried or conveyed up or down the said River, or the said Cuts or Canals, and to borrow Money at Interest for carrying the said Act into Execution, or to raise the same by way of Annuities for Lives, upon the Credit of the said Rates and Duties; and by an Act made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for preserving the Navigation of the River Lee, in the Counties of Hertford, Essex, and Middlesex*, several additional Rates and Duties were granted, liable to Reduction in certain Proportions, as the Annuities granted by the said Trustees (then amounting to Three thousand four hundred Pounds, or thereabouts) should fall in, and Three fourth Parts only of such additional Rates and Duties are now payable by virtue of the said last-mentioned Act, the remaining Annuities so granted amounting to the Sum of One thousand five hundred Pounds, or thereabouts: And whereas several Gross Sums of Money, borrowed by the said Trustees under the Authority of the said recited Acts, now remain charged upon the said Rates and Duties, amounting in the Whole to the Sum of Forty-four thousand and three hundred Pounds, or thereabouts: And whereas it is found expedient, for the further Preservation and Improvement of the said Navigation, to enlarge the Powers, and alter and amend some of the Provisions of the said recited Acts, and to repeal other Parts 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 the Occupiers of the Mills, called *Enfield Mills*, shall from Time to Time and at all Times, whenever the Water in the Stream to the said Mills shall be reduced to a less Height than Six Feet upon the Sill of the Waste Gate thereof, and thereby be insufficient for the said Navigation, upon Notice being given to them in Writing by the said Trustees, or any Five or more of them, or any Person authorized by them for that Purpose, shut down and stop the said Mills, and keep the same shut down and stopped, until the Water in the said Stream shall be raised to the Height of the said Six Feet upon the said Sill, so that the Water in the same Stream may and shall at all Times be kept to that Height for the Use and Purposes of the said Navigation; and that it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered to make, put down, and keep a Tumbling Bay across the Tail Stream of the said Mills called *Enfield Mills*, on the East Side of the Navigation there, for keeping a Head or Penn of Water of One Foot upon the Tail of the said Mills, so as at all Times to preserve and keep a sufficient Depth of Water from and out of the Lock in the Cut opposite to the said Mills, across the said Tail Stream, down to the Lock in the Cut below the same; and that such Depth of Water shall at all Times be thereby kept for the Purposes aforesaid, provided the same Height shall not exceed One Foot on the said Tail of the said Mills.

For Regulation of Height of Water at Enfield Mills.

Height of Water at Tottenham Mill and Walthamstow Mill.

II. And be it further enacted, That from Time to Time and at all Times hereafter, whenever the Water in the Stream to the Mill called *Tottenham Mill*, shall be reduced to a Height less than Four Feet upon the

the

the Sill of the Waste Gate of the said Mill and insufficient for the said Navigation, the Occupier of the said Mill shall, upon Notice being given to him in Writing by the said Trustees, or any Five or more of them, or by any Person authorized by them for that Purpose, shut down and stop the said Mill, and keep the same shut down and stopped according to such Notice, until the Water in the said Stream shall be raised a sufficient Height for the Purposes of the said Navigation, not exceeding Four Feet upon the said Sill; and the Occupier of the Mill called *Walthamstow Mill* shall, upon the like Notice in Writing, and according thereto shut down and stop the said Mill called *Walthamstow Mill*, and keep the said shut down and stopped, until the Water in the said Stream to the said Mill called *Tottenham Mill*, shall be raised a sufficient Height for the Purposes of the said Navigation, not exceeding Four Feet Six Inches upon the Sill of the Waste Gate of the said Mill called *Walthamstow Mill*; and the said Notices shall be given in such Manner, as that both the said last mentioned Mills shall be required to be shut down and stopped at the same Time, and continue shut for a like Period, having Half an Hour's Notice of such Time of shutting, not more than Twice within each Twenty-four Hours.

III. And be it further enacted, That the Occupiers of the Mill called *Lee Bridge Mill*, and of the Waterworks there, shall from Time to Time and at all Times hereafter, whenever the Water in the Stream to the said Mill shall be reduced to a Height less than Three Feet Six Inches upon the Sill of the Waste Gate thereof, and insufficient for the said Navigation, upon Notice being given to him or them in Writing by the said Trustees or any Five or more of them, or by any Person authorized by them for that Purpose, shut down and stop the said Mill and Waterworks, and keep the same shut down and stopped, until the Water in the said Stream shall be raised a sufficient Height for the Purposes of the said Navigation, not exceeding Three Feet Six Inches upon the said Sill, so that the Water in the same Stream may and shall be at all Times raised to a sufficient Height for the Purposes aforesaid, having the like Notices for shutting down Twice in Twenty-four Hours, as are herein-before directed, to be given to the said Mills called *Tottenham* and *Walthamstow Mills*.

Height of Water at Lee Bridge Mill.

