



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 122.

An Act for altering, amending, and rendering more effectual an Act, passed in the Thirtieth Year of His present Majesty, for improving the Navigation of the River *Ouse*, in the County of *Suffex*.

[12th July 1806.]

WHEREAS by an Act passed in the Thirtieth Year of the Reign of His present Majesty, intituled, *An Act for improving, continuing, and extending the Navigation of the River Ouse, from Lewes Bridge at the Town of Lewes, to Hammer Bridge in the Parish of Cuckfield, and to the Extent of the said Parish of Cuckfield; and also of a Branch of the said River, to Shortbridge in the Parish of Fletching, in the County of Suffex*, certain Persons therein named and described were united into a Company for carrying on, making, completing, and maintaining the said Navigation, by the Name and Style of *The Company of Proprietors of the River Ouse Navigation*; and the said Company were authorized to raise and contribute among themselves a competent Sum of Money for making, carrying on, and completing the said Navigation, and the other Works and Conveniencies to the same belonging, not exceeding in the

30 G. 3. c. 52.

[*Loc. & Per.*]

29 B

Whole

Whole the Sum of Twenty-five thousand Pounds, which was to be divided into Two hundred and Fifty Shares of One hundred Pounds each: And whereas no more than the Sum of Twelve thousand seven hundred Pounds, Part of the said Sum of Twenty-five thousand Pounds, has been subscribed and actually paid to the said Company of Proprietors on account of such Shares, but many of the said Proprietors have advanced by way of Loan, to the said Company, a further Sum of One thousand seven hundred and seventy-seven Pounds, for which the said Company have agreed to pay Interest: And whereas the said Company of Proprietors have borrowed the further Sum of Five thousand five hundred Pounds upon the Security of the Tolls, Rates, and Duties arising and to arise by virtue of the said recited Act, in Addition to their afore said Subscriptions, and all the Money so raised has been expended in the Prosecution of the Works of the said Undertaking, and in carrying into Effect the Purposes of the said Act; and the said Company of Proprietors have also incurred fundry other Debts in the Prosecution of the said Undertaking, which yet remain unpaid and unsatisfied: And whereas the said Company of Proprietors have, in pursuance of the said Act, proceeded in making and completing certain Parts of the said Navigation, and the Works thereunto appertaining; but it appears that much more Expence hath been and will be necessarily incurred in completing and maintaining the said Undertaking than the same was originally estimated at, and more Money than the said Company of Proprietors have yet been able to raise will be required to liquidate and discharge the Debts of the said Company, and to finish and complete the said Navigation and other Works by the said Act authorized to be made and done: And whereas the Powers and Provisions of the said Act have in other Respects been found inadequate, and it would greatly facilitate the carrying into Effect the Purposes of the said Act if 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 the said recited Act, and all and every the Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained (save and except such Parts of the same as are hereby varied or repealed) shall be and the same is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual for carrying the several Purposes of this Act into Execution, in as full, ample, and beneficial a manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this present Act.

Powers of the former Act extended to this Act.

So much of 30 G. 3. as empowers the Company to extend the Navigation beyond Hammer Bridge, repealed.

II. And be it further enacted, That so much of the said recited Act as enables and empowers the said Company of Proprietors to extend and continue the Navigation of the River *Ouse* from a certain Bridge called *Hammer Bridge*, in the Parish of *Cuckfield*, to the Extent of the said Parish of *Cuckfield* in the County of *Suffex*, shall be and the same is hereby repealed and declared to be null and void, to all Intents and Purposes whatsoever; and neither the said recited Act or this Act, or any Clause, Power, Rate, Duty, Toll, or other Matter or Thing therein respectively contained, shall extend or be construed to extend to such Part of the said River *Ouse* as is situate

situate and being between the said Bridge called *Hammer Bridge* and the Extent of the said Parish of *Cuckfield*.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise, in Manner herein-after mentioned, the Sum of Thirty thousand Pounds, or so much thereof as shall be necessary for the making, completing, and maintaining the said Navigation and Works, over and above the said Sum of Twenty-five thousand Pounds empowered to be raised by the said recited Act, notwithstanding the said Sum of Twenty-five thousand Pounds has not been wholly raised by virtue of the Powers of the said Act; and such Money so to be raised by virtue of this Act shall be applied in completing and preserving the said Navigation to *Hammer Bridge* aforesaid, and in executing the several Purposes of the said recited Act and this Act.

