Anno triceſimo

Georgii II. Regis.

An Act for making the River *Blyth* navigable from *Haleſworth Bridge*, in the County of *Suffolk*, into the Haven of *Southwould*.

WHEREAS the River Blyth, in the County of Suffolk, is capable of being made navigable from the Bridge in the Town of Haleſworth, in the ſaid County of Suffolk, into the Haven of Southwould: And whereas the making and maintaining ſuch Navigation will greatly tend to the Convenience and Benefit of the Inhabitants of the ſaid County, and to the Advantage of the Publick; be it therefore 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 Sir Cordel Firebrace, Sir John Kemp, Sir John Rous, Sir Charles Blois, Sir Joſhua Van-Neck, Baronets; John Affleck, Edward Vernon, William Plummer, William Plummer junior, Alexander Bence, Reginald Rabett, John Friſton Scrivener, William Chapman, Nathaniel Micklethwait, Thomas World, Eſquires; the Reverend

Preamble.

Commiſſioners Names.

verend Ralph Blois, Robert Buxton, Martin Baylie, Thomas Foster, James Carter, Clerks; Charles Hay M. D. John Ingham, Peter Pullyn, John Granger, James Jermyn, Thomas Knights, Edmund Wattling, William Reeve, Richard Crowfoot, Samuel Crow, Eleazer Davy, John May, Samuel Eadeley, Thomas Skoulding, Thomas Norris, John Deeks, Richard Girling, Henry Coats, Joshua Moore, Samuel Rye, William Norford, John Meadows, and Samuel Farra, Gentlemen; shall be, and they, and their Successors, to be elected in Manner hereafter mentioned, are hereby appointed Commissioners for making the said River navigable from the Bridge in the said Town of Halesworth into the Haven of Southwould, and for putting this Act in Execution; and that they, or any Seven or more of them, assembled as herein after is directed, and not otherwise, shall have full Power and Authority, by Writing under their Hands, to employ or to contract with any Person or Persons who shall be willing to undertake to make the said River navigable and passable for Boats and other Vessels, within the Limits aforesaid, or any Part thereof; such Contracts to be for such Time or Times, and under such Conditions, as they the said Commissioners, or any Seven or more of them, shall think proper; and such Undertakers, or any other Person or Persons, employed as aforesaid, his or their Agents, Workmen, Servants, and Labourers, with the Approbation and Allowance of the said Commissioners, or any Seven or more of them, are hereby impowered, from time to time, to open, cleanse, scour, depthen, enlarge, or straiten, the said River, and any Streams, Brooks, or Watercourses, for bringing Water into the said River, and to dig or cut the Banks of the said River, and of any such Streams, Brooks, or Watercourses, for the Purpose aforesaid; and to make such new Cuts, Trenches, or Passages for Water, in, upon, or through the Lands or Grounds adjoining or near to the said River, or to any such Streams, Brooks, or Watercourses, as they shall think proper, as well for the Navigation of Boats and other Vessels, as for the more convenient, easy, and better effecting the Purposes of this Act; and for all or any of the Purposes aforesaid, to cut and make use of the Soil of any Person or Persons, Bodies Politick or Corporate whatsoever, as Occasion shall require; and also to dig up, cut, remove, and take away, all Trees, Roots of Trees, Beds of Gravel or Sand, and any other Impediments whatsoever, which may hinder or obstruct the said intended Navigation; and also to build, erect, set up, make, support, and maintain, over or in the said River, Cuts, Trenches, Passages,

Powers to make Works, &c.

