Anno tricesimo secundo

Georgii II. Regis.

An Act for making the River *Stort* navigable, in the Counties of *Hertford* and *Essex*, from the *New Bridge* in the Town of *Bishop Stortford*, into the River *Lee*, near a Place called *The Rye*, in the County of *Hertford*.

WHEREAS the River Stort, in the Counties of Hertford and Essex, is capable of being made navigable for Boats and other Vessels, from the River Lee, near a Place called The Rye, to a Bridge called The New Bridge, in the Town of Bishop Stortford, in the said County of Hertford, and the making and maintaining such Navigation will be of publick Utility; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable John Earl of Tilney in the Kingdom of Ireland; the Right Honourable Piercy Earl of Thomond in the Kingdom of Ireland; the Right Honourable Frederick North, commonly called Lord North; the Right Honourable George Lord Carpenter in the Kingdom of Ireland; Sir Conyers Jocelyn, Sir George Beaumont, Sir

Preamble.

Commissioners Names.

Sir Robert Long, Sir William Maynard, Sir John Abdy, Baronets; Sir Richard Chase, Sir Thomas Salusbury, Knights; William Plummer, Charles Gore, William Harvey, George Jennings, Richard Cropp, James Long, Jacob Houblon, Matthew Raper, John Raper, Jacob Houblon junior, William Plummer junior, Samuel Feake, Edward Gardiner, John Turvin, Edward Parsons, William Altham, Thomas Blackmore, William Field, Peter Calvert, Robert Henshaw of Chesthunt, Nicholson Calvert, James Gordon, Thomas Plummer Byde, George Wright, William Taylor How, John Archer, Edward Chester, Joseph Cranmer, Isaac Whittington, Francis Barnard, Arthur Barnard, Joseph Douglas Knight Thomas Dimsdale, John Calvert, James Wyatt, Samuel Southouse, John Griffin Griffin, Baily Heath, Thomas Stanton, Beckford Cater, Gilbert Marshall, James Raymond, Joseph Dimsdale, Richard Chiswell, John Mitchill, Thomas Mitchell, Henry Cranmer, William Robinson, Maynard Clark, Samuel Southouse junior, Thomas Benson, Nathaniel Wilkes, Edward Coldham, Charles Cross, Francis Gulston, Richard Hay, William Crammond, Younghusband, Joseph Pike, William Vachell, Thomas Hall, Jerningham Cheveley, Staines Chamberlayne, John Conyers, John Woodley, Benjamin Henshaw, Charles Smith, Ebenezer Mussell, Esquires; the Honourable and Reverend Nicholas Boscawen D. D. the Reverend Ralph Freeman D. D. the Reverend Richard Hynd D. D. the Reverend Nathaniel Geering, the Reverend John Allen, the Reverend Matthew Bluck, the Reverend John Took, the Reverend Robert Took, the Reverend John Pincent, the Reverend Wentworth Bradbury, the Reverend Ralph Skigg, the Reverend William Hodgson, the Reverend Robert Gibson, the Reverend John Emmerson, Edward Wise, Francis Stanley, John Maryon, John Wickstead, Thomas Lypycatt, Francis Gulston, Joseph Richards, John Cock, Thomas Altham, John Crane, Pettet, John Bullock, William Wade, Joseph Henshaw, John Canning, Allinson, Paul Wright, William Smyth, Joseph Clapp, Thomas Pickering, Robert Fowler, John Horsley, Clerks; Peter Calvert LL. D. Newdigate Poyntz, John Fisher D. D. Robert Dimsdale D. D. Thomas Moore, Philip Martin, David Bayford, Fitzwilliams Barrington, Thomas Pennyston, Thomas Wolfe, Thomas Adderly, Philip Martin of Walden, Edward Davy, Joseph Smith, William Mapletoft, Robert Mapletoft, Henry Archer, John Rous, William Clark, Joseph Shipherd, John Broome, William Canning, George Jones Taspil John Day, Francis Jones, Thomas Campin, John Judd, Hanibal Hill, Nathaniel Smith,

John

John Robinson, William Sworder, Francis Allen, Samuel Scott, Calvert Bowyer, Calvert Bowyer junior, William Clay, Edward Chapman, John Dellow, John Game, Charles Clapton, Thomas Threadgold, Thomas Drane, Nathaniel Norris, Samuel Wade, William Daniels, Thomas Fuller junior, William Bird, John Pitkin, Thomas Pennyston Banks, John Burr, Jaber Wyatt, John Collin, Joseph Collin, William Headland, Thomas Headland, John Potterel, Joseph Guyver, John Pool, Richard Dickinson, Francis Standly junior, Richard Standly, Robert Howard, Beckford Cater junior, Raynor Heckford, Thomas Bridge, Isaac Gardiner, Thomas Kitchingman, Nathaniel Jennings, John King, William Lord, Edward Wise junior, Henson of Great Chesterford Park, William Impey junior, Rowland Keath, Gentlemen; shall be, and they and their Successors, to be elected in manner hereafter mentioned, are hereby appointed Commissioners for making the said River Stort, in the Counties of Hertford and Essex, navigable for Boats and other Vessels, from the River Lee, near a Place called The Rye, to a Bridge called The New Bridge, in the Town of Bishop Stortford, in the said County of Hertford, and for putting this Act in Execution; and they the said Commissioners, or any Seven or more of them, shall have full Power and Authority to employ or contract with any Person or Persons for making the said River navigable, or for the Performance of any Works which they the said Commissioners, or any Seven or more of them, shall think necessary to be done in pursuance of this Act; such Contracts to be for such Time or Times, and under such Conditions, as the said Commissioners, or any Seven or more of them, shall think proper; and the said Commissioners, or any Seven or more of them, or the Person or Persons employed or contracted with as aforesaid, his or their Agents, Workmen, and Servants, is and are hereby authorized and impowered, from time to time, to open, cleanse, scour, depthen, enlarge, or straiten, the said River, and any Brooks, Streams, or Watercourses, which do or can be made to communicate therewith, and to make such Passages for Water from any Brooks, Streams, or Watercourses, into the said River, and to dig, cut, heighten, or strengthen, the Banks of the said River, or of any such Brooks, Streams, Watercourses, or Passages, and to make such new Cuts or Trenches, and to widen and deepen any Cuts and Trenches already made, as well for the Navigation of Boats and other Vessels, as for the more convenient, easy, and better Execution of this Act, and to make use of all or any Part of the Chanel

Power given to the Commissioners to contract with, or employ, Persons to make the River navigable.

