Anno tricesimo

# Georgii II. Regis.

An Act for making the River *Ivel*, and the Branches thereof, Navigable, from the River *Ouze*, at *Tempsford*, in the County of *Bedford*, to *Shotling Mill*, otherwise called *Burnt Mill*, in the Parish of *Hitchin*, in the County of *Hertford*; and to *Black Horse Mill*, in the Parish of *Bygrave*, in the said County of *Hertford*; and to the South and North Bridges in the Town of *Shefford*, in the said County of *Bedford*.

WHEREAS the River Ivel, and the Branches thereof, by whatever Name or Names the same are called and known, are capable of being made navigable for Boats, Barges, and other Vessels, from the River Ouze, at Tempsford, in the County of Bedford, to Shotling Mill, commonly called Burnt Mill, in the Parish of Hitchin, in the County of Hertford; and to a Place called Black Horse Mill, in the Parish of Bygrave, in the said County of Hertford; and to the South and North Bridges in the Town of Shefford, in the said County of Bedford: And whereas the making Preamble.

and completing such Navigation will be of great Benefit and Advantage, not only to the Inhabitants of the several populous Towns of Bigleswade, Shefford, Hitchin, and Baldock, but to the Inhabitants of the Country in general for many Miles round, by supplying them with Coals and other necessary Commodities, at a much cheaper Rate than they now pay for the same by Land Carriage, and be of publick Utility; yet the same cannot be done without the Aid of Parliament: 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,

Commissioners Names.

That the Right Honourable Francis Russell, commonly called Marquis of Tavistock; the Right Honourable John Earl of Upper Ossory, in the Kingdom of Ireland; the Right Honourable Lord Viscount Grimstone, in the Kingdom of Ireland; the Right Honourable James Cecil, commonly called Lord Viscount Cranbourne; the Right Honourable John Carteret, commonly called Lord Viscount Carteret; the Right Honourable William Cowper, commonly called Lord Viscount Fordwich; the Right Honourable Philip Yorke, commonly called Lord Viscount Royston; the Right Honourable Lord Carysfort, in the Kingdom of Ireland; Sir Rowland Alston, Sir Jacob Gerrard Downing, Sir Richard Grosvenor, Sir Humphrey Monoux, Sir Roger Burgoyne, Sir Villers Chernock, Sir George Osborn, Sir Stephen Anderson, Sir Thomas Sebright, Sir John Turner, Sir Armine Wodehouse, Sir James Dashwood, Sir Samuel Gerrard, Sir John Chapman, Sir Hanson Barney, Sir Mathew Lambe, Baronets; Sir Thomas Salusbury, Sir Richard Chace, Sir Benjamin Rawling, Knights; Thomas Alston, Christopher Anstey, Richard Astell, John Ansell, Esquires; Astry D. D. Towers Ashcroft, Henry Allington, George Ault, Clerks; Philip Adams, John Ansell, Gentlemen; the Honourable John Byng, Thomas Plumer Byde; Thomas Brand, Edward Bacon, John Boteler, Samuel Burroughs, William Berners, Peter Burrell, William Bogdani, John Burgoyne, Robert Butcher, John Bettesworth, Thomas Bigge, John Askel Bucknall, John Briscoe, Fitzwilliams Barrington, John Byde, Elisha Biscoe, George Poiner Bids, John Bullock, Nathaniel Brassey, Esquires; George Bernard, John Barnwell, Philip Birt, Edward Bentham, George Backhouse, Clerks; William Baldock, John Baron, William Barber, Charles Baron, John Barber, Calvert Bowyer the elder, Calvert Bowyer

the

the younger, William Beldam, Joseph Beldam, Timothy Bristow, Thomas Burton, Gentlemen; Edward Chester, John Crawley, John Calvert, Peter Calvert, Nicholson Calvert, Peter Calvert the younger, Thomas Calvert, Felix Calvert, Henry Carter, Butler Chauncey, Samuel Coppin, Saville Cockayne Cust, John Cater, Esquires; Angel Cauncey D. D. Edward Crane LL. D. Nicholas Cholwell, William Cumming, Clerks; John Clark, John Chowns, Henry Cooper, James Clearson, John Crabb, Gentlemen; Marsh Dickinson, John Marsh Dickinson, Jeremiah Dyson, John Dickens, George Dickson, William Daniel, Thomas Daniel the younger, Arnold Duncomb, Thomas Dimsdale, Joseph Dimsdale, John Dennis, Esquires; Humphrey Dell M. D. Isaac Davies Clerk, George Edwards, Charles Elwys, John Cheshire, Richard Edwards, William Edwards, Esquires; Henry Etough, Peter Ellice, Clerks; Coulson Fellowes, William Forrester, William Farrer, John Freeman, Joseph Franklin, John Field of Campton, Esquires; Ralph Freeman D. D. Pulter Forrester, Richard Forrester, Robert Fowler, Clerks; Thomas Fitzjohn, George Fitzjohn, Charles Fisher, William Fordham, Fisher, Thomas Fosley, Joseph Field, Gentlemen; Charles Gore, Francis Gulston, Richard Gulston, Thomas Gilpin, Edward Gardiner, Edward Gilbert, David Guilliaum, Thomas Gape, Christopher Gibson, Gery of Bulhmead, Esquires; Zachary Gray D. D. Francis Gulston, Gibbert, George Gibson, Clerks; Philip Goodes, John Gotheridge, Gentlemen; Francis Herne, John Harvey, Jacob Hoblyn, William Harvey, James Harvey, Mathew Hutton, James Hutton, William Hale, William Taylor How, Robert Holden, Richard Hale, George Harrison, Richard Hassell, Giles Thornton Heysham, Robert Heysham, John Hagar, Peter Heywood, Thomas Hutchinson, John Harvey the younger, Thomas Halfpenny, Dennis Farrer Hillersden, Robert Hynde, Luke Hodge, Thomas Howard, Esquires; Master Archdeacon Hammond, Thomas Holden, William Hatfield, Thomas Hobson, Henry Hinde, Christopher Hatton, Francis Hawkins, Clerks; Gravely Hurst, William Honour, Levett Hedding, George Hailey, John Hitchin, William Hanscombe of Pirton, Gentlemen; George Jennings, Francis Jessop, Benedict Ithell, David James, John Iles, Gilbert Jodrell, William Jennings, Esquires; John Izard, Robert Jermyn, Benjamin Kingman, Gentlemen; William Smith King Esquire, John Keet Clerk, John Robinson Lytton, John Lee, Peter Leheup the younger, Thomas Lane, Lyonel Lyde,

Richard Lloyd, John Lawson, Esquires; the Mayor and Recorder of Lynn Regis, for the time being; Edmund Lewin D. D. John Lord Clerk, William Potten Love, John Lucas, Gentlemen; Adolphus Meetkirke, Joseph Musgrave, Edward Munday, Philip Monoux, Esquires; Lewis Monoux, William Seel Maxey, Robert Meetkirke, John Pilkington Morgan, Clerks; William Mascall, John Midwinter, James Moate, Edward Moore, Gentlemen; George Nodes, John Nodes, Samuel Nicolls, John Nodes of Luton, Esquires; George North, William Neale, Gilbert Negus, Francis Nedham, Clerks; Robert Henly Ongley, John Orlebar, Orlebar, John Osborn, Esquires; the Reverend Thomas Osborn LL. D. William Plumer, William Plumer junior, Newdigate Poyntz, William Pym, Wollaston Pym, Palmer, Pale, Henry Fish Palmer, Stanhope Pedley, Thomas Potter, Best Pearce, Charles Palmer, Page, John Pym, Esquires; Francis Sawyer Paris D. D. Robert Pye, Hugh Parnell, Peter Pettit, William Pateman, Clerks; John Crouch Priest, George Priest, Benjamin Palmer, John Philips, Joseph Margets Pierson, Edward Prentice, William Payn, William Pateman, John Pedly, Gentlemen; John Robinson, John Pate Rose, Edward Radcliffe, Arthur Radcliffe, Ralph Radcliffe, Esquires; Thomas Rutherforth D. D. John Rooke, Ezekiel Roos, Joseph Read, Edward Robinson, Clerks; Jeremiah Rayment the elder, Jeremiah Rayment the younger, John Rogers, Thomas Rust, Edward Rudd, John Runnington, Joseph Ransom the younger, Gentlemen; the Honourable John Saint John, John Spencer, Thomas Shalcross, Richard Serle, John Serranche, Laundy Sparhawke, Edward Sparhawke, William Smith, John Scrimshire, James Smith, Esquires; the Honourable and Reverend Saint Andrew Saint John, Thomas Southernwood, George Secker, Edward Smith, Thelwall Salusbury, John Sparhawke, John Smith, Lawrence Smyth, Clerks; Thomas Sheppard, Thomas Smyth, John Shotbolt, Isaac Sharpless, John Simpson, Gentlemen; the Honourable George Townshend, Robert Thornton, William Thornton, Esquires; William Trant Clerk, Robert Thurgood, John Thurgood, Bostock Toller, Richard Tristram, William Thomas, Gentlemen; Thomas Vaux Esquire, the Honourable Horatio Walpole, James West, Ive Whitbread, John Wright, George Wright, William Welby, Francis Wingate, Edward Woodcock, John Woodham, Samuel Whitbread, Esquires; Walker, Williamson, Thomas Whitehurst, Clerks; William Wright, Francis

