



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 109.

An Act for enabling the *Horncastle* Navigation Company to raise a further Sum of Money to complete the said Navigation; and for amending an Act, passed in the Thirty-second Year of the Reign of His present Majesty, for making and maintaining the said Navigation. [9th July 1800.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His present Majesty King George the Third, intituled, *An Act for enlarging and improving the Canal called Tattershall Canal, from the River Witham to the Town of Tattershall, and extending the same into the River Bain, and for making the said River Bain navigable from thence to or into the Town of Horncastle, all in the County of Lincoln, and also for amending and rendering complete the navigable Communication between the said River Witham and the Foldsike Canal through the High Bridge in the City of Lincoln, whereby divers Persons, therein named and described, were incorporated by the Name of The Company of Proprietors of the Horncastle Navigation in the County of Lincoln, and were authorized to deepen, widen, and enlarge the said Canal from the Junction thereof with the said River Witham to the said Town of Tattershall, to extend the same into the said River Bain, to make the said River* Preamble.
32 Geo. III.

[Loc. & Per.] 22. N Bain

Bain and the several Streams communicating therewith near or in the Town of *Horncastle*, navigable to or into the Town of *Horncastle* aforesaid, and to make and maintain all such Works, Requisites, Matters, and Things, as should or might be necessary for carrying the said Act into full and complete Execution, and for that Purpose to raise amongst themselves a competent Sum of Money, not exceeding in the Whole the Sum of Fifteen thousand Pounds, but in case the said Fifteen thousand Pounds should not be sufficient to complete the said Works, they were empowered to raise, amongst themselves or by Mortgage of the Tolls or otherwise, as therein set forth, a further Sum not exceeding Ten thousand Pounds: And whereas great Progress hath been made by the said Company in the Execution of the said Act, and they have raised and expended not only to the Amount of the said Sum of Fifteen thousand Pounds, but also have borrowed great Part of the said further Sum of Ten thousand Pounds, and have incurred some Debts, and are greatly in Arrear to the several Subscribers for Interest on their respective Subscriptions; and therefore, without being enabled to raise a larger Sum of Money than by the said Act they are empowered to do, they will be unable to finish and complete the Works of the said Undertaking, and to discharge the said Debts by them so contracted and incurred, and now remaining due and undischarged: And whereas it would greatly tend to and much facilitate the carrying the Purposes of the said Act into Execution, if certain Parts thereof were repealed, and if some of the Powers, Provisions, and Directions therein contained, were 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 for carrying into Execution the Purposes of the said recited Act and this present Act, it shall be lawful for the said Company, and they are hereby authorized and empowered, so soon after the passing of this Act as may be, to raise, by Subscription among themselves, any further or other Sums of Money not exceeding in the Whole the Sum of Twenty thousand Pounds, at the Option, free Will, and Pleasure of them the said Proprietors, either rateably and in proportion to the several Shares which they shall respectively hold or be entitled to, or by Subscription on such and so many of them as shall be willing and desirous of raising and advancing the same, or any Part or Parts thereof; and if the Whole, or so much of the said Twenty thousand Pounds as shall be wanted for the Purposes aforesaid, or any Part thereof, shall not or cannot be so raised, it shall be lawful for the said Company, or the Committee for the Time being, and they are hereby respectively authorized and empowered, at any of their respective Meetings to be held or convened agreeable to the Directions in the said recited Act or this Act contained, to raise and make good such Deficiency by the Admission of new Subscribers, and to admit them and every of them accordingly; and the said Sum of Twenty thousand Pounds, or so much thereof as shall be so raised by Subscription, shall be equally divided into an equal Number of Shares of Fifty Pounds each; all which said Shares shall be deemed Personal Estate, and be transferrable as such; and all Persons, Bodies Politick or Corporate, who shall subscribe for or otherwise become entitled to such Shares, and their several and respective Executors, Administrators, Successors, and Assigns, shall be, and they are hereby declared to be, the Owners or Proprietors thereof,

Power to raise
20,000^{l.} be-
yond what
has been
raised by the
former Act.

