Anno quarto & quinto

Annæ Reginæ.

An Act for making the River *Stower* Navigable, from the Town of *Maningtree* in the County of *Essex*, to the Town of *Sudbury* in the County of *Suffolk*.

WHereas the Clearing and Effecting of a Passage for Barges, Boats, and other Vessels by the River Stower, from the Town of Maningtree in the County of Essex, to the Town of Sudbury in the County of Suffolk, will be very Beneficial to Trade, Advantagious to the Poor, and Convenient for the Conveyance of Coals, and other Goods and Merchandizes, to and from the said Towns and Parts adjacent, and will very much tend to the Imploying and Encrease of Watermen and Seamen, and be a Means to Preserve the Highways in and near the said Counties and Towns; Be it therefore Enacted by the Queens 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 Mayor and Aldermen of Sudbury aforesaid for the time being, and Thomas Carter, Roger Scarlin, John Parish, Robert Girling, Henry Crossman, Robert Sparrow, Thomas Hall, Thomas Firmin, Daniel Hasel, and Thomas Robinson, all of Sudbury aforesaid, Gentlemen, their Heirs and Assigns, or such Person and Persons as they, or any Seven or more of them, shall nominate and appoint under their Hands and Seals, their Deputies, Agents, Officers, Workmen and Servants, shall be and are hereby Authorized and Impowered, at their proper Costs and Charges, to make the said River of Stower Navigable, Portable and Passable for Barges, Boats, Keels, Lighters, and other Vessels, from the said Town of Maningtree to the Town of Sudbury aforesaid; And from time to time to Continue, Support, Maintain and Use such Navigation, in

such manner as they shall think fit, and for that Purpose to Clear, Scour, Open, Enlarge or Strengthen the said River of Stower, and to Dig and Cut the Banks thereof, and to Clear, Scour, Cut open, or Dig the Banks of any other Stream, Brook or Beck, that shall to them seem convenient for bringing Water into the said River Stower, and thereby making the said River more Navigable, Portable and Passable for Boats, Barges, Lighters, and other Vessels; And to make new and larger Cuts, Trenches or Passages for Water in, upon or through the Lands or Grounds adjoyning or contiguous to the said River, and to such other Streams and Brooks as run into the same, as they shall think fit or necessary for the more convenient, easie and better Carrying on and Effecting the said Works and Navigation, being the Soil or Ground of the Queens most Excellent Majesty, Her Heirs and Successors, or of any other Person or Persons, Bodies Politick or Corporate, their Heirs or Successors; and to remove and take away all Trees, Roots, Gravel-Beds, or any other Impediments whatsoever, which may any ways hinder Navigating any Boats, Barges, Lighters, or other Vessels in or upon the said River, either in Sailing or Haling thereof, with Men, Horses, or otherwise, and to Build, Erect and Set up, and Make upon any of the Lands adjoyning to the said River, Locks, Wears, Turnpikes, Pens for Water, Cranes, Wharfs and Warehouses, where they the said Undertakers, their Heirs and Assigns shall think fit, and to Alter, Repair and Amend the same, as often as they shall think convenient, and to make any Ways, Passages, and other Conveniencies, for Carrying or Conveying of Commodities, and other Things to and from the said River, with free Liberty of Ways for Carrying and Conveying all manner of Timber, Stone and other Materials, for making the said Dams, Locks, Wears and Turnpikes, and for Repairing the same, from time to time, as there shall be Occasion, and to do all other necessary Matters and Things for the Improvement and Maintaining of the said Navigable Passages, Streams and Premisses, or any part thereof, and for Amending and Heightning any Wears or Dams, now upon the said River, or Amending and Altering any Bridges whatsoever, or Turning or Altering any High-ways in and upon the said River, as may any ways hinder the said Passage and Navigation; As also to Make, Set out, and Appoint Towing-Paths, and Ways convenient for Towing and Drawing of Boats, Barges and Lighters, Passing in, through and upon the said River, (the said Undertakers, their Heirs and Assigns, first giving Satisfaction to the Owners and Proprietors of the Wears, Mills, Lands, Hereditaments and Premisses respectively, for any Damage or Injury that shall or may happen to such Mills, Wears, Lands and Hereditaments, by Making or Continuing the said River Navigable, as the Commissioners hereafter named for that Purpose shall Direct and Appoint; And such Satisfaction shall be likewise given for the said Towing-Paths, as the said Commissioners shall in like manner Appoint, in case the said Undertakers, their Heirs and Assigns, shall not before-hand have agreed with the Proprietors of such Wears, Mills, Lands and Hereditaments respectively, concerning the same.