Empowering
the Company
to raise a fur-
ther Sum of
Money;

IV. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise the said Sum of Thirty thousand Pounds by borrowing and taking up at Interest, or by way of Annuities, in Manner herein-after mentioned, any Sum or Sums of Money (not exceeding in the Whole the said Sum of Thirty thousand Pounds) upon the Credit of the Tolls payable by virtue of the said recited Act; and they are hereby fully authorized and empowered to assign and make over the said Navigation, Undertaking, and Premises, and the Tolls, Rates, and Duties arising and to arise by virtue of the said recited Act or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, his, her, or their Trustee or Trustees who shall advance the same, all which Assignments shall be made under the common Seal of the said Company of Proprietors, in the Form or to the Effect following:

and to assign
the Tolls,
Rates, and
Duties, as a
Security.

‘ BY virtue of an Act made and passed in the Forty-sixth Year of the
 ‘ Reign of His Majesty King *George* the Third, intituled, *An Act for*
 ‘ *altering, amending, and rendering more effectual, an Act passed in the Thirtieth*
 ‘ *Year of His present Majesty, for improving the Navigation of the River*
 ‘ *Ouse, in the County of Suffex, We, The Company of Proprietors of the*
 ‘ *River Ouse Navigation, incorporated by and under the said recited Act*
 ‘ of the Thirtieth Year of the Reign of His said Majesty, in Considera-
 ‘ tion of the Sum of _____ of lawful Money of
 ‘ *Great Britain* to us in Hand paid by _____ of
 ‘ _____ do hereby bargain, sell, and transfer unto the
 ‘ said _____ Executors, Administrators, and
 ‘ Assigns, all and singular the Tolls, Rates, and Duties arising by virtue
 ‘ of the said Acts or either of them, and also the said Navigation, Under-
 ‘ taking, and Premises, and all the Right, Title, and Interest of us the
 ‘ said Company of Proprietors of, in, and unto the same, to hold unto
 ‘ the said _____ Executors, Administrators, and
 ‘ Assigns, until the said Sum of _____ together with Interest for the
 ‘ same after the Rate of Five Pounds *per Centum per Annum*, shall be fully
 ‘ paid off. Given under our Seal the _____ Day of _____

Form of
Mortgage

And

And all and every the Person and Persons to whom such Assignment or Assignments shall be made, shall be equally entitled to his, her, or their Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Assignment or Assignments mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Assignment; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied, after Payment of the Costs and Charges of obtaining and passing this Act as herein-after mentioned, for and towards completing and maintaining the said Navigation and Works authorized to be made and executed by the said recited Act and other the Purposes thereof, and to no other Use, Intent, or Purpose whatsoever.

Money may
be raised by
Annuities.

V. And be it further enacted, That in case the said Company of Proprietors shall think it advisable or more advantageous to raise all or any Part of the said Sum of Thirty thousand Pounds by granting Annuities with Benefit of Survivorship, or otherwise, payable out of the said Rates or any of them, instead of raising the same by way of Mortgage as aforesaid, then it shall be lawful for the said Company of Proprietors to raise any such Monies by the granting of such Annuity or Annuities as aforesaid, to or for the Use or Benefit of any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Company of Proprietors, any such Sum or Sums of Money as the said Company shall agree upon for the absolute Purchase of such Annuity, to be paid and payable for any Term or Number of Years, or during the natural Lives of every such Contributor, or the natural Life or Lives of such Person or Persons as shall be nominated by or on the Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money, so as that no such Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for a Year, and so that the whole Money to be raised upon Mortgage, and by the granting of Annuities as aforesaid, do not exceed the said Sum of Thirty thousand Pounds; and the Grant of every such Annuity shall be by Deed, under the Common Seal of the said Company, according to the Form following; (that is to say),

Form of
Grant of
Annuity.