thereof, and shall be, and they are hereby united to and incorporated with the said Company; and the several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act (subject nevertheless to the Provisions, Directions, and Regulations herein contained) shall extend to the calling for, raising, suing for, and recovering the several Sums to be subscribed for the said Shares, and for compelling and obliging the several Subscribers for or Proprietors of the said Shares to pay the respective Sums to be subscribed as aforesaid, and for transferring and entering the same, and in all other respects relating thereto, in like Manner as if the Whole thereof were Part of the Money authorized by the said recited Act, or the said several Powers, Directions, Penalties, Forfeitures, and other Provisions contained in the said recited Act, and not hereby abrogated or altered, were repeated and re-enacted in this Act; and as well all and every the Persons, Bodies Politick or Corporate, and their several and respective Executors, Administrators, Successors, and Assigns, who shall severally subscribe for any such new or additional Shares, shall stand and be interested in all the Profits and Advantages that shall and may arise and accrue to the said Company by virtue of the said recited Act and this present Act, in such Proportions as such Shares shall bear to the whole Amount of the original Shares, but nevertheless in such Parts, Shares, and Proportions, and with and subject to such Priority and Excess, as are herein-after particularly provided for and declared with and in respect to the Application and Disposal of all and every the Monies and Advantages to arise or be made by the said Company under or by virtue of the said recited Act and this Act.

II. And be it further enacted, That no Call for Money from the Subscribers to and Proprietors of the said new or additional Shares shall exceed Five Pounds upon each such Share; nor shall any such Call be made within a less Distance than Six Weeks from the last or preceding Call, and publick Notice shall be given Ten Days at least previous to every such Time of Payment, in Manner mentioned in the said recited Act.

No Call to exceed Five Pounds and Six Weeks to elapse between one Call and another, of which Ten Days publick Notice to be given.

III. Provided always, and be it further enacted, That whenever any Person who shall have subscribed or engaged for any of the further or additional Shares hereby authorized to be granted, shall, for the Purpose of facilitating the Prosecution of the Works of the said Undertaking, advance all or any Part of his or her Share, previous to the Times then fixed or to be fixed by the said Committee under or by virtue of the foregoing Directions for the Payment thereof respectively, they the said Company shall and may, and they are hereby authorized and required to allow thereout, to every Person so making such Advance, at and after the Rate of Five Pounds *per Centum per Annum*, for or in respect of the Sum or Sums so advanced, in Proportion and according to the Length of Time from such respective Payments to the Time or Times by the said Committee appointed for Payment of the same respectively.

Company to allow 5 l. per Centum Discount on Shares advanced previous to being called for.

IV. Provided also, and be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Person or Persons already possessed of any Share or Shares, or who shall become a Proprietor or Proprietors of any Share or Shares in the said Navigation, to hold any

Any Person may hold an indefinite Number of Shares.

Number of Shares therein; any Thing in the said recited Act contained to the contrary hereof notwithstanding.

The additional Sum of 20,000 l. hereby granted, may be raised by Mortgage, or the granting of Annuities.