Francis Wingfield, Hale Wortham, Thomas Wortham, Isaac Wilkinson, Thomas Welles, Gentlemen; the Reverend Edward Young LL. D. shall be, and they are hereby, appointed Commissioners for putting this Act in Execution; and that they, or any Five or more of them, shall have full Power and Authority, by Writing under their Hands and Seals, or otherwise, to employ or contract with, any Person or Persons for the Performance of any Works they shall think necessary to be done in pursuance of this Act, for making the said River, and the said Branches thereof, navigable and passable for Boats, Barges, Lighters, 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 the said Commissioners, or any Five or more of them, shall think proper; and such Person or Persons employed or contracted with as aforesaid, his or their Agents, Workmen, Servants, and Labourers, are hereby authorized and impowered to open, cut, cleanse, scour, depthen, enlarge, and streighten, the said River and the said Branches thereof, or any or either of them, or any Part of them, or either of them, making the same, in all Places, Five Feet at least deeper than the level Soil of the adjacent Lands above the Mill-dams; and also to open, cut, and cleanse, any other Stream, Brook, or Beck, which to the said Commissioners, or any Five or more of them, shall appear convenient for bringing Water into the said River, and the said Branches thereof, or any of them, thereby to make the same, or any of them, more navigable and passable for Boats, Barges, Lighters, and other Vessels; and also to make new Cuts, Trenches, or Passages for Water, in, upon, or through, any Lands or Grounds adjoining or contiguous to the said River, or the said Branches thereof, or to any Streams or Brooks running into the same, as to the said Commissioners, or any Five or more of them, shall appear to be necessary or convenient for the better and more easy carrying on and effecting the said Navigation; and to remove and take away all Trees, Roots of Trees, and all other Impediments, which may hinder or obstruct the same; and also to build, erect, and set up, upon any Lands or Grounds adjoining to the said River, or the said Branches thereof, such and so many Locks, Stanches, or Pens of Water, as to the said Commissioners, or any Five or more of them, shall appear to be necessary or convenient for promoting the said Navigation; and, from time to time, to alter or repair the

Commissioners may contract with Persons to make the River navigable.

Persons employed, to open, cleanse, &c. the same;

may open any other Brook, and make new Cuts;

remove Trees, &c.

erect Locks, &c. repair the same, carry Materials;

the said Sluices erected as aforesaid, and to carry or convey Timber, Stone, and other Materials, for erecting, altering, or repairing the same, and to do and perform every other Matter or Thing which the said Commissioners, or any Five or more of them, shall judge necessary or convenient for carrying on, completing, and maintaining the said Navigation; and also to make, set out, and appoint, Towing-paths or Haling-ways, upon any Lands or Grounds adjoining or contiguous to the said River, or the said Branches thereof, convenient for towing and drawing with Oxen or Horses, Boats, Barges, Lighters, and other Vessels, passing upon the said River; the said Commissioners, or any Five or more of them, first making Satisfaction to the respective Owners or Proprietors of any Lands, Tenements, Tythes, or Hereditaments, which shall be so digged, cut, pulled down, or otherwise made use of, for all or any of the Purposes aforesaid, for any Damage such Owners or Proprietors shall or may sustain thereby; and the Tolls or Duties arising by virtue of this Act, shall, from time to time, be subject and liable to answer and satisfy the same in such Manner as hereinafter is mentioned.

and make Towing-paths;

making Satisfaction to the Owners.

New Cut from *Tempsford* Mill-dam, making sufficient Tunnel.

And be it further enacted by the Authority aforesaid, That the said Navigation shall be carried on from Tempsford Mill-dam, by a new Cut along the Skirts of Tempsford Field, to the Bend of the River on Blunham Common; and that the Commissioners, or any Five or more of them, shall cause a sufficient Tunnel to be laid under the same, for discharging the Land Floods from off the Meadows on the East Side thereof, either into the deserted Channel of the old River, or into a Back-ditch on the East Side of the old Chanel.

New Cut from below *Sandy Mills*, to *Thickholm*.

And be it further enacted by the Authority aforesaid, That the said Navigation shall be carried on by a new Cut from below Sandy Mills, along a Ditch that passes between Beeston Common Meadow, and the several Meadows of Sir Humphry Monoux Baronet, to the Southernmost Corner of a certain Meadow, called Thickholm, in the Parish of Sandy aforesaid.

Towing-paths to be on the East Side to *South Mill*, and on the West to *Beeston Meadow*.

And be it further enacted by the Authority aforesaid, That the Towing-paths, or Haling-ways, from Tempsford Mill to South Mill, in the Parish of Blunham, shall be on the East Side of the said River, and from South Mill to a certain Close in the said Parish of Sandy, called Church Field, at the further End of Beeston Meadow, on the West Side of the said River

And be it further enacted by the Authority aforesaid, That the said Navigation shall be carried on by a new Cut from below the lower Cascade of and belonging to Mistress Elizabeth Edwards, situate in the Parish of Henlow, in the said County of Bedford, through Langford Field, and through the Hermitage Grounds and Eaton's Bury, to or near a certain Bridge which divides the Parishes of Henlow and Arlesey; and from thence cross the Road and through Henlow Field, leaving a Meadow called Henlow Meadow on the Left Hand, and the plowed Lands in Henlow Fields on the Right Hand, to or near Arlesey Mill; and that the Towing-path or Haling-way shall be on the North East Side and East Side of the said Cut, from the said lower Cascade belonging to the said Elizabeth Edwards to or near the said Bridge, and from thence on the North and North West Side of the said Cut, to Arlesey Mill.

New Cut from Mrs. *Edwards*'s lower Cascade, up to *Arlesey Bridge*.

Towing-path to be on the North East Side of the said Cut.

And whereas the passing of Boats, Barges, Lighters, and other Vessels, navigating upon the said River through the Lock intended to be erected next above the Park and Gardens of the said Elizabeth Edwards, may, during such Time as the same are passing through such Lock, divert a Quantity of the Water, which otherwise would pass through the Gardens of the said Elizabeth Edwards; be it therefore enacted by the Authority aforesaid, That before any such Lock shall be erected above the Park or Gardens of the said Elizabeth Edwards, the said Commissioners, or any Five or more of them, shall cause a Reservoir, capable of containing Fifty thousand cubic Feet of Water, to be made near, or adjoining to, the said Lock; which Reservoir shall, from time to time, be filled with Water from that Branch of the River Ivel which runs from the Black Horse Mill, in the Parish of Bygrave aforesaid, by a Sluice or Sluices, to be made at the said Branch for that Purpose, in order to supply from thence the said Lock with Water, for the passing of Boats, Barges, Lighters, and other Vessels, up and down the said River.

Commissioners to make a Reservoir above the Park and Gardens of Mrs. *Edwards*, to contain 50,000 cubic Feet of Water, to supply the Locks with Water by a Sluice.

Provided always, That the said Sluice or Sluices, so to be made as aforesaid for supplying the said Reservoir, shall be opened in the Night-time only; that no Waste of Water be made, which may prejudice the Cascade in the Gardens of the said Elizabeth Edwards.

Sluice to be opened in the Night-time only.

Provided also, That the Gates of the Lock to be erected next above the said Park and Gardens of the said Elizabeth Edwards, for the passing of Boats, Barges, Lighters, and other Vessels, shall not at any Time or

Boats, &c. not to pass before the Lock be filled.

The Gates to be shut before the Water is discharged.

Times, be opened, until the said Lock shall have been first filled with Water from the said Reservoir; and after the said Boats, Barges, Lighters, and other Vessels, shall have passed through the said Lock, the Gates thereof shall be shut close before the Water is discharged from the said Lock.

Mrs. *Edwards*, &c. to have the Nomination of a Lock-keeper.

And be it further enacted by the Authority aforesaid, That the said Elizabeth Edwards, and the Person or Persons who shall be seised of the House and Gardens where the said Elizabeth Edwards now lives, in the said Parish of Henlow, for the time being, shall, from time to time, have the Nomination and Appointment of such Person as she or they think proper to be Lock-keeper of the said Lock to be made and erected next above the said House and Gardens of her the said Elizabeth Edwards; and that she the said Elizabeth Edwards, and such Person or Persons as aforesaid, shall and may, at her and their Wills and Pleasures, remove the said Lock-keeper, and appoint another in the Room of him removed.

*John Lee*, Esquire, to have the Nomination of a Lock-keeper.

And be it further enacted by the Authority aforesaid, That John Lee Esquire, and the Person or Persons who shall be seised of the House and Gardens where the said John Lee now lives, in the Parish of Arlesey, for the time being, shall, from time to time, have the Nomination and Appointment of such Person as he or they shall think proper, to be Lock-keeper of the Lock intended to be made and erected in Henlow Field, opposite to the said House of the said John Lee; and that the said John Lee, and such Person or Persons, shall and may, at his and their Wills and Pleasures, remove the said Lock-keeper, and appoint another in the Room of him removed.

Lock-keepers to be allowed a Salary out of the Tolls.

And be it further enacted by the Authority aforesaid, That the said Lock-keepers shall be under the Controul and Direction of, and liable to be removed by the said Commissioners, or any Five or more of them; and the said Commissioners, or any Five or more of them, shall and may provide a habitation for the Lock-keeper to be appointed by the said Elizabeth Edwards, at or near the Lock to be erected next above the Park and Gardens of the said Elizabeth Edwards, and allow and pay to such Lock-keepers such Salary or Allowance as to the said Commissioners, or any Five or more of them, shall appear reasonable, not less than Ten Pounds per Annum each; and shall and are hereby impowered to pay the same out of the Monies raised by virtue of this Act.