WE, *The Company of Proprietors of The River Ouse Navigation*, in Consideration of the Sum of _____ to us paid by _____ of _____ do hereby, by virtue of an Act passed in the Forty-sixth Year of the Reign of King *George the Third*, intituled, *An Act for altering, amending, and rendering more effectual an Act passed in the Thirtieth Year of His present Majesty for improving the Navigation of the River Ouse, in the County of Suffex*, grant unto the said _____ Executors, Administrators, and Assigns, a Annuity or Yearly Sum of _____ to be issuing out of all and singular the Rates arising by virtue of the said recited Act of the Thirtieth Year of His present Majesty, to hold unto the said _____ Executors, Administrators, and Assigns, for the Term of _____ Years [or, to hold unto the said _____ Assigns during his natural Life, or, _____ Executors, Administrators, and _____ as the Case may be]; and such

such Annuity or Yearly Sum shall be payable and paid at upon
 the yearly, by equal Half-yearly Portions; and
 the first Payment thereof to be made upon the Day
 of next. Given under our Seal this Day
 of

And every such Grant shall be valid and effectual, in the Law to all Intents and Purposes; and that all the Grantees of such Annuities shall be equally entitled to their Proportion of the said respective Annuities, without any Preference by reason of the Priority of Date of any such Grant, or on any other Account whatsoever; and an Entry or Memorial of every such Grant, containing the Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Consideration of such Grant, and of the Annuity granted, and the Duration thereof, shall within Two Months next after the Date thereof be written and inserted in a Book to be kept for that Purpose by the Clerk to the said Company of Proprietors; and all and every Person or Persons to whom any such Grant shall have been made, or who shall be entitled to the Annuity thereby secured, may from Time to Time assign or transfer his, her, or their Right and Title therein to any Person or Persons, according to the Form following; (that is to say,

Annuities may be assigned.

I of in Consideration of the
 Sum of to me paid by do hereby
 transfer unto the said a certain Grant made by
 The Company of Proprietors of the River Ouse Navigation, bearing Date
 the Day of of an Annuity of
 payable
 and all my Right, Title, and Interest in and to the Annuity thereby
 secured, to hold the same unto the said Executors,
 Administrators, and Assigns. In Witness whereof I have hereunto set
 my Hand and Seal, this Day of

Form of Transfer.

And every such Transfer shall within Two Months after the Date thereof be produced and notified to the Clerk of the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Annuity thereby transferred, in the said Book, for which Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns to the full Benefit of the original Grant; and it shall not be in the Power of such Person or Persons who shall have made any such Transfer at any Time afterwards to make void, release, or discharge the said Annuity, or any Part thereof.

Transfer to be entered by the Clerk.

VI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby fully authorized and empowered, to assign and make over the said Navigation, Undertaking, and Premises, and the Tolls, Rates, and Duties arising and to arise by virtue of the said recited Act, or any Part thereof, as a Security for the said several Sums of One thousand seven hundred and seventy-seven Pounds, and Five thousand five hundred Pounds, and for all other

Power to execute Assignments to the former Creditors of the Company, who had advanced Monies on the Security of the Tolls.

Sums of Money now due and owing by the said Company of Proprietors thereon, together with Interest for the same at the Rate of Five Pounds *per Centum per Annum*, to such Person or Persons to whom the same now is or shall become due, his, her, or their Trustee or Trustees, or legal personal Representative, or legal personal Representatives, under the Common Seal of the said Company, in such and the like Manner as the said Company of Proprietors are hereby empowered to assign and make over the said Navigation, Undertaking, and Premises, and the said Tolls, Rates, and Duties to the several Persons who shall advance and lend any Sum or Sums of Money to the said Company of Proprietors, under and by virtue of this Act; and all and every Person or Persons to whom such last-mentioned Assignment or Assignments shall be made shall be equally entitled to his, her, or their Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums to be expressed in such last-mentioned Assignment or Assignments, without any Preference by reason of the Priority of Date of any such last-mentioned Assignment, save as herein-after is provided, that such Person or Persons as shall lend and advance to the said Company of Proprietors any Sum or Sums of Money under this Act, shall have a Preference and Priority over such Person or Persons as have already lent or advanced any Sum or Sums of Money to the said Company of Proprietors before the passing of this Act: Provided always, that the said several Sums of One thousand seven hundred and seventy-seven Pounds, and Five thousand five hundred Pounds, and all such Sums now due and owing by the said Company of Proprietors, and for the Re-~~payment~~ of which any such Assignment or Assignments shall be made as aforesaid, shall be and be deemed and taken to be Part of the said Sum of Thirty thousand Pounds to be raised by virtue of this Act.

