ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XXXVII.

An Act for making and extending the Navigation of the River *Bure*, (commonly called the *North River*), by and from *Coltiſhall* to *Aylſham Bridge*, in the County of *Norfolk*.

Preamble. Act 9 *Anne*.

WHEREAS the River Bure, (commonly called the North River), in the County of Norfolk, is navigable for Boats and other Veſſels, from the Town of Great Yarmouth to the Town of Coltiſhall: And whereas the ſaid River is capable of being made navigable up to a Bridge near the Town of Aylſham, called Alyſham Bridge: And whereas the extending the Navigation of the ſaid River by and from the ſaid Town of Coltiſhall to Aylſham Bridge aforeſaid will be a great Advantage to the ſaid County of Norfolk, and the Publick in general: 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 all Perſons having, or who ſhall hereafter have, Freehold or Copyhold Eſtates in the Hundreds of North and South Erpingham, Taverham, Eynsford, and Tunſtead, in the County of Norfolk, of the annual

Who may be elected Commiſſioners.

annual Value of One hundred Pounds, or shall be possessed of a personal Estate to the Amount of Three thousand Pounds, and whose usual Place of Residence shall be in some or One of the said Hundreds, shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for making the said River Bure navigable for Boats, Barges, and other Vessels, by and from the said Town of Coltishall, up to the said Bridge called Aylsham Bridge, and for putting this Act, and all the Powers and Authorities herein contained, in Execution.

Commissioners impowered to employ or contract with any Persons for performing the Works.

And be it further enacted, That they the said Commissioners, or any Seven or more of them, assembled as herein-after is directed, (and not otherwise), shall have full Power and Authority, by any Writing under their Hands, to employ or contract with any Person or Persons for making the said River navigable up to Aylsham aforesaid, 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 Contract or Contracts to be for such Time or Times, and under such Covenants and Conditions, as the said Commissioners, or any Seven or more of them, shall think proper; and such Person or Persons employed or contracted with as aforesaid, his or their Agents, Workmen, Servants, and Labourers, with the Approbation and Allowance of the said Commissioners, or any Seven or more of them, are hereby authorised and impowered, from Time to Time, to open, cleanse, scour, depthen, enlarge, or straiten, the said River, and to make 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 for the Purposes aforesaid, and to make such new Cuts, Canals, Trenches, or Passages for Water, in, upon, or through the Lands or Grounds adjoining or near to the said River, and to widen and depthen any Cuts or Trenches already made, as they shall think proper, as well for the Navigation of Boats, Barges, and other Vessels, as for the more convenient, easy, and better Execution of this Act; 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, Canals, Trenches, or Passages, and to make such Gutters, Drains, Arches, or Tunnels parallel with or under the said River, navigable Cuts, Canals, Trenches, or Passages, as shall be sufficient at all Times to convey

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the Water from off the Lands adjoining or lying near to the said River, navigable Cuts, Canals, Trenches, or Passages; and also to build, erect, make, support, and maintain over, or in the said River, Cuts, Canals, Trenches, or Passages, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices, Locks, Staunches, Flood-gates, Weirs, Dams, Pens for Water, Wharfs, Warehouses, Houses for Lock-keepers, Quays, Landing-places, Winches, Weigh-beams, Cranes, Engines, and all such other Works, at such Places, and in such Manner, as the said Commissioners, or any Seven or more of them, shall think necessary and convenient, and from Time to Time to alter and repair the same; and to make, widen, or enlarge any Ways, Passages, or other Conveniencies, for the conveying of Goods, Commodities, and all other Things, to and from the said River, and the navigable Cuts, Canals, Trenches, or Passages thereof, and for the conveying of all Manner of Materials for erecting and making the said Works, and for altering and repairing the same from Time to Time, and to place, lay, work, and manufacture, the said Materials on the Grounds, near to the Place or Places where any such Works shall be making or erecting, altering, or repairing, or are intended to be made, erected, altered, or repaired; and also to amend, heighten, or alter any Bridges upon such River, Cuts, Canals, Trenches, or Passages, which may hinder the Passage of Boats, Barges, or other Vessels thereon; and also to dig, get, take, and carry away Soil, Clay, Gravel, Stone, or any other Materials, proper and convenient for carrying on, perfecting, altering, or repairing the said Works, in, from, through, and over the Lands of any Person or Persons adjoining or lying near to the said River, Cuts, Canals, Trenches, or Passages, (but no such Materials shall be got in the Ground whereon any House stands, or in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), which were so before the First Day of January, One thousand seven hundred and seventy-three; and also to make, set out, and appoint Towing-paths, Banks, and Ways, convenient for the towing, haling, or drawing, (with Men), Boats, Barges, and other Vessels, passing through or upon the said River, or the Cuts, Canals, Trenches, or Passages thereof, and also such Gates, Fences, and Stiles in or across such Banks, 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 repairing the said Navigation, or the towing of Vessels; and also to do and perform all such other Works, Matters, and Things, as they the said Commissioners, or any Seven or more of them, shall from Time to Time judge necessary and convenient, for the making, carrying on, completing, or maintaining the Navigation of the said River, 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, Servants, and Labourers, being thereunto authorised by 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.

