ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCIII.

An Act for making and maintaining a Navigable Communication between the Town of *Chelmsford*, or some Part of the Parish of *Springfield* in the County of *Essex*, and a Place called *Collier's Reach*, in or near the River *Blackwater*, in the said County. [17th *June* 1793.]

WHEREAS the making and maintaining of a Navigation for the Passage of Boats, Barges, and other Vessels, from or nearly from the Town of Chelmsford, or some Part of the Parish of Springfield, to or nearly to a Place called Collier's Reach, in or near the River Blackwater, near the Town and Port of Maldon, all in the County of Essex, by Means of widening, deepening, cleansing, straightening, and improving the River Chelmer, and making Cuts and Deviations by the Sides thereof where necessary, from or nearly from Chelmsford, or some Part of the Parish of Springfield aforesaid, to a certain Part of the said River, near to Beleigh Mill, above the said Town and Port of Maldon, and by making Preamble.

a Navigable Cut or Canal from thence into the River Blackwater, and by widening, deepening, cleansing, and improving the said River Blackwater, and making Cuts and Deviations by the Sides thereof where necessary, to or nearly to a certain Mill called Heybridge Mill, and by making a Navigable Cut or Canal from thence, above the said Mill, through the Village of Heybridge, to communicate with the said River Blackwater, at or nearly at the said Place called Collier's Reach, will open an easy and commodious Communication, not only between the said Towns of Chelmsford and Maldon, and the several Townships, Districts, and Places through or near which the said Navigation will pass, but also between those Places and the Ports of London, Colchester, and Harwich, whereby the Conveyance of Coals, Timber, Stone, Lime, Manure, and Goods, Wares, and Merchandize, to and from those Places, and also to and from divers Towns, Parishes, and Districts in the County of Essex aforesaid, will be greatly facilitated, and rendered less expensive, and will be of great Advantage to the Trades and Manufactures carried on in, between, and near the above Ports, Towns, Districts, and Places, and will tend to the Improvement of the adjacent Lands, and be of great publick Utility: And whereas the several Persons herein-after named are willing and desirous, at their own Costs and Charges, to make and maintain the said Navigation; but cannot effect the same without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Robert Edward Lord Petre, the Honourable Robert Edward Petre, the Honourable George Petre, Sir John Jervis K. B. Sir John Henniker Baronet, John Henniker Major, Thomas Berney Bramston, Richard Baker, Charles Alexander Crickitt, Charles Alexander Crickitt junior, Eliab Hervey, Henry Menish M. D. Thomas Wright, the Reverend Rowland Berkeley L. L. D. the Reverend Philip Salter, Daniel Sutton, Thomas Quale, Captain William Roberton, John Oxley Parker, the Reverend John Jenner D. D. Bernard Scale, the Reverend A Longmore, Francis Abell, the Reverend John Herringham, Tabrum Clarence, Thomas Abell, William Lakin, Robert Tindal, John Golding, Charles Cock, Charles Murrell, Richard Hartley, William Bullock, Joseph Aldridge, William

Proprietors Names.

liam Clachar, James Stock, John Leapingwell, James Peers, Thomas Gilſon, Henry Lambirth, Arthur Clarence, Joſeph Wiffen, William Barlow, William Manſon, John Addy, Michael Levy, Thomas Albra, Anthony Eglinton, Chriſtopher Cuſack, John Mearns junior, Samuel Straight, James Blacklock, Thomas Littell Tweed, John French, William Sheppard, John Judge, William Caſwell, Captain William Murrill, John Emberſon, William Meggy, Ann Wooderoffe, Charles Wedge, Alexander Peter Allan, Thomas Cawkwell, Thomas Brand Hollis, John Cruſh, Thomas Froſt Gepp, Charles George Parker, Benjamin Foakes junior, Thomas Baker junior, John Jeffery Salter, Charlotte Howard, Charles Kerby, James Porter, Richard Stanley, the Reverend William Walford, the Reverend Thomas Foote Gower, John Oxley Parker junior, Edward Gepp, John Curzon, Haſelfoot Widow, Dame Ann Mildmay, George Lovibond, Cornelius Butler, Judith Price, John Wiggins, John Tyrrell, the Reverend Charles Phillips, Abraham Bullen, Jane Waldo, George Clapham, Robert Lord Fairfax, Ann Pocklington, William Polley, Joſhua Wilkinſon, William Cox, Joſeph Inkerſole, James Bankart, William Thomas, John Price, John Cartwright, Richard Cook, Francis Burgeſs, John Bankart, Richard Burton, Abraham Samuel, William Hill, William Marſton, James Goddard, Samuel Bankart, John Saywell, Thomas Pickford, Henry Jeffcut, Thomas Jeffcut, John Aſhton, Richard Dolby, Willoughby Taylor, Benjamin Smith, Thomas Palmer, George Smith, William Carter, William Palmer, John Martin, Chriſtopher Carter, Richard Milliſon, George Ramſhaw, E. Dunmore, Robert Binley, Edward Webb, Joſeph Elliott, Mathew Bird, William Wartnaby junior, Smith Mitton, Thomas Fawkner, Thomas Pollard, James Hill junior, William Mee, Samuel Ardell, William Wilſhire, Thomas Kirk, James Dunmore, Joſeph Standard, Ann Goddard, John Hurſt, Thomas Hill, Fulcher Holyland, John Matthews Hopkins, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, or Aſſigns, are and ſhall be united into a Company, for the better making and maintaining the ſaid Navigation, for the Paſſage of Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions herein-after mentioned and expreſſed, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Chelmer* and *Blackwater* Navigation, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority to purchaſe Lands, Tenements, or Hereditaments for the Uſe of

Proprietors declared to be One Body Politick and Corporate;

with Power to purchaſe Lands;

of the said Navigation, and for other the Purposes hereinafter mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid; and the said Company of Proprietors shall be and are hereby empowered, from and after the Fifteenth Day of July One thousand seven hundred and ninety-three, on which Day this Act shall commence and take Effect, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to make and maintain navigable and passable for Boats, Barges, and other Vessels, the said Navigation hereinbefore described, through the several Parishes of Chelmsford, Springfield, Great Baddow, Sandon, Boreham, Danbury, Little Baddow, Hatfield Peverel, Woodham Walter, Ulting, Langford, Maldon, and Heybridge, all in the said County of Essex; and to supply the said Navigation, whilst the same shall be making, and when made, with Water, from the said Rivers Chelmer and Blackwater, and the River Cann, and also from such Springs, Streams, and Watercourses as shall be found in making the same, and from such Rivers, Brooks, Streams, or Watercourses, as are or shall be found within the Distance of One thousand Yards from any Part of the said intended Navigation; and also to dig, cut, or raise the Banks of the said Rivers Chelmer, Cann, and Blackwater, and of any other the Rivers, Streams, Brooks, and Watercourses aforesaid, for bringing Water into the said intended Navigation; and to make such proper Trenches or Passages for Water in, upon, or through the Lands or Grounds adjoining or within Three hundred Yards of the said Navigation, or such Rivers, Streams, Brooks, or Watercourses as aforesaid, or any of them, and also a Bason for the Reception of Boats, Barges, and other such Vessels, at or near Chelmsford aforesaid, and another Bason for the Reception of Ships, and other Sea-built Vessels, of large Burthen, near Collier's Reach aforesaid; and also to build a Pier in the said Reach, and to deepen the Bottom of such Reach, in such Manner as shall be necessary or proper for effecting the Purposes of this Act, so as not to prevent the Navigation of Ships of the same Burthen as have usually frequented the Port of Maldon; and for the several Purposes aforesaid to enter into, upon, and through the Lands and Grounds of or belonging to the King's Majesty, his Heirs or Successors, or of any other Person or Persons, Bodies Politick or Corporate, or Collegiate whatsoever, not being at this Time Ground whereon a Dwelling House, Outhouses, or other Buildings

and to make the intended Navigation.

ings thereto belonging, stand, or a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, Lawn inclosed or adjoining to a Mansion House, other than and except Part of a Nursery Garden in the Parish of Springfield, now or late the Property of Miss Waldo, and in the Occupation of John Mearns, and also except a Garden now or late the Property of Charles Wood, and in the Occupation of William Cottels, and also except a Garden now or late the Property of William Arthy, and in the Occupation of Henry Ellis, and also except Part of a Farm Yard now or late the Property and in the Occupation of the said William Arthy, all in the said Parish of Heybridge, and which are meant and intended to be taken and made Use of for the Purposes of this Act; and to bore, dig, cut, trench, sough, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got in the making of the said Navigation, or in making any Feeders or Aqueducts, or out of the Lands or Grounds of any other Persons adjoining or lying contiguous thereto, or within the Distance of One thousand Yards therefrom, and which may be proper, requisite, or convenient for carrying on, continuing, maintaining, or repairing, or which may hinder, prevent, or obstruct the making, using, or completing, extending and maintaining the same respectively, and for making, using, completing, extending, and maintaining of such Trenches, Passages, and Watercourses as aforesaid, as shall be necessary and proper to convey Water to or from the said Navigation, according to the Tenor and Purport of this Act; and also to make, build, erect, and set up, in or upon the said intended Navigation, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Drains, Wharfs, Quays, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Dry Docks, and other Works, Ways, Roads, and Conveniencies, as and where they the said Company of Proprietors, their Successors or Assigns, shall think requisite and convenient for the Purposes of the said Navigation, and also from Time to Time to alter, repair, and amend or discontinue the same; and to make, widen, and enlarge or alter any Bridges, Ways, Roads, Passages, Cuts, Locks, Tunnels, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the carrying and conveying of Goods, Commodities, and other Things to

and

and from the said Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging any Works of or belonging to the said Navigation; and also to place, lay, work, or manufacture any Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall or are intended to be made, erected, repaired, or done, and to build and construct the several Locks, Bridges, Works, and Erections belonging thereto; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Navigation, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, with Capsterns or Haling Posts thereon, convenient for towing, haling, or drawing Ships, Boats, Barges, and other Vessels passing in, through, or upon the said Navigation, with Men, Horses, or otherwise, as they the said Company of Proprietors, their Successors or Assigns, shall think proper; and also to dig, take, and carry away, Soil, Clay, Gravel, Stone, Chalk, and other Materials, proper, requisite, and convenient for carrying on and continuing the said Works, or any of them, in or from any Grounds of any Person or Persons adjoining or lying contiguous thereto, or within the like Distance of One thousand Yards therefrom (not being, at the Time of the Commencement of this Act, a House, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or Lawn inclosed or adjoining to a Mansion House, or Ground planted and set apart as a Nursery for Trees); and to construct, erect, and keep in Repair, any Piers, Arches, or other Works, in, upon, and across any Rivers, Streams, or Brooks, for the making, using, maintaining, and repairing of the said proposed Navigation, and Towing Paths on the Sides thereof; and also to construct and erect, make and do, all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, and preserving, improving, compleating, and using the said Navigation, in pursuance and within the true Intent and Meaning of this Act, they the said Company of Proprietors, their Successors or Assigns, and their several Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of,

and the Persons interested in, the Lands, Tenements, Mills, or Hereditaments, Waters, Watercourses, Brooks, Streams, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Servants, Agents, or Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as herein-after mentioned.

The Company not to make any Cut to terminate in the River *Chelmer*, &c.

II. Provided always, and be it further enacted, That nothing in this Act contained shall authorize, or be construed to authorize, the said Company of Proprietors, their Agents or Servants, to make or cause to be made any Cut or Cuts to terminate in the said River Chelmer, between the Flood or Waste Gates of or belonging to Beleigh Mill, and Beleigh Mill, or nearer to the same than the Distance of Thirty Yards.

For making a publick Wharf at *Chelmsford*, with a Crane and other Engines for the publick Use.

III. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, to purchase proper and sufficient Ground in or near the Town of Chelmsford aforesaid, and next adjoining to the Bason intended to be made for the Reception of Boats, Barges, and other Vessels, at or near Chelmsford aforesaid, and thereon to erect a fit and sufficient publick Wharf, with a Crane and other Engines, and proper Conveniences for the landing and shipping of Goods, which said Wharf, Crane, and other Engines, shall be deemed, and are hereby declared to be for the publick Use and Benefit, and such Rates or Duties only shall be demanded and taken for the landing and shipping of Goods at such publick Wharf, as are appointed to be taken by virtue of this Act; and the said Wharf, Crane, and other necessary Engines shall, from Time to Time, be supported, maintained, and kept in good and sufficient Repair by the said Company of Proprietors: Provided always, That it shall be lawful for the said Company of Proprietors, or their Committee, from Time to Time to make such Rules, Orders, and Regulations for the landing, depositing, and laying of Coals upon the said Wharf, as they shall think proper.