Contractors, &c. impowered to do all necessary Works for rendering the River navigable.

commonly called The Old River, or The Old River Stort; and to make such Gutters or Drains as may be proper or necessary to prevent any Damage to any Lands by the oozing or flowing of Water out of the said River, Cuts, Trenches, Passages, Streams, or Watercourses; and also to erect or make in or across the said River, Cuts, Trenches, Passages, Brooks, Streams, and Watercourses, or upon the Lands adjoining or near to the same, such and so many Bridges, Sluices, Stanches, (so that no such Stanch be made between the New Bridge, in the Town of Bishop Stortford, and Roydon Mills) Locks, Floodgates, Weirs, Dams, Pens for Water, Wharfs, Warehouses, Quays, Winches, Landing Places, Fences, Weigh-beams, Cranes, Engines, and other Works, and from time to time to repair, maintain, enlarge, contract, alter, or remove, all or any such Works, or any Part thereof, and from time to time, to make, widen, enlarge, turn, or alter, such Ways and Passages, for the conveying of Goods to and from the said River, Cuts, and Trenches, and to carry and convey in, upon, or over, any Lands, all Sorts of Materials for erecting, maintaining, enlarging, or altering, any such Works as aforesaid, and to deposit and manufacture such Materials on the Lands near to the Place or Places where the same are intended to be used; and also to amend, heighten, or alter, any Bridges upon such River, Cuts, or Trenches, as may hinder the Passage of Boats or other Vessels thereon; and also to dig, get, and convey away Soil, Clay, Gravel, Stone, or other Materials, proper and convenient for making, maintaining, or altering, the said Works, in, from, through, and over, the Lands of any Person or Persons adjoining or lying near to the said River, Cuts, Trenches, Passages, or Watercourses (but no such Materials shall be got in the Ground whereon any House stands, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House) and also to set out, appoint, and make, such Towing-paths and Ways convenient for the towing or drawing with Oxen, Horses, or otherwise, Boats and other Vessels, and also such Gates, Fences, and Stiles, in or across such Paths or Ways, or any Part or Parts thereof, and to dig, cut, remove, and take away, all Trees, Roots of Trees, Stone, Banks of Sand, Gravel, or Soil, and all other Obstructions, to the making, using, or maintaining, the said Navigation, or the towing of Vessels, and also to do and perform all such other Works, Matters, and Things, which they the said Commissioners, or any Seven or more of them, shall, from time to time, judge proper or convenient,

No Stanch to be erected between *New Bridge* and *Roydon Mills*.

venient, for the making, maintaining, and using such Navigation, and executing the Purposes of this Act; and for the Execution of all or any of the Powers aforesaid, it shall be lawful for the said Commissioners, or any Seven or more of them, or the Person or Persons employed or contracted with as aforesaid, his or their Agents, Workmen, and Servants, with the Allowance of the said Commissioners, or any Seven or more of them, to dig, cut, remove, and make use of, any Lands, Tenements, or Hereditaments whatsoever, belonging to the King's most Excellent Majesty, His Heirs, or Successors, or any other Person or Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole; they the said Commissioners, or any Seven or more of them, first making Satisfaction to the respective Owners of, and Persons interested in, such Lands, Tenements, or Hereditaments, for the Damage they may thereby sustain.

Times and Places of General Meetings of the Commissioners Meetings.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet on the Twenty eighth Day after the passing of this Act, at the House of Thomas Adderly, known by the Sign of The Crown, in Hockerill, in the County of Hertford, and shall then proceed to the Execution of this Act; and the said Commissioners, or any Seven of more of them, shall hold One General Meeting on the Third Tuesday in July, in the Parish of Bishop Stortford in each Year; and the said Commissioners, or any Seven or more of them, assembled at such First and at any subsequent Meeting, may, from time to time, adjourn and hold their Meetings at such Place or Places as they, or any Seven or more of them, shall appoint; and if at any Time a sufficient Number of Commissioners shall not attend to adjourn, the Meeting shall, from time to time, as often as the Case shall so happen, be deemed adjourned until that Day Fortnight; but the Treasurer, Clerk, or Surveyor, to the said Commissioners, shall cause Notice in Writing, or in Print, under his Hand, of the Time and Place of holding every Meeting, to be affixed on some publick Place in the Towns of Bishop Stortford, Sawbridgeworth, and Harlow, at least Four Days before every such Meeting, unless the Business to be transacted at any Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice; in which Case the Commissioners, or any Seven or more of them, may, from time to time, adjourn to the succeeding Day, or if such Day be Sunday, to the Day after, and in like Manner

Adjourned Meetings.

4 Days Notice to be given of every such Meeting.

Meetings may be continued *de Die in Diem*, till the Business thereof is finished.

ner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice to be given of the Meetings held by such Adjournments; but no Meeting shall be held by virtue of this Act, at any Place which is above Three Miles distant from the said River; and the Commissioners at all their Meetings, shall defray their own Expences; and no Commissioner shall be impowered to do any Matter or Thing in the Execution of this Act, otherwise than at a Meeting to be held in pursuance hereof, and that no Order or Determination shall be made by the said Commissioners in the Execution of this Act, unless the Majority of the Commissioners present at a Meeting to be held in pursuance of this Act, shall concur therein, such Majority not being less than the Number of Commissioners herein authorized to make any such Order or Determination; and that no Order or Determination of the said Commissioners, or any of them, shall be revoked or altered, unless Nine Commissioners shall be present; nor shall any Person act as a Commissioner in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act, but all such Commissioners as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

No Order of the Commissioners shall be revoked, unless Nine be present.

Commissioners who are Justices may act as such.

And be it further enacted by the Authority aforesaid, That upon the Death of any Commissioner hereby appointed, or hereafter to be elected, the surviving Commissioners, or any Seven or more of them, shall and may, from time to time, elect One other Commissioner in the Stead of every such Commissioner deceased, and every Person so elected, shall have the same Authority as if he had been named a Commissioner in this Act.

On Death of Commissioners, new ones to be chosen.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby granted, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Profits of Lands or other Hereditaments, of the yearly Value of Forty Pounds above Reprizes, or be possessed of, or intitled unto, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Eight hundred Pounds, after Payment of all Debts: And if any Person not being so qualified, shall act as Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same; to be recovered

Qualification of Commissioners.