First Meeting of Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet at the House known by the Sign of the Black Boys in Aylsham, on the Fourth Day of August, One thousand seven hundred and seventy-three, or within Twenty Days after, and proceed to the Execution of this Act; and the said Commissioners, or any Seven or more of them, shall hold a General Meeting on the First Wednesday in August in every succeeding Year, at the same or some other convenient Place in the said Town of Aylsham; and the said Commissioners, or any Seven or more of them, present at any Meeting, shall, from Time to Time, adjourn and hold their Meetings at such Place or Places as they shall think most convenient for the Execution of this Act: And if at the Time appointed for holding any Meeting a sufficient Number of Commissioners shall not attend to act, or to adjourn, the Meeting shall from Time to Time, as often as the Case shall so happen, be deemed adjourned until that Day Three Weeks; and the Treasurer, Clerk, or Surveyor to the said Commissioners shall cause Notice in Writing, or in Print, under his Hand, of the Time

In Default of a sufficient Number of Commissioners to act, Notice to be given of another Meeting.

and

and Place of holding every Meeting, to be affixed on some publick Place in the Town of Aylsham, at least Ten Days before every such Meeting, and also cause Notice of such Meeting to be inserted Twice in the Norwich Newspapers, in case any Papers shall then be published, before the Time of 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, unless such Day shall be Sunday, and in that Case to the next Day after, and in like Manner 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 Adjournment; 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 said Commissioners, at all their Meetings, shall defray their own Expences; and no Commissioners 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 of this Act; and that no Order or Determination of the said Commissioners, or any Seven or more of them, shall be revoked or altered unless Nine Commissioners shall be present and concur therein; nor shall any Person act as a Juryman in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act, or shall have lent any Money upon the Credit of the Tolls hereby granted.

Commissioners at all Meetings to defray their own Expences.

No Person to act as a Juryman while he holds any Place of Profit.

Provided always, That 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.

Commissioners may act as Justices

And be it further enacted, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby granted, unless he shall be qualified as aforesaid: And if any Person not being so qualified, shall nevertheless presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person who shall sue for the same; to be 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, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted

Qualification of Commissioners.

Penalty on acting not being qualified.

ſecuted ſhall prove that he is ſo qualified, 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 to take an Oath.

Provided always, and be it further enacted, That every Commiſſioner, before he takes upon himſelf to act in the Execution of any of the Powers or Authorities hereby given to him, (other than the adminiſtering the Oath following to One another, which Oath any One of the ſaid Commiſſioners is impowered to adminiſter to any other of the ſaid Commiſſioners), ſhall take the following Oath; videlicet,

I *A. B.* do ſwear, That I will truly and impartially, according to the beſt of my Judgement, adjudge and faithfully execute the Powers and Authorities veſted in me as a Commiſſioner appointed in purſuance of an Act "For making and extending the Navigation of the River *Bure*, (commonly called the *North River*), by and from *Coltiſhall* to *Ayliſham Bridge*, in the County of *Norfolk*."

For purchaſing Lands.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to agree with the Owners or 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, removed, 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 Owners, 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 Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, 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, Idiots, 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, to be paid for in Gross, or by an annual Rent or Payment, 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, Agreements, Sales, Conveyances, and Assurances whatsoever, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the Contrary notwithstanding: And all Bodies Politick, Corporate or Collegiate, and all Persons whomsoever, 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 their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of Norfolk, and if such Sheriff shall be interested in such Matter, then to One of the Coroners of the said County, requiring 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 the Realm, to be returned for the 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

If Persons refuse to treat with Commissioners for the Sale of Lands,

a Jury to be impanelled.

Twelve 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, qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall have their lawful Challenges againſt any One of the ſaid Jurymen when they come to be ſworn; 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 or more of them, may order and authoriſe the ſaid Jury to view the Place or Places, or Matters, in Controverſy, which Jury upon their Oaths, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any One or more of them, is and are hereby impowered to adminiſter), ſhall inquire 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 Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; 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: And if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make ſuch Default in the Premiſes, every ſuch Perſon ſhall, for every Offence, forfeit and pay the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid on ſuch Jury ſhall not appear, or appearing ſhall 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

Jury may be challenged.

Verdict of the Jury to be final.

Penalty on Sheriffs, &c. neglecting their Duty;

and on Jurymen neglecting to appear, or refuſing to be ſworn.

reasonable Excuse to be allowed by the 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 Premises, or any Seven or more of them, shall appoint, not exceeding the Sum of Five Pounds for every Offence.

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

And be it further enacted, That all 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 and sealed by Seven or more of the Commissioners, who shall be present at the taking such Inquest), shall be delivered to the Clerk of the Peace for the County of Norfolk, and shall be filed with the Rolls of the said 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.

Proviso.

Provided always, That such Sheriff or Coroner is hereby directed to give Notice in Writing, Four Days at least before the Meeting of such Jury, to every Person that shall be summoned to attend on such Jury.

Upon Satisfaction made, Commissioners may proceed in the Works.