And for the better Effecting the Premisses, and due Rating the Value of the Matters and Things to be Compounded for, according

ing to the true Intent and Meaning of this Act, if the Persons concerned, as aforesaid, shall not agree amongst themselves; Be it Enacted by the Authority aforesaid, That the Right Honourable the Earl of Dysert of the Kingdom of Scotland, The Right Honourable Henry Lord Walden, The Right Honourable the Lord Hunsingtower, The Honourable Spencer Compton Esq; The Honourable Benjamin Mildmay Esq; Sir Thomas Hanmere, Sir Francis Masham, Sir Robert Davers, Sir Thomas Felton, Sir Gervase Elwes, Sir Charles Barkington, Sir Dudley Cullum, Sir Robert Barnardiston, Sir Samuel Barnardiston, Sir Thomas Robinson, Sir Robert Kemp, Sir Edmund Bacon, Sir Charles Blois, Sir Henry Dutton Colt, Sir Thomas Webster, Sir Cane James, Sir Simon Dewse, Sir Philip Parker, Baronets; Sir Isaac Rebow, Sir Thomas Duvall, Sir John Marshal, Sir Edward Turner, Sir Joseph Jekyll, Sir Henry Johnson, Sir Joseph Brand, Sir Richard Gipps, Sir Thomas Cook, Knights; Henry Poley John Bence, Philip Skippon, Aubry Porter, William Johnson, John Comyns Serjeant at Law, Thomas Wild, George Dashwood, Harvey Elwes, John Robinson, John Gourdon, Thomas Williams, George Golding, John Rouse, Robert Honeywood, John Tyndale, Thomas Kerridge, Thomas Brand, Joseph Brand, John Eldred sen. John Canham, Samuel Warner, Samuel Gibbs, Bartholomew Young, Samuel Brand, John Eldred jun. Andrews Warner of Wickham-Brook, Samuel Barnardiston, Edward Clarke, Edmund Waterson, Tho. Gardiner, John Bullock, John Cressener, William Fitch, Richard Andrews, John Littell, William Peck, Bartholomew Beale, Robert Maison, John Moor, John Ellis, Charles Whittaker Serjeant at Law, George Brewster, John Eldred of Saxham, Richard Norton, Joseph Thurston, William Poley, William Clopton, Lerring Rebow, William Byatt, Walter Craddock, Stephen Piper, George Gent sen. Anthony Collins, George Gooday, John Sparrow of Sible-Hiningham, Christopher Calthrope, Pelatia Barnardiston, Samuel Blackerby, William Hamond, Thomas Pack, William Churchill, John Brandling, Samuel Pacey, Compton Felton, Joseph Alston, Ambrose Kerrington, William Revett, Thomas Millington, Edmund Coleman, Robert King, Clemance Corrance, Thomas Folkes, Thomas Aldrich, John Thorogood of Kersey, Richard Budle, Coleman of Brent Ely, William Turner, John Avery, John Turner, John Dalton, Robert Blois, Robert Davers, George Coldham, Simon Dove, Thomas Hunt, Thomas Barnardiston of Bury, Ralph Creffeild, Newman Barwell, Samuel Rawstorne, Thomas Wheeley senior, Edward Clarke of Barfeild, Robert Keddington, Dr. Gibson, Dr. Poley Clopton, Daniel Smith, Thomas Macroe, James Harvey, Esquires; Dr. Thomas Dent, Herbert Pelham, Robert Clarke, George Gent junior, Nicholas Jekyll, George Cresner, Joseph Unwin, John Scarpe, Thomas Knowles, Edward Ambrose, Doctor Thurston, Ralph Bromsall, Jasper Blythman, Richard Marloe, Samuel Sparrow, Joseph Chaplin, Thomas Paris of Nayland, James Nelson, Edward Johnson, Clement Ray, Timothy Felton, Thomas Wheeley junior, John Leach, Bass of Maningtree, John Raynham, William Mott, John Banes of Longham, Gentlemen; shall be, and are hereby Constituted and Appointed Commissioners for Settling, Determining and Adjusting, in manner hereafter mentioned, all Matters about which any Difference may arise between the said Undertakers, their Heirs or Assigns, and the said Proprietors of the said Lands, Hereditaments and Premisses, and they, or any Nine or more of them, are hereby Impowered and Authorized, and shall have full Power and Authority to mediate between the said Undertakers, their Heirs and Assigns, and the Owners and Occupiers of such Lands, Tenements and Hereditaments, Wears, Mills and Premisses, lying in, upon, or near unto the said River, as shall be intended to be made use