And

And be it further enacted by the Authority aforesaid, That in case either of the said Lock-keepers shall not immediately draw the Cloughs, and open the Lock to which he shall be appointed Lock-keeper, for the Passing of any Boat, Barge, Lighter, or other Vessel, upon Demand thereof made by any Person navigating the same, and shall be thereof convicted, upon the Oath of One or more Witness or Witnesses, before any Justice of the Peace, he shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and in case the said Forfeiture shall not be forthwith paid after such Conviction, then the same shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice; rendering the Overplus (if any be) to the Owner thereof, after the said Penalty and all Charges paid; and for want of sufficient Distress, the said Justice shall commit the Offender to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month.

Lock-keeper not opening the Lock for Vessels to pass, to forfeit 40 *l.*

to be levied by Distress and Sale;

and for want of Distress he is to be committed.

And be it further enacted by the Authority aforesaid, That in case the said Elizabeth Edwards, or the said John Lee, or such Person or Persons having the Nomination or Appointment of the said Lock-keepers, shall not upon the Death or Removal of either of such Lock-keepers, appoint another Lock-keeper or Lock-keepers within Fourteen Days after Notice given of such Death or Removal, the said Commissioners, or any Five or more of them, may and they are hereby impowered to nominate and appoint a Lock-keeper or Lock-keepers, in the Room of him or them so dying or removed.

Vacancy of Lock-keepers not being filled up within 14 Days, Justices may appoint one.

Provided always, That the Tops of the Doors or Gates of the respective Locks, intended to be made for penning up into the several Mill-dams, situate upon the said River, or any of the Branches thereof, shall be made of the same Height with the present Overfalls, or Waste Doors, at those Mills, and no higher, in order to prevent the Occupiers of those Mills from raising their respective Heads of Water, so as to injure the adjacent Lands, Tenements, Tythes or Hereditaments; and that the Tops of all other Locks, Stanches, and Pens of Water, to be made or set up by virtue of this Act, shall be lower by a Foot than the level Soil of the adjacent Lands or Grounds.

Tops of Lock Doors at the Mills to be of the same Height with the Overfalls.

Tops of other Locks to be a Foot lower than the level Soil.

Provided also, That no Lock, Stanch, or Pen, for holding up Water, shall be erected or made in or upon the said River, between Tempsford Mill and Sandy Mill, other than

No Lock or Stanch between *Tempsford* and *Sandy Mills*, except

at *Blunham* and *South Mills*.

than the necessary Locks for penning into Blunham Mill and South Mill Heads or Dams.

Time and Place of Commissioners Meeting.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall meet together at the House of George Fletcher, known by the Sign of the Sun at Bigleswade, in the County of Bedford, on Thursday the Seventh Day of July, One thousand seven hundred and fifty seven; and also at the same, or some other convenient Place to be appointed by the said Commissioners, or any Five or more of them, upon the First Thursday in July, in every succeeding Year; and shall, from time to time, adjourn themselves to such Time and Times, Place and Places, as they shall think proper, for putting this Act, or any of the Powers herein contained, in Execution; and shall also cause Notice in Writing, of the Time, Place, and Occasion, of every such Meeting, to be affixed in the most publick Places of the Towns of Hitchin, Baldock, Shefford, and Bigleswade, at least Four Days before every such Meeting.

If not a sufficient Number of Commissioners, Commissioners may summon a Meeting.

Provided always, and be it enacted by the Authority aforesaid, That if a sufficient Number of the said Commissioners shall not be present at any Meeting, to act and to adjourn; or if by any other Means, any of the said Meetings shall drop, or be discontinued, any Five or more of the said Commissioners shall have full Power and Authority to summon or cause a Meeting to be held at any Time and Place which they shall think proper to appoint, by giving Notice Four Days at least before such Meeting; and shall and may adjourn from time to time, as the said Commissioners, or any Five or more of them, shall think fit.

Trustees impowered to purchase a Stanch or Sluice of Mr. *Hagar* and Mr. *Berners*.

And whereas John Hagar and William Berners Esquires, are seised and possessed of a certain Stanch or Sluice, situate upon the said River, in the Parish of Tempsford, in the said County of Bedford, which will be necessary and proper to be made use of in making the said Navigation; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to contract and agree with the said John Hagar and William Berners for the Purchase of the said Stanch or Sluice, for the Use of the said intended Navigation, at and for the Price and Sum of Five hundred Pounds, or for the yearly Rent or Sum of Twenty five Pounds, in such Manner as the said Commissioners, or any Five or more of them, and the said John Hagar and William Berners, shall think proper to agree and contract for;

for; and out of the Monies arising and produced by virtue of this Act, to pay for the said Purchase, and also the Costs and Charges attending such Agreement and Purchase.

Mr *Hagar* and Mr. *Berners* may contract with the Commissioners for the Sale of the Sluice.

And it is hereby further enacted, That it shall and may be lawful to and for the said John Hagar and William Berners, to treat, contract, and agree, with the said Commissioners, or any Five or more of them, for the Sale of the said Stanch or Sluice, and to grant, bargain, sell, and convey the same to the said Commissioners, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall nominate, direct, and appoint, to and for the Use of the said Navigation, at and for the Price and Sum of Five hundred Pounds, or for the yearly Rent of Twenty five Pounds, as aforesaid.

Commissioners to agree with Owners of Lands;

and settle the Proportion payable thereout to the Tenant, &c.

And, to the end that the said Navigation may be carried on and completed in the most effectual Manner; be it enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall have full Power and Authority to agree with the Owners or Proprietors of any Lands, Tenements, Tythes, or Hereditaments, which the said Commissioners, or any Five or more of them, shall judge necessary to be cut, digged, pulled down, or otherwise made use of, for the Purposes of this Act; and also to settle and adjust what Proportion of the Sum so agreed to be paid upon account of such Lands, Tenements, Tythes, or Hereditaments, shall be given to any Tenant, or other Person, having a particular Estate, Term, or Interest, in any of the Premisses; and upon Payment of the Sum or Sums of Money so agreed to be paid, the said Commissioners, or any Five or more of them, and all other Persons employed or authorized by them, or any Five or more of them, shall and may enter upon the said Premisses, and proceed in the said Undertaking, and shall be, and are hereby, indemnified for so doing, against the said Owners or Proprietors, their Heirs, Executors, Administrators, and Assigns.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Tenements, Tythes, or Hereditaments, which may be thought necessary to be cut, digged, pulled down, or otherwise made use of, or prejudiced, for the Purposes of this Act, who may be willing to treat and agree for the Damages such Persons, or Bodies Politick, Corporate, or Collegiate,

giate, Corporations Aggregate or Sole, Feoffees in Trust, or others, shall or may sustain thereby; but by reason of Infancy, Coverture, or other Disability, may be incapable effectually to make such Agreement; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, who are or shall be seised or possessed of, or interested in, any such Lands, Tenements, Tythes, or Hereditaments, to contract and agree with the said Commissioners, or any Five or more of them, for such Damages such Persons, or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, for and on the Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, who are or shall be seised or possessed of, or interested in, any such Lands, Tenements, Tythes, or Hereditaments, shall or may sustain thereby; and all Contracts and Agreements, which shall be so made, shall be valid to all Intents and Purposes any Law, Statute, Usage, or other Matter or Thing whatsoever, to the contrary notwithstanding; and all Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, shall be, and they are hereby indemnified for what they shall do by virtue and in pursuance of this Act: But if it shall happen that any such Owner or Proprietor, Person or Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or other Trustees, seised or possessed of, or interested in, any Lands, Tenements, Tythes, or Hereditaments, which may be necessary to be cut, digged, pulled down, or otherwise made use of, or prejudiced, for the Purposes of this Act, shall, for the Space of Ten Days after Notice in Writing to him, her, or them given, or left at the Dwelling-house or Place of Abode of such Person or Persons, or at the House of the Tenant in Possession of the said Lands, Tenements, Tythes, or Hereditaments, neglect or refuse to treat or agree with the said Commissioners, or any Five or more of them, or shall not agree in the Premisses, or, by reason of Absence shall be prevented from

Bodies Politick, &c. impowered to contract for Damages.

Owners, &c. refusing to agree with Commissioners;

treating, or shall be incapable of making any Agreement, then, and in every or any such Case, the said Commissioners, or any Five or more of them, are hereby impowered to issue out their Warrant to the Sheriff or Sheriffs of the County of Bedford or Hertford, wherein the Matter in Question shall be situate; or, in case such Sheriff or Sheriffs shall happen to be immediately interested in the Matter in Question, then to the Coroner or Coroners of the said Counties respectively, who are hereby respectively required to impanel and return before the said Commissioners, or any Five or more of them, at the Time and Place to be specified in such Warrant, Twenty four substantial and disinterested Persons in the said respective Counties wherein the Matter in Question shall lie, qualified to serve on Juries, according to the Laws and Statutes of this Realm, to the end that out of them a Jury of Twelve Men may be sworn to inquire touching the Matters in Question; and, in Default of a sufficient Number of Jurymen appearing at the Time and Place appointed, the said Sheriff or Sheriffs, or his or their Deputy or Deputies, or Coroners, in case of Disability in the Sheriff or Sheriffs as aforesaid, 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 view the Lands, Tenements, Tythes, or Hereditaments in Question; and, upon their Oaths, to be administered by the said Commissioners, or any Five or more of them (which Oath the said Commissioners, or any Five or more of them, are hereby impowered to administer) shall inquire and assess what Recompence and Satisfaction shall be made to such Owners or Proprietors for his, her, or their Estate or Interest in the Premisses; and such Verdict of the Jury, and Judgement of the said Commissioners thereupon, shall be binding and conclusive, to all Intents and Purposes, against the said Parties, and all others claiming, or to claim, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, and all and every other Person and Persons whomsoever; and being put into Writing under the Hands and Seals

Commissioners to issue Warrant to Sheriff to impanel a Jury.