And be it further enacted, That upon Payment of such Sum or Sums of Money, or annual Rent, 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 Jury to such Party or Parties, or legal Tender thereof made to him, her, or them, 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 into the Bank of England, or into the Hands of the Treasurer to the said Commissioners, for the Use of, and to be paid upon Demand to such Party or Parties respectively, the said Commissioners, and all Persons employed or authorised 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 all such Persons shall be and are hereby indemnified for

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.

Expences of the Jury how to be borne.

And be it further enacted, 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 said 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.

For preserving Copyhold Rights.

Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands are held, according to the Custom of the said Manors respectively, and shall remain and continue subject to such and the same Fines, Rents, and Services, as are due, payable, or of Right accustomed, in such and the same Manner as if this Act had not been made; any Thing herein contained to the Contrary notwithstanding.

Purchase-money due to Corporations and Trustees to be laid out to the same Uses.

And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for and on Behalf of any Infants, Lunaticks, Ideots, Femes-covert, or other Cestuique Trusts, or to any Person or Persons whose Lands,

Lands are limited in ſtrict Settlement, for the Purchaſe or Exchange of any Lands or Grounds aforeſaid, ſhall, (in caſe the ſame exceeds the Sum of Twenty Pounds), by ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, Perſon or Perſons ſeiſed of Lands or Grounds, ſo limited in ſtrict Settlement, be laid out as ſoon as conveniently may be in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee-ſimple, and conveyed to or to the Uſe of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, to and for ſuch other Perſon or Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands or Grounds for or in reſpect whereof ſuch Purchaſe Money or Monies received in Exchange ſhall be ſo paid as aforeſaid were limited, ſettled, and aſſured, at the Times ſuch Purchaſe Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively, as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; the Charges of ſuch Conveyances and Settlements as aforeſaid to be paid for by the ſaid Commiſſioners, or their Succeſſors out of the Monies to ariſe by virtue of this Act; and, in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the publick Funds, or on Government or real Securities, in the Names of Two or more Perſons to be nominated by the Party or Parties intereſted therein, and to be approved by the ſaid Commiſſioners, or any Seven or more of them; and the Intereſt ariſing, or to be produced from ſuch Funds or ſuch Securities, and alſo the annual Rent for ſuch Lands, Grounds, Tenements, or Hereditaments, where a Rent ſhall be fixed upon, as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively as would, for the Time being, be intitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed and ſettled, purſuant to the Tenor and Meaning of this Act; and ſuch annual Rent ſhall be a Rent-charge upon the Tolls herein-after authoriſed to be taken by the ſaid Commiſſioners, or any Seven or more of them.

Commissioners to settle the Proportion of Money to be paid to Persons interested.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, may, and are hereby impowered to settle what Shares and Proportions of the Purchase Monies or Recompence to Damages which shall be so agreed for between the said Commissioners, or any Seven or more of them, or determined and adjusted by the said Commissioners, or any Seven or more of them, or assessed by the said Juries, in Manner respectively as aforesaid, shall be allowed to any Tenant, or other Person having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein, except in such Cases where the same are herein directed to be laid out and invested in the Purchase of Lands, Tenements, or Hereditaments.

Persons to pay Toll on the Canal as appointed by the Commissioners.

And, for defraying the necessary Expences of putting this Act in Execution, be it further enacted, That at such Place or Places upon or adjoining to the said River, navigable Cuts, Canals, Trenches, or Passages, 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, Merchandises, or Commodities whatsoever, (except as herein-after excepted), up or down the said River, or any of the said navigable Cuts, Canals, Trenches, or Passages, such Sum and Sums of Money, as and for a Toll, 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 Sums following; that is to say,

The Tolls.

For every Ton Weight of Coals, Cinders, Bricks, Pavements, Tiles, Lime, and Terras, the Sum of One Shilling:

And for every Ton Weight of Corn, Grain, Meal, Flour, Timber, Goods, Wares, Merchandises, or Commodities whatsoever, not before enumerated, the Sum of One Shilling and Sixpence; and so in proportion for any greater or lesser Weight than a Ton.

Certain Goods only to pay Two-thirds of Toll from *Sleyton Brook*, &c.

Provided always, That no more than Two-thirds of the Tolls herein-before granted shall be taken for any Coals, Cinders, Bricks, Pavements, Tiles, Lime, Terras, Corn, Grain, Meal, Flour, Timber, Goods, Wares, Merchandises, or Commodities, navigated or carried from

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or to Skeyton Brook or Beck, and which shall pass through the Two lower Locks erected or to be erected at Buxton; and Horstead only; 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 Money so to be raised is 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 or Parts thereof, such Collector or Collectors is and are hereby authorised and required to seize and detain any of the Goods, Wares, Merchandises, and Commodities, or the Boats, Barges, or Vessels, carrying or conveying the same; and in case such Tolls shall not be paid within the Space of Three Days next after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandises, Commodities, Boats, or Vessels, rendering the Overplus of the Money arising by such Sale (if any) to the Owner or Owners thereof, after the said Tolls, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Lock or Locks to be erected by virtue of this Act for any Boat, Barge, or other Vessel, which shall be loaded with any Straw, Muck, Marle, Clay, or other Materials to be used in the improving or manuring of Lands only, nor for any such Boat, Barge, or other Vessel, laden with any Materials for the Repair of any Mill or Mills upon the said River; any Thing in this Act contained to the Contrary notwithstanding.