Penalty on acting if not qualified.

recovered with Full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed, and the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners impowered to purchase Lands, &c.

And 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 to agree with the Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, which the said Commissioners, or any Seven or more of them, shall judge necessary to be cut, digged, pulled down, or otherwise made use of, for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premisses: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Gurdians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seised or interested, in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, unto the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, any Lands, Tenements, or Hereditaments, for the Purposes aforesaid, or to agree with the said Commissioners, or any Seven or more of them, for any Recompence to be made for the Damage which may be done to any such Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in Law, to all Intents and Purposes whatsoever; any Law, Statute,

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

Usage, or Custom, to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whatsoever, are hereby indemnified for what they or any of them shall do in pursuance of this Act: But if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or any Seven or more of them, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Commissioners, or any Seven or more of them, are hereby impowered, from time to time, to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the respective County wherein the Matter in Question shall lie; or if such Sheriff shall be immediately interested in such Matter, then to One of the Coroners of such respective County, commanding such Sheriff or Coroner respectively to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return, Twenty four sufficient Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve Men may be sworn, to enquire touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men, that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any Seven or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said Commissioners, or any Seven

Where Persons refuse or neglect to treat, &c. for the sale of such Lands;

Commissioners to issue their Warrants to the Sheriff to impanel a Jury.

Jurors may be challenged.

Witnesses may be summoned and examined on Oath.

Seven or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury (upon their Oaths, to be administered by the said Commissioners, or any Two or more of them; which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby impowered to administer) shall enquire of, assess, and ascertain, the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid; and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premisses; and the said Commissioners, or any Seven or more of them, shall give Judgement for such Purchase-monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Seven or more of them, shall be binding and conclusive to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever.

Jury to assess Damages.

Verdict of the Jury, and Judgement of the Commissioners, to be final.

Provided always, and be it enacted by the Authority aforesaid, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premisses, every such Person shall, for every Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury, shall not appear; or appearing, refuse to be sworn; or being sworn, refuse to give his Verdict; or in any other Manner wilfully neglecting his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence, shall not appear, or appearing, refuse to be sworn or examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Seven or more of them, shall, for every such Offence, forfeit and pay such Sum, as the said Commissioners acting in the Premisses, or any Seven or more of them, shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

Penalty on Sheriff, &c. neglecting to return a Jury;

and on Witnesses refusing to give Evidence.

And be it further enacted by the Authority aforesaid, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgements, which shall be made and given in relation to any such Lands, Tenements, and Hereditaments, as aforesaid (such Verdicts and Judgements being signed by Seven or more of the Commissioners who shall be present at the taking of such

Agreements, &c. to be filed with the Clerk of the Peace.

such Inquest) shall be delivered to the Clerk of the Peace for the respective County wherein such Lands, Tenements, or Hereditaments, are situate, and shall be filed with the Rolls of such respective County; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying, for every such Inspection, the Sum of One Shilling, and for every such Copy, not exceeding Two hundred Words, the Sum of Nine Pence, and so in Proportion for any greater Number of Words.

Upon Satisfaction being made, Commissioners may proceed in the Works.

And be it further enacted by the Authority aforesaid, That upon Payment of such Sum or Sums of Money as shall be agreed on between the said Commissioners, or any Seven or more of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Jury to such Party or Parties, or legal Tender thereof made, or to the Principal Officer or Officers of any such Body Politick, Corporate or Collegiate, or if he, she, or they, cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said Commissioners, or any Seven or more of them, shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties respectively, the said Commissioners, and all Persons employed or authorized by them, or any Seven or more of them, shall have full Power and Authority to enter upon the Lands, Tenements, and Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, and Hereditaments, for the Purposes of this Act; and they shall be, and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate, whatsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, to or in the same.

Survey may be made without any previous Tender.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, without any previous Payment, or Tender of Recompence, to enter upon, and take a Survey and Level of, and to mark out any Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Seven or more of them, shall think necessary, to be used for any of the Purposes of this Act; doing thereby

as

as little Damage as may be, and giving Forty eight Hours Notice of such Entry at the least, to the respective Owners or Occupiers of such Lands, Tenements, or Hereditaments, and making Satisfaction, as soon as may be, for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of Six Pence.

Expences of the Jury how to be paid.

And be it further enacted by the Authority aforesaid, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by, or on the Behalf of, the said Commissioners, or any Seven or more of them, before the summoning of any such Jury, for or in respect of any such Lands, Tenements, Hereditaments, or Damages as aforesaid, that then all the Expences of summoning such Jury, and of taking such Inquest, shall be defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more or a less Sum than shall have been so previously offered by, or on the Behalf of, the Commissioners, or any Seven or more of them; then, and in every such Case, such Expences to be settled by the said Commissioners, or any Seven or more of them, shall be defrayed by the Owners of, or Persons interested in, the Lands, Tenements, or Hereditaments in Question; and the Expences so ascertained, shall be deducted and taken out of the Monies so assessed and adjudged, and the Payment or Tender of the Remainder of such Monies shall be deemed within the Intent and Meaning of this Act, to be a full Satisfaction for such Lands, Tenements, Hereditaments, or Damages respectively.

The Tolls following to be taken for Vessels navigating the River.

And, for defraying the necessary Expences of putting this Act in Execution; be it further enacted by the Authority aforesaid, That at such Place and Places upon or adjoining to the said River, Cuts, or Trenches, as the said Commissioners, or any Seven or more of them, shall, by any Instrument in Writing under their Hands and Seals appoint, there shall be paid to the Collector or Collectors, to be nominated 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 Cuts or Trenches, such Sum and Sums of Money, as the said Commissioners, or any Seven or more of them, shall, upon due Consideration of the said Expences, from time to time, think proper to appoint, not exceeding,

The Tolls.

For every Quarter of Wheat, Rye, Beans, or Pease, Six Pence.

For every Quarter of Malt or Oats, Four Pence.

For every Quarter of Barley, or any other Sort of Grain, not before enumerated, Five Pence.

For every Sack of Meal or Flour, containing Five Bushels, Four Pence.

For every Chaldron of Coals, Culm, or Cinders, Two Shillings and Six Pence; and so in Proportion for any greater or lesser Quantities of the Goods and Commodities aforesaid; and,

For every Ton of Goods, Wares, Merchandizes, or Commodities whatsoever, not before enumerated, Two Shillings and Six Pence; and so in Proportion for any greater or lesser Weight than a Ton.