For building Bridges.

IV. And whereas in the Execution of this Act it will be necessary to deepen the said Rivers Chelmer and Blackwater in many Parts thereof, which will not only render several ancient and common Fords or Highways impassable or dangerous, but also occasion the taking down,

altering, and enlarging several Bridges now erected across the said Rivers respectively; be it therefore enacted, That it shall be lawful for the said Company of Proprietors, their Agents, Servants, Workmen, and Assistants, and they are hereby required, at their own proper Costs and Charges, to take down and rebuild, or to alter and enlarge such Bridges now erected over the said Rivers, or either of them, as may obstruct or hinder the making or using the said Navigation; and the Stones, Wood, or other Materials of which the said Bridges are now constructed, shall be and are hereby vested in the said Company of Proprietors, to be applied towards the Construction of such new Bridges, or in altering or enlarging the present Bridges, or in such other Manner as they shall direct; and to cause sufficient Bridges for Horses and Carriages to be erected and built at the several following Places, or as near thereto as may be; (that is to say), One Bridge across the said River Chelmer, at or near the Mill called Sandford Mill; another across the said River, at or near the Mill called Johnson's Mill, or Little Baddow Mill; another across the said River, at or near the Paper Mills; and One other across the said River, at or near the Mill called How Mill; and also all such other Bridges over or across the said Rivers Chelmer and Blackwater, as may become necessary, by the making any ancient or Common Ford or Highway dangerous or impassable as aforesaid; and to cause the Roads to all the said Bridges to be sufficiently raised, so as to make the Ascent thereto as easy as conveniently may be, and shall be so fenced off as to render the same perfectly safe for Horses and Carriages, and that the said intended Bridges, and the Piers and Arches thereof, and all other Works, Matters, and Things hereby authorized and required to be made, erected, and built, in and over the said Navigable Cut or Canal, and other Parts of the said intended Navigation, and in and over the Haling or Towing Path by the Side thereof, and all the Materials of or for the same, whilst the same shall be making, erecting, and building, and after the same shall be compleated and finished, shall be and remain the Property of, and is and are hereby vested in, and shall be maintained and kept in Repair by the said Company of Proprietors by this Act incorporated, their Successors and Assigns.

Other Bridges to be erected for Horses and Carriages.

Bridges to belong to the Company.

Restriction, from building Houses, &c. on Towing Paths, and other Places.

V. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors to erect or build any House or other Building (other than such Ware-

Houſes, Toll Houſes, and Watch Houſes to be built as herein authorized) for the Uſe of the ſaid Navigation, or any Mill or Mills upon the ſaid intended Navigation, hereby authorized to be made, or upon the Lands which ſhall be ſet out for the Towing Paths, Wharfs, or Quays on the Sides thereof, or to convert or employ any Water that ſhall be brought into or diſcharged out of the ſaid Navigation, Trenches, or Sluices hereby authorized to be made for the Uſe of any Mill or Mills hereafter to be erected near the ſame; or to make, erect, or build any Warehouſes, Watch Houſes, Buildings, Quays, Wharfs, Cranes, or Weigh Beams within the Diſtance of One hundred Yards of any Capital Manſion Houſe, or in or upon any Yard, Garden, Park, Paddock, planted Walk or Avenue to a Houſe, or Lawn incloſed adjoining to any Capital Manſion Houſe, that are uſed as ſuch at the Time of the Commencement of this Act, or to take down or damage any Dwelling Houſe, Outhouſe, or other Buildings belonging thereto (other than as herein-before excepted), without the Conſent of the Proprietor or Proprietors thereof, under his, her, or their Hands reſpectively; or to cut down any Timberwood, Bruſhwood, or Underwood upon any of the Eſtates or Lands through or into which the ſaid Navigation, Trenches, Sluices, Roads, Paſſages, Works, or Conveniences, or any Part thereof reſpectively, ſhall be made or carried (except ſuch Timberwood, Bruſhwood, or Underwood as ſhall grow or be in or upon any of the Lands or Grounds which ſhall be ſet out or aſcertained, taken or uſed for the making of the ſaid Navigation, Towing Paths, Trenches, Sluices, Roads, Paſſages, or Conveniences reſpectively as aforeſaid); and the Proprietors of the reſpective Lands and Grounds on which ſuch laſt-mentioned Timberwood, Bruſhwood, or Underwood ſhall ſtand or be growing at the Time of the Commencement of this Act, their Heirs or Aſſigns, ſhall have it in their Election to take ſuch Timberwood, Underwood, or Bruſhwood reſpectively, when felled or cut down by the ſaid Company of Proprietors, at ſuch Price or Value as the ſame reſpectively ſhall have been purchaſed at by the ſaid Company of Proprietors (which ſaid Timberwood, Bruſhwood, or Underwood, ſo felled by the ſaid Company of Proprietors, or by their Order, ſhall and may be carried and conveyed upon any Part of the ſaid Navigation, free from all Tolls and Duties to be raiſed and levied by virtue of this Act), or in caſe the ſame ſhall not have been purchaſed by them upon a Valuation ſeparate or diſtinct from the Lands or Grounds upon which the ſame ſhall reſpectively grow, then at ſuch Price or

Value

Value as shall be agreed on for that Purpose between such Proprietors or Owners of Lands and the said Company of Proprietors, or their Agents, or in case of any Difference in settling or ascertaining the same, then at such Price or Value as the Commissioners herein-after named, or any Five or more of them, shall direct; and if any House or other Building (except as aforesaid) shall be erected upon any such Lands or Grounds without such Consent as aforesaid, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same as aforesaid, his, her, or their Heirs or Assigns, to take down and remove such Houses or other Buildings without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

Millers to put up or down Cloughs for making Navigation, &c. under Penalty for Refusal.

VI. And be it further enacted, That if any Miller, Owner or Occupier of any Mill or Mills, do or shall, at any Time whilst the said Navigation is making, or necessarily repairing, upon Twenty-four Hours Notice given by the said Company of Proprietors, or any Person or Persons employed as their Clerk or Agent, neglect or refuse either to draw up or open, or to shut or put down any Clough or Cloughs, or any Sluice or Sluices belonging to such Mill or Mills, and which shall be thought necessary, in the Judgement of any Engineer to the said Company, his Agent or Deputy, to be opened or shut respectively, for making and effecting the said Navigation, and the Works necessary for that Purpose, and for altering or repairing the same, every Person so offending, and being thereof lawfully convicted as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

If dissatisfied with the Recompence, Commissioners to determine the same.

VII. And it is hereby also enacted and declared, That if the Miller, Owner or Occupier of any such Mill or Mills, shall not think the Satisfaction which may be tendered to him or them a sufficient Recompence and Satisfaction for the Stoppage or Hindrance of working the Wheel or Wheels of any such Mill or Mills, by Means of such drawing up or opening, or putting down or shutting such Clough or Cloughs, Sluice or Sluices respectively, that it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby authorized, on Complaint to them made by such Miller, Owner or Occupier, although not assembled at any publick Meeting in pursuance of this Act, to settle and ascertain the Damages, and determine such Difference, in like Manner as other Differences are herein directed to be determined.

VIII. And

VIII. And be it further enacted, That if the Owner or Proprietor of any Water Mill or Water Mills now being upon any Part of the said Rivers, to be used for the Purposes of the said intended Navigation, whose Mill or Mills may be injured by the said intended Undertaking, shall chuse to sell or dispose of the same, and shall give Notice in Writing, under his, her, or their Hand or Hands, of such his, her, or their Intention to the said Company of Proprietors, or to their Clerk, within Twelve Calendar Months next after the Commencement of this Act, it shall be lawful for the said Company of Proprietors, and they are hereby required to purchase such Mill or Mills, with the Houses, Gardens, and other Appurtenances adjoining, for the Accommodation of the Millers (not exceeding Two Acres of Ground to any such Mill) at the full Worth of the same at the Time of such Notice being given, which Mill or Mills, with the Appurtenances, it shall be lawful for the said Company of Proprietors from Time to Time to work and use, or to let, sell, or otherwise dispose of, any Thing herein contained to the contrary notwithstanding; and if any Dispute shall happen to arise about the Price of any such Mill or Mills, the same shall be settled by the said Commissioners or a Jury, in Manner herein appointed respecting the purchasing of Lands for the said Undertaking; and in case any Owner or Owners of any Mill or Mills, which shall be deprived of some Part of the Water which now supplies the same, shall refuse to sell his, her, or their Mill or Mills, it shall be lawful for the said Company of Proprietors, and they are hereby required, at their Costs and Charges, to cause the Wheels of such Mill or Mills to be altered and improved, by widening the Soles thereof or otherwise, so as to give them more Power, and to render such Mill or Mills as valuable as they are at present, such Alteration or Alterations, nevertheless, not to preclude any Mill Owner or Mill Owners from such Redress as the Commissioners hereby appointed, or a Jury, are impowered to give in Cases of Damages sustained by the said Undertaking.

Mills to be purchased by the Company, on Notice being given by the Owners within a limited Time.

IX. Provided always, That no Occupier or Miller of any Mill or Mills on the Line of the said intended Navigation shall, at any Time after the Commencement of this Act, draw down, or suffer to be drawn down, the Water which at present supplies such Mill or Mills lower than Twenty-one Inches below the Height of a full Pond, and also that the Occupier or Miller of every such

Millers not to draw down the Water below a certain Height.

Mill shall keep the Flood Gates belonging to the same in such good and substantial Repair as at all Times to prevent any considerable Quantity of Water from leaking through the same; and in case any such Miller or Occupier shall draw down the Water lower than Twenty-one Inches below the Height of a full Mill Pond, or shall neglect or refuse, after Notice, to keep the Flood Gates belonging to his Mill or Mills in such Repair as aforesaid, every Person offending in either of the Ways aforesaid shall for every such Offence forfeit and pay the Sum of Forty Shillings to the said Company of Proprietors; and in case of Neglect or Refusal of Payment of such Forfeiture on Demand, then and in such Case it shall be levied in such Manner as is herein directed in Cases of other Forfeitures incurred under this Act.

Millers authorized to let off the Water for repairing their Flood-gate or Sluices.

X. Provided also, and be it further enacted, That it shall be lawful for the Occupier or Occupiers of any Mill or Mills upon or near the said Rivers Chelmer and Blackwater, or either of them, whenever it shall be necessary for the Purpose of repairing, altering, or rebuilding the Ground Work of any such Mill or Mills, or the Works belonging thereto, to draw or let off the Water of the said respective Rivers, in such Manner as shall be necessary for that Purpose, such Occupier or Occupiers again penning up or raising the Water to its former Height, as soon as the Repairs or other Works for which the Water shall be so drawn or let off will admit, any Thing herein contained to the contrary notwithstanding: Provided nevertheless, That no Occupier or Occupiers of any such Mill or Mills, shall be authorized to draw or let off the Water of the said Rivers Chelmer and Blackwater, or either of them, as aforesaid, until he shall have given Eight Days Notice to the Clerk or any Agent of the said Company of Proprietors, who may inspect and examine into the Repairs, or other Work intended to be done, and may see whether the Water be restored to its former Height as soon as the Work will admit of it; and in case the Occupier or Occupiers of any such Mill or Mills shall wantonly draw or let off the said Water, or shall continue the Water so drawn or let off, for a longer Time than the Work to be done shall require, he shall be answerable for the Damage to be thereby occasioned to the said Navigation, which Damage shall and may be recovered from such Occupier or Occupiers by the said Company of Proprietors, by Action at Law in any of his Majesty's Courts of Record, together with full Costs of Suit.

XI. Pro-

XI. Provided always, and be it further enacted, That in case the said Company of Proprietors shall purchase and take down, or make Compensation for the taking down of any Mill or Mills now standing and being upon either of the said Rivers, nothing in this Act contained shall restrain, or be construed to restrain, the said Company of Proprietors, their Successors or Assigns, from building any other Mill in any other Place or Places on the said Navigation, in lieu of every such Mill so taken down, to be worked by the same Head or Fall of Water as the Mill so taken down was worked by, and so as not to obstruct or prejudice the working any other Mill above the Mill or Mills so purchased and taken down by penning back the Water; and the said Company of Proprietors are hereby empowered to purchase, of any Person or Persons whomsoever, so much Land or Ground adjoining to the said Rivers, or either of them, as shall be necessary for erecting and building such new Mill or Mills, and Houses for the Residence of the Millers respectively, and sufficient Garden Ground, not exceeding Two Acres, to each such Mill.