Manure, &c. exempted from Tolls.

And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, from Time to Time, to borrow and take up at Interest any such Sum or Sums of Money as they shall think necessary for the Purposes of this Act, not exceeding the Sum of Five thousand Pounds, and to assign over the said Tolls, or any Part or Parts thereof, (the Costs and Charges of assigning the same to be paid out of such Tolls), as a Security for any such Sum or Sums of Money, not exceeding the said Sum of Five thousand Pounds to be borrowed, with Interest for the same, not exceeding the Rate of Five Pounds per Centum per Annum, to such Person or Persons, or their Trustees, as shall advance the

5000 *l.* may be borrowed, and the Tolls may be assigned for Security of Payment.

same; 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 Principal and Interest thereby secured, to any Person or Persons whomsoever; 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 entering the said original Assignments, for which the said 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 Sixpence; and after such Entry made, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon, and such Assignee or 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.

Assignments may be transferred.

And be it further enacted, That nothing in this Act contained shall extend to impower the said Commissioners to begin any Works, or erect any Lock, or make any Cuts for the Purpose of the said Navigation, until the Sum of Five thousand Pounds shall have been agreed to be advanced and lent by some Person or Persons upon the Credit of the Tolls to be collected by virtue of this Act.

No Work to be done till 5000 *l.* be subscribed.

And be it further enacted, 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 a Collector or Collectors of the

Commissioners to appoint Officers.

the said Tolls, and also a Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, and such other Officers, as the said Commissioners, or any Seven or more of them, shall think fit, such Collector or Collectors and Treasurer or Treasurers 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 One or more of such Commissioners is and are hereby impowered to administer); and such Collector or Collectors shall at all 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 Treasurer or Treasurers all and every the Sum and Sums of Money such Collector or Collectors shall have received by virtue of this Act; and the said Commissioners, or any Nine or more of them, shall also, by Writing under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and such other Officers, as they shall think necessary to employ in the 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.

Disbursements to be entered in a Book.

And be it further enacted, 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 or 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 authorised 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 One or more of them, is and 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 the said 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 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 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 and may 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 Norfolk, 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 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 and receive.

Penalty on Treasurer, &c. refusing to account.

Owners of Vessels to give Account of Lading.

And for the more easy collecting the said Tolls herein before granted, be it further enacted, That every Person having the Charge of any Boat, Barge, or Vessel passing on the said River, navigable Cuts, Canals, Trenches, or Passages, 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 Nine or more of them, to receive the same, and at such Place or Places as shall be appointed by the said Commissioners, or any Seven or more of them,

them of the Quantity, Quality, and Weight of the Goods Wares, Merchandises, and Commodities, which shall be in or belonging to such Boat, Barge, or Vessel, and also of the Quantity, Quality, and Weight of such Goods, Wares, Merchandises, and Commodities, as shall have been discharged or taken out of such Boat, Barge, or Vessel before the Arrival thereof at the Place where such Report or Account 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 and pay the Sum of Five Pounds over and above the Payment of the said Tolls. And if any Difference shall arise between any Collector of the said Tolls and the Person having Charge of any Boat, Barge, or Vessel, or the Owner of any Goods, Wares, Merchandises, 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, Barge, or Vessel, and to weigh, measure, gauge, or number, or cause to be weighed, measured, gauged, or numbered, all such Goods, Wares, Merchandises, 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 Persons 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 Tolls hereby granted are appointed to be recovered; but if such Goods, Wares, Merchandises, 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, Merchandises, and Commodities, One Shilling for every Hour that such Boat, Barge, 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 Chattels of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County of Norfolk, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels; and in case the said Collector shall not have sufficient Goods and Chattels whereon the said Penalty may be levied, that then it shall and may be lawful to and for the said Justice to commit such Collector to the common Gaol of the County of Norfolk, for any

Penalty on Neglect, or giving a false Account.

How Differences are to be determined, and Persons offending punished.

any Time not exceeding Two Calendar Months, or until Payment of the said Penalty, without Bail or Mainprize; 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 Moneys so paid by or levied upon them for the Detention of any such Boat, Barge, or Vessel.

Commissioners to set up and maintain Gates, Bridges, &c. in and over Ditches and Fences in Towing-paths, and also Bridges, &c. over the new Cuts, &c. and over Fords rendered impassable;

And be it further enacted, 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 and substantial 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 of Brick, Stone, or Timber, over the new Cuts, Canals, Trenches, or 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 deepthened in any Part or Parts, so as to render any usual and common Fords and Highways impassable or dangerous; in every such Case the said Commissioners, or any Seven or more of them, shall first cause a sufficient Bridge or Bridges of Brick, Stone, or Timber to be erected and built, or such other Conveniencies to be made, 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 in Case 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, or from overflowing 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 or overflowing the same, and shall from Time to Time keep such Banks and Tunnels in Repair.

and to raise Banks to prevent overflowing of adjacent Lands.

Commissioners indemnified for making Works.