uſe of for making the ſaid River Navigable, or for the bringing in any other Stream, Brook or Water-courſe into the ſame, or that may or ſhall ſuſtain, or receive any Loſs or Damage thereby, and to ſettle and proportion what Satisfaction every ſuch Perſon or Perſons, Bodies-Politick or Corporate, ſhall have for or in reſpect of the Loſs or Damage thereby to be by him, her, or them reſpectively Received or Suſtained; And to Adjuſt and Settle what Share and Proportion of ſuch Purchaſe-Money, or Satisfaction, every Tenant, or other Perſon, having a particular Eſtate, Term, or Intereſt in any of the Premiſſes, ſhall have or receive for his, her or their reſpective Intereſts: And if it ſhall happen, that any Perſon or Perſons, Bodies-Politick or Corporate, ſhall decline ſuch Mediation, or refuſe to Deal or Agree with the ſaid Undertakers, their Heirs or Aſſigns, or through any Diſability by Nonage, Coverture or Special-Tail, or other Impediment, cannot, That then in every ſuch Caſe, the ſaid Commiſſioners, or any Nine or more of them, are hereby Authorized and Impowered to Iſſue out their Warrant or Warrants to the Sheriff of ſuch of the ſaid Counties of Suffolk and Eſſex, where the Lands and Hereditaments, Matter or Thing to be Compounded for, and intended to be made uſe of for the ſaid Undertaking, lies, thereby requiring him to Impannel, Summon and Return a Jury of Four and twenty able and ſufficient Men, qualified according to the Laws and Statutes of this Realm, to be Returned for Trials of Iſſues joyned in Her Majeſties Courts of Weſtminſter, to appear before the ſaid Commiſſioners, or any Nine or more of them, at ſuch time and place, as by ſuch Warrant or Warrants ſhall be appointed; And ſhall likewiſe return in Iſſues upon every Perſon ſo Impannelled and Returned, the Sum of Forty Shillings, which ſhall be duly Eſtreated and Levied; And for Default of a ſufficient number of Jurymen appearing, ſuch Sheriff or his Deputy ſhall Return other honeſt and indifferent Men of the Standers by, or that can be ſpeedily procured to attend that Service (the Inhabitants of the Town of Sudbury excepted) to make up the ſaid Jury to the Number of Twelve; And all Parties concerned, ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; And the ſaid Commiſſioners, or any Nine or more of them, are hereby Impowered to Order and Authorize the ſaid Jury, to View the Place or Places in Queſtion, as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think fit; Which Jury upon their Oaths to be Adminiſtred by the ſaid Commiſſioners (which Oath, as alſo Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence before them, the ſaid Commiſſioners, or any Nine or more of them, are hereby Impowered to Adminiſter) ſhall Inquire and aſſeſs ſuch Damages and Recompence, as they ſhall think fit to be awarded to the Owners and Occupiers of any ſuch Lands or Tenements, Wears or Mills, or any part thereof, as ſhall be uſed for, or damnified by making the ſaid River Navigable, as aforeſaid, for their reſpective Eſtates and Intereſts therein, or ſuch Loſs and Damages as they may thereby Suſtain; And the ſaid Commiſſioners, or any Nine or more of them, ſhall give Judgment for ſuch Sums to be ſo Aſſeſſed by ſuch Juries, and ſhall upon Oath, as aforeſaid, and by all other lawful Ways and Means, Examine, Hear, and finally Determine all manner of Diſputes and Controverſies, which ſhall happen or ariſe between any Perſons whatſoever, touching or concerning any Matter or Thing relating to the aforeſaid Premiſſes, or any Part thereof; Which ſaid Verdict, Judgment, and other Sentence, Decree or Determination Set