Streams, Brooks, and Watercourses, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices, Locks, Weirs, Pens for Water, Stanches, Dams, Wharfs, Warehouses, Quays, Landing-places, Weigh-beams, Cranes, Mills, and other Works, at such Places, and in such Manner, as the said Commissioners, or any Seven or more of them, shall think necessary and convenient; and, from time to time, to alter and repair the same, and to make, widen, or enlarge, any Ways, Passages, or other Conveniencies, for the conveying of Goods, Commodities, and all other Things, to and from the said River, and the navigable Cuts, Trenches, or Passages thereof; and for the conveying of all Manner of Materials for erecting and making the said Works, and for altering or repairing the same; and to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall be making, erecting, altering, or repairing, or are intended to be made, erected, altered, or repaired; and also to amend, heighten, or alter, any Bridges upon such River, Cuts, Trenches, or Passages, as may hinder the Navigation or Passage thereon; and also to dig, take, and carry away Clay, Gravel, Stone, or any other Materials, for carrying on, perfecting, altering, or repairing the said Works, in or from the Grounds of any Person or Persons adjoining or lying near to the said River, Cuts, Trenches, or Passages (not being an House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House) and also to make, set out, and appoint Towing-paths, Banks, and Ways, convenient for towing, haling, or drawing with Men or Horses, Boats, and other Vessels, passing through or upon the said River, or the Cuts, Trenches, or Passages thereof; and to erect Winches, or other Engines, for the more convenient towing, haling, or drawing, on such Paths, Banks, and Ways; and to do and perform all other Matters and Things which they the said Commissioners, or any Seven or more of them, shall judge necessary or convenient for carrying on, completing, and maintaining the said Navigation, and executing the Purposes of this Act; they the said Commissioners, or any Five or more of them, first making Satisfaction to the respective Owners and Proprietors of, and Persons interested in the Lands, Tenements, or Hereditaments, which shall be digged, cut, removed, or prejudiced, or made use of, for all or any of the Purposes aforesaid, for any Damage such Owners, Proprietors, and Persons interested, shall or may sustain thereby. First making Satisfaction.

Time and Place of Commissioners Meeting;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet together at the House known by the Sign of the Angel, in Halesworth, on the Eighth Day of June, One thousand seven hundred and fifty seven, and proceed to the Execution of this Act; and also shall meet at the same or some other convenient Place in the said Town, upon the First Wednesday in June, in every succeeding Year; and the said Commissioners, or any Five or more of them, present at any Meeting, shall, from time to time, adjourn themselves to such Place and Places, in the said Town of Halesworth, or the Town of Blithburgh, as they shall think most convenient for the Execution of this Act; and shall also cause Notice in Writing of the Time and Place of every such Meeting by Adjournment, to be affixed upon some publick Place in the said Town of Halesworth, and the said Town of Blithburgh, at least Ten Days before every such Meeting; and if a sufficient Number of Commissioners shall not be present at any Meeting to adjourn, or if by any other Means, such adjourned Meetings shall be discontinued, or shall not be held so often as the said Commissioners, or any Five or more of them, shall think necessary, then, and in either of the said Cases, any Two or more of the said Commissioners shall have full Power and Authority to summon and cause a Meeting to be held at any Time, within either of the said Towns, by giving Notice as aforesaid Ten Days at least before such Meeting.

10 Days Notice to be given of future Meetings.

Bodies Politick, &c. may contract with the Commissioners for the Sale of Lands.

And be it enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall be, and are hereby impowered to agree with the Owners or Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Seven or more of them, shall judge necessary to be cut, digged, removed, or otherwise made use of, for the Purposes of this Act; and it shall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Trustees, and Feoffees in Trust, Guardians, and Committees for Lunaticks or Ideots, Executors, Administrators, Guardians, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Feme Coverts, or other Person or Persons whatsoever, and to and for all Femes Covert who are, or shall be, seised in their own Right, and to and for all and every other Person and

Bodies Politick, &c. impowered to convey Lands.

Persons,

Persons whatsoever, who are, or shall be, seised, possessed of, or interested in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, unto the said Commissioners, or any Five or more of them, or such other Person or Persons as they, or any Five or more of them, shall nominate or appoint, all or any Lands, Tenements, or Hereditaments, for the Purposes aforesaid; and that all such Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances whatsoever, shall be valid and effectual in Law, to all Intents and Purposes whatsoever: And all and every such Person and Persons so conveying, as aforesaid, his, her, and their Heirs, Executors, and Administrators, respectively, shall be, and he, she, and they, is and are hereby indemnified for what he, she, they, or any of them, shall respectively do by virtue and in pursuance of this Act: And the said Commissioners, or any Five or more of them, may also adjust what Proportion of the Sum, so agreed to be paid, shall be allowed to any Tenant, or other Person, having a particular Estate, Term, or Interest, in any of the Premises; but if it shall happen, that any such Bodies Politick, or Corporate, Guardians, Trustees, or other Person or Persons, shall neglect or refuse to treat, or shall not agree, with the said Commissioners, or by reason of Absence, shall be prevented from treating, then, and in either of the said Cases, the said Commissioners, or any Five or more of them, shall be, and are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of Suffolk for the time being, requiring him to impanel, summon, and return, before the said Commissioners, or any Five or more of them, at the Time and Place specified in such Warrant or Warrants, Twenty four Persons, Inhabitants of the said County, qualified to serve on Juries; and such Sheriff is hereby required to impanel, summon, and return, such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Commissioners, or any One or more of them, is and are hereby impowered to swear Twelve, who shall be the Jury to inquire touching the Matters in question; and in Default of a sufficient Number of Jurors, the Sheriff, or his Deputy, shall return other honest and indifferent Persons duly qualified, as aforesaid, who can be speedily procured to attend that Service, to make up the Number of Twelve: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Jury shall, if required by