Jurors may be challenged.

Jury to assess the Recompence.

Verdict of the Jury to be binding and conclusive,

of

and to be filed at the Quarter Session.

of the said Commissioners, or any Five or more of them, shall be delivered to the Clerk of the Peace for the said County of Bedford or Hertford, where the Dispute shall happen to be, for the time being, at the next General or Quarter Session of the Peace, to be held for the said Counties respectively, after such Verdict and Judgement given as aforesaid, to be by him or them filed with the Rolls of the said respective Counties; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and upon Payment or Tender of the Sum so assessed to the Party interested, or left with the Clerk to the said Commissioners, for the Use of such Party, the said Commissioners, and all Persons authorized and employed by them, or any Five or more of them, shall have full Power and Authority to proceed in the said Undertaking, in like Manner as if the Sum so assessed had been accepted by the Person or Persons intitled thereunto; and all and every Person and Persons any ways interested in such Lands, Tenements, Tythes, or Hereditaments, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same.

Not to take any Lands, &c. until Payment, or Tender of Satisfaction;

Provided always, and be it enacted by the Authority aforesaid, That neither the said Commissioners, nor any Person or Persons employed by them, shall dig, cut, pull down, or otherwise make use of, any Lands, Tenements, Tythes, Hereditaments, or Property, of any Person or Persons whomsoever, for making the said River, or any of the said Branches thereof, navigable, or for making any Cut, Bridge, Towing-path, or Haling-ways, as aforesaid, until such Payment, or Tender of Payment, in lieu, Recompence, or Satisfaction, for the Damage to be occasioned thereby, shall be made or done in the Manner herein before mentioned; except only to survey, take Levels, or mark out the Ground, or other Matter or Thing intended to be taken and used for the Purposes aforesaid, or any of them; which it shall nevertheless be lawful for them to do, from time to time, doing thereby as little Damage as may be, and giving convenient Notice to the Owner or Proprietor, or his, her, or their Tenants or Occupiers, or the Possessors of such Lands, Tenements, Tythes, or Hereditaments, of the Time of their coming to take such Surveys, Levels, or mark out such Ground, or other Matter or Thing, to the Intent that such Owners or Proprietors, Tenants, Occupiers, or Possessors, may be then present,

except to survey, &c.

if

if they, or any of them, shall think fit; and making Satisfaction for all Damages that shall be done to any Grass or Corn, or Crop that shall be growing upon, or be severed or cut, and remaining upon such Lands, Tenements, Tythes, or Hereditaments, by the making or taking such Surveys or Levels, or marking out such Ground, or other Matter or Thing as aforesaid, if such Damage exceed Six Pence. making Satisfaction for Damages.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them acting in the Premisses, shall have full Power and Authority to summon any Witness or Witnesses, whom they shall think proper, to attend and give Evidence before any Jury, to be impanelled and summoned for the Purposes aforesaid; and also to administer an Oath to, and examine, all such Witnesses, or any other Witnesses who shall be produced before any such Jury; and to use all other lawful Ways and Means, as well for their own as for the better Information of the Jurors in the Premisses, as they the said Commissioners, or any Five or more of them, shall think fit; and also shall have Power, from time to time, to impose any Fine or Fines upon the said Sheriff or Sheriffs, or his Deputy or Deputies, or the said Coroner or Coroners respectively, making Default in the Premisses, not exceeding the Sum of Ten Pounds for One Offence, and also a Fine not exceeding Five Pounds, nor less than Forty Shillings, upon any Witness who shall refuse to attend to be sworn, or to give Evidence; and upon any of the said Persons, who being duly summoned and returned on any Jury, shall not appear, unless some reasonable Cause of his, her, or their 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 or their Verdict; or shall in any other Manner wilfully neglect his, her, or their Duty in the Premisses, contrary to the true Intent and Meaning of this Act; which Fine and Fines respectively, shall and may, in Default of Payment thereof, upon Demand, be levied and recovered by Warrant under the Hands and Seals of the said Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattles of the Party or Parties offending, or wilfully making Default in the Premisses, rendering the Overplus to the Owners thereof, after such Distress and Sale made, if any be. Commissioners may summon Witnesses, and, in Default, impose Fines. Fines how to be recovered.

And, for defraying the necessary Expences of the said Undertaking, and of repairing and maintaining the said Locks, and other Works, to be made and erected as aforesaid, and keeping them fit and useful for the said Navigation; be it further enacted by the Authority aforesaid, That at such Place and Places adjoining to the said River, or the said Branches thereof respectively, as the said Commissioners and their Successors, or any Five or more of them, shall, by any Instrument in Writing, under their Hands and Seals, direct and appoint, there shall be paid to the Collector or Collectors, to be nominated and appointed as herein after is directed, by all and every Person and Persons who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever, up or down the said River, or any of the said Branches thereof, by Tonnage or otherwise, such Sum and Sums of Money as the said Commissioners and their Successors, or any Five or more of them, shall, upon due Consideration of the said Expences, from time to time, think proper, under their Hands and Seals, to order and appoint: Which respective Sum and Sums of Money, so ordered and appointed to be paid as aforesaid, shall and may be demanded and taken in the Name of, or as a Toll or Duty; and the Monies so to be raised, are hereby vested in the said Commissioners, and shall be applied and disposed of in such Manner as the said Commissioners, or any Five or more of them, shall, from time to time, under their Hands and Seals, order and direct, for the several Uses, Intents, and Purposes of this Act; and in case of Neglect or Denial of Payment on Demand of the several Tolls or Duties ordered and appointed to be paid as aforesaid, the Collector or Collectors to be appointed as herein after is directed, is and are hereby authorized and required to seize and detain any of the said Goods, Wares, Merchandizes, and Commodities, or the Boats, Barges, Lighters, or Vessels, carrying or conveying the same, and for which the said Tolls or Duties ought to be paid as aforesaid; and in case the same shall not be paid within the Space of Five Days next after such Seizure, including the Day of Seizure for One of the Five Days, it shall and may be lawful to and for the said Collector or Collectors to sell the said Goods, Wares, Merchandizes, and Commodities, or the Boats, Barges, Lighters, or Vessels, carrying or conveying the same, which shall have been so seized and detained as aforesaid,

Tolls granted and vested in the Commissioners.

Persons exempted from Tolls.

On Non-payment, Collectors may seize Goods,

and sell the same.

said, rendering the Overplus, if any, to the Owners, after the said Tolls or Duties, together with the reasonable Charges of seizing, detaining, and selling the said Goods, Wares, Merchandizes, and Commodities, or the Boats, Barges, Lighters, or Vessels carrying or conveying the same, shall be satisfied and paid.

No Toll to be taken for Goods carried to the Wharf of *Joseph Field*, &c.

Provided always, That no Toll or Duty shall be demanded or taken for any Goods, Wares, Merchandizes, or Commodities, carried or conveyed up or down the said River between the River Ouze and Tempsford Mill, to or from the Wharf now in the Occupation of Joseph Field, or to or from the Mill in the Occupation of John Blows.

Manure exempted from Tolls.

Provided always, and be it enacted, That Oil-cakes, Malt-dust, Pidgeon-dung, and all other Manure or Compost of any Nature or Kind soever, shall have free Passage upon the said River, and the said Branches thereof; and through all and every of the Locks, Stanches, and Sluices, upon the said River, or any of the said Branches thereof, without being subject or liable to the Payment of any Tolls or Duties whatsoever; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Commissioners to appoint Collectors of the Tolls, a Treasurer, &c. with the Salaries.

And be it further enacted by the Authority aforesaid, That the said Commissioners and their Successors, or any Five or more of them, at any of their Meetings, shall have full Power and Authority, by Writing under their Hands and Seals, to nominate and appoint such Person or Persons as they shall think fit, to be the Collector or Collectors of the respective Tolls or Duties hereby granted; and also such Person or Persons as they shall think fit, to be Treasurer or Receiver of the several Sums of Money arising by such Tolls or Duties, and of all other Monies to be raised, levied, and paid, by or under the Authority of this Act, except as herein after is excepted, such Treasurer or Receiver giving Security to the Satisfaction of the said Commissioners, or any Five or more of them, for the due Application of, and accounting for, the Monies by him to be received; and shall also administer an Oath to such Collector or Collectors, for the true and faithful Execution of his and their Office in or about the Premisses; 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 and Seals, pay, or cause to be paid, into the Hands of the said Treasurer or Receiver all and every the Sum and Sums of Money which he or they

they the said Collector or Collectors shall have collected or received by virtue of this Act; and the said Commissioners and their Successors, or any Five or more of them, shall also have full Power and Authority, by Writing under their Hands and Seals, to nominate and appoint a Clerk or Clerks, Surveyor or Surveyors, and such other Officers as they shall think fit, for doing all other the Matters and Things which may be necessary to be performed in Execution of the Powers and Authorities hereby vested in the said Commissioners; which Collector or Collectors, Treasurer or Receiver, Clerk or Clerks, Surveyor or Surveyors, and other Officers, to be appointed by virtue of this Act, shall be allowed out of the Monies to be raised by virtue of this Act, for their Care and Pains in executing their respective Offices, so much as the said Commissioners, or any Five or more of them, shall think reasonable; and shall be, from time to time, removeable at the Will and Pleasure of the said Commissioners, or any Five or more of them.