V. Provided also, and be it further enacted, That in case the said Company shall not be able to raise the before mentioned Sum of Twenty thousand Pounds, or so much thereof as shall be wanted, by and amongst themselves; or by the Addition of any new Subscriber or Subscribers, or shall in the first Instance think it most adviseable or expedient to raise the same, or any Part thereof, by Mortgage of the Rates and Duties authorized to be collected on the *Horncastle* Navigation, and all and every the Works, Materials, and Premises of or belonging to the said Company, or by granting Annuities with Benefit of Survivorship or otherwise, payable out of the said Rates or Duties or any of them, instead of and in Preference to raising the said Sum by Subscription amongst themselves, or by the Admission of such new Subscribers as aforesaid, then it shall be lawful for the said Company, and they are hereby authorized and empowered, either to borrow and take up at Interest, by any such Mortgage as aforesaid, from any Person or Persons, upon the Credit of the Rates and Duties hereby and by the said recited Act respectively authorized to be collected, or any of them, and also upon all and every such Works, Materials, and Premises, of or belonging to the said Company as aforesaid; the said Sum of Twenty thousand Pounds, or any Part thereof, or to raise the same or any Part thereof by the granting of such Annuity or Annuities as aforesaid, to or for the Use of any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers to the said Company, any Sum or Sums of Money which the said Company shall agree upon for the absolute Purchase of any such Annuity or Annuities, to be paid and payable for any Term or Number of Years, or during the natural Life of every such Contributor, or the natural Life of such Person 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, and either with or without Benefit of Survivorship; and the said Company are also hereby authorized and empowered to assign and make over their Interest and Property in the said Navigation and other Works, and the Rates and Duties arising or to arise by virtue of this and the said recited Act, or any Part thereof, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by Mortgage, in like Manner and Form, and with and subject to the like Powers and Directions for transferring every such Mortgage and registering the same, and to the like Remedies, Regulations, and Provisions touching or concerning the same, and the Interest to be thereby secured; as are mentioned and contained in and by the said recited Act respecting the borrowing Money on Mortgage, and the Securities to be made for the same, as fully and effectually, to all Intents and Purposes, as if the same had been done in pursuance of the same Act.

Annuities to be made under the Company's Seal.

VI. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be by Deed under the Common Seal of the said Company, according to the Form following; (that is to say),

WE

WE, the *Horncastle Navigation Company*, in Consideration of the Sum of _____ Pounds, to us paid by *A. B.* of _____ do hereby, by virtue of an Act passed in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled, [*set forth the Title of this Act*] grant unto the said *A. B.* One Annuity or yearly Sum of _____ Pounds, to be issuing out of all and singular the Rates and Duties arising by virtue of the said Two several Acts, to hold unto the said *A. B.* his or her Executors, Administrators, and Assigns, [*or, to him and her and his and her Assigns*], for the Term of _____ Years [*or, during his or her natural Life, as the Case may be*]; and such Annuity or yearly Sum shall be payable and paid at _____ by equal Half-yearly Portions, the First Payment thereof shall be made upon the _____ Day of _____ next. Given under our Seal this _____ Day of _____ in the Year of our Lord

Form thereof.

VII. And be it further enacted, That the Annuities so to be granted, and the Interest of the Money for which such Mortgage or Mortgages shall be made or executed as aforesaid, shall be paid Half-yearly to the Person or Persons entitled thereto; in Preference to any Dividends (being ordered, made, paid, or divided, to or amongst the Proprietors of the said Navigation, which they are or shall be entitled to by virtue of and under the said recited Act or this Act.

Annuities and Interest of Mortgage Monies to be paid in Preference to Dividends.

VIII. Provided always, and be it enacted, That in case any Part of the said last-mentioned Sum of Twenty thousand Pounds, or any Part thereof, shall be borrowed on Mortgage, or raised by granting any such Annuity or Annuities as aforesaid, then and in any or either of such Cases it shall be lawful for any Proprietor or Proprietors of the said Navigation, from Time to Time to become Surety for the Payment of the Interest of such Mortgage Money, or such Annuity or Annuities, or any Part or Parts thereof respectively; and that all and every Sum and Sums of Money which shall be advanced and paid by such Proprietor or Proprietors, for or on account of or in discharge of such Interest or Annuity or Annuities, shall be raised and paid to him, her, or them, out of the Income arising from the said Navigation, in Preference to any Dividend being made and paid to the said Company; and that the Proprietor or Proprietors who shall be Surety for Payment of such Interest, or any such Annuity or Annuities as aforesaid, shall be fully indemnified and saved harmless by the said Company against the Payment thereof respectively; and all Damages, Costs, Charges, and Expences, which shall be incurred or sustained by Reason or Means thereof.

Proprietors may be Sureties for Interest of Mortgage Money, or Payment of Annuities, and be indemnified by the Company.