Persons refusing, or disabled to treat, &c.

Jury to be summoned to settle the Damages and Recompence.

Jury to be sworn.

Jury may be challenged.

the said Commissioners, or any Five or more of them, acting in the Premisses, view the Lands, Tenements, or Hereditaments, in question; and, upon their Oaths, shall inquire and assess what Recompence and Satisfaction ought to be made to such Owners or Proprietors, and Persons interested, for his or their Estate or Interest in the Premisses; and such Verdict of the Jury, and Judgement of the said Commissioners, or any Five or more of them, thereupon, shall be binding and conclusive to all Parties; and being put into Writing, under the Hands and Seals of the said Commissioners, or any Five or more of them, shall be delivered to the Clerk of the Peace, to be kept amongst the Records of the Sessions of the said County; and the same, or a Copy thereof, shall be admitted as Evidence in all Courts whatsoever.

The Damage and Recompence to be assessed by a Jury.

Verdict to be binding and conclusive.

Commissioners may summon Witnesses.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall have Power to summon any Witness or Witnesses, who shall be thought necessary to be examined (not being a Peer or Peeress of Great Britain) before any such Jury; and also to examine all such Witnesses, or any other Witnesses, who shall be produced before any such Jury, upon Oath (which Oath any One of the said Commissioners is hereby impowered to administer) and to use all other lawful Means, as well for their own as for the better Information of the Jurors in the Premisses; and also shall have Power, from time to time, to impose any Fine upon the said Sheriff or his Deputy, making Default in the Premisses, not exceeding the Sum of Ten Pounds; and also a Fine upon any Witness who shall refuse to attend or be sworn, or to give Evidence, and on every Person who being duly summoned and returned on any such Jury, shall not appear (unless some reasonable Cause of his Absence shall be proved to the Satisfaction of the said Commissioners acting in the Premisses) or shall refuse to be sworn on such Jury, or being sworn, shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty in the Premisses, not exceeding Five Pounds; and all such Fines shall, in Default of Payment thereof upon Demand, be recovered in such Manner as the Penalties are herein after directed to be recovered.

Commissioners to impose a Fine on Sheriff, &c. making Default in the Premisses.

Fine not to exceed 10 *l.*

Upon Payment of the Money assessed,

And it is hereby further enacted and declared, That upon Payment of any such Sum or Sums so agreed on between the said Commissioners and Parties concerned, or of such Sum or Sums as shall be assessed by any such Jury, or a Tender thereof made, and in case of Refusal to accept the same, upon Payment of such Sum or Sums into the Hands of the Clerk to the Commissioners, for the Use of

the

the Parties interested as aforesaid, it shall be lawful for the said Commissioners, and all Persons employed and authorized by them, or any Seven or more of them, to enter upon the Premisses, and make use of the same, for the Purposes of this Act; and they shall be and are hereby indemnified for so doing, against the said Owners, Proprietors, and Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person or Persons, to all Intents and Purposes whatsoever. The Commissioners may enter into the Premisses.

And, for defraying the Expences of the Execution of this Act; be it further enacted by the Authority aforesaid, That there shall be paid to the Collector or Collectors to be appointed as herein after is mentioned, by all and every Person and Persons who shall carry or convey any Goods, Merchandizes, Wares, or Commodities whatsoever, through or upon the said River, and navigable Cuts, Trenches, or Passages, or any Part of such River, navigable Cuts, Trenches, or Passages, such Sum and Sums of Money, and at such Place and Places, as the said Commissioners, or any Seven or more of them, assembled at any General Meeting as aforesaid, shall, upon due Consideration of the said Expences, from time to time think proper, under their Hands and Seals, to decree and appoint, not exceeding in the Whole, the respective Sums following; that is to say, Tolls to be paid for defraying the Execution of the Act.