Officers to deliver all Books, &c. to the Commissioners;

And be it further enacted by the Authority aforesaid, That if any Person who hath been, or shall be appointed a Treasurer or Receiver, Collector, Clerk, Surveyor, or other Officer, to the said Commissioners, shall refuse or neglect to deliver up to the said Commissioners, or any Five or more of them, being thereunto required by the said Commissioners, or any Five or more of them (either by a personal Demand, or by Writing under their Hands, left at the last usual Place of Abode of such Treasurer or Receiver, Collector, Clerk, Surveyor, or other Officer) at a certain Time and Place to be appointed, all the Books, Papers, and Writings, in his or their Custody or Power, relating to the Trusts and Powers hereby granted to the said Commissioners, it shall and may be lawful for the said Commissioners, or any Five or more of them, by Warrant under their Hands and Seals, to commit such Person or Persons to the Common Gaol of the County wherein he or they shall dwell; there to remain without Bail or Mainprize, until he or they shall deliver, or cause to be delivered, to the said Commissioners, or any Five or more of them, or to their Order, all and every the said Books, Papers, and Writings, or shall have given an Account thereof to the Satisfaction of the said Commissioners, or any Five or more of them.

or in case of Neglect, &c. to be committed.

And, for the more easy collecting the Tolls and Duties hereby laid and directed to be paid, and to the Intent

that

that the Collector or Collectors of the said Tolls or Duties may discover and know the Quantity and Quality of such Goods, Wares, Merchandizes, and Commodities, as shall at any Time be carried or conveyed up or down the said River, and the said Branches thereof; be it enacted by the Authority aforesaid, That every Master, or other Person having the Command of any Boat, Barge, Lighter, or other Vessel, navigating upon the said River, or any of the said Branches thereof, shall, upon Demand, give a just, true, and perfect Report or Account, in Writing, according to the best of his Knowledge and Belief, to the Person or Persons that shall be appointed to collect the Tolls or Duties laid and granted by this Act, of the Quantity and Quality of the Goods, Wares, Merchandizes, and Commodities, which shall be in, or shall belong to, such Boat, Barge, Lighter, or other Vessel, and of the Name or Names of the respective Owner or Owners thereof; which Account being put into Writing by the said Collector or Collectors, the said Master, or such other Person having such Command as aforesaid, shall subscribe his Name or Mark thereto; and if such Master, or other Person, shall refuse so to do, or shall deliver in a false or untrue Account, he shall, for every such Refusal, or untrue Account, so by him delivered in, forfeit and pay the Sum of Five Pounds, over and above the Tolls and Duties made payable for such Goods, Wares, Merchandizes, and Commodities, by virtue of this Act, to be levied by Distress and Sale of the Goods and Chattles of the Person or Persons so offending, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of Bedford or Hertford, wherein the Offence shall be committed; and in case the Person so offending, shall not have sufficient Goods and Chattles, whereupon the said Forfeiture can be levied, it shall and may be lawful to and for the said Justice, or any other Justice of the Peace for the said Counties respectively, to commit the Person so offending to the House of Correction, there to remain without Bail or Mainprize, for the Space of One Month, or until the said Forfeiture shall be paid.

Penalty on Masters, &c. not giving an Account of their Loadings.

to be levied by Distress and Sale.

For want of Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall, where wanting, erect and set up, or cause to be erected and set up, and, from time to time, maintain and keep in Repair, convenient Gates, Bridges, Passages, and Stiles, in or upon the Banks, Lands,

Commissioners to set up Gates and Stiles where Towing-paths are made.

or Grounds, adjoining to the said River, or any of the said Branches thereof, in or upon such Part or Parts thereof where Towing-paths or Haling-ways shall be made and set out as aforesaid, and shall keep such Towing-paths or Haling-ways in Repair; and also if the said Commissioners, or their Successors, or any Five or more of them, or any Person or Persons authorized by them as aforesaid, shall find it necessary to make any new Cuts or Trenches, by reason whereof the Owners or Occupiers of any Lands, Tenements, Tythes, or Hereditaments, may not have such convenient Access thereto, or Passage from the same, as they before enjoyed, or shall find it necessary to depthen the said River, or any of the Branches thereof, so much in any Part where there are Fords or Highways over the same, so as such Fords or Highways may be thereby rendered impassable or dangerous; then, and in such Cases, the said Commissioners, or any Five or more of them, shall first cause a sufficient Bridge or Bridges to be erected where such new Cuts or Trenches shall be intended to be made, and where such Fords or Highways now are, or as near thereto as conveniently may be; and shall, from time to time, maintain and keep the said Bridges in Repair for the Convenience and Accommodation of all Persons having Occasion to pass over the same; and also if the said Commissioners, or their Successors, or any Five or more of them, shall find it necessary to raise any Bank upon the Sides of the said River, or any of the Branches thereof, for Towing-paths or Haling-ways, or otherwise, whereby the Waters may be prevented from going off the adjacent Meadows, Lands, Grounds, Tenements, Tythes, and Hereditaments, the said Commissioners, and their Successors, or any Five or more of them, shall first cause sufficient Tunnels to be laid through such Banks so to be raised, at proper Places for draining the same; and shall, from time to time, keep such Banks and Tunnels in Repair.

Not to prejudice the Meadows on the opposite Side of the River.

Provided nevertheless, That in case such Banks shall be raised, the same shall not be made of such Height as to be prejudicial to the Meadows on the opposite Side of the River, or any of the Branches thereof.

Commissioners, &c. indemnified in making Cuts, &c.

And be it further enacted by the Authority aforesaid, That this Act shall be sufficient to indemnify the said Commissioners, and all Persons acting under their Orders, in making, erecting, or passing through, any Cuts, Trenches, or other Works, made or erected as aforesaid, or in towing or haling with Men or Horses, on any Part

of

of the Banks adjacent to the said River, or any of the said Branches thereof; Satisfaction having been first made or given to the Owner or Owners of such Banks in Manner before directed.

And, for the supplying a sufficient Number of fit and able Persons to be Commissioners for putting this Act in Execution, be it further enacted by the Authority aforesaid, That upon the Death of any of the said Commissioners, the surviving Commissioners, or any Five or more of them, at their next or any other general or subsequent Meeting, shall, from time to time, by Instrument under their Hands and Seals, nominate and appoint some Person or Persons in the Place of him or them so dying; which Commissioner or Commissioners so nominated and appointed, shall have the like Power and Authority as if he or they had been named in this Act.

On Death of Commissioners, others to be chosen.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Commissioner by virtue of this Act, who shall not be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tythes, Tenements, or Hereditaments, Freehold or Copyhold, lying within the County of Bedford or Hertford, or One or both of them, of the clear yearly Value of One hundred Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Three thousand Pounds, such Real Estate lying within the County of Bedford or Hertford, or One or both of them, after Payment of all his just Debts; and unless the Person claiming to have One hundred Pounds a Year, or Three thousand Pounds Personal Estate alone, or Real and Personal Estate together, shall take and subscribe the Oath following, before any Two or more of the said Commissioners, (who are hereby authorized and required to administer the same) before he takes upon himself to act in the Execution of this Act; which Oath shall be in the Words, or to the Effect, following; that is to say,

Qualification of Commissioners.

Commissioners to take the Oath following before they act.

The Oath.

I *A. B.* do swear, That I truly and *bona fide* am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tythes, Tenements, or Hereditaments, Freehold or Copyhold, lying within the County of *Bedford*, or *Hertford*, or One or both of them, of the clear yearly Value of

of One hundred Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Three thousand Pounds, such Real Estate lying within the County of *Bedford* or *Hertford*, or One or both of them.

*So help me God.*

Penalty on Persons acting, if not duly qualified.

And if any Person who shall be deemed unqualified, or made incapable to act, for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person and Persons shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered, with Full Costs of Suit, by any Person or Persons who shall 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; in which Action, no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed.

Commissioners not to act where interested.

Provided always, That no Commissioner shall act in any Case where he is personally interested in the Matter or Matters in question.

Commissioners may make Bye laws.

And be it further enacted by the Authority aforesaid, That the said Commissioners, and their Successors, or any Five or more of them, at any of their Meetings, 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 Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandizes, on any Part of the said River, or the said Branches thereof; and to impose and inflict such reasonable Fines, Forfeitures, or Punishments, upon the Breakers of such Bye-laws, Orders, or Constitutions, as the said Commissioners, or any Five or more of them, shall think fit; such Fines, Forfeitures, or Punishments, to be levied or inflicted by such Ways and Means as the said Commissioners, or any Five or more of them, shall direct; which said Bye-laws, Orders, and Constitutions, being put into Writing, under the Hands and Seals of the said Commissioners, or any Five 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 or Persons, thinking himself, herself, or themselves

themselves aggrieved, by any Order or Judgement, made or given in pursuance of any such By-law, Order, or Constitution, may, within Three Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace, at their General or Quarter Session to be held in and for the said County of Bedford or Hertford; 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 of the Peace to be held for the said Counties respectively; and if they see Cause, may mitigate or alter such Forfeiture or Punishment, and may order any Money to be returned, which shall have been levied in pursuance of such By-law, Order, or Constitution; and may 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 By-law, Order, or Constitution, which occasioned such Complaint.

Persons aggrieved may appeal to the General Quarter Sessions.

No Justice who signed the By law, to act or vote in the determining such Complaint.