down,

down, Declared and Pronounced by the said Commissioners, or any Nine or more of them, and the Value and Recompence so to be agreed on and assessed (Notice in Writing being first given of their Meeting at least Twenty Days before, declaring the time and place of their Meeting, to every Person concerned, or to be left in Writing at the Dwelling-house of such Party concerned, or at their usual place of Abode, or with some Tenant or Occupier of some Lands or Tenements of such Party near the said River, in case such Party cannot be otherwise found out to be Served with such Notice) shall be binding to all Intents and Purposes against the said Parties, their Heirs, Successors, Executors, Administrators and Assigns, and all others claiming any Title or Interest in the said Lands, Tenements or Premisses, or any thing thereunto belonging or appertaining, in Possession or Reversion, Remainder or Expectancy, or otherwise, as well Infants, Femes-Covert, as others, and their respective Heirs, Successors, Executors and Administrators, and all claiming by, from, or under him, her, them, or any of them; Which said Orders, Sentences or Decrees so made, shall be set down in Writing under the Hands and Seals of the Commissioners that shall make the same, and be kept amongst the Records and Writings of the Sessions of Peace, for such of the said Counties of Suffolk and Essex, wherein the Lands, Hereditaments and Matters, to which the said Orders, Sentences or Decrees shall relate, do lie, by the Clerk of the Peace for such of the said Counties, as aforesaid, true Transcripts whereof shall be delivered to the Town-Clerk for the time being, for the Town and Borough of Sudbury, to be by him kept upon Record amongst the Records of the Sessions of the Peace of the said Town and Borough; All which, or true Copies thereof, shall be taken, adjudged and deemed good and sufficient Evidence and Proof, in any Court of Law or Equity whatsoever; And that upon Payment of such Sum or Sums, so agreed on or assessed, to the Parties concerned, or in case Tender thereof be made at his, her or their Dwelling-house, and if they have no such Dwelling-house, then at the House of some Tenant or Occupier of some Lands or Tenements of such Party, and upon such Tender, as aforesaid, they refuse, or shall not be willing to receive the same, then upon payment of such Sums into the Hands of such Person or Persons as the Commissioners, or any Nine or more of them shall appoint, for the use of the Parties so interested, as aforesaid, it shall then, and not before, be Lawful to and for the said Undertakers, their Heirs and Assigns, their Workmen and Servants, to do all and every Act, Matter or Thing in order to the making the said River Stower Navigable, and supporting and maintaining the Navigation thereof, in relation to, or in pursuance of any such Agreement, or final Order, as aforesaid, as the said Undertakers, their Heirs and Assigns shall think fit: And this Act shall be sufficient to Indemnifie, as well the said Commissioners, as the said Undertakers, their Heirs and Assigns, and all Persons imployed or authorized by them, against the said Owners or Occupiers, their Heirs, Successors, Executors, Administrators or Assigns, to all Intents and Purposes whatsoever.

Provided always, That no Commissioner or Commissioners shall Sit or Act in any Case where he or they are any ways Interested or Concerned.

And be it further Enacted by the Authority aforesaid, That for supplying the Number of the said Commissioners (in case of death or of any of their refusal to Act) the Surviving, or other Commissioners, or any Fifteen or more of them, shall from time to time, by Instrument in Writing under their respective Hands and Seals, nominate and

appoint some other Person or Persons within the said Counties of Suffolk and Essex, having an Estate in Land of the yearly Value of One hundred and fifty Pounds at the least, or a Personal Estate of Three thousand Pounds, in the Place of him or them so dying or refusing; Which said New Commissioner or Commissioners so nominated and appointed, shall from thenceforth have like Power and Authority in all Things relating to the said Navigation and Matters aforesaid, as if he or they had been expressly named in this Act; And every such Instrument and Nomination of New Commissioners shall from time to time be Recorded by the Clerk of the Peace for One of the said Counties, at the Election of the Commissioners who shall sign the same, and true Transcripts thereof shall be also delivered to the Clerk of the Peace of the other of the said Counties, and also to the Clerk of the Peace for the said Town and Borough, to be by each of them also kept upon Record.

And be it further Enacted by the Authority aforesaid, That for and in consideration of the great Charges and Expences the said Undertakers, their Heirs and Assigns, will be at, not only in making the said River Navigable, as aforesaid, but also in repairing and keeping up the Wears, Locks and other the Premisses so to be made and erected, as aforesaid, and making them fit and useful for the said Navigation; It shall and may be Lawful to and for the said Undertakers, their Heirs, Executors, Administrators and Assigns, and no others, from time to time, and at all times hereafter, to ask, demand, recover and take from all and every Person and Persons that shall send down or receive up any Goods, Merchandizes, Wares or Commodities whatsoever, that shall be carried or conveyed up or down the said River of Stower, the Rates and Duties hereafter mentioned, and at such Place or Places adjoyning to the said River, as the said Undertakers, their Heirs or Assigns, or any Seven or more of them, shall think fit; (viz.) For every Chaldron of Coals Maningtree-Measure, any Sum not exceeding Five Shillings, and for every Ton weight of other Goods, Wares, Merchandizes or Commodities, that shall be carried or conveyed in any Boat, Barge, or Vessel up the said River Stower from Maningtree aforesaid to the said Town of Sudbury, or down the said River from the said Town of Sudbury to Maningtree aforesaid, any Sum not exceeding Five Shillings, and so proportionably for every greater or lesser Weight, or for a less distance of Place, to or from which any Coals, Goods, Wares or Merchandizes shall be carried or conveyed in any Boat, Barge or Vessel upon the said River Stower, or any part thereof, as aforesaid; And in case of refusal, neglect or denial of Payment on demand of the said several Rates or Prices above-mentioned, the said Undertakers, their Heirs or Assigns, or such other Person or Persons as they shall nominate and appoint respectively, and their respective Heirs and Assigns, shall and may sue for the same by Action of Debt, or upon the Case, in any Court of Record, or detain and make stay of any Goods, or any Vessels carrying such Goods, for which the said Rates or Prices ought to be paid, until they shall be satisfied and paid the same.