The Tolls.

For every Chaldron of Coals, Culm, or Cinders, One Shilling and Six Pence.

For every Chaldron of Lime, One Shilling.

For every Quarter of Corn, Grain, Malt, Meal, or Flour, Three Pence.

For every Hundred of double Deals, Three Shillings.

For every Hundred of single Deals, One Shilling and Six Pence.

For every Hundred of Battins, One Shilling.

For every Load of other Timber, such Load containing Forty Feet Timber-measure, One Shilling.

For every Hogshead of Wine, Ale, Beer, Cyder, Oil, or any Sort of Liquids whatsoever, One Shilling.

For every Firkin of Butter, One Penny.

For every Weigh of Cheese, Four Pence.

For every Ton of Chalk, Six Pence.

For every Thousand of Bricks or Tiles, Two Shillings; and so in Proportion for any greater or less Quantity of such Goods or Commodities aforesaid.

For every Ton of Goods, Wares, or Commodities whatsoever, not before enumerated, Two Shillings; and

so in Proportion for any greater or less Quantity, not being under One hundred Weight.

And for every separate Parcel or Quantity of any Goods, Wares, or Commodities, under One hundred Weight, Two Pence.

And for every Boat or other Vessel, passing laden or unladen, through all, any, or either of the Locks to be made by virtue of this Act, the Sum of One Penny per Ton, according to the Tonage of such Boat or Vessel, over and above the Sums of Money herein before authorized to be collected for or in respect of any Goods, Merchandizes, Wares, or Commodities.

Which respective Sum and Sums of Money, so decreed and appointed to be paid as aforesaid, shall be demanded and taken, from time to time, and at all Times, in the Name of, or as a Toll or Duty; and the Monies to be received are hereby vested in the said Commissioners, and shall be applied in such Manner as they, or any Seven or more of them, shall, from time to time, under their Hands, order and direct, for the several Uses, Intents, and Purposes of this Act, and to and for no other Use, Intent, or Purpose whatsoever; and in case of Neglect or Denial of Payment on Demand, of the several Tolls or Duties decreed and appointed to be paid as aforesaid, the said Collector or Collectors, is and are hereby authorized and required to seize and detain such Goods, Merchandizes, Wares, or Commodities, or any Part thereof, or the Vessels carrying the same; and in case the same shall not be paid within Three Days after such Seizure, it shall be lawful for the said Collector or Collectors to sell the Goods, Merchandizes, Wares, or Commodities, or the Vessels carrying the same, so seized and detained as aforesaid; rendering the Overplus (if any) to the Owners, after the said Tolls or Duties, together with the reasonable Charges of recovering the same, shall be satisfied and paid.

Application of the Tolls.

Tolls to be levied by Distress and Sale.

Distress may be sold after 3 Days.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall be and are hereby impowered, by Writing under their Hands, to appoint such Person or Persons as they shall think fit, to be Collector or Collectors of the respective Tolls or Duties hereby granted or authorized to be taken; and also a Treasurer to receive all Monies arising by virtue of this Act (such Treasurer, and Collector or Collectors giving Security, to the Satisfaction of the said Commissioners, or any Seven or more of them, for the due Execution of his and their respective Office and Offices) and shall also administer an Oath to such Collector or Collectors, for the due Execution of his or their

Commissioners to appoint Officers.

Treasurer to give Security.

their Office or Offices; which Oath any One or more of such Commissioners is and are hereby impowered to administer; and the said Collector or Collectors shall at such Times as he or they shall be required by the said Commissioners, or any Five or more of them, by Writing under their Hands, pay or cause to be paid, into the Hands of the said Treasurer, all and every the Sum and Sums of Money which he or they the said Collector or Collectors shall have collected or received by virtue of this Act; and the said Commissioners, or any Seven or more of them, may also appoint a Clerk, and such other Officers as they shall think fit to employ in the Execution of this Act; and may allow to such Treasurer, Collectors, Clerk, and other Officers, such Salaries or Recompence out of the Monies to be raised by virtue of this Act, as they the said Commissioners, or any Seven or more of them, shall think reasonable; and all such Officers shall be from time to time removeable at the Will and Pleasure of the said Commissioners, or any Seven or more of them.