And it is hereby provided and further enacted by the Authority aforesaid, That nothing herein contained shall be construed to deprive or abridge the Lords or Owners of any Royalties, Lordships, or Liberties, in or near the said River, or the said Branches thereof, of their Rights or Privileges of Fishing and Fowling in or upon the same, or in or upon such new Cuts, Passages for Water, or Trenches, which shall be made by or under the Authority of this Act, within their respective Royalties, Lordships, or Liberties, or to restrain any Person or Persons from keeping a Pleasure-boat on the said River, or the said Branches thereof, to row or sail up or down the same, as he, she, or they shall think fit; and that no Toll or Duty whatsoever shall be paid or payable, upon account of such Pleasure-boats, provided there be no Goods or Merchandizes carried therein.

Rights of Fishing and Fowling, saved to Owners, &c.

Pleasure boats exempted from Toll.

And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to take away the Rights or Privileges of any Owners, Possessors, or Occupiers, of Mills, Lands, Tenements, Tythes, and Hereditaments, adjoining or lying near to the said River, or the said Branches thereof, of watering or flooding their Meadows in dry Seasons, which they had and enjoyed before the passing of this Act.

Rights of Owners reserved.

And, to the end that a full Compensation may be made to the Owners or Proprietors of the several Mills upon the said River, and the said Branches thereof, for the Loss and Damage which may be occasioned by the making new Cuts, and erecting Locks, and other Works necessary for the said Navigation; be it enacted by the Authority aforesaid, That the Tenants or Occupiers of each and every of the said Mills, for the time being, shall have the Care and Management of the Lock, for penning into his or their respective Mill-head, and that it shall and may be lawful for him or them, before he or they shall draw the Cloughs, and open the Lock, for the Passage of any Boat, Barge, Lighter, or other Vessel, passing up or down the said River, or any of the said Branches thereof, to ask, demand, have, receive, and take, to his and their own proper Use, of the Master, or any Person navigating such Boat, Barge, Lighter, or other Vessel, the Sum of Three Pence, as a Recompence for his Time in attending the penning such Boats, Barges, Lighters, or other Vessels, up or down the said River, or any of the Branches thereof, and for the Loss of Water by such penning (above and exclusive of all other Tolls and Duties laid and granted by this Act) and upon Non-payment thereof, to stop and detain such Boat, Barge, Lighter, or Vessel, from passing through the said Lock, until the said Sum of Three Pence shall be paid.

Tenants of Occupiers of Mills, to have the Care of Locks, &c.

Provided always, and be it enacted by the Authority aforesaid, That as often as any Boat-master, or other Person navigating any Boat, Barge, Lighter, or other Vessel, upon the said River, or the said Branches thereof, shall come to any of the said Locks with his Boat, Barge, Lighter, or other Vessel, the said Tenants or Occupiers of the said Mills, or Person or Persons having the Care and Management of any Lock or Locks, respectively, or their Servants, shall, upon Payment or Tender of the said Sum of Three Pence, immediately draw the Cloughs, and open the Locks, and freely permit such Boat, Barge, Lighter, or other Vessel, to pass through their respective Locks, upwards or downwards; and every Person and Persons neglecting or refusing so to do, on such Payment or Tender made, and being convicted thereof, before any Justice of the Peace for the County of Bedford or Hertford, upon the Oath of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and in case such Forfeiture shall not be forthwith after

Tenants or Occupiers of Mills, on Payment or Tender of Toll, to open Locks,

on Forfeiture of 40 s.

such

such Conviction paid, that then the same shall be levied by Distress and Sale of such Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus, if any be, to such Offender or Offenders; and for want of sufficient Distress or Distresses, such Offender or Offenders shall be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month.

to be levied by Distress and Sale.

For want of Distress Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That in case the said Commissioners, at any Time or Times hereafter, shall find the Navigation obstructed or impeded by the Neglect or Misbehaviour in or of all or any of the Tenants or Occupiers of the said Mills respectively, or any other Person or Persons hereafter to be appointed to have the Care of all or any of the Locks, or shall be dissatisfied with their or any of their Care or Management of the said Locks, in either of the said Cases it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to remove and displace such Tenants, Occupiers, or other Persons; and it shall and may be lawful to and for the Owners or Proprietors of such Mill or Mills, where such Tenants, Occupiers, or Persons shall be so removed and displaced, from time to time, to nominate and appoint some other Person or Persons to have the Care and Management of the said Lock or Locks respectively, in the Room and Place of such Tenants or Occupiers of all or any of the said Mills, or other Person or Persons appointed to have the Care and Management of the said Locks respectively, so removed and displaced; and from and after such Nomination and Appointments, all and every the Powers and Authorities hereby vested in such Tenants or Occupiers of the said respective Mills, so removed and displaced, shall cease, other than and except the demanding and taking of One Moiety of the aforesaid Sum of Three Pence, so granted to the said respective Tenants or Occupiers of the said Mills; which in such Case shall be demanded and taken only as a Recompence for the Loss of Water occasioned by penning such Boats, Barges, Lighters, or other Vessels, with the Powers hereby before granted for the Recovery thereof, which is hereby nevertheless reserved to him and them respectively, and the other Moiety of the said Sum of Three Pence, shall, from time to time, be paid to the Person or Persons who shall have the Care of the Lock or Locks, respectively;

Power for Commissioners to remove Tenants, &c. and appoint others.

respectively; and such Person and Persons is hereby vested with the same Powers and Authorities for demanding, collecting, and recovering the said Moiety of the said Sum of Three Pence, as the said Tenants or Occupiers of the said Mills are hereby vested with, for demanding, collecting, and recovering the other Moiety of the said Sum of Three Pence, for the Loss of Water occasioned by penning such Boats, Barges, Lighters, or other Vessels.

Owners of Mills neglecting to appoint a Lock-keeper, Commissioners may appoint one.

Provided also, and be it enacted by the Authority aforesaid, That in case the said Owners or Proprietors of the said Mills respectively, or any of them, shall not upon the Death or Removal of the said Tenants or Occupiers of such Mill or Mills, or other Person or Persons, or any of them appointed to have the Care and Management of any Lock or Locks, appoint another Person or Persons within Fourteen Days after Notice given of such Death or Removal, the said Commissioners, or any Five or more of them, may and they are hereby impowered to nominate and appoint a Lock-keeper or Lock-keepers, in the Room of him or them so dying or removed.

And, for the better preventing of Damages or Mischiefs, that may be done or committed by any rude or disorderly Persons, towing, navigating, or managing any Boat, Barge, Lighter, or other Vessel, within the Limits of the said Navigation, 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 Boat, Barge, Lighter, or other Vessel, which shall pass up or down the said River, or the said Branches thereof, shall be and is hereby made answerable for, and shall make good, any Damage, Spoil, or Mischief, that shall be done by his, her, or their Boat, Barge, Lighter, or other Vessel, or by any Boatmen, Bargemen, or Watermen, or by any of the Crew thereof, belonging to, or employed in or about, the same respectively, or by his, her, or their Horses or Servants, unto any of the Bridges, Locks, Stanches, Dams, Sluices, or other Works that now are or shall be erected, maintained, and kept in Repair, in, upon, or near the said River, or any of the said Branches thereof, or any new Cuts of the said River, or the said Branches thereof, to be made by Authority of this Act; or by loading or unloading any Boat, Barge, Lighter, or other Vessel; and also for any Trespass or Damage that shall or may be done to the Owners or Possessors of any Buildings or

Boat-masters, &c. to make good the Damages done to Bridges, &c.

Erections

Erections upon or near the said River, or any of the said Branches thereof, that now are, or that hereafter shall be, erected and set up; or to any Lands, Tenements, Tythes, or Hereditaments, or any Crop on the Ground adjoining to the same, or any of them, other than is provided for and authorized by this Act; and if any such Damage, Spoil, or Mischief, shall be done to any of the said Bridges, Locks, Stanches, Dams, Sluices, Cuts, Banks, or other Works, or by loading or unloading such Boats, Barges, Lighters, or other Vessels, the same shall be inquired into, and determined by any Justice of the Peace for the said County of Hertford or Bedford, not interested otherwise than as a Commissioner in the said Navigation, who is hereby authorized and required, upon Complaint or Information made before him, to summon such Boat-master, Barge-master, or Owner, to appear before him; and upon his, her, or their Appearance or making Default to appear (Proof being made upon Oath before such Justice, that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her, or their usual Place of Abode) such Justice shall proceed to examine into the Truth of the said Complaint or Information; and upon Conviction of the Party complained of, or Proof upon the Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boat-master, Barge-master, or Owner, as a Recompence for the said Damage, Spoil, or Mischief, so done as aforesaid, as the said Justice shall think proper, not exceeding Treble the Amount or Value of such Damage, Spoil, or Mischief; and in case of Non-payment of such Sum of Money so awarded and ordered for the Space of Five Days, the said Justice is hereby authorized and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels, or other Goods and Chattles of such Boat-master, Barge-master, or Owner, by Warrant under the Hand and Seal of such Justice, rendering to the Owner the Overplus (if any be) after the said Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale, hath been first satisfied and paid; and if any such Trespass or Damage shall be done to the Owners or Possessors of such Buildings or Erections, or to the Lands, Tenements, Tythes, or Hereditaments, or Crop on the Ground adjoining thereto, then, and in such Case, the said Boat-master, Barge-master, or Owner of such Boat, Barge, or other Vessel,

to be levied by Distress and Sale.

Trespasses to be recovered by Action

shall and may be sued and prosecuted for the same, in any of His Majesty's Courts of Record at Westminster; and if found guilty, or a Verdict pass against him, her, or them, or Judgement be given against him, her, or them, upon Demurrer, or by Default, the Plaintiff in any such Case shall recover his, her, or their Damages thereby sustained, with Treble Costs of Suit.

