Anno tricesimo secundo

Georgii II. Regis.

An Act to amend and explain an Act made in the Third Year of His present Majesty's Reign, intituled, *An Act for making Navigable the River* Stroudwater, *in the County of* Gloucester, *from the River* Severn, *at or near* Framiload, *to* Wallbridge, *near the Town of* Stroud, *in the same County*.

WHEREAS by an Act made in the Third Year of the Reign of His present Majesty, intituled, An Act for making Navigable the River *Stroudwater*, in the County of *Gloucester*, from the River *Severn*, at or near *Framiload*, to *Wallbridge*, near the Town of *Stroud*, in the same County; certain Persons therein named, and their Heirs and Assigns, were impowered, at their proper Costs and Charges, to make the said River navigable and passable for Boats, Barges, Lighters, and other Vessels, from the River Severn, at or near Framiload, to Wallbridge, near the Town of Stroud, in the said County of Gloucester, and, from time to time, to continue, maintain, and use such Navigation, in such Manner as they shall think fit; and in the said Act is was enacted, That in case the said Undertakers, their Heirs, Assigns, or Nominees, should not begin the said Undertaking on or before the Twenty fourth Day of June One thousand seven hundred and thirty two, and finish the same, in making the said River navigable, according to the Intent and Meaning of the said Act, on or before the Preamble.

Twenty fourth Day of June One thousand seven hundred and forty, that then, and immediately after the said Twenty fourth Day of June One thousand seven hundred and forty, it should be lawful for the Commissioners appointed by or in pursuance of the said Act, or any Thirteen of them, to appoint such other Persons to do the same, as they should think fit; which Person or Persons so nominated or appointed, should, from the Time of such Nomination and Appointment, have the same Powers, Authorities, Rights, Privileges, and Interests, for the making the same River navigable, and doing all Things necessary thereto, as the said Undertakers might or could do by virtue of the said Act; and that immediately from and after such Nomination and Appointment, all and every the Powers, Authorities, Rights, Privileges, and Interests, of the said Undertakers, their Heirs, Assigns, and Nominees, should cease, determine, and be utterly void: And whereas there are several Fulling and Corn Mills upon the said River, and the making such River navigable, in the usual and accustomed Method by which Navigations have hitherto been made and maintained, might be prejudicial to the Working of the said Mills, and no Part of the said River hath been made navigable within the Limits aforesaid: And whereas John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, Gentlemen; did, on or about the Fourth Day of August last, deliver to Thirteen, or more, of the said Commissioners, assembled at a Meeting which was held in pursuance of the said Act, certain Proposals, wherein they the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, did, on being appointed Undertakers, and having all the Powers, Authorities, Rights, and Privileges, granted by the said Act to the Undertakers therein named, assigned to them, propose, that they the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, at their own Costs and Charges, on or before Lady-day One thousand seven hundred and sixty one, would undertake to make the said River navigable within the Limits aforesaid, or to answer, in an effectual Manner, the main Purposes of Navigation; the said Undertakers reserving to themselves all Profits and Privileges granted by the said Act to the former Undertakers thereby appointed, and to be subject to all such Penalties, Damages, and Costs, as are directed by the said Act; and that in case they should not complete and finish the said Navigation, in Manner aforesaid, they did agree to assign or forfeit to the Commissioners, all their Right, Title, and Interest, in the said Navigation, and all Lands purchased,

and

and Machines erected by them, for carrying on such Navigation, and that the same should be seized by the said Commissioners, for the Use of any future Undertakers to be appointed by them; and did thereby also agree, that at any Time after the said River should be made navigable, in Manner aforesaid, they the said Undertakers, upon Payment to them of the Sum of Ten thousand Pounds by the said Commissioners, or any Person or Persons by them legally appointed for that Purpose, to re-assign and re-convey all their Estate and Interest in and to the said River, and all the Powers and Privileges vested in them by the said Commissioners; and also surrender and deliver up all the Machines erected for carrying on such Navigation, with all Deeds relating to such Lands so purchased; and also, that they the said Undertakers should and would, at any Time within the Space of Ten Years from and after the said River's being made navigable in Manner aforesaid, in case any Improvement on the Machines erected for the Purposes of Navigation, for which the said Undertakers, or One of them, have already obtained a Patent, should be found out, or put in Practice by them, on any other River or Rivers the said Undertakers should make navigable, then, and in such Case, the said Undertakers, their Heirs, Assigns, or Nominees, should and would make the same Improvements on the Machines erected on the River Stroudwater, in as effectual a Manner as Machines on other navigable Rivers shall have been erected and finished by them; and did thereby also agree to work the Machines which should be erected for the Purposes of Navigation, without any Waste of Water whatsoever; and did propose, that in case any Law Suit, or other legal Impediment, should hinder or retard the said Undertakers from completing and finishing the said Navigation within the Time therein before limited, that then, and in such Case, the said Undertakers should be allowed so much Time as such Law Suit, or other legal Impediment, shall take up in being determined or removed; to which Proposal, Thirteen or more of the Commissioners present at such Meeting, and also at a Meeting held the Twelfth Day of January, One thousand seven hundred and fifty nine, did agree; and the said Commissioners, or Thirteen or more of them, assembled at the said Meeting on the Twelfth Day of January, One thousand seven hundred and fifty nine, that in Consideration of the said Undertakers discharging the Expence of obtaining an Act of Parliament, or a Clause to render more effectual the said former Act, did agree, that they the said Undertakers