And be it further enacted, 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, Canals, Trenches, Passages, or other Works

Works as aforesaid, or in towing or haling with Men on the Lands on the Sides of the said River, Cuts, Canals, Trenches, or Passages, 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, 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 of the said River, or the Cuts, Canals, Trenches, or Passages, or by not cleansing the same, or by turning or diverting any Streams or Brooks that shall be brought into the same, or by any Bridge or Bridges to be built, or by any Works to be 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, within Fourteen Days after such Request made, to cause a Jury to be summoned, impanelled, and sworn, in Manner before directed; and the Jury so returned shall inquire how far the said Commissioners, or their Agents or Servants, have any-ways occasioned such Damage; and if any Damage shall appear, they shall assess the Value thereof, 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, Canals, Trenches, or Paſſages, and thereout to pay the Damages which ſhall have been ſettled and aſſeſſed as aforeſaid; and the Money ſo received by ſuch Perſon or Perſons, 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 Determination 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: And in caſe a Verdict ſhall be given for a greater Sum or Recompence for ſuch Damages 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 ſuch Jury, 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 ſaid 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 Party or Parties making ſuch Complaint as aforeſaid: Provided always, That no Perſon or Perſons whomſoever ſhall be intitled to Satisfaction for any Damages, nor ſhall the ſaid Commiſſioners, or any of them, be 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 next after ſuch Damages ſhall have been ſuſtained.

Owners of Boats, &c. to be anſwerable for Damages.

And be it further enacted, That the Owner or Owners of every Boat, Barge, or Veſſel, which ſhall paſs upon the ſaid River, navigable Cuts, Canals, Trenches, or Paſſages, ſhall be anſwerable for any Damage, Spoil, or Miſchief, that ſhall be done by his, her, or their Boat, Barge, or Veſſel, or by any Perſon or Perſons belonging to or employed in or about the ſame reſpectively, or by his, her, or their Servants, unto any of the Bridges, Locks, Staunches,

Staunches, Dams, Sluices, Cuts, Canals, Banks, or other Works, that are or shall be erected or maintained in, upon, or near the said River, navigable Cuts, Canals, Trenches or Passages, or by loading or unloading any Boat, Barge, or Vessel; and also for any Trespass or Damage that shall or may be done with respect to any Mills, Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining or lying near to the said River, navigable Cuts, Canals, Trenches, or Passages: And if any such Damage, Spoil, or Mischief, shall be done, the same shall be inquired into and determinined by any Justice of the Peace for the County of Norfolk, who is hereby authorised and required, upon Complaint or Information made before him, to summon the Owner or Owners of such Boat, Barge, 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 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 Nonpayment of such Sum of Money so awarded and ordered for the Space of Fourteen Days, the said Justice is hereby authorised and required to cause the same to be levied by Distress and Sale of the Boats, Barges, Vessels, or other Goods and Chattels 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.

Penalty not exceeding 5*l.* on Owners of Boats, &c. obstructing the Navigation

And be it further enacted, That if any Person having the Care or Management of any Boat, Barge, or Vessel, or navigating the working the same, shall lay such Boat, Barge, or Vessel, so as to obstruct the Passage of other Boats, Barges, or Vessels, or so as to hinder the opening or shutting 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 and pay any Sum not exceeding Five Pounds.

Boats, &c. sunk in the River to be weighed up.

And be it further enacted, That if any Boat, Barge, or Vessel shall happen to be sunk in the said River, navigable Cuts, Canals, Trenches, or Passages, and the Owner or Person having the Care of such Boat, Barge, or Vessel, shall not without Loss of Time weigh or draw up, and take 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, Barge, 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, such Agent or Servant shall cause Sale to be made thereof for reimbursing the said Expences or other incident Charges, returning the Overplus (if any be) to such Owner or Person.

Owners to place their Names and Abodes on their Boats, &c.

And be it further enacted, That the Owner or Owners of any Boat, Barge, or Vessel, passing upon the said River, navigable Cuts, Canals, Trenches, or Passages, shall cause his, her, or their Name or Names, Place and Places of Abode, 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 Boat, on both Sides of every such Boat, Barge, or Vessel, and painted White, so that the same shall, from Time to Time, and at all Times, be plain and legible; and shall also permit and suffer every such Boat, Barge, or Vessel, to be measured, whenever it shall be required by the said Commissioners, or any Seven or more of them, or such Person or Persons as shall be appointed by them for that Purpose; provided that no such Boat, Barge, or Vessel, shall be measured more than Four Times in a Year; and every such Owner or Owners shall also cause Figures to be placed on the Head and Stern of every such Boat, Barge, or Vessel, in such Manner as shall be directed by the said Commissioners, or any Seven or more of them, to denote the Draught of Water, and how deep such Boat, Barge, or Vessel is laden: And in case any such Owner or Owners of any such Boat, Barge, or Vessel, shall not at all Times have his, her, or their Name or Names, and such Figures, denoting the Draught of Water, so set or placed, as aforesaid; or if any Person or Persons having the Care or Charge of any Boat, Barge, or Vessel, passing the said River, navigable Cuts, Canals, Trenches, or Passages into, or through any of the Sluices or Locks, in or upon such River, na-

and to permit them to be measured, &c.

vigable

vigable Cuts, Canals, Trenches, or Passages, shall wilfully or negligently set or leave open any of the Gates, Doors, or Staunches, Locks, Flood-gates, or other Works 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 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; and the Owner or Owners of every Vessel navigating the said River shall be answerable for all Damages to be done by their said Agents or Servants employed in the navigating such Boat, Barge, or Vessel.