If Company take down Mills, they may erect others on the same Head of Water.

XII. And whereas divers Levels and Surveys have been taken to ascertain the Practicability of making the said intended Navigation (and a Map or Plan, and a Book of Reference thereto, have been made in consequence of such Levels and Surveys) through, across, under, or over the several Estates, Lands, or Grounds, now or late belonging or reputed to belong to such Person or Persons, and such Roads, Rivers, Streams, and Brooks as are particularly mentioned in the said Map or Plan, and Book of Reference: It is hereby further enacted and declared, That there shall be Two Parts made of the said Map or Plan, and Book of Reference, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited with the Clerk of the Peace for the said County of Essex, and the Clerk to the said Company of Proprietors for the Time being, to which all Persons shall have Liberty to resort, and make Extracts or Copies thereof, as Occasion shall require, paying to the said respective Clerks after the Rate of Four-pence for every One hundred Words; and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Six Days Notice to him given for that Purpose, shall from Time to Time produce the said Map or Plan, and

Surveys and Levels have been taken.

Map and Book of Reference to be authenticated.

Book of Reference, before the Commissioners hereinafter appointed, and their Successors, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

Power to deviate 100 Yards from the Line laid down in the Plan.

XIII. And be it further enacted, That the said Company of Proprietors, in making the said intended Navigation, shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Navigation into, through, across, under or over any Part or Parts of the several Estates, Lands, or Grounds, now or late belonging to, or reputed to belong to the said several and respective Persons named or described in the said Book of Reference, other than within the like Distance of One hundred Yards from such Part or Parts as are mentioned in the said Book of Reference in that Behalf, or belonging to any other Person not named in such Book of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, and Grounds do or shall respectively belong.

Land Owners omitted in the Book of Reference, not to obstruct making the Canal.

XIV. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Navigation into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of the said Commissioners, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, to whom such last mentioned Estates, Lands, and Grounds do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Lands may be entered to make Surveys.

XV. And be it further enacted, That it shall be lawful for the Agents or Servants of the said Company of Proprietors from Time to Time, and at all Times hereafter, to enter upon the Lands or Grounds of the said several Persons, Bodies Politick, Corporate or Collegiate, through which the said Navigation, and other

Works hereby authorized, are intended to be made, in order to survey and take a Level of the same, and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making such Navigation, and other Matters and Conveniencies aforesaid, such Agents and Servants making Satisfaction for the Damage they shall do thereby to the respective Occupiers of such Lands or Grounds for the Time being, in case the same shall exceed the Sum of One Shilling.

Breadths of Cuts and Towing Paths.

XVI. And be it further enacted, That the Lands or Grounds to be taken or used for any Cut or Canal, and Towing Path, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Forty Yards in Breadth, except for the making of any Dock or Bason, and except in such Places where the said Cuts or Canals shall be raised higher or cut more than Six Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other, or where any Crane may be erected, or Coals, Lime, or Lime Stone, or other Things, be delivered, not above Sixty Yards in Breadth in any of the said last mentioned respective Places, and also that the Lands or Grounds to be taken or used for the Towing Path upon or by the Sides of the said River Navigation shall not exceed Eight Yards in Breadth in the straight Parts thereof, and in the crooked Parts thereof Ten Yards, any Thing herein contained to the contrary notwithstanding.

Bodies Politick, &c. impowered to sell.

XVII. And be it further enacted, That after any such Parts of the said Lands or Grounds shall be so set out and ascertained for making the said Navigation, Works, and other the Purposes and Conveniences hereby authorized or directed, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands or Guardians, Trustees, Feoffees in Trust, Mortgagees, and their Assignees, whether in or out of Possession of the Premises mortgaged, Committees, Executors, and 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, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised and possessed of or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised and possessed of or interested in any Lands and Grounds

which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey unto the said Company of Proprietors, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands or Grounds, which shall from Time to Time be so set out and ascertained as aforesaid, or which shall be purchased pursuant to any Directions contained in this Act, either in Consideration of a Sum of Money to be paid in Gross, or of an annual Rent or Payment, at the Election of such Bodies Politick, Corporate, or Collegiate, or Person or Persons respectively, who shall be so seised and possessed of, or interested as aforesaid, to be charged and secured as herein-after mentioned; and where, by making the said Navigation, or any Aqueducts for the Conveyance of Water thereto, the Property of any Land Owner or Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, or Collegiate, or other such Land Owners, under any of the aforesaid Circumstances, by and with the Consent of the Commissioners to be appointed as herein-after mentioned, or any Five or more of them, to be testified by any Writing or Writings to be by them signed, sealed, and delivered in the Presence of and to be attested by Two or more credible Persons, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds to any Person or Persons whomsoever, for such good and valuable Consideration or Considerations, or Price or Prices in Money, or other Equivalent, as to the said Commissioners, or any Five or more of them, shall seem reasonable, and that all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, (other than those which concern any such Purchase or Exchange between any such respective Land Owners), so to be made as aforesaid, shall, at the Expence of the said Company of Proprietors, be enrolled in his Majesty's Court of King's Bench or Common Pleas at Westminster, or with the Clerk of the Peace for the said County of Essex, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, for which Inrollment, or a Copy thereof, shall be taken the Sum of Four-pence for every One hundred Words, and so in

Proportion for any greater or less Number of Words, and no more.

For Preservation of Copyhold Rights.

XVIII. Provided always, and be it enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, which are of the Nature of Copyhold, except where the same shall be by Annual Rent as aforesaid, 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 subject to such and the same Fines, Rents, and Services as are due and 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.

Commissioners for settling Differences.

XIX. And whereas Differences may arise between the said Company of Proprietors, and the several Owners of, and Persons interested in the Lands, Grounds, Tenements, Hereditaments, Mills, or Waters, which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That Sir Henry Saint John Mildmay Baronet, Sir Peter Parker Baronet, Sir William Smyth Baronet, Sir George Jackson Baronet, the Reverend Thomas Abdy Abdy, Thomas Aylmer, John Baker, Richard Benyon, Richard Benyon the younger, Richard Birch Clerk, Samuel Bonham, Samuel Bosanquet, the Reverend John Bull, Thomas Gardiner Bramston, John Bramston, Thomas Brograve, John Thompson Bull, William Bullock, Montagu Burgoyne, Thomas Fowell Buxton, Robert Barnard, John Richard Birch, Samuel Charles Carne, Charles Davis Carr, John Crosier, Stanes Chamberlayne, Richard Muilman Trench Chiswell, Thomas Theophilus Cock, John Richard Comyns, John Conyers, William Dolby, the Reverend William Barker Daniel, the Reverend Henry Bate Dudley, George Errington, John Eaton D. D. Francis Fane, James Fisher, Bamber Gascoyne, Golding Griggs, John Griggs, Osgood Hanbury, Richard Heatley, William Heath, Bailey Heath, Thomas Brand Hollis, Filmer Honywood, William Honywood, William Hunt, John Houblon, John Hance, Henry Hance, Julines Herring, the Reverend John Johnson, John Judd, Thomas Kynaston, John Martin Leake, Samuel Leightenhouse, Thomas Barrett Lennard, Lewis Majendie, John Morgan Clerk, Richard Newman, Thacker Nightingale, Thomas Nottidge, Josiah Nottidge, John Nottidge, the Honourable John Olmius, Henry Hinde Pelley, Richard Preston, the Reverend Charles Phillips, Charles Phillips, Robert

Robert Rainsforth, James Round, John Round, William Ruſſell, John Ruſſell, William Reynolds, Daniel Scratton, John Strutt, Joſeph Holden Strutt, William Goodday Strutt, Charles Smith, Henry Sperling, Thomas Sumner, Chriſtopher Tower, John Jolliffe Tufnell, William Tufnell, John Tyler, Chriſtopher Tyler, John Arnold Wallinger, Nicholas Wakeham D. D. John Wolfe, Nicholas Weſcomb, the Reverend William Williams, John Wright of Hatfield Priory, John Wright of Kelvedon, John Wright of Maldon, James Wright, and John Yeldham, ſhall be, and they and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners, for the ſettling, determining, and adjuſting all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors, and the ſeveral Proprietors of, and Perſons intereſted in any Lands, Grounds, Tenements, or Hereditaments, Mills, or Waters, that ſhall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, and for other the Purpoſes in this Act mentioned.

For electing new Commiſſioners.

XX. And, for continuing a ſufficient Number of Commiſſioners for putting this Act into Execution, be it further enacted, That when any of the Commiſſioners herein-before appointed, or to be elected in Manner herein-after mentioned, ſhall die or refuſe to act, the ſurviving or remaining Commiſſioners, or any Seven or more of them, ſhall, and they are hereby empowered from Time to Time, at ſome Meeting held for that Purpoſe, by Writing under their Hands and Seals, to elect and appoint another Perſon in the Place of every ſuch Commiſſioner dying or refuſing to act, and all ſuch Commiſſioners ſo to be appointed ſhall from the Time of their reſpective Appointments have the like Authority in all Things relating to the Execution of this Act, as if they had been expreſsly named and appointed Commiſſioners in and by this Act.

Impowering the Quarter Seſſion to nominate Commiſſioners in certain Caſes.

XXI. And be it further enacted, That in caſe it ſhall happen that the ſurviving or remaining Commiſſioners ſhall at any Time neglect or refuſe, upon any Vacancy, to nominate or appoint a new Commiſſioner, or that for Want of a proper Number of Commiſſioners in the Neighbourhood, it ſhall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in caſe the acting Commiſſioners, nominated or appointed by this Act, or hereafter to be elected under and by virtue thereof, ſhall be reduced to a leſs Number than Thirty, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Company of Proprietors from Time to

Time to make Complaint thereof to the Justices of the Peace for the County of Essex, at their General Quarter Sessions to be holden for the said County; and the Justices to whom such Complaint shall be made are hereby authorized and required to receive and hear the said Complaint, and upon due Proof thereof being made to them to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit to be Commissioners for the Purposes of this Act, and the said Commissioners so nominated and appointed shall from thenceforth have the like Powers and Authorities as if appointed by this Act, or under the Authority of the Commissioners aforesaid.

Qualification of Commissioners.

XXII. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates or Duties to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be anyways interested or concerned in the Matter in Question, or in any of the Lands, Mills, or Waters that may be affected by the said intended Navigation, nor unless he shall be seised in his own Right, or in Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or unless he shall be possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds, nor shall any Person act as a Commissioner in the Execution of this Act, (otherwise than in administering an Oath or Affirmation to the Effect following to the other Commissioners), until he shall have taken and subscribed such Oath or Affirmation before any One of the said Commissioners, who is hereby authorized and impowered to administer the same; (that is to say),

Oath.

I *A. B.* do swear, [*or, being One of the People called Quakers,* do solemnly affirm], That I am truly and *bonâ fide* in the actual Possession and Enjoyment, [*or* Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes [*or* possessed of or entitled to a Personal Estate, to the Amount or Value of Two thousand Pounds]; and that I will, without Favour or Affection, truly and impartially, according to the best of my Skill and

Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act made in the Thirty-third Year of the Reign of King *George* the Third, *for* [*here insert the Title of the Act*].

And if any Person by this Act made incapable to act as a Commissioner shall nevertheless presume to act as such in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action at Law in any of his Majesty's Courts of Record at Westminster, in which Action no Essoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and such Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners may act as Justices.

XXIII. Provided always, That such of the said Commissioners who are or shall be in the Commission of the Peace for the County of Essex for the Time being, shall and may, and are hereby impowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Notice to be given of Meetings.

XXIV. And be it further enacted, That no Meeting whatsoever of the said Commissioners, at any Time or Times to be had for putting in Execution any Powers or Authorities vested in them by virtue of this Act, or any Order, Direction, or Appointment of the said Commissioners, or any of them, touching any of the Matters or Things herein contained, shall be binding and effectual, unless previous Notice of every such intended Meeting shall be first given and inserted in the Chelmsford weekly Newspaper, so long as the same shall be published, or in such Manner as the said Commissioners, or any Five or more of them, shall direct or appoint, at least Ten Days before such intended Meeting of the said Commissioners for any the Purposes herein contained, every such Notice to specify the Time and Place of such Meeting or Meetings respectively, and the several Matters and Things then and there proposed to be done; and that every Meeting of the said Commissioners by virtue of this Act shall be publick, any Thing herein contained to the contrary notwithstanding.