IX. Provided also, and be it further enacted, That it shall be lawful for the Committee of the said Company for the Time being, or any Three or more of them, at any Time after the said Company shall have ordered that any Part or Portion of the said last-mentioned Sum of Twenty thousand Pounds shall be raised or procured on their own Bonds, or on the Bonds of such others of the Proprietors who may be willing to become Surety for the same, to raise any Sum or Sums of Money not exceeding so much and such Sum of Money as shall have been so settled and determined upon by the said Company as aforesaid, either as

The Committee may borrow Part of the Sum on their Bonds, &c.

an Original Security or by way of collateral Security to any Mortgage of the said Navigation to be executed as aforesaid; and that all such Sum or Sums of Money as shall be so borrowed for the Use of the said Company, on the Bonds of the said Committee or of any of the said Proprietors of the said Undertaking, either collectively or individually, in pursuance of this Act, shall be repaid, with such Rate of Interest as shall be expressed in such Bonds respectively, out of the Monies hereby authorized to be raised by or out of the Income and Rates arising from the said Navigation, in Preferences to any Dividends or Distributions of Profits amongst the Proprietors thereof; and that the Person or Persons who shall enter into such Bond or Bonds as aforesaid, shall also be fully indemnified and saved harmless by the said Company against the Payment of the Principal Money and Interest for which such Bonds shall be given, and all Damages, Costs, and Expences, which shall be sustained or incurred by reason thereof.

The Money to be raised, how to be disposed of.

X. And be it further enacted, That the Money hereby authorized to be raised shall be paid, applied, and disposed of by the said Company, in Manner and for the Intents and Purposes herein-after expressed; (that is to say), in the first Place, in the Payment and Discharge of all the Expences of obtaining this Act; in the next Place, in the finishing and completing the said Navigation, and all and every or any such other Conveniencies, Accommodations, Matters, and Things, as the said Company are authorized and empowered to make and do in and by the said recited Act, or such or so many of them as they shall think requisite, expedient, and necessary to be made and done; and afterwards to pay off and discharge all Debts contracted by or for the said Company, on account of the said Undertaking.

Directions as to Surplus of Rates, after Payment thereof of £8. per Centum to Proprietors repealed.

XI. And whereas by the said recited Act it is directed, That if it should at any Time thereafter happen that the Tolls, Rates, and Dues, to be taken on the said Navigation, should in any one Year exceed the Sum of Eight Pounds *per Centum* upon the Principal Sum or Sums of Money raised and contributed by the said Company of Proprietors for making the said Navigation, and which should be then due and owing thereon, the Excess or Surplus thereof should be placed in the Hands of a Banker or on Government Security, to answer any Deficiencies that might happen in the next or succeeding Year or Years, until such Excess or Surplus should amount to One thousand Pounds, and then and in such Case if the said Tolls, Rates, or Dues, should produce in any One Year any larger Sum or Sums of Money than should (after the Investment of the said One thousand Pounds) be sufficient to make such Distribution of Eight Pounds *per Centum* as aforesaid, then the said Tolls or Dues should be reduced in such Manner as to pay them no more than Eight Pounds *per Centum* upon the several Sums by them advanced; and in case the said Proprietors should neglect or refuse to lower the said Tolls or Dues in Manner aforesaid, the Commissioners in the said recited Act were empowered to lower the same: And whereas on Account of the great Sums of Money that have already been expended and laid out in the Prosecution of the said Undertaking, and the further Sums of Money that the Completion thereof will necessarily require, and the Expence that will in future be incurred in supporting and maintaining all and every