Penalty on Persons obstructing the Passage of Boats, &c.

And be it further enacted by the Authority aforesaid, That if any Boat-man, Barge-man, Lighterman, Waterman, or other Person, having the Care or Manage-ment of any Boat, Barge, Lighter, or other Vessel, or navigating or working the same, shall lay such Boat, Barge, Lighter, or other Vessel, so as to obstruct the Passage of other Boats, Barges, Lighters, or other Vessels, or shall hinder the opening or shutting of any of the said Locks or Sluices, and shall not upon Request immediately remove the same, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered upon Conviction before any Justice of the Peace for the said County of Bedford or Hertford (not interested, otherwise than as a Commissioner) by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Boat, Barge, Lighter, or other Vessel, or any of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any be) after the reasonable Charges first deducted, to such Offender or Offenders; and for want of sufficient Distress or Distresses, such Offender or Offenders shall, by like Warrant, under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month.

To be levied by Distress and Sale;

and for want of sufficient Distress, Offender to be committed.

Vessels sunk to be weighed up, and detained till Satisfaction made.

And be it further enacted by the Authority aforesaid, That if any Boat, Barge, Lighter, or other Vessel, shall happen to be sunk in the said River, or in any of the said Branches, Cuts, or Trenches thereof, and that the Owner, or Person having the Command or Rule thereof, shall not, without Loss of Time, weigh or draw up the same again, and hale the same out of the Way of other Boats, Barges, Lighters, or Vessels, passing and repassing upon the said Navigation, it shall and may be lawful to and for the said Commissioners, or their Agents or Servants, to cause such Boat, Barge, Lighter,

or

or other Vessel, to be weighed or drawn up, and to detain and keep such Boat, Barge, Lighter, or other Vessel, until Payment shall be made of all Expences occasioned thereby; and if Payment be not made in Twenty Days after such Boat, Barge, Lighter, or other Vessel, shall be drawn up, then, and in such Case, it shall and may be lawful to and for the said Commissioners, or their Agents or Servants, to cause Sale to be made thereof, for reimbursing the said Expences and other incident Charges; rendering the Overplus (if any be) to the Owner or Master of such Boat, Barge, Lighter, or other Vessel.

And, to the end that the Owners, Masters, or Persons having the Rule of any Vessel, navigating within the Limits of the said Navigation, may be better known; be it further enacted by the Authority aforesaid, That every Owner, Master, or Person having the Rule or Command of any Boat, Barge, Lighter, or other Vessel, passing upon the said River, or the said Branches thereof, shall cause his, her, or their Name, at full Length, to be placed and set in large Capital Letters, Four Inches long, and broad in Proportion, on the upper Part of the Bow on both Sides of every Boat, Barge, Lighter, or other Vessel, and painted white, so that the same shall, from time to time, and at all Times, be plain and legible; and in case any such Owner, Master, or Person having the Command or Rule of any Boat, Barge, Lighter, or other Vessel, passing upon the said River, or any of the said Branches thereof, shall not, at all Times, have his, her, or their Names so set or placed as aforesaid; or in case such Owner, Master, or Person having the Command or Rule of any Boat, Barge, Lighter, or other Vessel, passing on the said River, or any of the said Branches thereof, into or through any of the Sluices or Locks upon the said River, or any of the said Branches thereof, shall wilfully set or leave open any of the Gates, Doors, or Slakers belonging to the said Sluices or Locks, whereby the said Water of the said River, or any of the said Branches thereof, shall run waste, to the Hindrance or Detriment of any of the Mills upon the said River, or any of the said Branches thereof, or of the said intended Navigation; then, and in all and every of the said Cases, every such Owner, Master, or Person, so neglecting or offending, on Conviction before any Justice of the Peace for the said County of Bedford or Hertford, by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings,

Penalty on Masters neglecting to have their Names set on both Sides of the Boats, &c.

or opening Gates, &c. to let the Water run waste.

To be recovered by Distress and Sale; and for want of sufficient Distress, Offender to be committed.

Shillings, to be levied by Distress and Sale of such Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice; and for want of sufficient Distress or Distresses, such Offender or Offenders shall be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month, or until such Penalty shall be paid.

Penalty on Persons on Board any Vessel, having Nets, &c. not being qualified.

And be it further enacted by the Authority aforesaid, That if any Waterman, or other Person or Persons, navigating or working, or being on Board, any Boat, Barge, Lighter, or other Vessel, within the Limits of the said Navigation (not being duly qualified by the several Laws and Statutes relating to Game) shall carry with him or them, or have on Board, any Boat, Barge, Lighter, or other Vessel, any Fishing Net, Gun, Engine, or other Instrument, for taking or destroying the Fish or Game in or upon the said River, or in or upon any of the Branches thereof, or any of the Lands adjacent thereto, such Person or Persons being thereof lawfully convicted, by his own Confession, or upon the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace in and for the said County of Bedford or Hertford, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice or Justices; One Moiety of which Forfeiture shall be paid to the Informer, and the other Moiety to the Poor of the Parish or Place where such Offender shall be convicted; and for want of sufficient Distress, the Offender shall, by like Warrant of such Justice or Justices, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month.

To be levied by Distress and Sale; and for want of sufficient Distress, Offender to be committed.

Persons aggrieved by Order of Justices may appeal to the Quarter Sessions.

Provided always, and be it enacted by the Authority aforesaid, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice of the Peace, upon account of any Offence committed against this Act, may appeal to the Justices of the Peace for the said County of Bedford or Hertford, at their next General or Quarter Session to be held for the said County of Bedford or Hertford; the Person or Persons so appealing first entering into Recognizance with Two sufficient Sureties to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices, in their said General or Quar-

ter Session, in case such Order or Judgement shall be affirmed; and the Justices in their said General or Quarter Session are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, 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.

Order of Justices not to be removeable by *Certiorari*;

Provided nevertheless, That no Order, or other Proceeding, 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.

nor vacated for want of Form only.

And be it further enacted by the Authority aforesaid, That the respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act; and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

Application of the Penalties.

And, for preventing the breaking down or damaging any of the Works which shall be erected or made in pursuance of this Act; be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously cut, break down, damage, or destroy any Banks, or other Works to be erected or made for the Purposes of the said Navigation, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court, by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon or 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.

Destroying the Works, made Felony.

And be it further enacted by the Authority aforesaid, That if at any Time or Times after any of the Works necessary for the making and effecting the said intended Navigation, shall have been entered upon and begun, and whilst the same are carrying on and proceeding, or at any Time after the said Navigation shall have been finished and completed, any Person or Persons shall happen to sustain any Damage in his, her, or their Lands, Tythes, Grounds, Mills, Bridges, Hereditaments, or Property, within the Limits of the said Navigation,

Future Damages how to be settled.

either by raising the Water to be used in, for, or concerning the said Navigation, beyond the Height fixed in this Act, or by turning, diverting, or lowering the Stream or Current thereof, or by not sufficiently making up the Banks thereof, or by not cleansing the same, or by turning or diverting any other Streams or Brooks that shall be brought into the same, or of any Works made for carrying on the said Navigation, or by any Act, Neglect, or Default of the Workmen employed therein, or by any other Ways or Means not hereby otherwise provided for, then, and in such Case, the said Commissioners, or any Five or more of them, shall have full Power and Authority, from time to time, and at all Times hereafter, to settle and agree upon such a Recompence and Satisfaction to be made for the same to the Person or Persons injured or aggrieved, as they shall judge fit and reasonable, in such Manner as the other Losses and Damages herein before-mentioned are provided for; but if it shall happen, that the Person or Persons making Complaint of such Losses or Damages, shall dislike or be dissatisfied with such Recompence and Satisfaction so agreed to by the said Commissioners, or any Five or more of them, and shall declare such their Dissatisfaction thereof, then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby required, upon Request in Writing to be made or given to them, or any Five or more of them, by such Person or Persons injured or aggrieved as aforesaid, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff or Coroner of the County of Bedford or Hertford, as aforesaid (who are hereby respectively required to obey such Warrant or Warrants, under the like Pains before in this Act inflicted) requiring him or them, at some convenient Time and Place, to be in such Warrant or Warrants expressed (of which Time and Place, the Person or Persons injured or aggrieved as aforesaid, shall have Notice in Writing given to him, her, or them, or left at his, her, or their Dwellings, or usual Place of Abode, Ten Days at least before such Meeting) to return before them the said Commissioners, or any Five or more of them, so to be assembled as aforesaid, under the Penalty of Forty Shillings in Issues, a good and sufficient Jury of Persons qualified as before in this Act is mentioned; and the Jury so returned shall, upon Oath (which Oath, as well as an Oath to such Witnesses as shall be produced, the said Commissioners, or any Two or more of them, are here-

by

by authorized and required to administer) inquire how far the said Commissioners, or their Servants, have any ways occasioned such Damage, and shall assess the Damages so occasioned; according to which Verdict and Assessment the Commissioners aforesaid, or any Five or more of them, shall pay to the Party or Parties injured or aggrieved, such his, her, or their Damages so assessed; and for securing a Satisfaction for the same, in case the said Commissioners, or any Five or more of them, shall not (being thereunto required) satisfy and recompense such Damage or Injury as shall be so settled as aforesaid, within Twenty Days after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Tolls or Duties by this Act imposed, and thereout to pay all such Damages to be settled and assessed as aforesaid; and the Money to be received by such Receiver or Receivers shall, and is hereby declared to be, as so much Money received to the Use of such Owners and Proprietors of Lands, or Persons suffering Damage as aforesaid, in Order and Course successively, as such Determinations shall be in Priority of Time; and after such Damages, so settled and assessed, shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine; any thing herein contained to the contrary notwithstanding.