5 *l.* Penalty on Persons leaving open Flood-gates, &c.

And be it further enacted, That if any Person shall maliciously or wantonly open, or cause to be opened, any Lock, Sluice, Staunch, or Flood-gate, belonging to the said Navigation, or shall leave the same running after any Boat, Barge, or Vessel, shall have passed any Lock belonging to the said Navigation, or shall draw, or cause to be drawn, any Sluice, Staunch, or Flood-gate, in the Lock-gates on such Navigation, or in any other Manner maliciously or wantonly waste the Water to the Prejudice of the said Navigation, Mills, or Lands, every such Person, for every such Offence, shall forfeit and pay any Sum not exceeding Five Pounds.

Owners of Mills refusing to open or shut any Lock, &c. on 48 Hours Notice to forfeit 20 *l.*

And be it further enacted, That if any Owner or Owners 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 Seven 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 Lock, Staunch, or Flood-gate, of any Sluice or Sluices which shall be necessary to be opened or shut respectively for making and effecting the said Navigation and the Works requisite for that Purpose, and for altering and repairing the same, every Person so offending, and being thereof lawfully convicted, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds.

Jury to determine the Recompence to be given to the Owners of Mills, for shutting and opening Locks, &c.

And be it further enacted, That the Recompence to be paid by the said Commissioners, or any Seven or more of them, for the Loss or Damage the Owners or Occupiers of any Mill or Mills upon the said intended Navigation may respectively sustain by the drawing up, or the opening or

shutting, or putting down such Lock, Staunch, or Flood-gate, shall be settled and determined by a Jury in the same Manner as is herein-before prescribed, for the determining the Value of the Lands cut through or used for the Purposes of the said Navigation; which Verdict shall be final and conclusive to all Parties, and shall, from Time to Time thereafter, be observed as the Quota for the Recompence to be paid by the Hour for such drawing up or opening, or shutting or putting down, any such Lock, Staunch, or Flood-gate, at such Mills respectively.

No Allowance to be given after the River is Navigable.

Provided always, That no Allowance shall be made to the Owner or Occupier of any Mill, for the Loss of Water sustained by reason of the repairing any of the Works aforesaid, after the said River shall be made navigable.

Owners of Mills wilfully obstructing the Navigation to forfeit not exceeding 40 s.

And be it further enacted, That if any Owner or Occupier of any Mill or Mills, within the Limits of the said Navigation, or other Person employed by him, her, or them, shall, upon Examination of One or more Witness or Witnesses upon Oath, in the Judgement and Opinion of any Nine or more of the said Commissioners, (which Oath any One of the said Commissioners is hereby impowered to administer), wittingly or wilfully do cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by Means whereof, the said 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, for so doing, every such Owner or Occupier, or other Person whomsoever, shall, for every such Act, Matter, or Thing, forfeit and pay such Sum and Sums of Money, as the said Commissioners, or any Nine or more of them, shall order, decree, or award, not exceeding the Sum of Forty Shillings for every such Offence.

Persons navigating Boats, on Tender of Money ascertained, to have immediate Passage through the Locks, &c.

Provided always, and be it further enacted, That as often as any Boatmaster, or other Person navigating any Boat, Barge, or other Vessel, upon the said River, navigable Cuts, Canals, Trenches, or Passages, shall come to any of the said Locks with his Boat, Barge, or Vessel, the Person or Persons having the Care or Management of any Lock or Locks respectively shall, upon Payment, or Tender, of such Sum of Money as shall be ascertained as aforesaid, immediately draw the Sluices or Flood-gates, and open the Locks, and freely permit such Boat, Barge, or Vessel, to pass through their respective Locks, upwards or downwards; and every Person or

Persons

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 to repair all the Works,

And be it further enacted, That in case any such Lock, Pen, or other Work, to be erected by virtue of this Act on or upon the said River, navigable Cuts, Canals, Trenches, or Passages, shall at any Time want any Repair, the said Commissioners, or any Seven or more of them, are required to give Directions for the immediate Repair of such Lock, Pen, or other Work; and in case the said Commissioners shall refuse or neglect to repair the same, after Fourteen Days Notice to be given to them or their Treasurer, or left at the Dwelling-house of such Treasurer for the Time being, that then it shall and may be lawful for any Justice of the Peace in and for the said County to forthwith order the Repair thereof in a proper and sufficient Manner; and the said Commissioners, or their Treasurer, are hereby required to defray the Charges thereof immediately out of the Tolls granted by this Act, or the Money to be borrowed on the Credit thereof.

and on Neglect, the Justices may repair, and the Expence be paid out of the Tolls.