And whereas it will be necessary in some Places to Hale or Tow up Barges, Boats, Lighters, and other Vessels, by the Strength of Men, Horses, Engines and other Means; Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for Watermen, Boatmen and Bargemen, Passing or Navigating upon the said River, and their Helpers and Assistants, to set up and make use of Winches and other Engines in convenient places, and with the same, by Strength of Men, Horses or Beasts, going upon

the Banks or Lands near the said River, in convenient manner, without the hindrance, trouble or interruption of any Person or Persons whatsoever, to Draw or Hale up any Barges, Boats, Lighters, or other Vessels.

And for the preventing of Damage or Mischief that may be done or committed by any rude or disorderly Persons Rowing, Navigating or Managing Boats, Barges or other Vessels in or upon the said River, and to the end that the Owners and Masters thereof may be more careful therein; Be it Enacted by the Authority aforesaid, That the Master or Owner of every Barge, Boat or other Vessel, shall be and is hereby made answerable and responsible for any Damage or Mischief that shall be done by his Barge, Boat or Vessel, or any of the Crew of his Bargemen, Boatmen or Watermen, to any of the Wears, Locks, Dams and Engines in, upon or near the said River, or for any Trespass or Damage which shall be done to the Owners or Possessors of any Lands or Tenements adjoyning to the said River, otherwise than is provided for by this Act; And the said Master or Owner of such Barge, Boat or Vessel shall and may be Sued and Prosecuted for the same in any Court of Record, and if found Guilty, or a Verdict pass against him, or Judgment be given against him upon Demurrer, the Plaintiff in any such Case shall not only recover his Damages thereby sustained, but full Costs of Suit.

And be it further Enacted by the Authority aforesaid, That for the better Cleansing the said River, and Removing all Impediments or Annoyances in or upon the same, the said Commissioners, or so many of them as have Power to Act, shall have the sole Rule, Power and Authority to Survey the said River, and all Wears, Banks and Floodgates upon the same, and to make like Process and Enquiry thereof, and such Orders and Decrees for the altering, amending and abating, and removing the same, and for keeping the said River Open, Portable and Passable for Boats, Barges, Lighters and other Vessels, as any Commissioners of Sewers by any Law, Statute or Commission of Sewers, are enabled to do in any other Rivers or Places; And that the said River Stower, between Sudbury and Maningtree aforesaid, or any of the Matters or Things which shall be made, erected or used, for the making and keeping the said River Navigable, Portable and Passable, as aforesaid, shall not be under the Survey or Orders of any Commission of Sewers, nor subject thereunto, or any Law or Statute made for Sewers; Any Law or Statute to the contrary notwithstanding; Nevertheless the said Undertakers, their Heirs and Assigns, are to bear the whole Charge of the Opening, Cleansing and Scowring the said River.

And be it further Enacted by the Authority aforesaid, That if any Action, Suit or Information shall be commenced or prosecuted against any Person or Persons for any thing that he or they shall do or cause to be done in pursuance of this Act, and executing any of the Powers and Authorities, or any of the Orders and Directions herein mentioned, all and every Person and Persons so sued or prosecuted in any Court whatsoever, shall and may plead the General-Issue, and give this Act and the Special Matter in Evidence; And if in any such Suit, the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or discontinue his Suit, and if a Verdict shall pass against him, or Judgment be given against him upon a Demurrer, then in any of the said Cases the Defendant or Defendants shall recover full Costs, for which he and they shall have like remedy where Costs by Law are awarded: And this Act shall be taken and allowed in all Courts within this

this Kingdom as a Publick Act, and all Judges and Justices are hereby Required to take Notice thereof as such, without Special Pleading the same.