All Meetings to be publick.

On Application of Land Owners, or

XXV. And be it further enacted, That upon any Application to be made by the said Company of Proprietors,

or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the said intended Navigation, or any of the Works necessary or relating thereto, or any of them, unto the Commissioners appointed by and for the Purposes of this Act, or any Five or more of them, requesting or desiring them to appoint a General Meeting of the Commissioners, the Commissioners so applied to, or any Two or more of them, shall, and they are hereby respectively authorized and required, within Ten Days after such Request or Application made, to give Notice in Manner aforesaid of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen nor more than Twenty-five Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required to assemble at the Time and Place so to be appointed, in order to put the Powers and Authorities hereby given to and vested in them, into Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled, or any Five or more of them, shall think proper or convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and from Time to Time, as often as the Case shall happen, the Clerk or Clerks of the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Three Weeks next after the Day on which the last Meeting of the Commissioners was appointed to be held.

any of the Proprietors, Commissioners may meet.

XXVI. Provided always, and be it further enacted, That it shall be lawful for any Five or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon such Request made as aforesaid, by Notice in Writing, signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained,

Meetings may be called at any Time.

certained, and for other Purposes, notwithstanding any Adjournment of the said Commissioners.

Meetings to be held within Ten Miles of the Place where the Dispute arises.

XXVII. Provided also, That every Meeting of the Commissioners for hearing and determining any Complaint, Controversy, Dispute, or Difference between the said Proprietors or any other Person or Persons, shall be held at some Place within Ten Miles of the Place where such Complaint or Dispute arises.

Commissioners to determine what Sums the Company shall pay for the Land, and Damages;

XXVIII. And be it further enacted, That the said Commissioners, or any Five or more of them, acting in any Question, Matter, or Difference, which shall or may arise, are hereby authorized and impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors, or any of them, either by an Annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate or Collegiate, Mortgagees, and their Assignees, whether in or out of the Possession of the Premises mortgaged, or any Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained for making the said intended Navigation and Towing Paths, or any Part thereof, and other the Purposes herein mentioned, and also to determine and adjust the Recompence to be made for any Damages which may or shall be, at any Time or Times whatsoever, sustained by such Bodies Politick, Corporate or Collegiate, Mortgagees, and their Assignees, whether in or out of Possession of the Premises mortgaged, or any Person or Persons respectively, being Owners of and interested in any Lands, Grounds, Tenements, Mills, Waters, or Hereditaments, for or by Reason of the severing or dividing the same, or the making, maintaining, or repairing of the said Navigation, Aqueducts, Feeders, Drains, Back Drains, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by altering, diverting, taking away, or using any Springs, Streams of Water, or Watercourses, flowing to or supplying with Water any Mill or Mills, Engine or Engines for watering the adjacent Lands, Grounds, or Meadows, by Breach of the said Banks, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Navigation, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses which

shall be made pursuant to the Powers hereby given for conveying or communicating of Water to or from the said Navigation, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning or diverting any Streams or Brooks into the same, or by Reason or Means of the Execution of any of the Powers herein contained by the said Company of Proprietors, or by their Agents, Workmen, or Servants; and in case such Price or Value, Damages, and Recompence respectively, cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents, and such Proprietors of, or Persons interested in, the said Lands and Grounds, Tenements, Mills, Engines, Waters, Meadows, or Hereditaments as aforesaid, and if the said Company of Proprietors, for or on the Part and Behalf of themselves, or any such Body Politick, Corporate or Collegiate, Mortgagees, and their Assignees, whether in or out of the Possession of the Premises mortgaged, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Bodies Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or Annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Tenements, Mills, Engines, Meadows, Waters, or Hereditaments, for the Space of Twenty Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by Reason of Absence shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Navigation, or other Works and Purposes aforesaid, or shall not produce and evince a clear Title to the Premises they are or shall be in Possession of, or to the Interest they claim therein, or shall refuse such Annual Rent or Payment as herein-before mentioned, then and in every such Case, the said Commissioners, or any Five or more

or a Jury may be ſummoned for that Purpoſe.

of them, ſhall, and they are hereby impowered and required, from Time to Time, to iſſue a Warrant or Warrants under their Hands and Seals to the Sheriff of the ſaid County of Eſſex for the Time being, or in caſe ſuch Sheriff or his Under Sheriff, or either of them, ſhall happen to be One of the Company of Proprietors of the ſaid intended navigable and other Communications, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to One of the Coroners of the ſaid County of Eſſex, not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury of Twenty-four ſufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Iſſues in His Majeſty's Courts at Weſtminſter, to appear before the ſaid Commiſſioners, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not leſs than Nine nor more than Twenty Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid Sheriff or Coroner; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to ſummon and call before them all and every ſuch Perſon and Perſons who ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Five or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters in Controverſy, which Jury, upon their Oaths, to be adminiſtered by the ſaid Commiſſioners, or any Five or more of them (and thoſe Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter), ſhall enquire of, aſſeſs, and aſcertain the Sum and Sums of Money or Annual Rent to be paid for the Purchaſe of ſuch Lands, Grounds, Tenements, Mills, or Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame; and the ſaid

Commissioners, or any Five or more of them, shall give Judgement for such Purchase Monies, Rents, or Recompence, so to be assessed by the said Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Five or more of them, shall be binding and conclusive to all Intents and Purposes against the King's Majesty, his Heirs and Successors, and against all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever.

Fine upon Sheriffs, &c. making Default.

XXIX. And be it further enacted, That if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Commissioners, or any Five or more of them, shall for every such Offence forfeit and pay the Sum of Forty Shillings, for the Benefit of the Party in whose Behalf such Person, in case of a Witness, was so summoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

Expences of Commissioners and Jury, by whom to be borne.

XXX. And be it further enacted, That in all Cases where a Verdict or Assessment shall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, Mills, Waters, or Hereditaments, or Property of any Person or Persons whomsoever, or for any Damage which may be done to any Lands, Grounds, Mills, Waters, Hereditaments, or Property of any Person or Persons, than had been previously offered by or on the Behalf of the said Company of Proprietors, before the Meeting of the said Commissioners, or than had been determined and assessed by the said Commissioners, or if no such Recompence or Satisfaction had been offered or tendered in respect of Damage by or on the Behalf of the said Company of Proprietors, then all the Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be

settled by the said Commissioners, or any Five or more of them, and be defrayed by the said Company of Proprietors; but if any Verdict or Assessment shall be given or made for no more, or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined or assessed by the said Commissioners as aforesaid, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, then and in every such Case the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, or any Five or more of them, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged: Provided always, That whenever any Person or Persons shall, by Reason of Absence or otherwise, have been prevented from treating, One Half of such Costs, Charges, and Expences shall be borne and defrayed by the said Company of Proprietors, and the other Half by such other Person or Persons as aforesaid.

Persons requesting a Jury to enter into Bond to prosecute before Commissioners issue their Warrant for a Jury.

XXXI. And be it further enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, before the said Commissioners be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with sufficient Securities, to the Treasurer of the said Company for the Time being, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners, or any Five or more of them, shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in the Proportion and Manner herein-before mentioned.

Notice of Injury to be given to the Company, before Complaint made to the Commissioners.

XXXII. And be it further enacted, That the said Commissioners shall not, nor shall any of them, be obliged, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her,

her, or them sustained, or supposed to be sustained by virtue of this Act, unless Application hath been or shall be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their known Agent or Agents, or some Collector of the Tolls arising from the said intended Navigable and other Communications, within the Space of Three Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Persons guilty of Perjury may be prosecuted.

XXXIII. And be it further enacted, That all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the Commissioners, or any Five or more of them, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Satisfaction being made or tendered, the Company may enter and proceed in their Works.

XXXIV. And be it further enacted, That upon Payment of such Sum or Sums of Money, or annual Rent, or other Recompence, as shall be contracted and agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Grounds, Tenements, Mills, or Hereditaments as aforesaid, to the Proprietors thereof, or other Person or Persons intitled to receive such Money, Rent, or other Recompence respectively, or legal Tender thereof made to such Proprietor or Proprietors, or other Person or Persons, or to the principal Officer or Officers of any Body Politick, Corporate, Collegiate, Mortgagees, and their Assignees, whether in or out of Possession of the Premises mortgaged, at any Time after the same shall have been so agreed for, determined, or assessed, or if he, she, or they cannot be found, or shall refuse to accept such Money or Rent, or in case it doth not appear to whom the same ought to be paid, then upon Payment thereof to such Person or Persons as the said Commissioners, or any Five or more of them, shall by Writing under their Hands appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, then, and in such Case, such Lands, Grounds, Tenements, or Hereditaments respectively, and the Fee Simple and Inheritance thereof, shall from thenceforth be vested in and become the sole

Property of the said Company of Proprietors, to and for the Use of the said Navigation, and then, but not before, it shall be lawful for the said Company of Proprietors, their Agents, Servants, and Workmen, immediately to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stones, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing the said Navigation, and the Towing Paths on the Sides thereof, in or upon such Lands, Tenements, or Hereditaments, for which such Satisfaction shall be determined or assessed as aforesaid, and thereupon to make, erect, or do any Works, Matters, or Things for the effecting or carrying on the said Navigation, and for the supporting and maintaining the same, as the said Company of Proprietors shall think requisite, (subject nevertheless to the several Limitations and Restrictions contained in this Act), and to have, use, and enjoy the Premises to and for their own Use and Benefit, for the Purposes of the said Navigation; and this Act shall be sufficient to indemnify as well the said Commissioners as the said Company of Proprietors, and their Agents, Servants, and Workmen, for what they, or any of them, shall do by virtue of the Powers hereby granted.

Determination of Commissioners and Verdicts to be recorded.

XXXV. And be it further enacted, That all Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts and Judgements, being first signed by Five or more of the said Commissioners who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to and kept by the Clerk of the Peace for the said County of Essex, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, and also the Inrollment of such Contracts, Agreements, Sales, and Conveyances as are herein-before mentioned, paying for each Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy, not exceeding Two hundred Words, the Sum of Eight-pence, and so in Proportion for any Number of Words; and immediately on such Payment, and Entry of such Verdicts, Sentences, Decrees, Orders, and other Proceedings of the said Commissioners and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the

Person or Persons for whose Use such Money or Rent shall be paid, in, to, and out of the said Lands, Tenements, Hereditaments, and Premises, shall vest in the said Company of Proprietors, and they shall be respectively deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises, had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, Assignment of Mortgage, or any other legal Conveyance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use such Payment shall be made, but also shall extend, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Remainder, or otherwise, against the Issue or Issues of such Person or Persons, and all and every other Person and Persons whomsoever, having or claiming any Right, Title, Estate, or Interest therein, either in Law or Equity, as fully and effectually as a Fine and Recovery, or either of them, would do if levied or suffered by all the proper Parties in due Form of Law.

Purchase Monies paid in Trust, to be laid out to the same Uses.

*XXXVI. And be it further enacted, That out of all Sums of Money which are to be paid to any Bodies Politick, Corporate, Collegiate, or Mortgagees, and their Assignees, whether in or out of Possession of the Premises mortgaged, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any other Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of any Lands, Grounds, Tenements, or Hereditaments, there shall in the First Place be allowed and paid to any Lessee or Tenant, or to any Tithe Owner of, or any other Person having a particular Estate, Term, or Interest in such purchased Lands, Grounds, Tenements, or Hereditaments, such Sum or Sums as in the Judgement of the said Commissioners, or any Five or more of them, shall be equal in Value to the Right and Interest therein of such Lessee or Tenant, or Tithe Owner, or other Person respectively, and that the Residue of such Purchase Monies, in case the same shall exceed the Sum of Twenty Pounds, shall be laid out as soon as conveniently

ently may be by such Bodies Politick, Corporate, Collegiate, or Mortgagees, and their Assignees, whether in or out of Possession of the Premises mortgaged, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons aforesaid, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to, or to the Use of such Bodies Politick, Corporate, Collegiate, or Mortgagees, and their Assignees, whether in or out of Possession of the Premises mortgaged, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, and for such Estates, to, for, or subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Grounds, Tenements, or Hereditaments, for or in respect whereof such Purchase Money or other Monies received in Exchange shall be paid as aforesaid, were limited, settled, and assured, at the Time such Purchase Monies were so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be then existing or capable of taking Effect, such Conveyances and Settlements to be made at the Expence of the said Company of Proprietors; 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, or other 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 of by the said Commissioners, or any Five or more of them, and as well the Interest arising or to be produced from such Funds or Securities, as also the Annual Rent of all such Lands, Grounds, Mills, Tenements, or other 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 entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased and settled, pursuant to the Tenor and Meaning of this Act.