Tolls vested in the Commissioners.

Which respective Sum and Sums of Money so appointed to be paid as aforesaid, shall and may be demanded and taken in the Name of, or as a Toll; 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 Seven or more of them, shall, from time to time, direct, for the several Purposes of this Act; and in case of Neglect, or Denial of Payment on Demand of such Tolls, or any Part thereof, such Collector or Collectors is and are hereby authorized and required to seize and detain any of the said Goods, Wares, Merchandizes, and Commodities, or the Boats or Vessels conveying the same; and in case such Tolls shall not be paid within the Space of Five Days next after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandizes, Commodities, Boats, or Vessels, rendering the Overplus, if any, to the Owners, after the said Tolls, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be satisfied and paid.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

Exemption from Toll.

Provided always, That no Toll shall be demanded or taken for any Oil-cakes, Malt-dust, Pigeon Dung, or other Manure of any Kind whatsoever, except Lime, upon the said River, Cuts, or Trenches, but that the same shall have free Passage thereon, and through all the Locks, Stanches, and Sluices, to be made by virtue of this Act.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Nine or more of them, from time to time, to assign over the said Tolls, or any Part thereof (the Costs and Charges

of

of assigning the same to be paid out of such Tolls) as a Security for any Sum or Sums of Money to be borrowed, with Interest not exceeding Four Pounds Ten Shillings per Centum per Annum, to such Person or Persons, or their Trustees, who shall advance the same, by the following Words of Assignment under their Hands, or by any other Words for that Purpose.

Form of Assignment.

" BY virtue of an Act made in the Thirty second Year
" of the Reign of His Majesty King *George* the Second,
" for making the River *Stort* navigable in the Counties of
" *Hertford* and *Essex*, from the new Bridge, in the Town
" of *Bishop Stortford*, into the River *Lee*, near a Place
" called *The Rye*, in the County of *Hertford*; We
" of the Commissioners do assign unto *A. B.* his Execu-
" tors, Administrators, or Assigns, in Consideration of the
" Sum of from this Day of
" in the Year of our Lord
" until the said Sum of
" with Interest at the Rate of *per Centum*
" *per Annum*, shall be repaid, such Proportion of all the
" Tolls arising by virtue of the said Act as the said Sum
" of shall bear to the whole Sum advanced
" on the Credit of the same.".

All Creditors to be deemed equal in Degree.

And all and every Person or Persons to whom the said Commissioners, or any Nine or more of them, shall, at any Time, make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed shall be applied in such Manner as the said Tolls are directed to be applied, and to no other Use or Purpose; and Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners; which said Book or Books shall and may be perused at all seasonable Times, by all Persons whomsoever, without Fee or Reward; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the

Assignments to be entered in a Book.

Assignments may be transferred.

the Principal and Interest thereby secured, to any Person or Persons whatsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

Form of Transfer.

"I Do transfer this Assignment, with all my Right and "Title to the Principal hereby secured, and to all the "Interest now due to *C. D.* his Executors, Administrators, "or Assigns. Dated this Day of
"Witness, *G. H.* *A. B.*

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books, to be kept for the entering the said original Assignments; for which the said Clerk's Fee. Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Commissioners, or any Nine or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees 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.

Commissioners to appoint Officers, &c. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall be, and are hereby impowered, from time to time, by Writing under their Hands and Seals, to appoint such Collector or Collectors of the said Tolls, and also Treasurer or Treasurers, such Treasurer or Treasurers, and Collector or Collectors, giving Security to the Satisfaction of the said Commissioners, or any Nine or more of them, and shall also administer an Oath to every such Collector for the faithful Execution of his Office (which Oath any Two of the said Commissioners are hereby impowered to administer;) and such Collector or Collectors shall, at such Times as he or they shall be required by the said Commissioners, or any Seven or more of them, by Writing under their Hands, pay, or cause to be paid, into the Hands of the said Treasurer or

or Treasurers, all and every the Sum and Sums of Money which such Collector or Collectors shall have received by virtue of this Act; and the said Commissioners, or any Nine or more of them, may also, by Writing under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and such other Officers as they shall think fit to employ in Execution of this Act; and all the Officers so to be appointed, shall be paid out of the Monies to be raised by virtue of this Act such Salaries or Allowances, as the said Commissioners, or any Nine 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 Nine or more of them.

Commissioners to allow Officers Salaries.

And be it further enacted by the Authority aforesaid, That the said Treasurer or Treasurers shall fairly enter into One or more Book or Books to be kept for that Purpose, an Account of all Monies by him or them received and disbursed, specifying the Times when, and the Persons from and to whom such Monies were respectively received and disbursed, and for what Purposes; which Book or Books, or a true Copy thereof, signed by the said Treasurer or Treasurers, together with the Vouchers for such Disbursements, and also all Books and Papers in his or their Custody, relating to the Execution of this Act, shall be delivered to the said Commissioners, or any Seven or more of them, Once at least in every Year, and from time to time, as often as the said Commissioners, or any Seven more of them, shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required by the said Commissioners, or any Seven or more of them, and the said Commissioners, or any Seven or more of them, are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said Commissioners, or any Seven 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, as also the Oath or Oaths to the said Treasurer or Treasurers, the said Commissioners, or any Two or more of them, are hereby impowered to administer) all or any such Collectors, Clerks, Surveyors, and Persons employed in, or intrusted with, the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act; and which Collectors, Clerks, Surveyors, and Persons employed in or intrusted as aforesaid, shall render to the said Commissioners, or any Seven or more of them, from time to

Treasurers to enter Disbursements in a Book;

who are to account.

time, as often as they shall be thereunto required by the said Commissioners, or any Seven or more of them, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments; and also all Books and Papers in their Custody, relating to the Execution of this Act; and in case any such Treasurer, Collector, Clerk, or other Officer or Person, shall be found in Arrear, or refuse to account, or to pay the Money remaining in his Hands, according to the Directions of the said Commissioners, or any Seven or more of them, or if any such Officer or Person shall not deliver such Books or Papers in his Custody as aforesaid, in every such Case, it shall be lawful for the said Commissioners, or any Seven or more of them, by Warrant or Warrants under their Hands and Seals, to commit every such Officer and Person to the Common Gaol of the County of Hertford or Essex, there to remain without Bail or Mainprize, until he shall have made a true Account and Payment, and delivered such Books and Papers as aforesaid, or compounded with or satisfied the said Commissioners, or any Seven or more of them; which Composition the said Commissioners, or any Seven or more of them, are hereby impowered to make.