IV. And be it further enacted, That the several Heights of Water hereby required to be kept at the said Mills and Works, called *Enfield Mills*, *Tottenham Mill*, *Walthamstow Mill*, and *Lee Bridge Mill* and Waterworks respectively, shall be ascertained by Stones or Posts to be set up and kept by the said Trustees, in such proper and conspicuous Places near to the said several Mills, as shall ascertain the Height of the Water in the said Navigation, according to the true Intent and Meaning of this Act.

That the Heights of Water at the Mills shall be marked by Stones.

V. And be it further enacted, That from and after the passing of this Act, if any of the Occupiers of the said Mills shall not at any Time or Times, after Notice in Writing so to do by the said Trustees, or any Five or more of them, or by any Person authorized by them for that Purpose, shut down and stop their said Mills, and keep the same shut down and stopped, until the Water in their respective Streams shall be raised to such Height as is directed and required by this Act, for the necessary Purposes of the said Navigation; or if the Occupiers of any other Mill, situate on the said River or Navigation, or in anywise connected therewith, shall not at any

Penalty for not keeping Heights of Water at Mills.

Time

Time or Times after the like Notice in Writing, keep such a Height of Water in the Stream to such Mill as is directed by the said recited Acts, or has been usual and is necessary for the said Navigation, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Owners and Occupiers of Mills shall open or shut their Cloughs and Gates for short Water, or for the Works of Navigation, upon Application and Payment or Tender of Recompence.

VI. And whereas it may be necessary in many Places to stop the working of Mills and to draw off the Water where any Locks, Cisterns, or other Works are to be made, altered, or repaired under the said recited Acts, and also to raise the Water beyond the Height required by this and the said recited Acts respectively; be it therefore further enacted, That every Owner, Lessee, Tenant, or Occupier of any Mill or Mills which shall be necessary to be stopped for such Purposes, or any of them, from Time to Time, as the same shall be necessary, shall, upon reasonable Request made, and upon Payment or Tender of such Recompence or Satisfaction as is herein-after mentioned to him or them by the said Trustees, or any other Person or Persons employed as their Servant or Agent, draw up or open, shut or put down, and keep open or shut any Clough or Cloughs, Gate or Gates of any Sluice or Channel, Sluices or Channels, which shall be necessary to be shut or opened respectively for such Supply of Water, or doing other necessary Works, Alterations, or Repairs; and such Owners, Lessees, Tenants, or Occupiers of any such Mill or Mills shall and may in such Case lawfully demand, have, and receive, and there shall become due and payable to him, her, or them, from the said Trustees, before stopping their Mills as aforesaid, as a Recompence and Compensation for such drawing up or shutting such Clough or Cloughs, Gate or Gates respectively, the Sum of One Shilling and Sixpence, for every Hour that every or any Water Wheel of any such Mill shall by that Means or on that Account be stopped or hindered from working, and so in Proportion for any less Time and that every such Owner, Lessee, Tenant, or Occupier of any Mill or Mills, who shall neglect or refuse to draw up or open, shut or put down, or to keep open or shut, any such Clough or Cloughs, Gate or Gates, contrary to this Act, shall forfeit and pay for every such Offence and for every Day during which such Offences shall continue, any Sum not exceeding Five Pounds.

To prevent unnecessarily drawing off or wasting Water.

VII. And be it further enacted, That no Owner, Lessee, Tenant, or Occupier of any Mill, shall draw off or permit to be drawn off at such Mill, or by Means of any Clough, Gate, Sluice, or Channel belonging thereto, any Water from the said River, Cuts, or Canals, except for grinding or other necessary Purposes of such Mill; and that every Owner, Lessee, Tenant, or Occupier of any such Mill, who shall draw off or permit any Water to be drawn off or wasted, without sufficiently accounting for and explaining the Cause thereof, for some Use or Purpose of such Mill contrary to the true Intent and Meaning of this Act, so as to stop or impede the Navigation of any Boat, Barge, or other Vessel, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Compensation to be made for Deficiency of Water, if oc.

VIII. Provided always, and be it further enacted, That no Recompence or Compensation whatever shall be due or be necessary to be tendered or paid to any Owner, Lessee, Tenant, or Occupier of any Mill which

which shall be required to be stopped for the Want of sufficient Water for the said Navigation, if the Water shall be drawn off at such Mill below the Height, at which the Occupiers of such Mills are required to keep the same, nor for any Deficiency of Water whatsoever, if the same shall be occasioned by the drawing off or Waste of Water at such Mill, contrary to the true Intent and Meaning of this Act. occasioned by any Waste contrary to the Directions of this Act.