Compensation to be made for Tithes.

XXXVII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors, for all the Tithes, both great and small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter might have become entitled to such Tithes, according to their respective Interests therein,

therein, such Tithes to be estimated at the Average Value of the Four Years commencing at Michaelmas Day One thousand seven hundred and eighty-eight, and ending at Michaelmas Day One thousand seven hundred and ninety-two; such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands, or other Hereditaments, is hereinbefore directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an Annual Rent.

In Default of Payment thereof, the Tonnage Rates to become Security;

XXXVIII. And be it further enacted, That in Default of Payment of such yearly Rents, or such other Sum or Sums of Money, and at such Time, and in such Manner, as shall be agreed, determined, or adjusted, assessed, and awarded for Damages of any Kind, by virtue of this Act, it shall be lawful for the said Commissioners, or any Five or more of them, to appoint One or more Person or Persons, from whom the said Commissioners shall take a proper Security, to collect and receive the Tolls, Rates, and Duties by this Act imposed, and thereout in the First Place to pay all such yearly Rents, or such Damages, so to be agreed on, determined, or assessed as aforesaid, with the Costs, if any, occasioned by such Refusal or Default of Payment, together with legal Interest, to be computed from the Time when such yearly Rents shall have become due, or such Damages shall be awarded, and also the Costs and Expences of collecting and receiving the said Tolls, Rates, and Duties, and the Money so to be raised by such Person or Persons shall and is hereby declared to be as so much Money received to the Use of such Person or Persons, who shall be entitled to receive such yearly Rent or Satisfaction for Damages as aforesaid, in Order and Course respectively as they shall be entitled to receive the same; and after such yearly Rents, Damages, Interest, Costs, and Expences, shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes aforesaid, shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such yearly Rent, or other Sum or Sums of Money, so to be agreed on, determined, assessed, and awarded, which shall not be paid according to the Judgement of the said Commissioners, or any Five or more of them, or the Verdict of the said Juries as aforesaid, with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at Westminster, against the said Company of Proprietors, to recover the same, with full Costs.

If Costs not paid within Two Months, the same to be levied upon the Company of Proprietors.

XXXIX. Provided always, and be it further enacted, That in case the Damage, Interest, and Costs, by this Act provided to be satisfied out of the Tolls, Rates, and Duties arising by the said intended Navigation, shall not be paid and satisfied within the Space of Two Calendar Months after the same shall be so determined and assessed as aforesaid, then and in such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon Complaint made to them by or on the Behalf of the Person or Persons sustaining such Damage, to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of Essex, authorizing and impowering him to levy and raise the Damages so to be determined and assessed, with such Interest and Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall in such Warrant direct and appoint.

Where Land is severed by effecting the Undertaking, Company may purchase the Whole, or build Bridges.

XL. Provided always, and be it further enacted, That in all Cases where, by the effecting of the said Undertaking, any Part or Parts of the Lands or Grounds of any Person or Persons whomsoever shall be severed and divided from the other Part or Parts of the Lands or Grounds of such Person or Persons, so as to deprive such Person or Persons, or the Occupier or Occupiers of such Lands or Grounds, of a convenient or proper Means of Access to the same, then and in every such Case the said Company of Proprietors shall, and they are hereby required, either to purchase the Lands or Grounds so separated, and deprived of a Road as aforesaid, (the Purchase Money in such Cases to be settled, adjusted, and levied by such Ways and Means as are hereinbefore appointed with regard to other Purchase Monies, and to be apportioned, paid, and disposed of in the Manner herein-before directed), or to build and construct, and afterwards to maintain and keep in good and sufficient Repair, a proper Bridge or Bridges, at the Costs and Charges of the said Company of Proprietors, for the Convenience of the Owner or Owners, and Occupier or Occupiers of such Lands or Grounds, as the said Company of Proprietors shall think fit; and that if the said Company of Proprietors shall neglect or refuse (by the Space of Three Months next after Notice shall be given to them, or the Clerk or Clerks by them appointed) to purchase such Parts of the Lands or Grounds which shall be so deprived of a Road thereto as aforesaid, or to build and construct, and keep in good and sufficient Repair,

such Bridge or Bridges, that then and in every such Case it shall and may be lawful for the Person or Persons whose Lands are so separated, and who shall have given Notice as aforesaid, to build himself, herself, or themselves, such Bridge or Bridges as shall be necessary for the Purpose of making a proper Communication between the different Parts of the Land so separated, and to recover the Expence of building such Bridge or Bridges from the said Company of Proprietors, by the same Way and Remedy as is herein-before provided for the recovering other Damages, done by effecting the Purposes of this Act.

For punishing Persons wilfully destroying any of the Works, or obstructing the Navigation.

XLI. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Bank or Banks, or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to, or obstruct, hinder, or prevent the carrying on, completing, or repairing of the said intended Navigation, or any other Works by this Act authorized to be made, such Person or Persons shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pain and Penalty as in Cases of Felony; and the Court by or before whom such Person or Persons shall be tried and convicted shall and hereby have Power and Authority to transport such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, may if they think fit award such Sentence as the Law directs in Cases of Petit Larceny, or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of his Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than Double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices, such Penalty, together with the reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Company to make Drains, &c. and also Fences in certain Cases;

XLII. And, to the End that the said Navigation may be carried on with as little Damage to private Property as

as possible, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Arches, Tunnels, Drains, or other Passages, over, under, or into the said Navigation, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said Navigation, without obstructing or impeding the same, and likewise to make, or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Navigation, to the Prejudice of any of the Lands or Grounds contiguous thereto, and making Satisfaction for the Ground so used for the same; and also to make or cause to be made such Fences as may be necessary in Places where, in Consequence of Cuts being made to straighten the Bends of the said Rivers, the said Bends may be no longer sufficient Fences between the Lands and Grounds lying on each Side thereof; and that all such Fences, Arches, Tunnels, Drains, and other Passages, shall from Time to Time be supported, maintained, and kept in good and sufficient Repair, by the said Company of Proprietors; and if at any Time or Times after One Calendar Month's Notice shall have been given in Writing by or on Behalf of the Owner or Occupier, Owners or Occupiers of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, or the Insufficiency of such Fences, to any One of the Committee to be appointed by virtue of this Act for the Time being, or to the known Agent or Collector of the Rates and Duties of the said Proprietors for the Time being, the said Fences, Arches, Tunnels, Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons, having an Order in Writing for that Purpose from any Five or more of the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Fences, Arches, Tunnels, Drains, and other Passages, and the reasonable Expences thereof, to be ascertained by the said Commissioners, or any Five or more of them, shall be defrayed by the said Company of Proprietors, and in case of Refusal or Neglect to satisfy the same for the Space of One Calendar Month after Demand thereof

and on Neglect the Commissioners may cause them to be repaired, &c. at the Expence of the Company.

made upon their Agent or Agents, or upon any Collector of the said Rates or Duties upon the said intended Navigation, such Expence shall and may be levied and recovered in such Manner as the Costs and Charges of making and erecting Bridges and other Works, by the Owners or Occupiers of Lands, are by this Act directed and appointed to be levied and recovered.

Where Cattle are deprived of Watering Places, others are to be made.

XLIII. And be it further enacted, That where by Means of making the said Navigation any Cattle which used to depasture in the adjacent Lands or Grounds shall be cut off from and deprived of their usual Watering Places, the said Company of Proprietors shall, at their own proper Costs and Charges, set out and provide proper and convenient Places in the Lands adjoining to the said Navigation, for Cattle to water at and drink out of, in every such Ground, in Lieu and Stead of the Watering Place or Places which they were heretofore accustomed to drink and water at as aforesaid, and to supply the said Watering Places, or such of them as shall be situated in the Lands and Grounds adjoining the said Navigation and Water Levels, with Water out of the said Navigation and Water Levels, if necessary.

Towing Paths to be fenced off from the adjoining Lands.

XLIV. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canals or Cuts, or of any Nagigable Cut or Trench to be made by virtue of this Act, in such Manner as shall be found necessary by the said Commissioners, or any Five or more of them, in case there shall be any Dispute about the same, from the Lands and Grounds adjoining to such Towing Paths, with a Post and Rail, Hedge, Ditch, Trench, or other Fence (sufficient to keep in Cattle and Sheep where necessary) to be set or made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid; and also shall, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support in good Repair, such and so many convenient Gates or Drop Stiles upon and across the said Towing Paths, and also Gates, Bridges, and Stiles in, and over all the Hedges and Fences, to be by them so made on the Sides of such Towing Paths and Banks as aforesaid, and also such Bridges, Arches, or Passages, over, under, or through the said Navigation, and the said Trenches, Streams, and Watercourses, at such Places, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall from

Time to Time judge necessary and appoint (in case there shall be any Dispute about the same) for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Navigation, Trenches, Watercourses, and Towing Paths, and of all Persons who now or hereafter may have a Right to any Way over or through the Lands or Grounds which shall be used in making the said Navigation, Water Levels, Trenches, Streams, Watercourses, or Towing Paths, or any of them respectively; and the said Company of Proprietors shall not make the said Navigation, or any Trench or Watercourse, or any Part thereof, in or across any common highway, publick or Bridle Way, or Footway, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges over, or other convenient Passages through, or Arch or Arches under, the said Places where the said Navigation, Trench, or Watercourse respectively shall be intended to be made for such Road, Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall judge proper; and all such Gates, Stiles, Fences, Bridges, Arches, and other Conveniencies to be made by the said Company of Proprietors for the Purposes aforesaid, either with or without the Direction of the said Commissioners, shall from Time to Time be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors; and in case it shall be found necessary to alter or widen any Arch or Arches now existing for the Purposes of the said Navigation, the same shall be repaired from Time to Time at the Expence of the said Company of Proprietors.

In case of Failure to fence off Towing Paths, &c. Commissioners to do it, and the Company to pay the Charge.

XLV. And be it further enacted, That in case the said Company of Proprietors, or their Agents, shall fail or neglect to make, erect, and set up, such Fences on the Sides of the said Towing Paths or Banks, and also such Gates, Bridges, Drop Stiles, and other Stiles, in and over the said Fences and Towing Paths, or such Bridges, Arches, or Passages, over, under, or through the said Navigation, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein directed, for the Use and Convenience of such Persons herein-before mentioned, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall from Time to Time direct and appoint (in case there shall be any Dispute about the same), or to maintain or support such Bridges, Arches, and Watering Places, when erected,

erected, set up, and made, or altered as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or any Five or more of them, then and in every such Case it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands and Grounds, and every Person or Persons who shall find themselves, himself, or herself aggrieved by any such Failure or Neglect, to make and set up such Fences, Gates, Stiles, Bridges, Arches, Passages, and Watering Places, and other Conveniencies aforesaid, as the said Commissioners, or any Five or more of them, shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the said Fences, Gates, Bridges, Stiles, Arches, Passages, and Watering Places, and other Conveniencies from Time to Time, as Occasion shall require, and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Commissioners, or any Five or more of them, shall be repaid to the Person or Persons who shall have so made, erected, or repaired the said Fences, Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniencies, by the said Company of Proprietors, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been made and delivered thereof to any One of the Committee to be appointed by virtue of this Act for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Five or more of them, shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, to and for the Use of such Person and Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus (if any such there be), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or any Five or more of them, or otherwise every or any of the said Owners or Occupiers of Lands, or other Person or Persons aforesaid, who shall have made, erected, set up, or repaired any such Fences, Gates, Stiles, Bridges, Arches, Watering Places, or other Conveniencies, by virtue of the Powers hereby given, shall and may have such and the like Remedy against the said Company of Proprietors, for the

Recovery of such Costs and Charges, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act mentioned and directed.

Owners of Lands impowered to make Bridges.