Expences of Juries, &c. by whom to be borne.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Jury or Juries, to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for any Lands, Tythes, Grounds, or Hereditaments, or for any Damage to be done to any Lands, Tythes, Grounds, Mills, Bridges, Hereditaments, or Property of any Person or Persons whomsoever, within the Limits, or near the said intended Navigation, than what shall have been agreed to, and offered by, the said Commissioners, or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Tythes, Grounds, or Hereditaments, or Damage as aforesaid, that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Lands, Tythes, Grounds, and Hereditaments, or Damages sustained as aforesaid, shall be borne and paid by the said Commissioners, or any Five or more of them, out of the Tolls or Duties hereby granted;

granted; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more, or for less Monies than shall have been agreed to, and offered by, the said Commissioners, or any Five or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Tythes, Grounds, or Hereditaments, or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute.

Persons making Request of a Jury, to enter into Bond to prosecute, &c.

Provided always, and be it enacted by the Authority aforesaid, That all and every Person or Persons, making Complaint and Request as aforesaid, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning a Jury as aforesaid, first enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Commissioners for the time being, in the Penalty of Fifty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning and maintaining the said Jury and Witnesses, in case a Verdict shall be given for no more or for less Money than what shall have been agreed to, and offered by, the said Commissioners, or any Five or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Tythes, Grounds, or Hereditaments, or Damages as aforesaid.

Commissioners may borrow Money on the Credit of the Tolls.

And, to the end that a sufficient Sum of Money may be speedily raised for the Purposes of this Act, be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall have full Power and Authority, at any Meeting to be held for that Purpose, whereof previous Notice shall be given, by affixing the same in the most publick Places in the Towns of Hitchin, Baldock, Shefford, and Biglefwade, Ten Days at least before the Time of such Meeting, from time to time, to borrow and take up at Interest any Sum or Sums of Money which they shall think necessary; and may, and they are hereby authorized and impowered to mortgage or assign over the Tolls or Duties granted by this Act, or any Part or Parts thereof (except the Sum of Three Pence laid and granted by this Act to the several Tenants or Occupiers of the said several Mills, or the Person or Persons having the Care and Management of any Lock or Locks) to any Person or Persons, as a Security or

Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof, as aforesaid; which said Money so to be borrowed shall, after the Expences of obtaining this Act are first satisfied and discharged thereout, be applied and disposed of as the said Tolls or Duties by this Act granted (except the said Sum of Three Pence) are directed to be applied and disposed of, and to no other Use or Purpose whatsoever. Application of the Money borrowed.

And be it further enacted by the Authority aforesaid, That Copies of all and every the Mortgage or Mortgages, Assignment or Assignments, so to be made by the Commissioners as aforesaid, shall be registered and entered at Length in a Book or Books to be kept for that Purpose, by the said Clerk or Clerks, or the said Treasurer or Receiver; which said Book or Books shall and may be seen and perused at all reasonable Times, by any Person or Persons whomsoever, without Fee or Reward. Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Mortgage or Mortgages, Assignment or Assignments, of the said Tolls or Duties shall be made, as aforesaid, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, without any Stamp to be affixed to such Deed or Instrument indorsed, or otherwise made, as aforesaid, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Assignment or Transfer shall, within Three Months after the Date thereof, be produced and notified to the said Clerk, or the said Treasurer or Receiver, who shall cause an Entry or Memorial of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be assigned or transferred, to be made in the said Book to be kept for entering of the said original Mortgages or Assignments; for which the said Clerk, Treasurer, or Receiver, shall be paid the Sum of Two Shillings and Six Pence, and no more; and after such Entry made, such Assignment shall intitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees Assignments may be transferred, and the Manner of doing so. Clerk's Fee.

signees may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

And, to the end that the said Commissioners may, from time to time, be enabled to determine what Tolls or Duties may be necessary to be raised for the Purposes of this Act, and that the respective Sums of Money to be collected, levied, and borrowed, by virtue thereof, may be duly accounted for; be it further enacted by the Authority aforesaid, That the Treasurer or Receiver, to be appointed as herein before is directed, shall fairly set down and enter into One or more Book or Books, to be kept for that Purpose, an Account of all Monies by him received and disbursed in pursuance of this Act, specifying in the said Account the Times when, and the Persons from and to whom, such Monies were respectively received and disbursed, and for what Uses and Purposes; which Book or Books, or a true Copy thereof, signed by the said Treasurer or Receiver, shall be delivered to the said Commissioners, or any Five or more of them, once at least in every Year, and, from time to time, as often as the said Commissioners, or any Five or more of them, shall require the same: And the said Treasurer or Receiver shall also verify the said Book or Books upon Oath, if thereunto required by the said Commissioners, or any Five or more of them, who are hereby impowered to administer such Oath, and also to discharge such Treasurer or Receiver of all such Monies as he shall have fairly and truly accounted for as aforesaid: And the said Commissioners, or any Five or more of them, shall also at such Time or Times as they shall think proper, summon before them, and, if they think fit, examine upon Oath (which Oath the said Commissioners, or any Two or more of them, are hereby impowered to administer) the Collector or Collectors, Clerk or Clerks, Surveyor or Surveyors, and Persons employed in, or intrusted with, the Receipt or Expenditure of all or any of the Monies to be raised by virtue of this Act; which Collector or Collectors, Clerk or Clerks, Surveyor or Surveyors, and Persons employed in or intrusted as aforesaid, are hereby required to render to the said Commissioners, or any Five or more of them, a true, exact, and perfect Account in Writing, of all and every the Sum and Sums of Money so by them respectively

Account to be kept of all Monies received and disburfed.

Commissioners may examine, on Oath, Persons intrusted with the Receipt or Expend ture of the Money;

received or expended as aforesaid; and in case the said Treasurer or Receiver, Collector or Collectors, Clerk or Clerks, or any other Officer or Person employed or intrusted as aforesaid, shall be found in Arrear, or refuse to account, or to pay the Money due upon the Balance of such Account, according to the Orders and Directions of the said Commissioners, or any Five or more of them, it shall be lawful to and for the said Commissioners, or any Five 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 or Accounts; and for want of sufficient Distress it shall and may be lawful for the said Commissioners, or any Five 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 Bedford or Hertford, there to remain without Bail or Mainprize, until he or they shall have made a true Account and Payment, as aforesaid, or satisfied the said Commissioners, or any Five or more of them, or compounded with them, or any Five or more of them; which the said Commissioners, or any Five or more of them, are hereby impowered and authorized to make, do, or accept of.

and if found in Arrear, or refusing to Account,

Commissioners may levy the Balance by Distress and Sale;

and for want of sufficient Distress, the Party to be committed.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who, upon any Examination upon Oath, to be taken by virtue of this Act, shall wilfully give false Evidence or Information before the Commissioners, or any Five or more of them, to be assembled as aforesaid, shall and may be prosecuted for the same; and such Person or Persons being lawfully convicted thereof, shall be subject and liable to all the Pains and Penalties which any Person or Persons shall or may be subject or liable to for wilful and corrupt Perjury, by any of the Laws and Statutes of this Realm.

Penalty on giving false Evidence.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by the said Commissioners, or any Five or more of them, and the Clerk or

Proceedings to be entered in a Book.

or Clerks attending the said Commissioners, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said Orders and Proceedings, so signed and attested, shall be deemed and taken to be original Orders and Proceedings, and shall and may be produced and read in Evidence, in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any thing done in pursuance of this Act; and which Book or Books shall and may be seen and perused at all reasonable Times; and Copies thereof, or any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk or Clerks Six Pence for every Hundred Words.

Books may be produced and read in Evidence in Cases of Appeals.

Copies may be taken thereof.

Commissioners who are in Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That such of the Commissioners appointed or to be appointed, in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and impowered to act as a Justice or Justices of the Peace, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Commissioner or Commissioners, provided such Justice or Justices is or are not interested in the Matter in question, other than as a Commissioner or Commissioners.

No Commissioner to accept of any Place of Profit arising from the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person appointed, or to be appointed, a Commissioner, in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Tolls and Monies to be raised by virtue of this Act, such Person, from and after his accepting such Place of Profit, and during the Time of his holding and enjoying the same, shall be incapable of acting as a Commissioner under this Act.

Commissioners not to act but at a Meeting held in pursuance of this Act.

Provided always, and be it enacted by the Authority aforesaid, That no Commissioner named or appointed, or which shall be named or appointed, in or by virtue of this Act, shall act, or be impowered to do any Act, in the Execution of the Powers hereby given to them, or any of them, except it be at a Meeting to be by them held in pursuance of this Act.

No Order to be repealed, unless 9 Commissioners be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Commissioners, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities, of this Act, shall be revoked, repealed, or set aside, by any subsequent Order of the Commissioners, unless Nine Commissioners shall be then present.

Provided

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace; or exhibited before them, or any of them, touching or concerning, or in Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, in an Action upon the Case. Persons aggrieved by any Irregularity in Distress, to recover for the Special Damage only.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done, or to be done, in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein before given or granted, every such Action, Suit, or Information, shall be commenced and brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of Hertford or Bedford, wherein the Fact shall be committed, and not elsewhere; and the Person or Persons so sued or prosecuted shall or 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 the Authority of this Act; and if it shall appear to have been so done; or if any Action, Suit, or Information, Limitation of Actions. General Issue.

formation, shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, than as aforesaid; then, and in such Case or Cases, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.