Commissioners to allow Officers Salaries; and may remove them, and appoint others.

And be it further enacted by the Authority aforesaid, That out of the said Tolls or Duties, or Monies to be borrowed on the Credit thereof, the Expences and Charges incurred in and about obtaining this Act, shall be in the first place fully paid and satisfied.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That every Waterman or other Person who shall at any Time carry or convey upon or through the said River, or navigable Cuts, Trenches, or Passages, any Goods, Wares, or Commodities whatsoever, shall, upon Demand, give a true Account, according to the best of his Knowledge and Belief, of the Quantity and Quality of all such Goods, Wares, or Commodities, and of the Name or Names of the respective Owner or Owners thereof; and such Account being put into Writing by the said Collector or Collectors, shall be subscribed by the said Waterman, or other Person, with his Name or Mark; and if any such Waterman or other Person, shall not upon Demand give such Account, or shall deliver in a false or defective Account, or refuse to subscribe his Name or Mark, he shall for every such Offence forfeit the Sum of Forty Shillings, over and above the Tolls or Duties payable for such Goods, Wares, or Commodities; and if the said Collector or Collectors shall at any Time suspect that any such Account is not a true Account, or if no such Account shall be delivered, that then it shall be lawful for such Collector or Collectors, or any other Person or Persons authorized by the said Commissioners, or any Seven or more of them, by Writing under their Hands for that Purpose,

Persons carrying Goods to give an Account of their Quantity and Quality.

Penalty on giving false Accounts;

and on refusing the Officer to measure or weigh Goods.

Purpose, to measure, weigh, or take Tale, of such Goods, Wares, or Commodities respectively, at the Place or Places where the same shall be first landed; and if the Owner of such Goods, Wares, or Commodities, or any other Person or Persons, shall refuse to permit such Collector or Collectors, or Person or Persons, to measure, weigh, or otherwise take Account of, such Goods, Wares, or Commodities, or any Part thereof, or shall hinder or obstruct him or them in so doing, every such Owner or other Person shall for every such Offence forfeit the Sum of Five Pounds, over and above the Tolls or Duties payable for such Goods, Wares, or Commodities.

Commissioners may erect Gates and Stiles in adjoining Grounds,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall cause to be set up, and from time to time maintained, such convenient Gates, Passages, and Stiles, as shall be necessary in or upon the Banks or Lands adjoining to the said River, and navigable Cuts, Trenches, or Passages, where any Towing-paths or Haling-ways shall be made and set out as aforesaid; and also if the said Commissioners, or any Person or Persons employed or authorized by them, shall by any Means raise the Water in the said River above its usual Height, whereby the adjoining Lands may be more liable to be overflowed or damaged than they have formerly been, the said Commissioners, or any Seven or more of them, shall cause the Banks of the said River to be proportionably raised and strengthened, and from time to time supported and maintained, in such Manner as to contain the Water at such its raised Height; or if the said Commissioners, or any Person or Persons authorized or employed by them, shall, by making any new Cuts, Trenches, or Passages, interrupt or render inconvenient the Access of any Person or Persons to their Lands, Tenements, or Hereditaments; or shall by deepening the said River, or raising the Water therein, render any Fords or common Highways through the same dangerous; then and in any of the said Cases, the said Commissioners, or any Seven or more of them, shall first cause a sufficient Bridge or Bridges to be erected where such new Cuts, Trenches, or Passages, shall be intended to be made, and where such Fords or Highways now are, and shall from time to time maintain such Bridges in proper Repair.

and erect Banks,

and make Bridges.

Commissioners to make Orders for maintaining the Navigation.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall have full Power and Authority from time to time to make such Orders and Decrees as to them shall appear necessary or convenient for keeping the said River navigable,

navigable, Cuts, Trenches, and Passages, open and passable for Boats, and other Vessels, and for effectually maintaining the said Navigation; and this Act shall be sufficient to indemnify the said Commissioners, and all other Persons acting under their Orders and Decrees, in making, erecting, using, or passing through, any Cuts, Trenches, Passages, or other Works to be made or erected, as aforesaid, or in haling with Men or Horses on any Part of the Banks adjacent to the said River, or navigable Cuts, Trenches, or Passages; Satisfaction having been first made or given to the Owner or Owners of such Banks, in Manner before directed.