XLVI. And be it further enacted, That if the Owners or Occupiers of any Lands through which the said intended Navigation shall be made, or any Person or Persons having a Right to a Way or Passage over such Lands, shall at any Time or Times hereafter be of Opinion that the several Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniencies, which shall have been made by the said Company of Proprietors, either with or without the Directions of the said Commissioners, in, upon, over, under, or through the said Navigation, or the Towing Paths thereof, are insufficient, either in Number or Situation, for the commodious Use or Occupation of the respective Lands and Grounds on both Sides, or on either Side of the said Navigation, and shall either not chuse to apply to the said Commissioners in Manner herein-before directed, in order to have the supposed Evil removed, by the making or erecting of One or more additional Gate or Gates, Bridges, Arches, or other Conveniencies, or by the altering the Form or Situation of the present ones, at the Expence of the said Proprietors, or shall apply to the said Commissioners as aforesaid, but without any Success, then and so often, and in any such Case, it shall and may be lawful to and for every or any of such Owners or Occupiers of the said Lands for the Time being, or such other Person or Persons as aforesaid, with the Consent and Approbation of the Committee herein-after appointed for the Time being, upon Request made to them for that Purpose, or in case of their Refusal, for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Commissioners, or any Five or more of them, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniencies, in, over, or near the said Navigation, or the Towing Paths thereof, in such Places as shall be found and adjudged most necessary and convenient, for the better Use, Cultivation, Improvement, or Occupation of the said Lands, and to repair and support the same respectively, at their own like Costs and Charges, as Occasion shall require, so as the Navigation or Passage of, in, or upon the said Navigation or Towing Paths respectively be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same will ne-

neceſſarily be by any of the other Gates, Stiles, or Bridges to be made or erected by, in, or over the ſame Navigation, by the ſaid Company of Proprietors as aforeſaid, and ſo as no greater Damage or Injury be thereby done to any of the Works of the ſaid intended Navigation than will neceſſarily be done by the other Gates, Stiles, or Bridges to be made or erected by the ſaid Company of Proprietors as aforeſaid.

Lords of Manors and Land Owners may erect Wharfs, Warehouſes, &c. on their Lands;

XLVII. And be it further enacted, That nothing in this Act contained ſhall extend to reſtrain or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through which the ſaid intended Navigation ſhall be made under or by virtue of this Act, from making, erecting, or uſing any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon their reſpective own proper Lands, Grounds, or Waſtes, reſpectively, ſo that the Rates, Tolls, or Duties herein-after granted to the ſaid Company of Proprietors for Tonnage ſhall not be thereby reduced or altered, and ſo that the Navigation or Paſſage be not thereby obſtructed or hindered, and ſo as not to prejudice or hinder the Delivery of Coals, Lime Stone, or other Goods.

but if not done within 12 Months after Notice, the Proprietors may build them.

XLVIII. Provided always, and be it further enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Twelve Calendar Months after Notice given in Writing by or on Behalf of the ſaid Company of Proprietors, that any Part or Parts of ſuch Lands, Grounds, or Waſtes, is or are intended to be uſed by them for the Purpoſe of erecting Wharfs, Warehouſes, and Buildings for the Uſe of the ſaid Navigation, make, erect, maintain, and keep in ſubſtantial Repair in the Opinion of the ſaid Commiſſioners, or any Five or more of them, proper and ſufficient Wharfs, Warehouſes, and Buildings for the Uſe of the ſaid Navigation, on the reſpective Part or Parts of the Lands, Grounds, and Waſtes comprized and deſcribed in ſuch Notice, then and in ſuch Caſe the ſaid Company of Proprietors ſhall have full and abſolute Power and Authority, without any Hindrance or Reſtraint whatſoever, to make Uſe of ſuch Lands, Grounds, or Waſtes, (except ſuch as are herein particularly ſpecified and excepted) for all or any of the Purpoſes aforeſaid, firſt making or tendering Satisfaction for the ſame, in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes aforeſaid.

For aſcertaining the Rates of Wharfage.

XLIX. And be it further enacted, That nothing ſhall be demanded or taken for Wharfage by the ſaid Company

of Proprietors in respect of any Goods or Merchandize which shall be loaded into or discharged from any Boat, or other Vessel, and which shall not lie upon any Wharf or Quay made or provided by them for any longer Time than Twenty-four Hours; and that no more than the Sum of Three-pence per Ton shall be demanded or taken for the Wharfage of any Chalk, Lime, or other Manure, to be used for the Improvement of Land only, nor any more than One Shilling per Ton for the Wharfage of any other Goods or Merchandize where the same shall be respectively placed upon such Wharf or Quay, and shall not remain or continue thereupon for any longer Space of Time than Six Days; but if such Chalk, Lime, or other Manure, or any other Goods or Merchandize, remain and continue thereupon for more than Six Days, Sixpence per Week per Ton shall be paid for the Wharfage of every Ton of such Chalk, Lime, or other Manure, or such other Goods and Merchandize: Provided always, That nothing herein contained shall extend, or be construed to extend, to authorize the said Company to demand or take any Wharfage whatever for Coals which shall be landed at any Wharf made or provided by the said Company of Proprietors; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

For Recovery of Rates of Wharfage, &c.

L. And for the better securing the Payment of such Wharfage, be it further enacted, That in case any Person or Persons whomsoever shall remove or take away any Goods, Wares, Merchandize, Commodities, or Things for which any Money for Wharfage shall be due, from any such Wharf, without the Consent of the said Company of Proprietors, or their Agents, Servants, or Wharfingers at such Wharf, without the Payment of such Sum as shall be then due for the same by virtue of this Act, then and in every such Case, the Person or Persons so offending, and being thereof convicted before One or more of His Majesty's Justices of the Peace for the said County of Essex, shall, for every such Offence, forfeit and pay unto the said Company of Proprietors, any Sum of Money not exceeding Five Pounds, together with such further Sum or Sums of Money as shall be due from him, her, or them for Wharfage on all and every Part of such Goods, Wares, Merchandize, Commodities, and other Things so removed and taken away, to be recovered by Distress and Sale, as herein-after mentioned for Recovery of the Tolls, Rates, and Duties for navigating on the said Navigation.

LI. Provided always nevertheless, and it is hereby enacted and declared, That the Lord or Lords, Owner or Owners of all and every Manor or Manors through which the said intended Cuts or Canals, Trenches, and Sluices shall be made, shall have and be entitled to the several and exclusive Right of Fishery of and in so much of the said Canals, Cuts, Trenches, and Sluices as shall be made over or through the Common or Waste Lands within his, her, or their Manor or Manors respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Cuts, Canals, Trenches, or Sluices shall be made, shall also have and be entitled to the like sole, several, and exclusive Right of Fishery of and in so much of the said Cuts, Canals, Trenches, or Sluices as shall be made in, over, or through his, her, or their Lands or Grounds respectively; and also that the Right or Rights of any Lord or Lords of any Manor or Manors, or of any Land Owner or Land Owners, of, in, or to the Fishery of the said River, shall remain in the same Manner as before the Commencement of this Act; and that the Right of Fishery in any Cuts which shall be made by virtue of this Act, in deviating from the Course of the said River, shall be the Property of the respective Persons entitled to the Right of Fishery in the Parts of the said River between the Commencement and Termination of such Deviations respectively, so as in the Use and Exercise of such Rights of Fishing the said Navigable Cuts, Canals, or River Navigation, Trenches, and Sluices, and the Towing Paths, Banks, or other Works and Conveniencies, hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution for or by Reason of taking or destroying any Fish in the said Cuts, Canals, or River Navigation, Trenches, or Sluices, which shall be killed or destroyed through or by Means of letting off the Water out of the said Cuts, Canals, River Navigation, Sluices, or Trenches, for or on Account of any Repairs or Works to be done in or about the same; any Thing herein contained to the contrary notwithstanding: Provided always, That nothing herein contained shall extend, or be construed to extend, to deprive the respective Owners of the Fisheries of the said River of Recompence and Indemnification for any Detriment they may receive, with respect to their Rights of Fishery, from the Water

Right of Fishery granted to Lords of Manors and Land Owners.

Water not being drained and exhausted as heretofore, at the Times they fish with Nets, or from any other Cause or Causes proceeding from the making, maintaining, or using the said Navigation, but the Damages they may sustain, and the Satisfaction and Recompence in respect thereof, shall be settled and determined by the Ways and Means herein prescribed, with respect to any other Damages done by the making and compleating of the said Navigation.

Land Owners may use Pleasure Boats.

LII. And it is hereby further enacted, That it shall be lawful for the Owner or Owners, Occupier or Occupiers of any Lands adjoining to the said Navigation to use any Pleasure Boat or Boats thereon, but not to pass through any Lock, unless they shall pay Tonnage equal to a Boat or Vessel carrying Twenty Tons, or obtain the Consent of the said Company of Proprietors, without any Interruption from the said Company of Proprietors, and without paying any Rate or Duty for the same, so as such Pleasure Boat or Boats be not made use of for carrying Goods, Wares, or Merchandize, and so as the same do not obstruct or prejudice the said Navigation, or the Towing Paths on the Sides thereof.

Proprietors may raise Money among themselves for making the Navigation.

LIII. And, to the End the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said Navigation, and other Works and Conveniencies, provided that the said Sum does not exceed the Sum of Forty thousand Pounds in the Whole (except as herein-after mentioned), and that the same be divided into such Number of Shares as herein-after directed, each Share not exceeding One hundred Pounds, and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share; and the Money so to be raised is hereby directed and appointed to be laid out and applied in the First Place for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences, in applying for, obtaining, and passing this present Act of Parliament, and all other necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Navigation, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

LIV. And be it further enacted, That the said Sum of Forty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person or Persons, Bodies Politick or Corporate, who shall or may become Subscriber or Subscribers to the said Undertaking, shall be divided into Four hundred equal Parts or Shares, at a Price not exceeding One hundred Pounds per Share, and that the said Four hundred Shares shall be and are hereby vested in the several Persons so subscribing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they and each of them shall severally subscribe and pay thereunto, and all and every the said Shares shall be Personal Estate, and transferrable as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, and every Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the same shall be completed, the entire and neat Distribution of One Four hundredth Part of the Profits and Advantages that shall or may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by virtue of this Act, and so in Proportion for any greater Number of Shares; and every Body Politick, Corporate, or Collegiate, or Person or Persons having such Property of One Four hundredth Part, or One Share in the said Undertaking, and so in Proportion to any greater Number of Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the said Undertaking, in Manner herein-after enacted, directed, and appointed.

The Money raised to be divided into 400 Shares.

LV. And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and completing the said Navigation, may be managed and conducted in the most beneficial Manner, be it further enacted, That all and every Body or Bodies Politick or Corporate, or other Person or Persons who shall by virtue of this Act have subscribed or undertaken for One Share of the said Navigation, and their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be held as herein-after appointed for carrying on the said Undertaking,

Subscribers to have a Vote for every Share;

by themselves or Proxy;

which Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly constituted under his, her, or their Hand and Seal, or Hands and Seals, such Proxy or Proxies being a Proprietor or Proprietors in the said Undertaking, and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes as if such Principal or Principals had voted in Person; and any Body or Bodies Politick or Corporate, Person or Persons, who shall have One or more such Share or Shares, shall have Liberty by himself, herself, or themselves, or by his, her, or their Proxy or Proxies, constituted as aforesaid, to give One Vote for each such Share; provided that no Proprietor, though possessed of more than Ten Shares, shall have more than Ten Votes in any such Assembly, and that no Proprietor shall vote by Proxy for more than Ten Shares, nor shall any Proprietor be permitted to vote by Proxy for more than Five absent Proprietors; and whatever Questions, Election of Officers, or other Matters or Things, shall be proposed, discussed, or considered in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share, save as aforesaid.

not exceeding Ten for each.