every the Works thereof; and in order to induce a further Subscription for effecting the Purposes aforesaid; it is expedient that so much of the said recited Act as, after Payment to the said several Proprietors of such Dividends as aforesaid, directs the Disposition of the Surplus of the said Rates and Duties, and that such Rates and Duties, under certain Circumstances, should be reduced, shall be repealed; be it therefore enacted, That not only so much and such Part or Parts of the said recited Act as directs that from and after such Dividend as aforesaid of Eight Pounds *per Centum* shall have been paid out of the said Rates or Dues to the several Proprietors, upon the Principal Sums of Money which shall have been received and expended for the Purposes therein expressed, the Surplus of such Rates and Duties shall be otherwise paid, applied, or disposed of, as therein is mentioned and directed; but also so much and such Parts of the same Act as requires the said Company, and which authorizes in case of their Default the Persons thereby enabled to act as Commissioners, to reduce or lower the said Rates or Duties thereby granted, shall be and the same and every Part thereof is and are hereby declared to be repealed; and instead thereof, be it enacted, and it is hereby accordingly enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, directed and required, to pay, apply, and dispose of the Whole and every Part of the said Rates and Duties, Stocks and Funds, Profits and Advantages, which shall or may arise or be made from or by Means of the said Navigation and the Works thereof, to such Person and Persons, and in such Order, Proportions, Manner, and Form, as are herein particularly mentioned, expressed, and declared; and that they the said Company of Proprietors shall not be compelled or compellable; nor shall the Commissioners aforesaid, or any other Person or Persons whomsoever, have or exercise any Power or Authority to lower and reduce the said Rates and Duties; nevertheless they the said Company may, if they think proper, at any General or Special General Meeting, declare and notify to what Extent, (but not exceeding the Sums by the said in Part recited Act and this present Act respectively granted or allowed to be had and taken), and for and during what Term or Time not exceeding Twenty-one Years at any one Time, the said Rates and Duties so ascertained and fixed shall be collected and received; and also shall and may from Time to Time as they shall think proper, advance and reduce the same, so as at no Time such Rates or Duties exceed the Sums granted or authorized to be had and taken by the said recited Act or this Act.

The Rates not liable to be reduced after Payment of 8 l. *per Centum*, but by the Company.

XII. And be it further enacted, That all the Rates and Duties granted by the said recited Act and this Act, or thereby respectively authorized to be had and taken by the said Company, and all other the Profits, Gains, and Advantages which they can, shall, or may derive or receive from the said Undertaking, or otherwise by Means thereof, shall, after Payment and Discharge of all Rents, Annuities, and Interests due on Monies borrowed by the said Company, Officers Salaries, and of all other incidental Charges and Expences occasioned by Repairs or otherwise, be paid, applied, and disposed of, in such Order, Proportion and Manner as next after mentioned; (that is to say), in the First Place a Dividend shall be made of Six Pounds *per Centum* on all new or additional Shares to be granted by the said Company, in addition to and over and above the Two hundred

Interest or Dividends, in what Proportion, and what Shares to be first paid, etc.

hundred and sixty-six Shares already granted by the Company under the Authority of the said Act, and also on each and every of the original Shares, the Owners and Proprietors whereof shall make further Advances to double the Value or Amount of such Shares afterwards, and in the next Place, a Dividend of Five Pounds *per Centum* on the present or original Shares, whereon no Advance shall be made to double the Amount thereof, then a further and additional Dividend of Two Pounds *per Centum* on all and every the said new and additional Shares, and also upon the original Shares on which Advances shall be made to double their Amount as aforesaid; and in the next Place a further and additional Dividend of Three Pounds *per Centum* on all and every of the original Shares whereon no Advance shall be made to double the Amount thereof; and when and as soon as Dividends or Payments shall have been made on such several new and original Shares respectively, in such Order and Manner as above prescribed and directed, then all and every Part of the remaining Surplus (if any) shall be paid equally and rateably amongst all the Owners and Proprietors of Shares, as well original as new or additional, rateably and proportionably, and according to the Number of Shares each Person shall be possessed of or entitled unto, and without any Preference or Priority whatsoever, otherwise than as is herein-before directed; any Thing in this Act or in the said recited Act to the contrary notwithstanding.

No extra Advantage to attach to Shares whereon the Proprietor does not declare his or her Intention to advance within Twelve Months after the passing of this Act.