Reports to be made of Loading by Navigation.

And, for the more easy collecting the said Tolls, be it further enacted by the Authority aforesaid, That every Person having the Charge of any Boat or Vessel passing on the said River, Cuts, or Trenches, shall give a true Report or an Account in Writing, signed by himself, unto such Person or Persons as shall, from time to time, be appointed by the said Commissioners, or any Seven or more of them, to receive the same, or to the Collector or Collectors of such Tolls, and at such Place or Places as shall be appointed by the said Commissioners, or any Seven or more of them, of the Quantity, Quality, and Weight of the Goods, Wares, Merchandizes, and Commodities, which shall be in or belong to such Boat or Vessel; and also of the Quantity, Quality, and Weight of such Goods, Wares, Merchandizes, and Commodities, as shall have been discharged or taken out of such Boat or Vessel, before the Arrival thereof at the Place where such Account or Report is to be given; and in Failure of giving such Account or Report, or in case a false Account or Report shall be given, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds over and above the Payment of such Tolls; and if any Difference shall arise between any Collector of the said Tolls, and the Person having Charge of any Boat or Vessel, or the Owner of any Goods,

Goods, Wares, Merchandizes, or Commodities, concerning the Weight, Quantity, or Number of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or number, or cause to be weighed, measured, gauged, or numbered, all such Goods, Wares, Merchandizes, and Commodities; and in case the same shall appear to be of a greater Weight, Quantity, or Number, than such Person declared the same to be, in every such Case, such Person shall pay the Costs and Charges of such weighing, measuring, gauging, and numbering, all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the said Tolls are appointed to be recovered; but if such Goods, Wares, Merchandizes, or Commodities, shall appear to be of no greater Weight, Quantity, or Number, than such Person declared the same to be, then such Collector shall pay such Costs and Charges, and shall also pay to such Person, or to the Owner or Owners of such Goods, Wares, Merchandizes, and Commodities, One Shilling for every Hour that such Boat or Vessel shall be so detained, and in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattles of such Collector, by Warrant or Warrants, under the Hand and Seal of any Justice of the Peace for the said County of Hertford or Essex, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattles; and the said Commissioners, or any Seven or more of them, may, if they think fit, out of the Money to be raised by virtue of this Act, reimburse the said Collectors the Monies so paid by, or levied upon them, for the Detention of any such Boat or Vessel.

Commissioners may set up Gates, &c. over the Ditches and Fences in the Towing-paths.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall cause to be made, set up, and, from time to time, maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in and over all the Ditches and Fences in the Towing-paths to be used for the Purposes of this Act, where the same shall respectively be necessary; and also such Bridges over the new Cuts, Trenches, and Passages, as shall be proper for the Use of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining; and also, that if the said Commissioners, or any Seven or more of them, shall think proper to cause the said River to be deepened in any Part or Parts, so as to render any usual and common Fords or Highways impassable or dangerous, in every such Case the said Commissioners, or any Seven or more of them,

them, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniencies as the said Commissioners, or any Seven or more of them, shall judge proper, 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 or Conveniencies in Repair, for the Accommodation of all Persons having Occasion to pass over the same; and also, if the said Commissioners, or any Seven or more of them, shall find it necessary to raise any Bank upon the Sides of the said River, for Towing-paths, or otherwise, whereby the Waters may be prevented from going off the adjacent Lands, the said Commissioners, or any Seven 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.

Banks not to prejudice the Lands on the opposite Side.

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 Lands on the opposite Side of the River.

Bridges to be repaired out of the Monies arising by this Act.

Provided also, That if the said Commissioners, or any of them, shall cause any Bridge or Bridges across the said River to be amended, heightened, or altered, such Bridge or Bridges shall, from thenceforth, from time to time, for ever thereafter, be repaired, supported, and maintained, out of the Monies to arise by virtue of this Act.

Commissioners indemnified for making Works.

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 as aforesaid, or in towing or haling, with Men or Horses, on the Lands on the Sides of the said River, Cuts, or Trenches; Satisfaction having been first made or given to the Owner or Owners of such Lands.

Future Damages how to be ascertained.

And be it further enacted by the Authority aforesaid, That if, at any Time or Times after any of the Works for effecting or maintaining the said Navigation shall be begun, or be completed, any Person or Persons shall sustain any Damage in his, her, or their Lands, Mills, Bridges, Hereditaments, or Property, within the Limits of the said Navigation, either by raising the Water to be used in such Navigation, or by turning, diverting, or lowering, the Stream 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; in every such Case, the said Commissioners, or any Seven or more of them, shall have full Power, from time to time, and at all Times, 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 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; in every such Case it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby required, upon Request in Writing to be made or given to them, or any Seven or more of them, by such Person or Persons injured or aggrieved as aforesaid, to cause a Jury to be summoned, impanelled, and sworn, in Manner as aforesaid; and the Jury so returned shall enquire how far the said Commissioners, or their Agents or Servants, have any ways occasioned such Damage; and if any shall appear, they shall assess the Value of such Damages; and the said Commissioners, or any Seven or more of them, shall pay to the Party or Parties injured or aggrieved the Monies so assessed: And in case the said Commissioners, or any Seven or more of them, shall not (being thereunto required) make such Payment, within Twenty Days after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Tolls which shall then, or within the Space of Six Calendar Months preceding, have been appointed to be collected on the said River, Cuts, or Trenches; and thereout to pay the Damages which shall have been 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 the Persons who have suffered such Damage, 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.

Jury to be impanelled and sworn.

Provided always, That no Person or Persons whatsoever shall be intitled to Satisfaction for any Damages, nor shall the said Commissioners, or any of them, be

No Person intitled to Satisfaction, unless Complaint be made within 12 Months.

obliged to take Notice of any Application in relation thereto, unless the Complaint of such Damages shall be made within the Space of Twelve Calendar Months after such Damages shall have been sustained.

No Jury to be summoned, until Security be given to prosecute, &c.

Provided also, That no Jury shall be summoned upon any such Request as aforesaid, until the Party or Parties making the same shall have entered into a Bond, with Two sufficient Sureties, to the Treasurer to the said Commissioners, in the Penalty of Fifty Pounds, for prosecuting such Complaint, and to pay the Expences of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or for less Money than shall have been offered by, or on the Behalf of, the said Commissioners, or any Seven or more of them, before the summoning of any such Jury, as a Recompence for the Damage so complained of.