shall and may receive the further Sum of One hundred and fifty Pounds, with Interest for the same, from the Time of obtaining such Act, over and above the Sum of Ten thousand Pounds, for which the said River is redeemable, by the said former Agreement: And whereas the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, propose, by Means of Banks, Dams, or Stops, now made, and to be made, in or on the Side or Sides of the said River, and the Trenches or Cuts thereout, to render the said River navigable between such Banks, Dams, or Stops, and by Means of certain Engines or Machines, invented by the said Thomas Bridge, to convey the Boats and Vessels, or the Loading thereof, across such Banks, Dams, and Stops, without the Use of Locks, or any Waste of Water; but some Doubts having arisen, whether they are enabled by the said former Act to carry their said Purpose into Execution; 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, That they the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, their Heirs or Assigns, or such Person or Persons as they, or any Three or more of them, shall nominate and appoint, under their Hands and Seals, their Deputies, Agents, Officers, Workmen, and Servants, shall be, and are hereby authorized and impowered, at their proper Costs and Charges, to make and maintain the said River Stroudwater navigable, between the present Banks, Dams, or Stops, in or on the Side or Sides of the said River, and such Banks, Dams, or Stops, as shall be made by them the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, their Heirs, Assigns, or Nominees, in or on the Side or Sides of the said River, and the Cuts and Trenches made, or to be made, thereout, betwixt the River Severn, at or near Framilode aforesaid, and Wallbridge, near the Town of Stroud aforesaid; and to make, erect, and perform such other Works for rendering the said River navigable or passable, for Boats, Barges, Lighters, and other Vessels, between such respective Banks, Dams, or Stops; and to erect such Engines and Machines upon or near such Dams, Banks, or Stops, for the conveying such Boats, Barges, Lighters, and other Vessels, or the Loading thereof, over such Dams, Banks, and Stops, as they shall think proper; and from time to time, to continue, maintain, repair,

Persons impowered to make the River navigable.

pair, alter, and use such Navigation or Navigations, Banks, Dams, Stops, Works, Engines, and Machines, in such Manner as they shall think fit; subject nevertheless to the several Clauses, Provisoes, and Conditions, in the said Act contained, which are not by this Act repealed, altered, or otherwise provided for; and they the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, and their Deputies, Agents, Officers, Workmen, and Servants, shall be, and are hereby invested with all the Powers, Authorities, Rights, Privileges, and Advantages, as were granted and given to the Persons, their Heirs, Assigns, and Nominees, who, by the said former Act, were authorized and impowered to make the said River navigable, and for the collecting and levying Tonnage Rates and Duties, and for doing and performing all such Matters and Things as the said former Undertakers, their Heirs, Assigns, or Nominees, were authorized and impowered to do and perform (except as is herein after-mentioned) within the Limits aforesaid, and shall be subject to the same Rules, Regulations, Damages, Tolls, Penalties, and Forfeitures (except as is herein after-mentioned) as the said Persons, and their Heirs, Assigns, and Nominees, were thereby made subject and liable to; and the said Act shall extend, and is hereby extended to, and shall operate and be executed with respect and in relation to the Undertakers hereby appointed, their Heirs, Assigns, and Nominees, and their Deputies, Agents, Officers, Workmen, and Servants, and to all the Works, Matters, and Things, which shall or may be done and performed, or be intended to be done and performed, by or on their Behalf; and to all Persons employed or concerned in navigating Vessels, or conveying Goods or Merchandizes, upon any Part or Parts of the said River; and to all other Persons whatsoever, in such and the same Manner, and as fully and effectually to all Intents and Purposes, as if the several Provisions, Powers, Tolls, Rates, Duties, Rules, Regulations, Penalties, Forfeitures, and Punishments, in the said Act contained, were herein repeated and re-enacted, with respect and in relation to the Purposes of this Act; save and except such Parts of the said Act as relate to the Making, Using, or Management, of any Lock or Locks on the said River, and such other Parts of the said Act as are hereby altered and varied.