XIII. Provided nevertheless, and be it further enacted, That no such extra Dividend, or further or additional Advantage, shall be allowed or made upon any Share where the Proprietor thereof doth not declare his or her Intention to advance upon the same to the Amount aforesaid, within Three Calendar Months next after the passing of this Act, unless the Company or Committee for the Time being shall see Cause (at the Time any such Advance shall be tendered or offered to be made) to agree to and allow that the Person or Persons making the same, shall respectively be allowed, and have and take such and the same Benefit and Advantage as he, she, or they would have been entitled to under and by virtue of this Act, in case such Proprietor or Proprietors had declared his, her, or their Intention within the Time before limited.

Additional Tonnage Rates or Duties to be taken.

XIV. And, for enabling the said Company of Proprietors to carry on and complete the said Works and Undertaking, be it further enacted, That, from and after the First Day of *July* One thousand eight hundred, it shall and may be lawful for the said Company, and they are hereby authorized and empowered to charge, take, and receive, for Tonnage for all Goods, Wares, Merchandize, Commodities, or other Things whatsoever which shall be navigated, carried, or conveyed up or down, or in, along, or upon the said Navigation, of and from all and every the Person and Persons who shall so navigate, carry, or convey, any such Goods, Wares, Merchandize, Commodities, or other Things whatsoever, the following additional Rates or Duties, over and above what is granted and made payable in and by the said recited Act; (that is to say),

Tonnage Rates.

For every Ton of Goods, Wares, Merchandize, and Commodities, (except Lime or Lime Stones, Manure of any Kind for Land, or Materials to be used for the Repair of Highways), which shall be carried or conveyed from any Part of the said Navigation above the Seventh Lock

to

to be erected at or near the intended Bridge over the said Navigation at *Dalderby Ford*, to the River *Witham*, or any less Distance, or from the River *Witham* or any less Distance to any Part of the Navigation above the said Seventh Lock, the further Sum of One Shilling and Three-pence:

From any Part of the said Navigation between the said Seventh Lock and the Fourth Lock erected at or near *Fulby Mill*, to the River *Witham* or any less Distance, or from the said River *Witham* or any less Distance, to any Part of the said Navigation between the said Fourth and Seventh Locks, the further Sum of Ten-pence; and from any Part of the said Navigation below the said Fourth Lock to the River *Witham* or any less Distance, or from the said River *Witham* to any Part of the said Navigation below the said Fourth Lock, the further Sum of Five-pence:

And for every Ton of Lime or Lime Stones, used for Manure, and all other Kinds of Manure for Land, or Materials for repairing Highways, One Half of the several additional Tolls and Duties aforesaid, and so in Proportion for any greater or less Quantity or Weight than a Ton:

Lime, Manure, and Materials for Roads, to pay One Half only.

And that One hundred and twenty Pounds Weight Avoirdupois shall be deemed and taken as and for One hundred Weight, within the Intent and Meaning of this Act, as well as of the said recited Act.

XV. And be it further enacted, That the Committee for the Time being of the said Company, or any Three or more of them, shall and may, at any Time or Times whenever they shall think it necessary and expedient, call and hold a Special Meeting within the Time to which their next Meeting shall happen to stand adjourned, so as Three or more or the major Part of such Committee for the Time being, attend or be present at every such Special Meeting; and that the said Committee, or any Three or more of them, at such Special or any other Meeting to be held in pursuance of the said recited Act or this Act, shall and may, and they are hereby authorized and empowered to affix the Seal of the said Company to any Deed or Instrument whatsoever, wherein or whereto the said Company shall be Party; and also the said Committee, or any Three or more of them, whenever they shall judge it necessary or expedient for carrying into Execution the several Purposes of the said recited Act or this Act, that an extra or Special General Meeting of the said Company should be held, shall and may, and they are hereby authorized and empowered to call or cause to be called such extra or Special General Meeting, to assemble at *Horncastle* aforesaid at such Time as they shall judge expedient; so nevertheless that Seven Days publick Notice at least be given thereof in Manner by the said recited Act directed with respect to other General Meetings, and so as in such Notice be specified the Business to be proceeded upon at such Meeting; and all and every the Proceedings at the several Meetings which shall or may be so respectively called and held as aforesaid, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been made at Meetings held in the Manner by the said recited Act appointed.