Commissioners to make Gutters, Drains, &c. to carry off Water from adjoining Lands;

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, and they are hereby required, by and out of the Money arising by this Act, to make, or cause to be made, such Gutters, Drains, Arches, or Tunnels, parallel with, under, or into the said River, navigable Cuts, Canals, Trenches, or Passages authorised to be made by this Act, as shall be sufficient where necessary to convey the Water from off the Lands adjoining or lying near to the said River, navigable Cuts, Canals, Trenches, or Passages, without obstructing or impounding the same; and that all such Gutters, Drains, Arches, or Tunnels, shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair by the said Commissioners; and if at any Time or Times after One Calendar Month's Notice shall be given in Writing by or on Behalf of any Owner or Occupier, Owners or Occupiers, of the said adjacent Lands, who shall find him or themselves aggrieved by the Obstruction of the said Gutters, Drains, Arches, or Tunnels, to the said Commissioners, or any Seven or more of them, or to their Clerk or Treasurer for the Time being, or left at the Dwelling-house of such Clerk or Treasurer, and in case the said Commissioners shall refuse or neglect to cleanse and repair the said Gutters, Drains, Arches, or Tunnels, after One Month's Notice as aforesaid to be given to them, or to their Clerk or Treasurer,

and on Neglect after Notice, Justices are to perform the Works, and the Expence to be paid as aforesaid.

Treasurer, that then it shall and may be lawful for any Justice of the Peace in and for the said County of Norfolk to forthwith order the Repair thereof in a proper and sufficient Manner; and the said Commissioners, or their Treasurer, are hereby required to defray the Charges thereof immediately out of the Tolls granted by this Act, or the Money to be borrowed on the Credit thereof.

Stones or Posts to be set up to ascertain what Height the Water may be raised.

And to prevent Disputes between the said Commissioners and the Owners or Occupiers of Mills, be it further enacted, That Stones or Posts shall be set up, whereon shall be marked, in visible Letters or Figures, the Height to which such Water shall and may be allowed to be raised, and that when such Water shall be raised to the Height marked on such Stone or Post, the same may flow waste over such Pen or Staunch; and that every Owner or Occupier of any Mill or Mills upon the said Rivers or Streams to be made navigable by this Act shall and may draw off or let down the Water through his own Pen or Staunch to such Mark, and no lower, when and as often as he or they shall have Occasion.

Commissioners may make Bye-laws for the regulating of Keelmen, &c.

And be it further enacted, 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 Keelmen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, Merchandises, or Commodities, 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 Persons whomsoever, 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 pur-

ſuance 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 Seſſions to be holden for the ſaid County of Norfolk, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſion, or, if they ſhall think proper, may adjourn the hearing thereof to the next General or Quarter Seſſion of the Peace to be held for the ſaid County; 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, and give ſuch Coſts to the Party injured, as they ſhall judge reaſonable; and the Orders and Determinations of the Juſtices of the Peace, at their General Quarter Seſſions, as aforeſaid, ſhall be final and concluſive to all Parties and Perſons whomſoever; 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.

Navigation-works, &c. free for all Perſons.

And be it further enacted, That the Navigation-works and Towing-paths hereby authoriſed to be made and ſet out for the Purpoſes of the ſaid Navigation ſhall be free for the Uſe of all Perſons, and their Boats, Barges, Veſſels, and Servants, upon Payment of ſuch Tolls as are appointed to be taken by virtue of this Act.

Mr. *Anſon*'s Pipe, or Drain, not to be damaged.

And whereas it is neceſſary, for the Purpoſe of making the ſaid Navigation, that a Wooden Pipe, or Trunk, lying acroſs the ſaid River, between Oxnead and Buxton Mills, which ſerves as a Drain to certain Meadows belonging to Thomas Anſon Eſquire, ſhould be placed lower, be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe the ſaid Pipe or Trunk to be taken up in the Place where the ſaid intended Navigation ſhall croſs the ſame, and to place ſuch Pipe or Trunk deeper in the Ground; but the ſaid Commiſſioners are hereby directed to make complete, and unite the ſame with the other Parts of the ſaid Pipe or Trunk, in a ſubſtantial Manner, and from Time to Time, and at all Times hereafter, to maintain, ſupport, and cleanſe ſuch Part of the ſaid Pipe or Trunk which they ſhall ſo take up and alter, and defray

the Expences thereof out of the Money arising by virtue of this Act; the said Thomas Anson and his Heirs allowing, from Time to Time, so much towards the said Expences as would, in the Opinion of the said Commissioners, or any Seven or more of them, have been necessary to have repaired and maintained the same, in case such Navigation had not been made.

Proviso. Provided always, That nothing shall be done to the said Pipe or Trunk to defeat or prejudice the draining of the said Meadows.

Expences of the Act to be defrayed out of the Monies first arising. And be it further enacted, 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.

Fines and Forfeitures to be recovered by Distress. And be it further enacted, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted, or authorised to be imposed, the Recovery whereof is not herein-before directed, shall be recovered by Distress and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the County of Norfolk; 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, there to remain, without Bail or Mainprize, for any Time not exceeding Three Months, or until the said Fines, Penalties, or Forfeitures shall be paid; 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.