IX. And be it further enacted, That so much of the said Act made in the Seventh Year of His said Majesty's Reign, as prohibits the opening or shutting of the Gates, Cloughs, or Sluices of Mills, for the Purposes of the said Act, at any other Time or Times than in the Months of *May, June, July, and August*, or for any longer Time or Times than Four Days in any one Week shall be and is hereby repealed. For repealing so much of Act 7 G. 3. as prohibits the opening of Sluices within certain Times.

X. And be it further enacted and declared, That the Power to make, alter, and repeal Bye Laws, Orders, and Constitutions vested in the said Trustees by the said Act of the Seventh Year of His present Majesty's Reign, and the Provisions contained in the said recited Act for enforcing the same, shall be deemed to extend to and shall fully authorize all such Means or Regulations as the said Trustees, or any Five or more of them, shall judge necessary, for the better ascertaining and regulating the Lading or Number of Tons to be carried upon the said Navigation in any Boats, Barges, Lighters, or other Vessels employed in the said Navigation, and the Nature and Quantity of any Goods, Wares, and Merchandize, or Commodities carried or conveyed thereby, and for preventing and detecting any Fraud or Imposition in the loading or unloading thereof. Power of making Bye Laws to extend to the lading of Vessels.

XI. And be it further enacted, That from and after the passing of this Act, so much of the said recited Act of the Nineteenth Year of the Reign of His present Majesty, as directs that the Lading of any Boat, Barge, Lighter, or other Vessel laden with Timber or Wood only, shall be deemed Twenty-five Tons, although the same may actually have a greater or less Quantity, shall be and is hereby repealed. So much of Act 19 G. 3. as directs every Lading of Wood to be deemed Twenty-five Tons repealed.

XII. Provided always, and be it enacted, That no Boat, Barge, Lighter, or other Vessel employed upon the said Navigation, shall, from and after Three Calendar Months next after the passing of this Act, carry at any One Time any greater Quantity of Goods, Wares, Merchandizes, or Commodities, than Forty Tons, any Thing contained in this or the said recited Acts to the contrary notwithstanding; and that the Owner and Person having the Care, Charge, or Management of such Boat, Barge, Lighter, or other Vessel, carrying more than Forty Tons at any one Time upon the said Navigation, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Limiting the Quantity of Tonnage to be carried on the Navigation.

XIII. And be it further enacted, That no empty Boat, Barge, Lighter, or other Vessel, not used as a Pleasure Boat, and no Boat, Barge, Lighter, or other Vessel not actually laden with Two Tons, nor any floating or loose Timber, not Part of any such Loading, shall be stopped and continued, unless by reason of some inevitable Accident, in any of the Cuts or Canals used or to be used for the said Navigation, for any other Purpose than loading or unloading respectively, nor for any longer Time than shall be necessary for that Purpose; and that every such Boat, Barge, Lighter, Vessels empty, or not laden with Two Tons, or loose Timber, not to stop or lay in the Cuts, except for loading and unloading.

Lighter, or other Vessel, and any such floating or loose Timber, stopped and detained by any such Accident, in any of such Cuts or Canals, shall be removed out of the same as soon as reasonably may be; and that after the passing of this Act, if any Boat, Barge, Lighter, or other Vessel, or any floating or loose Timber, shall stop and continue in any of such Cuts or Canals, contrary to the true Intent and Meaning of this Act, the Owner or Person having the Care, Charge, or Management of such Boat, Barge, Lighter, or other Vessel or Timber, shall forfeit and pay for every such Offence, and for every Day during which such Offence shall continue, any Sum not exceeding Five Pounds.

Penalty for running Vessel aground and obstructing the Navigation.

XIV. And be it further enacted, That if any Person, being the Steersman, or having the Care, Charge or Management of any Boat, Barge, Lighter, or other Vessel, or navigating or working the same, shall wilfully run the same aground, and thereby cause any Damage or Inconvenience to any other Person or Persons, or raise any Hills, or occasion any other Obstruction in the Channel, or Navigation of the said River, or of any of the Cuts or Canals thereof, every Person so offending as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to clear Canals of Ice, &c.

XV. And, for the more effectually removing Obstructions and Impediments to the said Navigation; be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or any Person or Persons employed as their Servants or Agents, from Time to Time to clear the said River, or the said Cuts or Canals, from Ice and other Matters which may impede or interrupt the Navigation thereof, and to let loose or remove the same through any of the Locks or Tumbling Bays upon the said River, Cuts, or Canals, and also to clear away the same from below the said Tumbling Bays, to prevent Interruption to the Mills on the said River, and making Compensation in case of any Injury that may be sustained thereby.

Trustees to sue and be sued in the Name of their Treasurer or Clerk.

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this and the said recited Acts, or any of them, in the Name of their Treasurer or of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or against the said Trustees by virtue of this Act, in the Name of their Treasurer or of their Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees or any Five or more of them, but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be) in every such Action or Suit: Provided always, that every such Treasurer or Clerk, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Money to arise by virtue of this and the said recited Acts, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, sustain, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Treasurer or Clerk to be reimbursed all Costs and Expences.