On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That as often as any of the said Commissioners shall die, or refuse to act, it shall be lawful for the surviving or remaining Commissioners, or any Nine or more of them, from time to time, at any of the annual Meetings aforesaid, by Writing under their Hands, to elect proper Persons in the Place of such Commissioners so dying, or refusing to act; and the Persons so elected shall have the same Power to put this Act in Execution, as if they had been expressly named Commissioners herein; but no Person whatsoever shall take upon himself to act as a Commissioner who hath not in his own Right, or in Right of his Wife, an Estate in Lands, Tenements, or Hereditaments, of the yearly Value of Twenty Pounds, or a Personal Estate alone, or a Real and Personal Estate together, of the Value of Five hundred Pounds at the least, on Penalty of forfeiting for every Time he shall so act, the Sum of Twenty Pounds; to be recovered with Full Costs of Suit, by any Person who will sue or prosecute for the same by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, or at the Assizes for the said County of Suffolk; in which Action no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or more than One Imparlance.

Qualification of Trustees.

Commissioners to make Bye-laws.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, at any of their annual Meetings aforesaid, shall from time to time have full Power and Authority to make Bye-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well-governing of the Watermen and Boatmen who shall carry Goods on any Part of the said River, navigable Cuts, Trenches, or Passages; and to impose and inflict such reasonable Fines, Forfeitures, or Punishments, upon all Persons offending against such Bye-laws, Orders, or

Constitutions, or any of them, as to the said Commissioners, or any Nine or more of them, shall appear fit; such Fines, Forfeitures, or Punishments, to be levied or inflicted by such Ways and Means as the said Commissioners, or any Nine or more of them, shall direct; which Bye-laws, Orders, and Constitutions, being put into Writing under the Hands and Seals of the said Commissioners, or any Nine or more of them, shall be binding to, and observed by, all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; but any Person thinking himself aggrieved by any Order or Judgement, made or given in pursuance of such Constitution, Order, or Bye-law, may, within Six Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace, at their General or Quarter Session for the said County of Suffolk, or where the Cause of Complaint shall arise, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session; and, if they see Cause, may abridge, moderate, or alter, such Forfeiture, or Punishment, and order any Money to be returned which shall have been levied in pursuance of such Constitution, Order, or Bye-law, and also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Justice of the Peace shall act or vote in the hearing or determining of any such Complaint, whose Hand and Seal, as a Commissioner, shall appear to have been set to the said Constitution, Order, or Bye-law, which occasioned such Complaint, or who is particularly interested in the said Undertaking.

Persons aggrieved may appeal to the Quarter Sessions.

Reservation of Rights.

Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall be construed to abridge the Lords or Owners of any Royalties or Liberties of their Rights or Privileges of fishing and fowling in and upon the said River, or in or upon such new Cuts, Trenches, or Passages; or to restrain any Person or Persons from keeping a Pleasure-Boat upon the said River, to row and sail up and down the same, as he or they shall think fit, so as the said Navigation be not thereby obstructed or impeded; and that no Toll or Duty shall be payable upon account of such Pleasure-Boat, provided there be no Goods carried therein.

No Toll for Pleasure-Boats.

And it is hereby further enacted by the Authority aforesaid, That the said River, within the Limits aforesaid, or any of the Works, Matters, or Things, to be made or done by virtue of this Act, shall not be subject to the Jurisdiction, Survey, or Controul, of any Commissioners of Sewers.

Work done under this Act not subject to Controul of Commissioners of Sewers.