Saving always, and reserving to the Lords, Owners or Proprietors of all or any Royalties or Liberties of Fishing or Fowling in or upon the said River, Streams or Water-Courses, or any part of them, their Rights or Privileges of Fishing and Fowling in and upon the same, and in and upon such New Cuts, Passages, Trenches and Water-Courses, as shall be made by the said Undertakers, their Heirs or Assigns, within the respective Manors, Seigniories or Liberties of the said Lords, Owners or Proprietors; Any thing in this Act contained to the contrary notwithstanding.

Provided always, and be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for any Owners or Occupiers of any Lands adjoining to the said intended Navigable Passage, to use any Pleasure-Boats, and therein pass to and upon the said Navigable Passage without any Interruption from the said Undertakers, their Heirs, Executors, Administrators, or Assigns and Nominees, or any of them, and without paying to them, or any of them, any Rate or Duty for the same.

And be it further Enacted by the Authority aforesaid, That for the better Preservation of the Fishery of the said River, It shall and may be Lawful to and for the several Game-Keepers, and others Authorized for that purpose, by Warrant under the Hands and Seals of any Lord or Lords of any Manor or Manors, or Owner or Owners of any Fishery or Fisheries, upon any part of the said River between Maningtree and Sudbury aforesaid, from time to time, and at all convenient times, to enter into any Boat or Vessel upon the said River or Navigable Passage, and to search for, take and seize all Nets and other Engines for taking or destroying of Fish there found, except such as shall be close pack'd up in any Boxes, Trunks or Packs, and bona fide carried only as Goods, Wares or Merchandizes.

And be it further Enacted by the Authority aforesaid, That the said Undertakers, their Heirs, Assigns or Nominees, shall on or before the Four and twentieth Day of June, One thousand seven hundred and eight, begin the said Works, and the making of the said River Navigable, as aforesaid, and finish and complete the same on or before the Four and twentieth Day of June, One thousand seven hundred and thirteen. And that in case the said Undertakers, their Heirs, Assigns or Nominees shall not begin, finish and complete the said Works, and make the said River Navigable, Portable and Passable for Boats, Barges, and other like Vessels, from Maningtree to Sudbury aforesaid, at or by the respective times above limited and appointed for the same, That then and from thenceforth the said Commissioners, or any Eleven or more of them, are hereby Authorized and Impowered, and shall have full Power and Authority, by Writing under their Hands and Seals, to Nominate, Appoint and Impower any other Person or Persons to carry on and perfect the said Works, and to make the said River Navigable, Portable and Passable for Boats, Barges, Lighters, and other like Vessels, from Maningtree to Sudbury aforesaid, within the respective times to be by the said Commissioners, or any Eleven or more of them for that purpose appointed, and upon other the Terms and Limitations mentioned in this Act; And in case the Person or Persons, their Heirs or Assigns, who shall be so nominated and appointed by the said Commissioners, as aforesaid, shall not begin and perfect the said Works and Navigation, at and by such respective

times as shall be limited and appointed for that purpose by the said Commissioners, or any Eleven or more of them, in such Instrument of Nomination, That then and in every such case the said Commissioners, or any Eleven or more of them, shall nominate, appoint and impower, in manner aforesaid, some other Person or Persons to carry on and perfect the said Works and Navigation, upon the Terms and Limitations in this Act mentioned, and so toties quoties, as often as the Nominee or Nominees of the said Commissioners shall happen to fail in Beginning and Perfecting the said Works and Navigation, at and by such respective times as shall be for that purpose limited and appointed by the said Commissioners, or any Eleven or more of them, in manner as aforesaid; And every such Instrument of Nomination, shall be Recorded by the respective Clerks of the Peace for the said Counties of Suffolk and Essex, and Town-Clerk for the said Town and Borough of Sudbury; and the Person or Persons, and his and their Heirs and Assigns, who shall, by Virtue of any such Nomination, as aforesaid, of the said Commissioners, be Constituted, and made Undertaker or Undertakers for carrying on and perfecting the said Works and Navigation, shall have the full Benefit and Advantage of all and every the Powers created by this Act; And in case they make the said River Navigable, Portable and Passable for Boats, Barges and other like Vessels, from Maningtree to Sudbury aforesaid, shall have, receive, exercise, use and enjoy to his and their own proper use and behoof, all and every the said Rates, Tolls, Duties, Powers, Privileges, Profits and Emoluments Granted by this present Act to the said first named Undertakers, their Heirs and Assigns, subject to the several Clauses and Provisions in this Act contained.