Provided always, and be it further enacted by the Authority aforesaid, That the Undertakers hereby appointed, their Heirs, Assigns, or Nominees, shall not be impowered to make or use any Lock on any Part of the said River. No Locks to be made or used.

And

Satisfaction to be made to Millers, in case their Mills are stopped by the Works.

And be it further enacted by the Authority aforesaid, That in case any Damage shall happen in the making or using the said Navigation, whereby any Mill or Mills shall be stopped or hindered from working, the Owner or Occupier of such Mill or Mills, in such Case, may lawfully recover, have, and receive, such Recompence and Compensation for such Stoppage or Hindrance (if the Parties shall not agree the same amongst themselves) as any Jury which shall be impanelled, according to the Directions of the said former Act, shall assess; and such Damages may be recovered, in the Manner directed by the said recited Act.

Undertakers to give Security to make Satisfaction for Damages.

And be it further enacted by the Authority aforesaid, That the said John Kemmett, Arthur Wynde, James Pynock, and Thomas Bridge, shall, before they proceed to do any Works of the said Navigation, give Security to the said Commissioners, or any Thirteen or more of them, in the Sum of Five hundred Pounds, in such Manner as the said Commissioners, or any Thirteen or more of them, shall think sufficient, for any Damages that may be sustained by any Person or Persons, by any Works to be made by the said Undertakers in pursuance of this Act.

Navigation to be finished by 29 *Sept.* 1761.

And be it further enacted by the Authority aforesaid, That in case the said Undertakers, their Heirs, Assigns, or Nominees, shall not begin their said Undertaking on or before the Twenty fifth Day of September One thousand seven hundred and fifty nine, and finish the same in such Manner as that Boats and Vessels may be navigated between the respective Banks, Dams, and Stops, in, across, or on the Side or Sides of, the said River, or Cuts or Trenches made or to be made thereout, and that Goods and Merchandizes may, by Means of such Boats and Vessels, and the Machines, Engines, and Works to be erected and made by the said Undertakers, their Heirs, Assigns, or Nominees, be conveyed throughout the Limits aforesaid, on or before the Twenty ninth Day of September One thousand seven hundred and sixty one, the Powers, Authorities, Rights, Privileges, and Advantages hereby granted to, and vested in, them, shall cease and determine; and all the Lands, Engines, and Machines, which shall have been by them, or any of them, purchased, erected, and made, for the Use and Purpose of the said Navigation, by virtue of this Act, shall be forfeited to the Commissioners appointed by and in pursuance of the said former Act; and the said Commissioners, or any Thirteen or more of them, are hereby impowered to grant and convey such Lands, Engines, and Machines, to any other Person or Persons who shall be willing to

complete the said Undertaking; and such Person or Persons, from the Time of such Grant or Conveyance, shall be possessed of all such Powers, Authorities, Rights, Privileges, and Advantages, as are hereby granted to the said Undertakers, their Heirs, Assigns, and Nominees.

Further Time allowed, in case of legal Impediment.

Provided always, That if by any Suit or Controversy at Law, or other legal Impediment, the said Undertakers, their Heirs, Assigns, or Nominees, shall be hindered or prevented from completing their Undertaking within the Time before limited; that then, and in such Case, the said Undertakers, their Heirs, Assigns, and Nominees, shall be allowed so much farther Time, after the said Twenty ninth Day of September One thousand seven hundred and sixty one, for finishing such Undertaking, as the said Commissioners, or any Thirteen or more of them, at a publick Meeting, shall judge to be reasonable; any thing herein before contained to the contrary notwithstanding.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That nothing herein contained shall prevent the said Commissioners, or any Thirteen or more of them, after such Forfeitures made as aforesaid by the said Undertakers, their Heirs, Assigns, or Nominees, from appointing any other Person or Persons to make the said River navigable, in the Manner intended by and under the Conditions, Privileges, Restrictions, and Limitations of the said former Act, in such Manner as might have been done in case this Act had not been made.

Commissioners to pay a certain Sum of Money to the Undertakers, after Navigation is completed.