Owners of Vessels answerable for any Damage done to the Works by the Crew, &c.

And be it enacted by the Authority aforesaid, That the Owner or Owners of every Boat or Vessel which shall pass upon the said River, Cuts, or Trenches, shall be answerable for any Damage, Spoil, or Mischief, that shall be done by his, her, or their Boat or Vessel, or by any Person or Persons 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, Cuts, Banks, or other Works, that now are or shall be erected and maintained in, upon, or near, the said River, Cuts, or Trenches, or by loading or unloading any Boat or Vessel; and also for any Trespass or Damage that shall or may be done with respect to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining or lying near to the said River, Cuts, or Trenches; and if any such Damage, Spoil, or Mischief, shall be done to any or either of the said Bridges, Locks, Stanches, Dams, Sluices, Cuts, Banks, or other Works, the same shall be enquired into, and determined by, any Justice of the Peace for the said County of Hertford or Essex, who is hereby authorized and required, upon Complaint or Information made before him, to summon the Owner or Owners of such Boat or Vessel 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, by Proof, upon the Oath of One

or

or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Owner or Owners, as a Recompence for such Damage, Spoil, or Mischief, as he the said Justice shall think proper, not exceeding Treble the Amount or Value thereof; and, in case of Non-payment of such Sum of Money so awarded and ordered, for the Space of Seven Days, the said Justice is hereby authorized and required to cause the same to be levied by Distress and Sale of the Boats, Vessels, or other Goods and Chattles of such Owner or Owners, by Warrant under the Hand and Seal of such Justice, rendering to the Owner the Overplus (if any be) after such Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale, have been first satisfied and paid: And if any Trespass or Damage shall be done to the Owners or Possessors of such Lands, Tenements, or Hereditaments, or Crop on the Ground adjoining thereto; then, and in such Case, the said Owner or Owners of such Boat or Vessel 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.

And be it further enacted by the Authority aforesaid, That if any Person, having the Care or Management of any Boat or Vessel, or navigating or working the same, shall lay such Boat or Vessel so as to obstruct the Passage of other Boats or 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, every Person so offending as aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings.

Boats sunk to be weighed up.

And be it further enacted by the Authority aforesaid, That if any Boat or Vessel shall happen to be sunk in the said River, or any of the said Cuts or Trenches, and the Owner, or Person having the Care of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up, and hale the same out of the Way of other Vessels passing upon the said Navigation, it shall be lawful for any Agent or Servant of the said Commissioners to cause such Boat or Vessel to be weighed or drawn up, and to seize and detain the same, until Payment shall be made of all Expences occasioned thereby; and if Payment be not made in Twenty Days, any such Agent or Servant shall cause Sale to be made thereof, for reimbursing the said Expences;

or

or other incident Charges; returning the Overplus (if any be) to such Owner or Person.

The Owners Names to be marked on the Vessels.

And be it further enacted by the Authority aforesaid, That the Owner or Owners of every Boat or Vessel passing upon the said River, Cuts, or Trenches, shall cause his, her, or their Name or Names, 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 such Boat or 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 or Owners of any such Boat or Vessel shall not at all Times have his, her, or their Name or Names so set or placed as aforesaid, or if such Person or Persons having the Care or Charge of any Boat or Vessel passing on the said River, Cuts, or Trenches, into or through any of the Sluices or Locks in or upon such River, Cuts, or Trenches, shall wilfully set or leave open any of the Gates, Doors, or Slakers, belonging to any such Sluice or Lock, whereby the Water shall run waste, to the Hinderance or Detriment of any of the Mills upon the said River, or of the said intended Navigation, then, and in every such Case, every such Owner or Person so neglecting or offending, shall forfeit and pay the Sum of Five Pounds.

Penalty.

Penalty on Persons maliciously opening Locks, &c.

And be it further enacted by the Authority aforesaid, That if any Person shall maliciously or wantonly open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or shall leave any of the Cloughs running, after any Boat or Vessel shall have passed any Lock belonging to the said Navigation, or shall draw, or cause to be drawn, any Clough in the Lock-gates on such Navigation, so as to misspend or waste the Water, to the Prejudice of the said Navigation, every such Person, for every such Offence, shall forfeit and pay the Sum of Forty Shillings.

Millers to open or shut Sluices.

And be it further enacted by the Authority aforesaid, That if any Owner, Occupier, or Miller, of any Mill or Mills, do or shall, upon reasonable Request made, and Forty eight Hours Notice given, and upon Payment or Tender of such Recompence or Satisfaction as is herein after-mentioned, to him or them made, by the said Commissioners, or any Five or more of them, or any other Person or Persons employed as their Surveyor or Agent, neglect or refuse either to draw up or open, or to shut or put down, any Clough or Cloughs of any Sluice or Sluices which shall be necessary to be opened or shut respectively, for making and effecting the said intended

Navigation

Navigation, and the Works requisite for that Purpose, and for altering and repairing the same, every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds.

Satisfaction to be made to Millers for opening or shutting Sluices.

And it is hereby also enacted and declared, That the Owners or Occupiers of any such Mill or Mills shall and may, in such Case, lawfully, demand, have, and receive, and there shall become due and payable to him or them, as a Recompence and Compensation for such drawing up, or opening or putting down, or shutting such Clough or Cloughs respectively, the Sum of One Shilling and Three Pence, for every Hour that any Wheel of any such Mill shall, by that Means, or on that Occasion only, be stopped or hindered from working; and so in Proportion for any greater or lesser Time that such Stoppage or Hindrance shall continue.

Penalty on Persons obstructing the Navigation of the River.

And it is hereby further enacted and declared, That if any Owner, Occupier, or Miller of any Mill or Mills within the Limits of the said intended Navigation, or other Person employed by him, her, or them, shall, in the Judgement and Opinion of any Nine or more of the Commissioners, wittingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby, or by Means whereof, the said intended Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause, to be allowed by the said Commissioners, or any Nine or more of them, so assembled, for so doing, every such Owner, Occupier, or Miller, or other Person whatsoever, shall, for every such Act, Matter, or Thing, forfeit and pay such Sum and Sums of Money, as the said Commissioners shall order, decree, or award, not exceeding the Sum of Forty Shillings for each Offence.

Satisfaction to be made to Millers for Lois of Water.