Provided always, and be it further Enacted by the Authority aforesaid, That the said Undertakers, their Heirs, Executors, Administrators or Assigns, or any of them, or any Person or Persons to be by them, or any of them, nominated for that purpose, their Heirs or Assigns, shall not Ask, Demand, Take, or Receive, Recover, Sue for, or Have from any Person or Persons, any of the Rates or Duties herein before-mentioned, or any Sum or Sums whatsoever, by Virtue of this Act, for any Mill-stones carried or conveyed up or down the said River, for the use of any the Mills upon the said River, between Maningtree and Sudbury aforesaid, or for any Timber, Lime, Stone or other Materials, to be used in or about the Building or Repair of the said Mills, or any of them; Any thing herein before contained to the contrary thereof in any wise notwithstanding.

And whereas it does appear by Survey, That the said Navigation may be prejudicial to certain Sea-walls and Banks of the Marsh-Lands and Grounds belonging to Lawford-Hall, in the County of Essex, now the Estate of the Reverend Thomas Dent Doctor of Divinity, to remove which the said Undertakers and the said Doctor Dent are come to this Agreement, That the said Sea-walls and Banks, and the Bridge called Cranfen-Bridge, leading to the said Grounds, shall from time to time, be well and sufficiently Repaired and Maintained, and the said Sea-walls and Banks kept up as high as the same now are, at the Costs and Charges of the said Undertakers; and that the said Doctor Dent and his Heirs and Assigns, shall therefore pay and allow them Five Pounds per Annum for ever: Be it therefore Enacted by the Authority aforesaid, That from and after such time as the said River is making Navigable, and shall be Navigated by virtue of this Act, and the Powers and Authorities hereby given, the Costs and Charges of Maintaining and Repairing of the

Sea-Walls and Banks, part of, and adjoyning to certain Lands, known by the Name of the Fifty Acres Marsh, beginning near the East-Gate, which opens out of the same into Dale-hall Lands, and extending, as the Course of the River lies, to the aforesaid Cranfen-Bridge, and ending at a Place called Judas Gapp, to the Westward, being the Sea-Walls or Banks belonging to the Estate of the said Doctor Dent, together with the said Bridge called Cranfen-Bridge, or such other convenient and sufficient Bridge, as the said Undertakers shall build for the use of the said Grounds in stead thereof, shall be from time to time wholly Born and Sustained by the said Undertakers, their Heirs and Assigns; And the said Undertakers, their Heirs and Assigns, shall from time to time, when ever there shall be Occasion, Repair and Amend the said Sea-Walls and Banks, or cause the same to be Repaired and Amended immediately, or within one Month next after notice for that Purpose left in Writing with them, or any of them, or with their principal Clerk, or other Manager of the said Navigation, or Collector of the Duties thereof, by the said Thomas Dent, his Heirs or Assigns; and in Default of their Repairing the same within one Month after Notice, as aforesaid, or in case by any sudden Accident, or otherwise, there shall happen to be any considerable Decay, or any apparent Danger, or actual Breach in the said Sea-Walls and Banks, or in the Wharfage or Pilings for Preservation thereof, That then and in such case, it shall and may be lawful to and for the said Doctor Dent, his Heirs and Assigns, forthwith the same to Repair and Amend, or cause to be Repaired and Amended. And for their better being reimbursed the Costs and Charges of their so doing, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners for the time being, or any Five or more of them, upon Application to them for that purpose to be made, and Notice given to the said Undertakers, their Heirs and Assigns, or the Collectors of the Duties of the said Navigation, to Examine, State and Allow the Accompts of the said Thomas Dent, his Heirs and Assigns, in making such Repairs and Amendments, and in case that any part thereof be disputed, to Impannel a Jury to try the same, in such and in the like Manner as is herein before Directed, touching the Assessing Satisfaction of Damages to be done by any Act in Order to making the said River Navigable, as aforesaid; and in case the said Sum or Sums, so by the said Commissioners, or any Five or more of them, to be Assessed and Allowed for such Repairs, be not paid within the Space of one Month after the same shall be so Assessed and Allowed, and demand thereof made of the Collectors of the Duties of the said Navigation, That then the said Thomas Dent, his Heirs and Assigns, or such Person or Persons, to whom the Sum and Sums so Assessed and Allowed shall be respectively due, and his and their respective Executors, Administrators and Assigns, shall have, receive and take the Rates and Duties payable by virtue of this Act, and the Profits of the said intended Navigation to his and their own use, until such time as the said Sum and Sums so as aforesaid allowed, and to him and them due and payable, shall be fully satisfied and paid, together with all Charges and Expences in Collecting and Receiving the same; And the said Commissioners, or any Five or more of them, shall have full Power and Authority to put the said Thomas Dent, his Heirs and Assigns, or such Person or Persons to whom such Sum and Sums to be Assessed and Allowed, as aforesaid, shall be due, into the Possession and Receipt of the Profits of the said Navigation, and likewise to remove them again from

from the same, and for that purpose to take and State the Accompts touching the same, and to Examine such or any other Person or Persons, as they shall see Cause, upon Oath, to be Administred by the said Commissioners, or any Five or more of them, touching the Matters aforesaid.