Provided always, and be it further enacted by the Authority aforesaid, That if at any Time after the said Undertaking shall be completed, the said Commissioners, or any Thirteen or more of them, shall pay, or cause to be paid, unto the said Undertakers, their Heirs, Assigns, or Nominees, the Sum of Ten thousand one hundred and fifty Pounds, and also such further Sum of Money as shall be equal to the Amount of the legal Interest upon the Sum of One hundred and fifty Pounds, from the Time of the passing of this Act, to the Time such Monies shall be paid or tendered, the said Undertakers, their Heirs, Assigns, or Nominees respectively, shall release, convey, and assign to the said Commissioners, or such Person or Persons as they, or any Thirteen or more of them, shall appoint, in such Manner and Form as they the said Commissioners, or any Thirteen or more of them, shall require (the Expence thereof to be borne by the said Commissioners) all Interest and Property of them the said Undertakers, their Heirs, Assigns, and Nominees, in the said Undertaking; and all Lands, Engines, or Machines,

which shall have been purchased, erected, or made, for the Use and Purpose of the said Navigation, by virtue of this Act; and all their Right, Title, or Interest therein; and shall deliver to such Commissioners, or Person or Persons, all Deeds and Writings relative thereto: And in Default of Performance of all or any the Matters aforesaid, for the Space of Six Calendar Months after the same shall be required by, or on the Behalf of, the said Commissioners, or any Thirteen or more of them; then, upon the vesting such Monies in some One of the publick Funds, in the Names, and for the Use, of the said Undertakers, their Heirs, Assigns, or Nominees, the Right, Interest, and Property of the said Undertakers, their Heirs, Assigns, and Nominees, in the said Undertaking, and in all Lands, Engines, or Machines, which shall have been purchased, erected, or made, for the Use and Purpose of the said Navigation by virtue of this Act, shall, from the Time such Monies are so vested, cease and determine; and all such Property and Interest shall from thenceforth become and be vested in the said Commissioners; and the said Commissioners, or any Thirteen or more of them, may, and are hereby fully impowered, by any Writing or Writings under their Hands and Seals, to convey and assign all such Property and Interest to any other Person or Persons whatsoever; all which Conveyances and Assignments shall be valid and effectual in the Law, to all Intents and Purposes whatsoever.

Navigation, &c. vested in Commissioners.

Improvements may be made in the Machines.

And be it further enacted by the Authority aforesaid, That if within the Space of Ten Years after the said Undertaking shall be completed, any Improvement shall be made by the said Undertakers, their Heirs, Assigns, or Nominees, or any of them, in the Engines or Machines invented by the said Thomas Bridge, which shall be used on any other River or Rivers, they shall, upon Request made for that Purpose in Writing, by or on the Behalf of the said Commissioners, or any Thirteen or more of them, at the Costs and Charges of them the said Undertakers, their Heirs, Assigns, or Nominees, make the same Improvements on the Engines and Machines which shall have been erected and made on the said River Stroudwater, in as effectual a Manner as shall have been made by them, or any of them, in any other Engines and Works, on any other River or Rivers; and in case of Neglect or Refusal so to do, for the Space of Six Calendar Months after such Request made, they shall forfeit to the Commissioners, by or on whose Behalf such Request shall be made, the Sum of Two hundred Pounds, to be sued for and recovered with Full Costs of Suit, in the Name or Names of

of any Five or more of the said Commissioners, in any of his Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint or Information, in which no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Navigation to be free.

And be it further enacted by the Authority aforesaid, That the said Undertakers, their Heirs, Assigns, and Nominees, and all other Persons, upon Payment of such Tonnage Rates as are granted by the said Act, shall and may, at any Time or Times whatsoever in the Year, without any previous Consent to be obtained from the Occupier or Occupiers of any Mill or Mills, navigate any Boat, Barge, or other Vessel, between the respective Banks or Dams to be made by virtue of this Act, and convey any Goods or Merchandizes upon the said River, and over such Banks or Dams; and the said Undertakers, their Heirs, Assigns, and Nominees, and all other Persons, shall be, and are hereby freed and discharged from any Penalty or Forfeiture for so doing; any thing in the said former Act contained to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, unless such Action, Suit, or Information, shall be commenced or brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of Gloucester, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and 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 so to be done, or that such Action, Suit, or Information, was commenced or brought after the Time limited in that Behalf; or was brought in any other Court or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Action or Actions, Suit or Suits, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs; and have the like Remedy for the same, as when Costs by Law are awarded.

General Issue.

Treble Costs.

And

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

FINIS.