Proprietors may raise an additional Sum of 20,000 *l.* if necessary;

LVI. And be it further enacted, That in case the said Sum of Forty thousand Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Navigation, Water Levels, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Twenty thousand Pounds, and every Subscriber towards raising such further or other Sum shall have a like Vote by himself or herself, or his or her Proxy, in respect of every such Share in the said additional Sum so to be raised, and shall also be liable to such Forfeiture, and stand interested in all the Profits and Powers of the said Navigation, proportionably to the Sum he, she, or they may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sums hereby allowed to be subscribed for and raised had originally been Part of the

by Admission of new Subscribers;

said Sum of Forty thousand Pounds, any Thing herein contained to the contrary thereof in anywise notwithstanding; or it shall and may be lawful for the said Company of Proprietors, or the Committee for the Time being to be appointed by virtue of this Act, or any Five or more of such Committee, at any of their Meetings assembled, to borrow and take up, at legal or less Interest, or by granting of Annuities for One or more Life or Lives, all or any Part of the said Sum of Twenty thousand Pounds on the Credit of the said Undertaking, as to them shall seem meet and convenient, and they are hereby fully authorized and impowered to grant or assign over the said Navigation, Water Levels, Undertaking, and Premises, and the Tolls, Rates, and Duties arising or to arise by virtue of this Act, or any Part thereof (the Costs and Charges of granting or assigning the same to be paid out of such Tolls, Rates, and Duties), as a Security for any such Sum or Sums of Money to be borrowed, with Interest, or for which such Annuities shall be granted to such Person or Persons, or to his, her, or their Trustees, who shall advance the same, under the Common Seal of the said Company, by the following Words of Assignment, or by any other Words to the same Effect; (videlicet),

or borrowing Money upon the Tolls.

BY virtue of an Act made in the Thirty-third Year of the Reign of His Majesty King *George* the Third, [*Here set forth the Title of the Act*], we, the Company of Proprietors of the said Navigation and Undertaking, incorporated by and under the said Act, in Consideration of the Sum of of lawful *British* Money to us in Hand paid by *A. B.* of do assign unto the said *A. B.* his [*or* her] Executors, Administrators, and Assigns, all and singular the Tolls, Rates, and Duties, arising by virtue of the said Act, and also the said Navigation, Water Levels, and Undertaking, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors of, in, and unto the same, to hold unto the said *A. B.* his [*or* her] Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same, after the Rate of *per Centum per Annum*, shall be paid; or otherwise [*as the Case may happen*] do grant and assign unto the said *A. B.* his [*or* her] Executors, Administrators, and Assigns, One Annuity or clear yearly Rent Charge of to be issuing and payable from and out of all and singular the Tolls, Rates, and Duties arising by virtue of the said Act, and also the said Navigation

Form of Assignment.

Navigation and Undertaking, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors of, in, and to the same, to have, hold, receive, take, and enjoy the said Annuity or clear yearly Rent Charge of unto the said *A. B.* his [*or* her] Executors, Administrators, and Assigns, for and during the natural Life or Lives of such Person or Persons as shall be therein for that Purpose named, by Two equal Payments in each Year, upon the Day of and the Day of Given under our Seal, the Day of

And all and every Person and Persons to whom such Grant or Grants, Assignment or Assignments shall be made, shall be equally entitled to his, her, or their Proportion or Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Assignment mentioned to be advanced, and according to the Amount of such Annuity or Annuities, for which such Grant or Grants shall be made, without any Preference by Reason of Priority of such Grant or Assignment, or on any other Account whatsoever; and the Money so borrowed, and for which such Annuities shall be granted, shall be applied for and towards the making, maintaining, and completing the said Navigation, Water Levels, and other Works hereby authorized to be made, and in carrying the several Powers, Provisions, and Authorities herein contained into effectual Execution.

Annuities or Securities to be entered in a Book, and may be transferred.

LVII. And be it further enacted, That Entries or Memorials of every such Grant or Grants, Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, or for which such Annuity or Annuities shall be granted as aforesaid, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and that all and every Person and Persons to whom any such Grant or Grants, Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby granted or secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit of the said Annuity or Annuities, or the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, by indorsing on the Back of such Grant or Security, before One credible

Witness, the following Words, or Words to the like Effect; (videlicet),

I Do transfer this Grant or Assignment, with all my Right and Title to the Annuity within mentioned [*or*, the Principal Money thereby secured, *as the Case shall happen to be*], and to all the Interest now due, or hereafter to become due thereon, unto *C. D.* of his [*or* her] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

Which said Transfer or Assignment shall within Twenty Days after the Date thereof be produced and notified to the said Clerk or Clerks, who shall cause the Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and the Annuity or Sum of Money therein transferred, in the said Book or Books to be kept for entering the said original Grant or Assignment, for which the said Clerk or Clerks shall be paid Two Shillings and Sixpence; and after such Entry made, but not till then, every such Grant or Assignment shall entitle such Grantee or Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Grantee or Assignee may in like Manner assign again, and so toties quoties.

Interest of Money borrowed, or Annuities granted, to be paid in preference to the Dividends, or may be sued for at Law.

LVIII. And be it further enacted, That as well the Annuity or Annuities to be granted, as also the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid half-yearly to the several Persons intitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act, to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; and in case the same, or any Part thereof, shall be behind and unpaid by the Space of Sixty Days next after the same shall become due and payable as aforesaid, and after Demand thereof made, that then it shall and may be lawful for the said Commissioners, or any Five or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Whole, or such Part or Parts of the said Rates or Duties as are liable to pay such Annuities or Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to

the Use of such Person or Persons to whom such Annuity or Annuities, or Interest, shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully satisfied and paid; and after such Annuities, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Annuities or Interest, so due and unpaid as aforesaid, shall be sued for and recovered with Costs, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Grantees or Assignees not to vote at any Meeting, on Account of having lent such Money.

LIX. Provided always, That no Person to whom such Grant or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Sum or Sums of Money on the Credit of any such Grant or Assignment.

General Assembly for chusing a Committee.

LX. And, to the End that all Matters and Things to be done and carried on by virtue and Authority of this Act may be more regularly and methodically carried into Execution, be it further enacted, That the First General Assembly or Meeting of the Proprietors for putting this Act into Execution shall be held at The Black Boy Inn, in the Town of Chelmsford, upon the Fifteenth Day of July One thousand seven hundred and ninety-three, and the like General Assembly or Meeting shall be held Twice in every Year for the future, upon the Second Monday in January, and the Second Monday in July, at the Hour of Eleven of the Clock in the Forenoon, at such Place, within the said County of Essex, as the said Proprietors at such preceding Meeting shall appoint, at which said First Meeting, and also at every subsequent Meeting to be held upon the Second Monday in July, yearly, the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Nine Persons, who for the Time being shall respectively be Proprietors of Three or more Shares in the said Undertaking, which Persons so chosen shall be a Committee to manage the Affairs of the said Company of Proprietors for the Year then next following, or until another Committee shall be appointed; and if at any Time it shall appear to any Three or more of such Committee, or to Seven or more of the Proprietors at large, that for the more effectually putting this Act into Execution a Special Meeting of the Proprietors is necessary to be held, it shall and may be lawful for

such Three or more of the said Committee, or Seven or more of the Proprietors at large, to cause Notice to be given thereof by their Clerk or Clerks in the said Chelmsford Chronicle, or in such Manner as the said Proprietors shall at any General Meeting direct or appoint, declaring in such Notice the Place where and Time when such Meeting is to be held, such Time not being less than Fourteen Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Meeting, and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given them, with respect to the Matters so specified in such Notices only; and all such Acts of the said Proprietors, or the major Part of them assembled at such Meeting, shall be as valid, to all Intents and Purposes, as if the same were done at Meetings held in Manner hereinbefore appointed: Provided always, that no Agent, or other Person employed by or under the Authority of the said Company of Proprietors, shall be capable of being chosen of any such Committee.

Each Member of the Committee to have but one Vote, except the Chairman.

LXI. Provided always, That no One Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than One Vote in the said Committee, except the Chairman, who shall be chosen by themselves, and who in case of an equal Division shall have the Casting Vote, although he may have given One Vote before.

Committee to be under the Controul of General Assemblies.

LXII. Provided also, That such Committee shall, from Time to Time, make Report of their Proceedings to the said General Assemblies of the said Proprietors as aforesaid, and pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

How the Books of Account are to be kept.

LXIII. And be it further enacted, That the Book and Books in which all the Accounts relating to the said Undertaking shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power, and every Proprietor, upon reasonable Request, shall have free Access to the same for his, her, or their Inspection.

LXIV. And

General Assemblies to consist of a certain Number of Shares.

LXIV. And be it further enacted, That if at any such General or Special Assembly there shall not be Persons present who shall have Two hundred such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time, but in such Case there shall be a new Assembly of the Proprietors of the said Undertaking at the same Place upon that Day Fortnight following, and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein-before appointed, had there been a sufficient Number of Votes present, and the Persons then chosen to be of the said Committee shall have the same Power as they would have had, and continue in such Office as long Time as they would have done, had they been chosen on the Day herein-before appointed, and in case of Failure at such First Meeting of Persons having Two hundred such Shares as Principals or Proxies, every Proprietor who shall not be present at such Second Meeting, by himself or herself, or by his or her Proxy, shall forfeit to the said Company of Proprietors, for every such Share which he or she, being absent from such Second Meeting, shall have in the said Undertaking, the Sum of Five Shillings, to be stopped out of the next Payment of Interest or Dividend of the Profits of the said Undertaking, as the Case may happen.

Power of General Assembly and Committees.

LXV. And be it further enacted, That the said Committee of Proprietors shall have Power to call for, audit, and settle all Accounts of Monies laid out and disbursed on Account of the said Undertaking with the Receiver or Receivers, and other Officer or Officers to be appointed by virtue of this Act, or any other Person or Persons whomsoever employed or concerned for or under them, in and about the said Undertaking, and for that or any other Purpose shall have Power to adjourn themselves over, from Time to Time, and from Place to Place, as shall be thought convenient; and all Proceedings of the said Committee shall be regularly entered in a Book or Books to be kept by the Clerk or Clerks for that Purpose; and such Committee met together by the Authority of this Act shall have Power from Time to Time to make such Call or Calls of Money from the Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so as no such Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of Two Calendar Months at the least from each other, which Money so called for shall be paid into the Hands of

the Treasurer or Treasurers of the said Company for the Time being, to be paid and applied in such Manner as the said Committee or any such General Assembly shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next Annual or other General Assembly to be holden in Manner as aforesaid, meet at such Times and Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and in order to defray the Expences of the Meetings of the said Committee, it shall be lawful, and they are hereby allowed to expend or detain to themselves a reasonable Sum of Money out of the said Capital Stock of the said Proprietors, for their Expences in attending such Meetings, and shall have Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of the major Part of the said Committee as shall be then and there assembled, such Majority not being less than Three Persons; and every the Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid at such Time and Place as shall be appointed, of which Two Calendar Months Notice at least shall be given, by publishing the same in the Chelmsford Chronicle so long as the same shall continue to be published, or in such Manner as the said Proprietors shall, at any General Assembly, direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First Call, to be made by virtue of this Act, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First

Expence of Committee Meeting.

Meeting as aforesaid, at the Time and Place so appointed, he, she, or they, so neglecting or refusing, shall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, or their respective Share and Shares, Parts and Interests in the said Undertaking and Premises; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid; then he, she, or they, so neglecting, shall forfeit his, her, or their respective Share and Shares, Parts and Interests in the said Undertaking and Premises, and all the Profit and Benefit thereof, all which Forfeitures shall go to the rest of the Company of Proprietors of the said Undertaking, for their own Use and Benefit, in Proportion to their respective Interests, or any other Person shall and may be admitted in the Place and Stead of such Person forfeiting as aforesaid, at the Election of the Proprietors, so as to keep up the original Number.

Subscribers to have Notice before they forfeit their Shares.

LXVI. Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after Personal Notice to the Owner or Owners, or Notice in Writing left at his, her, or their usual or last Place of Abode, or unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held after the End of Two Calendar Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every such Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been declared to be forfeited by a General Assembly, but not before, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to carrying on the said intended Undertaking.

General Assemblies may make Bye Laws.

LXVII. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority, at any General Assembly met as aforesaid, to remove or displace any Person or Persons chosen to be of the Committee as aforesaid, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules or Directions herein-before prescribed and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General and Special Assemblies,

and the Time and Place of meeting and voting, and appointing Committees, only excepted), and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Company, and for the good and orderly using of the said Navigation, and all such Warehouses, Wharfs, Passages, Locks, Tunnels, and all other Things that shall be made for the same, and also for and concerning all such Vessels, Floats, Goods, and Commodities as shall be navigated and conveyed thereon, or laid in or upon such Warehouses or Wharfs, and also for the well governing of the Bargemen, Watermen, Boatmen, and others who shall carry or convey any Goods, Wares, and Merchandize upon any Part of the said Navigation, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence, such Fines or Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Orders, being put into Writing, under the Common Seal of the said Company, shall be binding upon and be observed by all Parties, and shall be sufficient, in any Court of Law or Equity, to justify all Persons who shall act under the same, provided that they be not repugnant to the Law of England, or any Directions in this Act contained.

