Notice, or after Tender of Amends, &c.

unless Notice in Writing of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, and specifying the Cause of Action, shall have been given to the Defendant or Defendants, or left at his or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced, nor shall the Plaintiff or Plaintiffs recover in any such Action as aforesaid if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought, but on Proof of such Tender at any Trial to be had in such Action the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no such Tender shall have been made before Action brought, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending in Term, or of a Judge of the same Court in Vacation, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, or Body Politic or Corporate, for anything done in pursuance of the said Embankment Act or this Act, after the Expiration of Six Calendar Months next after the Fact committed; and every such Action or Suit shall be tried in the County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, or may avow or make Cognizance, as herein-before is provided, according to the Nature of the Case, and may give this Act and the special Matter in Evidence at any Trial to be had in any such Action or Suit; and if the same shall appear to have been done in pursuance or under the Authority of the said Embankment Act or this Act, or that such Action or Suit shall have been brought before Thirty Days Notice (except in Replevin) shall have been given, or after a sufficient Satisfaction tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if the same shall be brought in any other County than in the said County of *Lincoln*, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Provisions of Embankment Act to extend to this Act.

XLII. And be it further enacted, That the said recited Embankment Act of the Thirty-third Year of the Reign of His present Majesty, and all

all and every the Powers, Authorities, Provisions, Regulations, Clauses, Articles, Matters, and Things therein contained (save and except such Part and Parts thereof as have already ceased and determined, and also save and except such Part and Parts thereof as is and are hereby altered, varied, amended, or repealed,) shall be and remain in full Force and Effect, and the same, as far as they are applicable, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, for carrying the said recited Embankment Act and this Act into execution, as if the same had been repeated and re-enacted in the Body of this Act.

Provision for Costs.

XLIII. And be it further enacted, That all the Costs, Charges, and Expenses of or attending the several Meetings of Proprietors held in consequence of the Damage done to the said Embankment by the high Tide and Tempest in the Month of *November* One thousand eight hundred and ten, and of the several Meetings of the Committee appointed at One of the said Meetings of Proprietors, and in, about, and concerning the Subject Matters of such Meetings, and all the Expenses of the Surveys and Plans made and drawn in respect of such Embankment, and all the Expenses which have been incurred preparatory to, and in, about, and attending the applying for and passing this Act, and of carrying the same into execution, shall be paid by the Committee-men for the Time being acting under the said Embankment Act or this Act, in the first place out of any Monies received or to be received by virtue of any Rate or Assessment, Rates or Assessments, made or to be made by the said Committee-men for the Time being, under the Authority of the said Embankment Act or of this Act, and also that all Costs, Charges, Damages, and Expenses whatsoever incurred or hereafter to be incurred by the said Committee-men or Superintendent for the Time being in or about the carrying on or defending or in consequence of any such Action or Suit as aforesaid, or in or about any Prosecution or other legal Proceeding whatsoever in anywise arising out of or relating to the Execution of the said Embankment Act or this Act, shall be paid by the said Committee-men for the Time being out of the Monies received or to be received by virtue of any Rate or Assessment, Rates or Assessments, made or to be made by the said Committee-men for the Time being, under the Authority of the said Embankment Act or of this Act.

Money advanced for obtaining this Act, to be repaid with Interest.

XLIV. And be it further enacted, That the Money which shall be lent or advanced by any Person or Persons for the Purpose of defraying the Expenses of applying for, obtaining, and passing this Act shall be repaid, with lawful Interest, to the Person or Persons who shall have lent or advanced the same, his, her, or their Executors or Administrators, out of the first Monies to be received by virtue of any Rate or Assessment, Rates or Assessments, made or to be made by the said Committee-men for the Time being under the Authority of the said Embankment Act or of this Act.

Public Act.

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

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