Assignments
to be entered
in a Book,

VII: And be it further enacted, That an Entry or Memorial of all and every such Assignment or Assignments, containing the Date, Names of the Parties, and Sum of Money borrowed, or mentioned to be thereby secured or made payable, shall, within Two Months next after the same shall be made and executed, be entered in One or more Book or Books to be kept for that Purpose by the Clerk to the said Company of Proprietors, without Fee or Reward, to be charged to or payable by the Person or Persons to whom or for whose Benefit such Assignment shall be so made and executed; which said Book or Books shall and may be perused at all reasonable Times by all and every of the Proprietors and Creditors of the said Navigation, and other Persons interested therein, without Fee or Reward; and that all and every Person and Persons to whom any such Assignment or Assignments shall be made as aforesaid or who shall be entitled to the Money thereby secured, may from Time to Time assign and transfer his, her, or their Right, Title, Interest, or Benefit of, in, and to the Principal Sum of Money and Interest thereby secured to any Person or Persons whomsoever, by indorsing on the Back of such original Grant or Assignment, before One credible Witness, who shall subscribe his or her Name as a Witness to such mesne or subsequent Assignment, the following Words, or Words to the like Effect; *videlicet*,

and may be
transferred.

Form of
Transfer.

I do hereby transfer this Grant or Assignment, with all my Right and Title to the Principal Money hereby secured, and to all the Interest now

• now due or hereafter to become due thereon, unto
 • of Executors, Administrators, and Assigns.
 • Dated this Day of in the Year of our
 • Lord Witness

And all and every such Transfers or Assignments shall, within Two Months next after the Date thereof, be produced and notified to the said Clerk, who shall thereupon cause an Entry or Memorial to be made of all and every such Assignments or Transfers, containing the Date, Names of the Parties, and the Sums of Money thereby transferred, in the said Book or Books to be kept for entering the said original Grants or Assignments, for which last-mentioned Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made every such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the full Benefit of the original Grant and Assignment, and every such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons who shall have made any such last-mentioned Assignment, at any Time after such Assignment made, to make void, release, or discharge the original Grant or Assignment, or any Monies thereby secured, or any Part thereof.

Transfer to be entered by the Clerk.

VIII. And it is hereby further enacted and declared, That the Annuities to be granted as aforesaid, and the Interest of the Money which shall be secured, raised, or borrowed by Mortgage as aforesaid, shall be paid regularly yearly to the several Persons entitled thereto, out of the Produce of the Tolls of the said Navigation, in Preference to any Interest or Dividends due or payable under or by virtue of the said recited Act, to the said Company of Proprietors, or any of them.

Annuities and Interest of the Money borrowed to be first paid.

IX. And whereas the several Persons to whom the said Sums of One thousand seven hundred and seventy-seven Pounds, and Five thousand five hundred Pounds, now remains due and owing, are willing and have consented that the Persons who shall advance or lend any Sum or Sums of Money under or by virtue of this Act, shall have a Preference and Priority over them as herein-after is mentioned; be it therefore further enacted and declared, That all and every the Person or Persons who shall advance or lend any Sum or Sums of Money to the said Company of Proprietors under and by virtue of this Act, shall be considered as having a Preference and Priority to and over the several Persons who have lent and advanced any Sum or Sums of Money to the said Company of Proprietors before the passing of this Act; any Law, Usage, or Custom, or any Thing herein contained, to the contrary notwithstanding.

Persons advancing Money under this Act, to have a Preference to the former Creditors.

X. And whereas by the said recited Act it is enacted, that at the first General Assembly therein directed to be held for the Purpose of putting the said recited Act into execution, the Proprietors assembled, together with such Proxies as should be then present, should choose Three Persons for the Time being, Proprietors of the said Navigation, which Persons so chosen should be a Committee to manage the Affairs of the said Company in such Manner as therein-after directed: And whereas it would be more beneficial to the Interest of the said Company of Proprietors if the Number of the said Committee were enlarged; be it therefore further enacted,

Such Part of the former Act as limits the Number of the Committee to Three, repealed.

enacted, That so much of the said recited Act as limits the Number of the said Committee to Three only, shall be and the same is hereby repealed.