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 Norfolk, at any General or Quarter Sessions of the Peace to be held within the Space of Six Calendar Months after the Cause of such 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 Sessions, in case such Orders or Judgement shall be affirmed; and the Justices, at such General or Quarter Sessions,

Seſſions, are hereby authoriſed and required to hear and determine ſuch Appeal, and to make ſuch Order therein, and to award 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 Certiorari, or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere; and that no Order or Proceedings 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.

Perſons giving falſe Evidence to be puniſhed as the Law directs for wilful Perjury.

And be it further enacted, 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 Realm for wilful and corrupt Perjury.

Perſons damaging Banks, to be adjudged guilty of Felony.

And be it further enacted, 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 cauſe ſuch Felon or Felons to be tranſported for Seven Years, to ſuch Place, and in ſuch Manner, as other Felons are directed to be tranſported by the Laws and Statutes of this Realm.

None of the Works ſubject to a Survey of Commiſſioners of Sewers.

Provided always, and be it further enacted, 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.

Tolls exempt from Taxes.

And be it further enacted, That the ſaid Tolls ſhall, at all Times hereafter, be exempt from the Payment of any Taxes, Rates, Aſſeſſments, or Impoſitions whatſoever; any Law or Statute to the Contrary notwithſtanding.

Orders to be entered in Books.

And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings, when entered, ſhall be ſigned by the ſaid Commiſſioners, or any 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 the 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 of any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk or Clerks Sixpence for every One hundred Words.

No Writing subject to Stamp-duty.

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.

Lands not used for the Navigation to be reconveyed.

Provided also, That if any Lands purchased by the said Commissioners shall not be made use of for the Purposes of the said Navigation, then the said Commissioners, or any Nine or more of them, are hereby impowered, by proper Deeds of Conveyance, to reconvey such Lands to the Proprietor or Proprietors of whom the same were purchased, their Heirs or Assigns, the said Proprietor or Proprietors, their Heirs or Assigns, returning such Sum or Sums of Money as was or were paid by the said Commissioners for the Purchase thereof, first deducting thereout all such Charges and Expences as they shall have incurred upon account thereof; and such Lands shall and may be accordingly reconveyed to the former Proprietor or Proprietors.

Owners and Occupiers of Lands adjoining may use Pleasure Boats.

Provided also, and be it further enacted, That it shall and may be lawful for the Owners and Occupiers of any Lands or Tenements adjoining to the said River, Cuts, Canals, Trenches, or Passages, or any of them, to use any Pleasure Boat or Boats upon the same without the Hinderance or Interruption of the said Commissioners, or any of them, and without paying any of the Tolls aforesaid, so as such Pleasure Boat shall not be used in carrying any Goods, Wares, or Merchandises, charged or chargeable with any of the Tolls by this Act granted and made payable; and that the Lord or Lords of the respective Manors, or any other Person whomsoever, shall have full Liberty to fish, fowl, and exercise all other Royalties on the said River, Cuts, Canals, Trenches, or Passages, to which they are now

how legally intitled; any Thing herein contained to the Contrary notwithstanding: Provided the Exercise of such Rights and Royalties do not interfere with or interrupt the Execution of this Act, or the free Use of the said Navigation.

Lords of Manors may erect Warehouses, &c.

Provided also, and be it further enacted, 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 the Lands or Grounds lying upon or near the Banks of the said River, or any of the Lands or Grounds through which the said River, Cuts, Canals, Trenches, or Passages, shall be made, from making or erecting any Warehouses, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs, upon the Banks of the said River, Cuts, Canals, Trenches, or Passages, in or upon their own Lands, Wastes, or Grounds, or erecting any Bridge or Bridges over the said River, Cuts, Canals, Trenches, or Passages, or sinking or laying any Pipe, Arch, or Conduit, under the said River, Cuts Canals, Trenches, or Passages, so that the erecting or using such Warehouses Cranes, or Wharfs, Bridge or Bridges, Pipe, Arch, or Conduit, do not obstruct or prejudice the said Navigation, or interfere with 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, Cuts, Canals, Trenches, or Passages.

Warrants to be directed to the Constable, &c.

And be it further enacted, That all and every Warrant and Warrants that shall and 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 proper Officer of the Township, Parish, or Place, where the Offender or Offenders shall live, reside, or inhabit, who is hereby authorized and required to execute the same.

And be it further enacted, 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 Proceeding 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.

Plaintiff not to recover for Irregularity, if Tender of Amends hath been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, if Tender of Amends hath been made by or in Behalf of the Party distraining before such Action brought.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in Pursuance or Execution of this Act, or in relation to the Matters herein contained, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought, laid, and tried, in the County of Norfolk, and not elsewhere; and the Defendant or Defendants, in every such Action or Suit, may plead

General Issue.

the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by Authority of this Act: And if the same shall appear to have been so done, or if such Action or Suit shall not be commenced within the Time before limited, or be laid or brought in any other County or Place, the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Suit, or if upon Demurrer Judgement shall be given for the Defendant or Defendants; in each or either of the said Cases, the Defendant or Defend-

Treble Costs.

ants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Public 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 whatsoever, without specially pleading the same.

FINIS.