XVII. And

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, 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 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 and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery 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 mean Time 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 Lands, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation if amounting to 200l.

XVIII. 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 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, 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

Application of Compensation if less than 200l. and exceeding 20l.

their respective Hands, to be paid in the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the 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 Five or more of the said Trustees for executing this Act (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 any 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 Chancery.

Application of Compensation if less than 20l.

XIX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next 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, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act in such Manner as the said Trustees, 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 Titles;

XX. 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 Acts 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 Trustees, or in case the Person or Persons to whom any 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 and may be lawful to and for the said Trustees, or any Five or more of them, to order the 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 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 Court of Chancery, which said Court of Chancery, 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 thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereon, 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 such Sum or Sums of

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

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 such Sum or Sums of Money into the Bank as aforesaid.

XXI. 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 Chancery, in pursuance of the said recited Acts or 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 thereof, 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 the 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 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 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, 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.

Upon any Question of Title to the Money to be paid, Persons then in Possession of the Lands to be deemed the Party entitled to the Money.

XXII. Provided always, 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 the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of any 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 or the said recited Acts, 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 Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Company.

XXIII. And be it further enacted and declared, That the several Exemptions granted by the said recited Acts, or either of them, shall be and remain in full Force; and that the said recited Acts, and all other the Powers, Authorities, Directions, Regulations, Penalties, Provisions, Clauses, Matters, and Things contained therein, and now in Force (except so far as the same are hereby altered, varied, or repealed, and also except so much thereof as directs that Annuities shall not be liable to the Payment of Taxes charged upon Lands by Authority of Parliament, and except such as relate to Exemption from Stamp Duties) shall remain in full Force, and shall and may be exercised and put in Execution as if this Act had not been made; and that the Trustees appointed or elected, or who shall hereafter be appointed or elected by

Former Acts to remain in Force, except so far as hereby altered or repealed.

The Trustees under the former Acts to have full

Power to carry this Act into Execution.

in pursuance of the said Act of the Seventh Year of the Reign of His present Majesty, and all and every of them, shall be and they are hereby appointed Trustees for putting this present Act in Execution, and being qualified according to the said recited Act shall have full Power and Authority to act in the Execution of this present Act, in all Respects and to all Intents and Purposes, as fully as if the several Provisions contained in this Act were inserted in the Body of the said Act of the Seventh Year of the Reign of His present Majesty; and that the several Powers, Authorities, and Provisions contained in such Act for making and repairing the Cuts or Canals, Bridges, Conveniences, and Works thereby authorized and directed, and for the purchasing and conveying Lands deemed necessary for the Purposes of such Act, and for selling and exchanging Lands separated by such Cuts or Canals, and for settling the Value or Price of Land purchased under the said Act, and for demanding, making, and settling a Recompence or Satisfaction for the Damage or Injury to be sustained by any Persons in the Execution of the said Act, and for tendering, paying, applying, and recovering the Price of Lands so purchased; and the Recompence for such Damage or Injury, and also the several Provisions, Powers, and Authorities, of such Act relating to the raising of Money, and the Securities to be made and Annuities to be granted for the same, and the Order or Priority of such Securities, and the Means of recovering such Monies and Annuities, and all such Exemptions as aforesaid, and also all other Powers, Authorities, Directions, Regulations, Penalties, and Provisions contained in the said recited Acts, and now subsisting, shall be deemed to extend to and have full Force and Effect as to the Matters contained in this present Act, and the Purposes thereof, so far as the same can or may be applicable thereto, and are not hereby altered, varied, or repealed, in all Respects and as effectually to all Intents and Purposes, as if the Powers and Provisions of this Act had been inserted in the Body of the said recited Act of the Seventh Year of the Reign of His present Majesty.

The Provisions, &c. of the former Acts, not hereby altered or repealed, made applicable to the Purposes of this Act.

Forfeitures and Penalties how to be recovered and applied.

XXIV. And be it further enacted, That the several Penalties and Forfeitures by the said recited Acts and this Act imposed, shall be levied and recovered in the same Manner as any Penalties or Forfeitures are by the said recited Act of the Seventh Year of the Reign of His present Majesty directed to be levied and recovered, and shall be applied One Moiety to the Informer, and the other Moiety for the Purposes of the said recited Acts and this Act; any Thing in the said recited Acts contained to the contrary notwithstanding.

Limitation of Actions.

XXV. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the Counties of *Hertford*, *Essex*, or *Middlesex*, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this 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 Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County

General Issue.

or

or Place than as aforesaid, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Non-suited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if in any such Action, Suit, or Information, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Treble Costs.

XXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid out of the Monies collected or received by virtue of the said recited Acts or this present Act.

Expence of this Act how to be paid.

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

Publick Act.

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