And, for preventing Damages which may be done by Persons employed in Boats or Vessels; be it enacted by the Authority aforesaid, That every Boat-master, and Owner of any Boat or Vessel, which shall pass upon or through the said River, or navigable Cuts, Trenches, or Passages, shall be, and is hereby made answerable for, and shall make good any Damage or Mischief which shall be done by his or her Boat or Vessel, or by any of the Crew thereof, to any of the Locks, Dams, Sluices, or other Works erected or maintained by Authority of this Act; and such Damage or Mischief shall be inquired into, and determined, by any Justice of the Peace for the said County of Suffolk, who is hereby authorized and required, upon Complaint or Information made of any such Offence, to summon such Boat-master or Owner to appear before him, and upon his or her Appearance, or making Default to appear (Proof being made, upon Oath, that the Summons was delivered to him or her, or left at his or her usual Place of Abode) such Justice shall proceed to examine into the Truth of such Complaint or Information, and, upon Confession of the Party complained of, or Proof by the Oath of One credible Witness, shall award and order such Recompence to be made by such Boat-master or Owner for such Damage or Mischief, as he the said Justice shall think proper, not exceeding Treble the Amount of such Damage or Mischief; and in case of Nonpayment of the Sum so awarded and ordered for the Space of Three Days, the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the same to be levied by Distress and Sale of the Boats, Vessels, or other Goods, of such Boat-master or Owner; rendering to him or her the Overplus (if any) after the said Sum, together with the reasonable Charges of such Information and Conviction, and also of such Distress and Sale, shall be satisfied and paid; and such Boat-master or Owner, as aforesaid, shall also be answerable, and make Satisfaction, for any Trespass or Damage which shall be done by his or her Boat or other Vessel, or by his or her Horses or Servants, to the Owner or Occupier of any Lands or Tenements adjoining to the said River or navigable Cuts, Trenches, or Passages; which Satisfaction shall and may be sued for and

Masters and Owners of Boats answerable for Damages.

and recovered, by an Action of Trespass or on the Case, in any Court of Record; and if any Waterman or other Person, having the Care or Management of any Boat or other Vessel, shall lay such Boat or Vessel so as to obstruct the Passage of other Boats or Vessels, or hinder the opening or shutting of any of the said Locks or Sluices, and shall not upon Request immediately remove the same, he shall, for every such Neglect or Refusal, forfeit the Sum of Forty Shillings.

Penalty on Persons prejudicing the Navigation,

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall throw or put into the said River or navigable Cuts, Trenches, or Passages, any Ballast, Sand, Rubbish, or other Matter or Thing, which may tend to prejudice the said Navigation; every such Person shall for every such Offence forfeit the Sum of Forty Shillings, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied as the Penalties and Forfeitures are herein after directed to be applied.

or damaging the Works.

And, for preventing the throwing down or damaging any of the Works which shall be erected or made in pursuance of this Act, or otherwise hindering, or damaging the said intended Navigation; be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, break down, damage, or destroy, any Banks, or other Works to be erected or made for the Purpose aforesaid; or shall wilfully, maliciously, or wantonly, open any of the Gates of the Locks or Sluices to be erected or made for the Purpose of the said Navigation, whereby the Water shall be so much spent and wasted, as thereby to hinder or prevent the said Navigation, or do any other Hurt or Mischief to obstruct, hinder or prevent, the carrying on, completing, supporting, and maintaining, such Navigation; such Person or Persons shall be adjudged guilty of Felony; and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by and before whom such Person or Persons shall be tried, shall and hereby have Power and Authority to transport such Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted, the Manner of recovering whereof is not herein particularly directed, shall be recovered by Distress and Sale of the Goods and Chattles of the Offenders, by Warrant under

under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the said County of Suffolk; and in case any such Offender shall not have sufficient Goods whereon to levy such respective Penalties, it shall be lawful for such Justice or Justices to commit any such Offender to the Common Gaol for the County of Suffolk, or to the House of Correction, there to remain, without Bail or Mainprize, for any Space not exceeding Three Months; and that all such Penalties and Forfeitures, or such Parts thereof as are not herein before directed to be applied, shall be paid into the Hands of the Treasurer to the said Commissioners, and applied for the Purposes of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon Account of any Offence committed, or supposed to be committed, against this Act, may appeal to the Justices of the Peace for the said County of Suffolk, at their next General or Quarter Session to be held for the Division wherein such Order or Judgement shall have been made or given; the Person or Persons so appealing, giving Security to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said General or Quarter Session, in case such Order or Judgement shall be affirmed; and the Justices in the said General or Quarter Session, are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at Westminster, or elsewhere.

Orders not to be quashed for want of Form.