And be it likewise further Enacted, That the said Thomas Dent, his Heirs and Assigns, shall therefore pay to the said Undertakers, their Heirs, and Assigns, and Nominees, from and after the time that the said River shall be made Navigable, and shall be Navigated by Virtue of this Act, as aforesaid, the Yearly Rent or Sum of Five Pounds out of the said Estate belonging or reputed to belong to Lawford-hall aforesaid, at Michaelmas and Lady-day, by Two equal Payments in each Year, so long as the said River shall be Navigated by Virtue of this Act, for which the said Undertakers, their Heirs, and Assigns, and Nominees, their Agents and Servants, in case the said Rent, or any part thereof, shall at any time or times be in Arrear, shall and may from time to time Distrain in any part of the Estate aforesaid, and such Distress sell, in such manner as if the said Yearly Rent or Sum of Five Pounds were reserved upon a Demise of the said Lands.

Provided always, That if the said River shall not be made Navigable and Navigated by Virtue of this Act, and the Powers and Authorities hereby given, and the said Undertakers shall in Endeavouring to make the said River Navigable, any way Alter, Cut, Damnifie or Prejudice any of the said Sea-Walls or Banks, they shall at their own Costs and Charges make the same good again, and put the same into as good a Plight and Condition, as the same were at the time of such Altering, Cutting, Damnifying or Prejudicing thereof, as aforesaid.

Provided always, and be it Enacted by the Authority aforesaid, That the said Undertakers, their Executors, Administrators or Assigns, or any Person or Persons by them or any of them Deputed or Authorized, shall not take, demand, recover or receive any the Rates or Duties herein before mentioned, or any Sum or Sums of Money whatsoever, for any Muck, Dung, Marle, Lime, or other Manure, which shall be brought, carried or conveyed upon the said River, by any of the Owners, Farmers or Occupiers of any Lands within the distance of Three Miles from the said River, their Servants or Agents, to be used and imployed for the Manuring and Improvement of their respective Lands, and not otherwise; Any thing in the said Act contained to the contrary thereof in any wise notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That it shall not be lawful for any Owner, Possessor or Occupier of any Wharf or Landing-place adjoyning to the said River, within the Borough of Sudbury aforesaid, or the Limits thereof, to Take, Demand, Recover or Receive from any Person or Persons, for the Wharfage or Landing of any Coals or other Goods or Commodities at any such Wharf or Landing-place, any Sum of Money exceeding Three Pence for a Chaldron of Coals Maningtree-Measure, or for a Ton Weight of other Goods or Commodities, and so proportionably and pro Rata for a greater or lesser Quantity of Coals or other Goods or Commodities.

And for the better Prevention of all Frauds against this Act, Be it Enacted by the Authority aforesaid, That every Boat, Barge or Vessel, which shall use the Navigation of the said River of Stower, shall be Registred in a Book or Register to be kept for that purpose by the Town-

Town-Clerk of Sudbury aforesaid, and shall have some Mark of Distinction, by Figure or otherwise, as the said Commissioners, or any Nine of them, shall think fit, upon Pain that the Master of every Boat, Barge or other Vessel using such Navigation, and not being so Registred and Marked, shall Forfeit the Sum of Five Pounds; and the said Figure or other Mark or Distinction, shall be placed on every such Boat, Barge or other Vessel, in the most convenient Place to be taken Notice of; and no Person shall put the same Figure or Mark upon his Boat, Barge or Vessel, which is appointed for any other Boat, Barge or Vessel, nor put out, alter or deface the Figure or Mark of Distinction appointed by the said Commissioners for his Boat, Barge or Vessel, under the Forfeiture of Five Pounds for every such Offence, one Moiety of which said Forfeitures shall be to the Informer, and the other Moiety to the Use of Her Majesty, to be Recovered, with Costs of Suit, as any other Penalties or Forfeitures are to be Recovered by this Act.

FINIS.