For appoint-
ing the Meet-
ings of the
General As-
sembly.

Persons to be
chosen as a
Committee,
with Power
for any Three
or more of
them to act.

Power to
adjourn.

Company
empowered
to re-sell
Lands, &c.

XI. And be it further enacted, That the First General Assembly, or Meeting of the said Company of Proprietors for putting this Act into Execution, shall be holden between the Hours of Ten and Twelve in the Forenoon, at the House of *James Elliott*, bearing the Sign of *The Sheffield Arms*, in the Parish of *Fletching*, in the County of *Sussex*, upon the First Monday in *August* next after the passing of this Act, and the next General Meeting of the said Company of Proprietors shall be holden on the First Monday in *February* then next following, between the Hours of Ten and Twelve in the Forenoon, at the most central and convenient Place to be fixed upon by the said Company of Proprietors or the major Part of them at any General or Special Meeting; and in case no Place shall have been so appointed at any such Meeting, then such General Assembly or Meeting shall be holden where the last General Assembly or Meeting was holden; and the like General Assemblies or Meetings shall be holden annually on the like Days and Months, and between the Hours of Ten and Twelve in the Forenoon, in every Year, for the future; and at such their First General Assembly or Meeting to be holden in pursuance of this Act, the Proprietors assembled, together with such Proxies as shall be then present, shall choose Nine Persons of and out of the Proprietors of the said Navigation, and such Nine Persons so chosen shall be a Committee to manage the Affairs of the said Company of Proprietors, and they or any Three or more of them shall have Power to manage the Affairs of the said Company of Proprietors in such Manner and subject to such Controul as is provided and enacted in and by the said recited Act; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assemblies or Meetings be thought meet and convenient.

XII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby fully authorized and empowered, to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee, either for a Sum or Sums of Money in Gross, or for any Annual Rent, all such of the Messuages, Lands, Buildings, Tenements, and Hereditaments already purchased by and conveyed to the said Company of Proprietors, or which shall be purchased by or conveyed to the said Company, as shall not be wanted for the Purposes of the said Navigation and Works, or any Part or Parts thereof, for such Sum or Sums of Money, or under such Yearly Rents, to be reserved or limited in such Manner as in such Conveyances shall be expressed; and that it shall and may be lawful to and for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal to grant and convey, all or any Part of the Annual Rents or Yearly Sums which shall or may be reserved or limited to the said Company of Proprietors; and that all such Grants and Conveyances shall be valid and effectual, any Thing in the said recited Act or any other Law, Statute, or Custom to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Messuages, Lands,

Lands, reserved Rents, Tenements, or Hereditaments; or any Part or Parcel thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, and all and every such Receipt and Receipts shall be and be deemed and taken to be a sufficient Discharge and Discharges to the Purchaser or Purchasers; for the Money for which such Premises shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors; before they shall sell and dispose of any such Lands or other Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Lands and other Hereditaments, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to re-purchase the same, then and in every such Case any Affidavit, to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or other Hereditaments shall lie; by some Person or Persons no way interested in the said Lands or other Hereditaments, 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 offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

Lands before re-sold to be offered to the Persons of whom purchased.

XIII. And be it further enacted, That in all Grants and Conveyances to be made by the said Company of Proprietors under or by virtue and in pursuance of the several Powers and Authorities to them by this Act given, the Words 'grant, bargain, and sell,' shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Grant, Lease, or other Conveyance, respectively seised of the Hereditaments, Rents, and Premises thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors, and Assigns, and all claiming under them, indemnified and saved harmless by the said Company of Proprietors and their Successors, from the said several Yearly Rents or Annual Sums to be so respectively reserved or limited in Use, and made payable by the said Company of Proprietors, their Successors, and Assigns, for and in respect of the said Lands and other Hereditaments so purchased and conveyed, or which may hereafter be purchased and conveyed as aforesaid, and also for further Assurance of such Hereditaments, Rents, and Premises thereby bargained and sold, to be made by the said Company of Proprietors, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in

Declaring the Words 'grant, bargain, and sell' to operate as Covenant for the Title.