Provided nevertheless, That no Order, or other Proceedings, to be made or had by or before any Justice of the Peace, in relation to the Premisses, shall be quashed or vacated for want of Form only.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted by the Authority aforesaid, That each of the said Commissioners who shall be in the Commission of the Peace for the County of Suffolk, shall and may, and is hereby impowered to act as a Justice of the Peace in any Case in the Execution of this Act, notwithstanding his being a Commissioner.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall, from time to time, have full Power and Authority to assign or transfer the Tolls and Duties hereby intended or authorized to be raised, or any Part or Parts thereof,

thereof, to any Person or Persons who shall be willing to advance or lend to the said Commissioners any Sum or Sums of Money for the Purposes of this Act, not exceeding in the Whole the Sum of Four thousand Pounds, on the Credit of the said Tolls or Duties, which shall thereby be made a Security to such Person or Persons for the Repayment of the Money so advanced or lent, not exceeding the Rate of Five Pounds per Centum per Annum; and such Assignee and Assignees may assign over such Security or Securities to any other Person or Persons, and so toties quoties; and such Money shall, after the necessary Expences of obtaining this Act are satisfied and discharged thereout, be applied in carrying on and completing the said Navigation, and executing the Purposes of this Act; and to no other Use or Purpose whatsoever.

Proceedings to be enter'd in a Book.

And be it further enacted by the Authority aforesaid, That an Account of all the Monies which shall be received, raised, and borrowed, by virtue of this Act, and of the Expenditure of such Monies; and also all Debts, Contracts, Orders, and Proceedings of the said Commissioners, or any of them, in Execution of, or relating to this Act, shall be, from time to time, regularly and fairly entered in a Book or Books to be kept for that Purpose; and such Entries being signed by any Five or more of the Commissioners, or the Clerk to the said Commissioners, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall, at their annual Meetings, as aforesaid, and also at such other Times as they shall think proper, summon before them, and if they think fit, examine upon Oath (which Oath any One of the said Commissioners is hereby impowered to administer) the Collector or Collectors, Clerk, and all other Officers and Persons employed in or intrusted with the Receipt or Expenditure of all or any of the Monies to be collected or raised by virtue of this Act; and such Collector or Collectors, Clerk, and other Officers and Persons employed or intrusted, as aforesaid, are hereby required to render to the said Commissioners, or any Seven or more of them, a true, exact, and perfect Account in Writing, of all and every Sum and Sums of Money so by them respectively received or expended, as aforesaid; and in case any Collector, Clerk, or other Officer or Person employed or intrusted as aforesaid, shall be found in Arrear, or refuse to account, or to

pay

pay the Money due upon the Balance of such Account, according to the Orders and Directions of the said Commissioners, or any Seven or more of them, it shall be lawful for the said Commissioners, or any Seven or more of them, by Warrant or Warrants under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattles of the Person or Persons so found in Arrear, or refusing to account, or to pay the Money due upon the Balance of such Account, such Sum or Sums of Money as he or they shall be required to account for, or as shall be found due upon the Balance of his or their Account; and for want of sufficient Distress, it shall be lawful for such Commissioners, or any Seven or more of them, by like Warrant or Warrants under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County of Suffolk, or to the House of Correction, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands, to the said Commissioners, or any Seven or more of them, or according to their Appointment, or shall have compounded for the same, and paid such Composition-monies; which Composition the said Commissioners, or any Seven or more of them, are hereby impowered to make.

Commissioners not to act where interested.

Provided always, That no Commissioner shall act in Execution of any of the Powers of this Act, in any Case wherein he is particularly interested.

Persons and Things exempted from Tolls.

Provided always, and be it enacted by the Authority aforesaid, That the Owners, Tenants, and Occupiers of such Lands as lie within Five Miles of the said River, shall and may convey any Straw upon the said River, and through the Cuts, Trenches, Passages, Sluices, and other Works, and also Clay, Marl, Muck, or Manure, for improving or manuring their respective Lands; and also every Owner, Proprietor, or Occupier of a Mill or Mills upon the said River, shall have Liberty to convey in his or their own Boats, upon or through the said River, navigable Cuts, Trenches, and Passages, so much Earth, and other Materials, as shall be passing, to be actually made use of for amending or repairing such Mill or Mills, or Works thereto belonging, Toll-free; any thing in this Act contained to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance or Execution of this Act, or in relation to the Matters herein contained, every such Action or

Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried in the County of Suffolk, and not elsewhere; and the Defendant or Defendants in every such
General Issue. Action or Suit may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance, and by Authority, of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited, or be laid or brought in any other County or Place, the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited; or suffer a Discontinuance of such Action or Suit; or if, upon Demurrer, Judgement shall be given for the Defendant or Defendants, in each or either of the said Cases, the Defendant or Defend-
Treble Costs. ants shall recover Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts within this Kingdom, as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.