And, to the end that a full Compensation may be made to the Owners or Proprietors of the several Mills upon the said River 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, her, or their respective Millhead; and that it shall be lawful for him, her, or them, before he, she, or they, shall draw the Cloughs, and open the Lock, for the Passage of any Boat or Vessel passing up or down the said River, Cuts, or Trenches, to demand and take, to his, her, and their own proper Use,

of the Master, or any Person navigating such Boat or Vessel, the Sum of Six Pence, as a Recompence for his Time in attending the penning such Boats or Vessels up or down the said River, Cuts, or Trenches, and for the Loss of Water by such penning (above and exclusive of all other Tolls collected by virtue of this Act) and upon Nonpayment thereof, to stop and detain such Boat or Vessel from passing through the said Lock, until the said Sum of Six Pence shall be paid.

Locks to be opened, on Tender of the Money.

Provided always, and be it enacted by the Authority aforesaid, That as often as any Boat-master, or other Person navigating any Boat or Vessel upon the said River, Cuts, or Trenches, shall come to any of the said Locks with his Boat or 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 Six Pence, immediately draw the Cloughs, and open the Locks, and freely permit such Boat or 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, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Commissioners may remove Lock-keepers, and appoint others.

Provided also, and be it further enacted by the Authority aforesaid, That in case the said Commissioners, or any Seven or more of them, at any Time or Times, shall find the Navigation obstructed or impeded by the Neglect or Misbehaviour of all or any of the Tenants or Occupiers of the said Mills respectively, or of any other Person or Persons hereafter to be appointed to have the Care of all or any of the said Locks, or shall be dissatisfied with their or any of their Care or Management of the said Locks, in each of the said Cases it shall be lawful for the said Commissioners, or any Seven or more of them, from time to time, to remove and displace such Tenants, Occupiers, or other Persons, from having the Care of any such Lock or Locks; and it shall be lawful for the Owners or Proprietors of such Mill or Mills respectively, from time to time, to appoint some other Person or Persons to have the Care and Management of such Lock or Locks respectively; and from and after such Appointments, all the Powers and Authorities hereby vested in such Tenants or Occupiers shall cease, other than and except the demanding and taking of One Moiety of the aforesaid Sum of Six 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 or 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 Six Pence shall, from time to time, be paid to the Person or Persons who shall have the Care of the Lock or Locks respectively, and such Person and Persons is and are hereby vested with the same Powers and Authorities for demanding, collecting, and recovering the said Moiety of the said Sum of Six 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 Six Pence for the Loss of Water occasioned by penning such Boats or other Vessels.

In what Case Commissioners may appoint Lock-keepers.

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 Seven 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.

Reservation of Rights.

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, or Hereditaments, adjoining or lying near to the said River, Cuts, Trenches, Passages, Streams, Brooks, or Watercourses, of watering or flooding their Meadows in dry Seasons, which they had and enjoyed before the passing of this Act.

Commissioners may make Bye-laws, &c.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall, from time to time, have full Power 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 thereof, and from time to time, to alter or repeal the same, and to impose such reasonable Fines, Forfeitures, or Punishments upon all Persons offending against such Bye-laws, Orders, or Constitutions, as they the said Commissioners, or any Seven 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 Seven 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 Seven or more of them, shall be binding to, and be 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 aggrieved by any Order or Judgement made or given in pursuance of any such Bye-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 for the said County of Hertford or Essex respectively, 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 such County 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 Bye-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 Bye-law, Order, or Constitution, which occasioned such Complaint.

Persons aggrieved may appeal to the Quarter Session.

Upon Payment of the Tolls, Navigation to be free.

And be it further enacted by the Authority aforesaid, That the Navigation, and the Works, Towing-paths, private Ways, and Roads, hereby authorized to be made and set out, shall be free for the Use of all Persons and their Boats, Vessels, Horses, and Carriages, upon Payment of such Tolls as shall be appointed to be taken by virtue of this Act.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all the Expences incident to and attending the obtaining of this Act, shall be in the First Place defrayed out of the Monies which shall arise by virtue hereof.

Penalties and Forfeitures how to be recovered and applied.

And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures hereby inflicted or authorized to be imposed, the Recovery whereof

whereof is not herein before directed, shall in all Cases where such Fines, Penalties, or Forfeitures do not exceed the Sum of Five Pounds, be recovered by Distress and Sale of the Offender's Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said County wherein the Offence is committed; and in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Space, not exceeding Three Months; and that all such Fines, Penalties, and Forfeitures, or any Part or Parts thereof, which are not herein before applied, shall be paid into the Hands of the Treasurer or Treasurers to the said Commissioners, and applied for the Purposes of this Act; and that all such Fines, Penalties, or Forfeitures, as exceed the Sum of Five Pounds, shall be recovered by any Person who will sue for the same, with Double Costs of Suit, by Action of Debt, in any of His Majesty's Courts at Westminster; wherein no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon account of any Offence committed, or supposed to be committed, against this Act, may appeal to the Justices of the Peace for the County of Hertford or Essex respectively, at any General or Quarter Session of the Peace, to be held within the Space of Four Calendar Months after such Cause of Appeal shall happen, the Person or Persons so appealing first giving Security to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said General Quarter Session, in case such Orders or Judgement shall be affirmed; and the Justices at such General or Quarter Session are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs, 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; and that no Order or Proceeding to be had or made by or before any Justice of the Peace relating to the Execution of this Act, shall be quashed or vacated for want of Form only.

Navigation deemed to be within the County of *Essex*.

And be it further enacted by the Authority aforesaid, That for the more easy and effectual Execution of this Act, and Punishment of Offences against the same, such Part of the said River as is hereby intended to be made navigable, shall, for the Purposes aforesaid, be deemed and taken to be within the said County of Essex.

Penalty on Persons giving false Evidence.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the said Commissioners, or any of them, or before any Justice or Justices of the Peace, shall and may be prosecuted for the same, and upon Conviction thereof, shall be subject to all the Pains and Penalties which Persons are or may be subject to, by the Laws of this Kingdom, for wilful and corrupt Perjury.

Penalty on damaging the Works.

And 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 other Cases 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.

Navigation not to be subject to the Commission of Sewers.

Provided always, and be it further enacted by the Authority aforesaid, That no Works whatsoever to be made by virtue of this Act, shall be subject to the Controul, Direction, Survey, or Order, of any Commission of Sewers, or to any Law or Statute relating to Sewers; any thing in any former Law or Statute contained to the contrary notwithstanding.