[Loc. & Per.]

29 D

such

such Grants or other Conveyances, or any of them; and all such Grantees, Lessees, or other Purchasers, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may in any Action or Actions to be brought, assign a Breach or Breaches thereupon as they might do in case such Covenant were expressly inserted in such Grants or Conveyances respectively.

Application
of Rents and
Purchase
Money.

XIV. And be it further enacted, That all and every the Yearly Rents which shall be reserved or limited in Use and made payable to the said Company of Proprietors, their Successors, and Assigns, upon any such Grant as aforesaid, and also all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors as the Consideration of any such absolute Sale as aforesaid, shall be paid, applied, and disposed of in such and the like Manner as the Rates, Tolls, and Duties arising or to arise from the said Navigation are by the said recited Act and this Act directed to be paid, applied, and disposed of.

Allowing
Proprietors of
Land adjoining
the
Western Side
of Isfield
Lock to make
use of Sur-
plus Water.

XV. And be it further enacted, That it shall and may be lawful to and for the Owner or Owners, Occupier or Occupiers, of a certain Piece or Parcel of Land adjoining the Western Side of the Lock at *Isfield*, from Time to Time and at all Times from and after the passing of this Act, to have, take, and use the Surplus or other Waste Water at the said Lock, for such Purposes and in such Manner as he, she, or they shall think proper: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the Owner or Owners, Occupier or Occupiers of the said Piece or Parcel of Land, at any Time or Times to take or draw, or cause to be taken or drawn, the Head of Water at the said Lock lower than the usual Head of the said Navigation.

Allowing the
Proprietors of
Barcombe
Mill to make
use of Surplus
Water at a
certain Lock.

XVI. And be it further enacted, That it shall and may be lawful to and for the Owner or Owners, Occupier or Occupiers of a certain Mill called *Barcombe Mill*, in the Parish of *Barcombe*, in the said County of *Suffex*, from Time to Time and at all Times from and after the passing of this Act, to have, take, and use the Surplus or other Waste Water at a certain Lock late called *Snashall's Lock*, but now *Primmer Wood Lock*, in the Parish of *Barcombe*, in the said County of *Suffex*, for such Purposes and in such Manner as he, she, or they shall think proper: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the Owner or Owners, Occupier or Occupiers of the said Mill called *Barcombe Mill*, at any Time or Times to take or draw, or cause to be taken or drawn, the Head of Water at the said Lock lower than Four Feet above the upper Sill of the said Lock.

Power for
making Re-
servoires.

XVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to purchase and hold any Lands, Tenements, and Hereditaments, for the Purpose of making a Reservoir or Reservoirs for supplying the said Navigation with Water, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain: Provided always, that no such Purchase of any such Lands, Tenements, or Hereditaments, for the Purpose of
making

making such Reservoir or Reservoirs, shall be made by virtue of the said recited Act or of this Act, without the Consent of the Owner or Owners, Proprietor or Proprietors of such Lands, Tenements, and Hereditaments; and no such Lands so to be purchased for the Purpose of making such Reservoir or Reservoirs shall exceed Forty Acres in the Whole.

XVIII. 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 Act and this Act, or either of them, 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 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Company of Proprietors, 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 or Redemption 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.

XIX. 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

Directing the Application of the Money paid for Compensation for Lands, &c. when amounting to or exceeding 200 l.

When less than 200 l. and not exceeding 20 l.

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 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 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 Three or more of 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 any Manner herein-before directed; so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 20*l*.

XX. 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 Act and this Act, or either of them, in such Manner as the said Company of Proprietors or any Three 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,

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

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

XXI. 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 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 Committee of the said Company of Proprietors, or any Three 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,

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 Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXII. 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 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 so to be paid, Persons then in Possession of the Lands to be deemed the Party entitled to the Money.

XXIII. 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 Act 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 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 of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXIV. And be it further enacted, That the Costs, and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Com-

Expences of the Act to be paid:

[*Loc. & Per.*]

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pany

pany of Proprietors by and out of the first Money that shall come to their Hands after the passing of this Act, by virtue hereof, or by virtue of the said recited Act.

Publick Act. XXV. 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.

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