Committee may hold Special Meetings, and call Special General Meetings of the Company.

XVI. Provided always, That if at any extra or Special General Meeting of the said Company to be so called or otherwise as by the said recited Act is authorized, or at any General Meeting or Assembly to be held under

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No General or Special General Meeting to be held, un-

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less Owners
of Thirty
Shares be pre-
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or by virtue of this Act or the said recited Act, Proprietors of or Proxies for or to the Amount or Extent of Thirty Shares, shall not attend, then and in such Case nothing more shall be done thereat but adjourning the same in the Manner by the said recited Act mentioned and prescribed; any Thing therein contained to the contrary thereof in anywise notwithstanding.

A certain
Number of
Proprietors
may be ap-
pointed to
audit Ac-
counts.

XVII. And be it further enacted, That whenever the said Company shall find or deem it impracticable or inconvenient at the Annual or any General Meeting, to examine into, inspect, and audit all or any of the Accounts of Monies collected and received, or paid and disbursed, by the Treasurers of the said Company for the Time being, or any other Person or Persons whomsoever, for or on Account of the said Navigation or the said Company, and that it will be more expedient to refer the Execution thereof to a Committee of Auditors, then and in every such Case it shall be lawful for the said Company to choose not more than Five nor less than Three of the Proprietors of the said Navigation, to examine into, inspect, and audit all or any of the Accounts aforesaid; or otherwise the Committee for the Time being, who shall have been appointed by the said Company for the Management of the Affairs of the said Undertaking, or any Three or more of them, shall and may examine into, inspect, and audit all and every or any of such Accounts as aforesaid, save and except the Accounts of the Receipts and Disbursements of any of the Monies hereby authorized to be raised for making and completing the Works of the said Navigation and Undertaking, and which shall have been paid, applied, or disposed of, by or under the Direction of them the said Committee; all which Accounts so to be inspected and audited as aforesaid, and every of them, shall be laid before the said Company at their next Meeting for their Approval and Allowance, which Allowance shall be signified by the Chairman of such Meeting or his Deputy subscribing his Name thereto.

Former Act
connected
with this.

XVIII. And be it further enacted, That the said recited Act passed in the Thirty-second Year of the Reign of His present Majesty, for such the several Intents and Purposes therein expressed, and all and every Clause, Article, Provision, Matter, and Thing therein contained, except such and so many of them, and such Part or Parts thereof as by this Act are expressly repealed, altered, varied, explained, and amended, shall extend and be applicable to this present Act, and the Powers, Provisions, and Directions thereof, so far as the same are compatible therewith, and not contrary or repugnant thereto, in as full and ample Manner, to all Intents and Purposes, as if the same were herein repeated and re-enacted.

Application of
Compensa-
tion, where
exceeding
200/.

XIX. 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, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to 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
Horncastle

Horncastle Navigation, together with the Name or Names of such Person or Persons as Three or more of the said Company or Committee shall, by Writing signed by them, direct and appoint, 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 Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any 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 Messuages, 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 Messuages, 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XX. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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 Privy 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 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 or Committee, (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

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

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 Court of Chancery.

Application where the Money is less than 20/.

XXI. Provided also, and be it further enacted, That where 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 Hereditaments so purchased, taken, or used for the Purposes of the said Act and this Act, in such Manner as Three or more of the said Company or Committee 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.

Not to use or damage any Plantation, &c. belonging to any Mansion House, without the Consent of the Owner thereof.

XXII. Provided always, and be it enacted, That nothing in the said recited Act or in this present Act contained, shall authorize or empower the said Company, or any Persons acting under their Authority, to take, use, injure, or damage any Land which, upon the First Day of *January* One thousand eight hundred, was an ornamental Plantation belonging to any Park, Paddock, Lawn, or other Pleasure Grounds thereof, whether lying within or adjacent to the same Park, Paddock, Lawn, or other Pleasure Grounds, without the Consent of the Owner or Owners thereof in Writing first had and obtained for that Purpose.

Publick Act.

XXIII. 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 other Persons, without the same being specially pleaded.

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