Works not to be begun till 25 *Mar.* 1760.

Provided always, and be it further enacted by the Authority aforesaid, That no Locks, or any other Works for penning up Water, shall be, by virtue of this Act, made in any Part of the said River, Cuts, or Trenches, before the Twenty fifth Day of March, One thousand seven hundred and sixty; any thing herein contained to the contrary notwithstanding.

Navigation to be exempted from Taxes.

And be it also further enacted and declared, That the said Tolls, Rates, and Duties, shall, at all Times hereafter, be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners

sioners 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 Seven or more of them, and the Clerk 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 Originals, and shall be admitted as Evidence in all Courts whatsoever; and such Book or Books shall be seen and perused at all seasonable 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 One hundred Words.

Books may be read in Evidence.

Provided always, That no Warrant, Mortgage, Assignment, Transfer, or any other Writing whatsoever, in pursuance of, or relating to, the Execution of any of the Powers of this Act, shall be subject to any Stamp Duty whatsoever.

Writings to be without Stamps.

Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the said River and navigable Passages, or any of them, to use any Pleasure Boat or Boats upon the same, without the Hindrance or Interruption of the said Commissioners, their Successors, or any of them, and without paying any of the Rates or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying Coal, Stone, Slate, Wood, or any other Goods, Wares, or Merchandizes, charged or chargeable with any of the Duties by this Act granted and made payable; and that the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties, on the said River and navigable Passages, to which they are now legally intitled; any thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said intended Navigation.

Reservation of Rights to Land-owners, Lords of Manors, &c.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said River, or of any Lands or Grounds through which the said Cuts shall be made, from making or erecting any Warehouses, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs,

Lords of Manors may build Warehouses.

Wharfs, upon the Banks of the said River or Cuts, in and upon their own Lands, Wastes, or Grounds, so that the erecting or using of such Warehouses, Cranes, or Wharfs, do not obstruct or prejudice the said Navigation, or any of the Powers given by this Act; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the same Warehouses, Weigh-beams, Cranes, Quays, Landing-places, and Wharfs, respectively, shall be and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, Wastes, and Grounds, respectively, who shall make or erect any such Warehouses, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon his, her, or their Lands, Wastes, or Grounds, lying upon the said River or Cuts.

Not to carry the Navigation within 200 Feet of Mr. *Turvin's* House.

Provided always, and be it further enacted by the Authority aforesaid, That no Part of the said Navigation shall be made nearer to the House of John Turvin Esquire, in the Parish of Gilstone, than Two hundred Feet; any thing herein contained to the contrary notwithstanding.

No more than One Lock between *Butt Mead* and *Five Acre Mead*;

Provided nevertheless, and be it further enacted by the Authority aforesaid, That no more than One Pen or Double Lock, and One Low Shot Stop or Tumbling Bay, and Flood-gates, shall be made for the Purposes of the said Navigation, between that Part of a certain Meadow in the Parish of Sawbridgeworth, called Butt Mead, being the Land of William Sworder Gentleman, where the said River divides itself into Two Branches, and a certain other Meadow in the same Parish, called The Five Acre Mead, being the Land of William Gardiner Esquire; and that no other Weir, or any Dwelling-house, Wharf, Warehouse, Quay, Engine, or other Building, shall be made or erected by virtue of this Act upon any Part of the Lands belonging to William Gardiner and Samuel Feake, Esquires; lying between the said Places, unless the said William Gardiner and Samuel Feake, or their Heirs or Assigns respectively, shall consent thereto; and the said Navigation shall be at all Times carried on between the Places aforesaid intirely on the Essex Side the said River, without any Towing-path to be made or used on the Hertfordshire Side.

and preserving the old River as a Boundary.

Provided also, That in case it shall be found necessary to make any new Cut between the aforesaid Places called Butt Mead and Five Acre Mead, that in such Case, such new Cut shall not be made in the Front of the Mansion-house, called Pishobury; and the Channel of the old River shall not be filled up, otherwise than by placing therein such Lock, Low Shot Stop, or Tumbling Bay, and Flood-gates;

gates; but such Channel shall be preserved as a Boundary, for dividing the said Counties and Lands; any thing herein contained to the contrary thereof notwithstanding.

Warrants may be directed to the Constable of the Place where the Offender lives.

And be it further enacted by the Authority aforesaid, That all and every Warrant and Warrants that shall or may be granted by any Person or Persons enabled or impowered to grant the same, under or by virtue of this Act, shall and may be directed to the Constable, Headborough, or other Officer, of the Township, Parish, or Place, where the Offender or Offenders shall live, reside, or inhabit, which Constable, Headborough, or other Officer, is hereby authorized and required to execute the same.

Commissioners may contract with Persons to make the River navigable.

Provided always, and be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, may make or contract with, or employ, any Person or Persons to make the said River navigable, in the usual and accustomed Manner in which Rivers are made navigable, or if any Person or Persons hath or have invented, or shall invent, any other Method of making Rivers navigable, portable, or capable of floating Boats and Vessels, the said Commissioners, or any Nine or more of them, assembled at a Meeting or at Meetings to be held for that Purpose, of which at least Thirty Days Notice in Writing, or in Print, shall be given in Manner as aforesaid, may and are hereby fully impowered to contract with or employ the Author or Authors of any such Invention, his or their Heirs or Assigns, to make the said River navigable, portable, or capable of floating Boats and Vessels, according to such Invention, either by Dams or Banks to be made across such River, Cuts, or Trenches, in different Places, in order to raise the Water to a sufficient Height within such Dams or Banks, and to convey the Goods by means of Cranes, or any other Engines, across such Banks, or by any other Means whatsoever; and this Act, and every Matter and Thing therein contained, shall operate and be executed, for and in relation to the making such River navigable, portable, or capable of floating Boats and Vessels, by any such Means, as fully and effectually to all Intents and Purposes, as the same can or may operate or be executed, for or in relation to the making such River navigable in the usual and accustomed Manner.

Distress not to be deemed unlawful for want of Form.

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.

nor the Party distraining deemed a Trespasser *ab initio*.

Plaintiff not to recover, if Tender of Amends shall have been made.

Limitation of Actions.

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 in pursuance of this Act, every such Action, Suit, or Information, shall be commenced 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 Essex respectively, wherein the Fact shall be committed, and not elsewhere; and the Person or Persons so sued or prosecuted, 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, 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 every such Case, 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.

General Issue.

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.

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FINIS.