When Subscribers die before the Shares are completed, Executors, &c. may complete the Payment;

LXVIII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before Calls shall be made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how such Share or Shares shall be disposed of, and the Money paid in upon Calls for the future, then and in such Case the Executors or Administrators of any such Owner or Owners so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person or Persons whomsoever, entitled to the Estate and Estates of such Owner deceased, shall be indemnified against all such Infant or Infants, or other Persons whomsoever, for paying any Sum of Money when called for as aforesaid, to complete any such Subscription; and if any such Owner deceased shall not have left Assets sufficient, or in case any Executors or Administrators, Trustee or Guardian, shall refuse or neglect to answer any such Calls and Payments,

or in case of Refusal, or Want of Assets, Proprietors may appoint others.

the

the said Company of Proprietors shall be and are hereby impowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such Owner or Owners, or the Trustee or Trustees, Guardian or Guardians of any Infant, or others entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been by such Owner or Owners, in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise, advanced upon such Share or Shares; and in Default of such Calls being answered and made good in Manner aforesaid, it shall and may be lawful for the said Company of Proprietors to sell and dispose of the Share or Shares of such deceased Owner or Owners, and pay and apply the Money arising by such Sale (after deducting the reasonable Charges occasioned thereby) to or for the Benefit of the Representatives of such deceased Owner or Owners.

How Shares may be disposed of.

LXIX. And be it further enacted, That it shall be lawful for the several Proprietors of such Undertaking to sell and dispose of any Share or Shares he, she, or they shall or may be entitled to therein, subject to the Rules and Conditions herein mentioned, and any Purchaser or Purchasers shall, for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons for whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers, One Part whereof, duly executed by the Seller and Purchaser, shall be delivered to the said Committee, or to their Clerk or Clerks for the Time being, to be filed and kept for the Use of the said Company, and Entry thereof shall be made in a Book or Books to be kept by the said Clerk or Clerks for that Purpose, for which not more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is or are hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee, or Clerk or Clerks as aforesaid, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking paid unto him, her, or them, for his, her, or their Share or Shares so purchased, or any Vote as Proprietor or Proprietors.

LXX. And be it further enacted, That after any Call of such Monies shall be made by the Authority of this Act, no Person or Persons shall sell or transfer any Share which he, she, or they shall then have in the said Undertaking, until the Monies called for upon his, her, or their respective Share or Shares so to be sold shall be paid, upon the Penalty of forfeiting his, her, or their respective Share or Shares of the said Undertaking to the said Company, in Trust for the Benefit of all the other Proprietors, unless the Person or Persons who shall be Vendee or Vendees shall at the Time of such Transfer pay the Money called for upon such Share so transferred to the Treasurer of the said Company, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed. No Share to be sold after a Call made, until such Call be answered.

LXXI. And be it further enacted by the Authority aforesaid, That the said Shares shall and may be sold, assigned, and transferred in the following Form, or by any other Words to the like Effect; (to wit),

Form of the Sale and Transfer.

I *A. B.* in Consideration of paid to me by *C. D.* of do hereby bargain, sell, assign, and transfer to the said *C. D.* his [*or* her] Executors, Administrators, and Assigns, Share *or* Shares [*as the Case is*] in the *Chelmer* Navigation, to hold to the said *C. D.* his [*or* her] Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions that I held the same, immediately before the Execution hereof: And I the said *C. D.* do hereby agree to accept of the said Share [*or* Shares] in the said Navigation, subject to the same Rules, Orders, and Conditions. Witness my Hand and Seal, the Day of in the Year of our Lord

Regulations as to the Acquisition or Shares.

LXXII. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors; and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid, and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and

sworn to by some credible Person, before One of the Judges at Westminster, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks to the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk or Clerks, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died Intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects, (as the Case may happen to be), before One of the Judges at Westminster, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned.

Clerk, Treasurer, and other Officers to be appointed, for the Company of Proprietors.

LXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Meeting assembled, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and Clerk or Clerks, Collector or Collectors of such Rates or Duties, and such other Officers as they shall think necessary, and to take such sufficient Security from every such Treasurer or Treasurers, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his or their Office; as the said Company of Proprietors shall think proper, and from Time to Time to remove any such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors; and every such Clerk or Clerks, or One of them, shall always attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Undertaking, and of the several Persons who shall, from Time to

Time, become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the said Committee, by virtue of, and under the Authority of this Act; and that every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to, and peruse and inspect the same gratis, and may demand and have Copies thereof, or of any Part thereof, paying Four-pence for every One hundred Words so to be copied; and if the said Clerk or Clerks shall refuse to permit any of the said Proprietors to inspect or peruse any such Book, or refuse, in a reasonable Time, to make any such Copy or Copies at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds, for the Benefit of the Person or Persons to whom such Refusal shall be made; and whenever any such Treasurer or Treasurers, Clerk or Clerks, shall die or be removed from, or quit the Service of the said Company of Proprietors, it shall be lawful for the Committee of Proprietors for the Time being, or a Majority of them, to appoint some other fit Person or Persons to be Treasurer or Treasurers, Clerk or Clerks, in the Place of him or them so dying, being removed, or quitting the said Service, until the next General Assembly of the said Proprietors, when such Appointment shall be confirmed, or another Treasurer or Treasurers, Clerk or Clerks, shall be nominated or appointed in his or their Stead.

Upon the Death or Removal of any Officer, another to be appointed.

LXXIV. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, such Book or Books to be open at all seasonable Times for the Inspection of any Person interested in the said Proceedings, and desirous of seeing and examining the same, without Fee or Reward; and such Entries, being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners, or any Five or more of them, may and are hereby required at their First Meeting to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One of the said Three Persons as the said Commissioners shall think proper to be their Clerk, and from Time to Time may remove any such Person, and on such Removal, or in case such Clerk or Clerks shall die or quit the said Employment,

Proceedings of the Commissioners to be entered in a Book.

Clerk of the Commissioners to be appointed.

the said Company of Proprietors, or the Committee for the Time being, shall, within the Space of Fourteen Days after Notice in Writing for that Purpose to be given by the said Commissioners, or any Five or more of them, nominate Three other Persons, and give Notice thereof unto the said Commissioners, from whom such Notice in Writing was received, and they the said Commissioners, or any Five or more of them, shall and may appoint such One of the said Three last named Persons as they shall think proper to be their Clerk, and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed (toties quoties) as Occasion shall require, and such Clerk shall be paid for his Care, Expence, and Trouble in the Execution of his Office, by the said Company of Proprietors, and such Clerk or Clerks who shall be removed, or die, or quit the Service as aforesaid, his or their respective Executors or Administrators, shall, within Thirty Days after Notice in Writing to him or them respectively given by the said Commissioners, or any Five or more of them, at a Meeting to be held pursuant to this Act, produce and deliver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever, relating to the Execution of his or their Office, which shall be in his or their Custody or Power; and every such Person neglecting or refusing to produce or deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall for every such Neglect or Refusal respectively forfeit the Sum of Fifty Pounds to the said Company of Proprietors.

No Business to be done at a Committee, unless Three Persons present.

LXXV. And be it further enacted, That no Resolution shall be taken or Business done at any of the Meetings of the said Committee, unless Three Persons chosen of such Committee shall be present, nor shall the Treasurer or Treasurers issue any Sum or Sums of Money for the Use of the said Company, without an Order signed by a Majority of the Committee present at such Meeting, and never by fewer than Three of them, and all such Orders for the Payment of Money shall be entered into the Company's Books, and the Treasurer or Treasurers shall be allowed all his or their Expences in the Execution of his or their Office, and shall give such Security for properly accounting for and paying all such Monies as shall come into his or their Hands as the said Company shall judge necessary; and the Clerk or Clerks shall be intrusted with Money from Time to Time, by an Order in Writing, signed by a Majority of the said Committee, upon the Treasurer or Treasurers, to enable him or them to pay petty Expences, and such small

Clerk to be entrusted with Money to pay petty Expences, and account to Committee.

Sums as shall be found necessary, and he or they shall account for the same to the Committee, who shall regularly examine and sign the said Accounts as often as they shall see fit; and the said Treasurer's Accounts shall be examined and compared with the Books of the said Committee every Half Year, and shall be made up, and the Balance settled and signed by the said Committee, or any Three or more of them. Treasurers to pass their Accounts.

LXXVI. And be it further enacted, That in Consideration of the great Charges and Expences the said Company will be at in making and maintaining the said Navigation, and all other the Works hereby authorized to be made and erected, it shall be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, and receive, to and for their own proper Use and Behoof, for Tonnage for, or Carriage of, all Coals, Stone, Timber, and other Goods, Wares, and Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon or through the said Navigation, such Rates and Duties as the said Company of Proprietors shall think fit, not exceeding the Rates and Duties herein-after mentioned; (that is to say), Rates of Tonnage.

For all Coals, Two-pence per Chaldron per Mile:

For all Stone, One Penny per Ton per Mile;

For all Lime, Chalk, Dung, and other Manure whatsoever, to be used only for the Improvement of Land, One Penny per Ton per Mile:

For all Wheat, Barley, Rye, Pease, Beans, and Tares, One Halfpenny per Quarter per Mile:

For all Oats, Malt, and all other Sorts of Grain or Seeds not herein-before mentioned, One Farthing per Quarter per Mile:

For every Sack of Meal or Flour, containing Five Bushels, One Farthing per Sack per Mile:

And for all other Goods, Wares, Merchandize, Articles, or Things whatsoever, Two-pence Halfpenny per Ton per Mile:

Which Rates and Duties shall be paid to such Person or Persons, at such Place or Places near to the said Navigation, in such Manner, and under such Regulations, as the said Company of Proprietors shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rate and Duty, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Company of Proprietors may sue for the same, by Action

of Debt, or upon the Case, in any Court of Record at Westminster, or the Person or Persons to whom the said Tolls ought to have been paid, may, and he and they is and are hereby impowered to seize and detain any Boat or other Vessel, or the Goods, Merchandize, or other Things, for or in respect whereof any such Rates or Duties ought to be paid, or any Part of such Goods, and detain the same, until Payment thereof, and of all Arrears of Tonnage which may be due from the Owner of such Boat or other Vessel to the said Company of Proprietors, together with the reasonable Charges of such Seizure and Detainer, and if such Seizure shall not be redeemed within Five Days after the taking thereof, the same may be appraised and sold as the Law directs in Cases of a Distress for Rent.

Exemption from Toll.

LXXVII. Provided always, and be it further enacted, That Stones, Gravel, and Sand to be employed for the Purpose only of making and repairing any publick or private Roads, not being Turnpike, in any Townships, Village, or Hamlet through which the said Navigation shall be made, and which shall not be carried more than Five Miles on the same, shall not, nor shall any of them be charged with or liable to pay any of the Rates, Duties, or Tolls authorized to be taken by this Act, for being carried upon the said Navigation, Trenches, Sluices, or Passages, or any Part thereof, but shall be free and exempt from the same, so that the Things hereby exempted from the Payment of such Tolls and Duties do not pass through any Lock authorized to be made by virtue of this Act but at such Times when the Water shall flow over the Gauge Paddle or Waste Weir of such Lock; and also that such Person or Persons who shall own or be concerned or employed in carrying such Stones, Gravel, or Sand, for the making or repairing Roads, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said Company of Proprietors, such Person or Persons not suffering such Stones, Gravel, or Sand for making or repairing Roads, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are to be put on Board and unloaded, and making good any Damage that may be done to the Fences, Side Banks, or Towing Paths of the said Navigation, or any Part thereof, by the loading, unloading, or discharging any Boats or other Vessels, or by the loading of such Materials upon, to, or from the Banks of such Navigation, which Recompence and Satisfaction, in case of any Difference,

shall be settled and ascertained by the said Commissioners, or any Three or more of them; provided that every Person and Persons claiming such Exemption as aforesaid shall give Notice to the nearest Toll-gatherer or Lock-keeper of such his or their Intention to pass through any Lock or Locks through which he or they intend to pass Two Hours at least before the passing through such Lock or Locks as aforesaid; and if any Person or Persons shall claim or use any of the aforesaid Exemptions, or shall claim a Right to navigate and pass upon the said Navigation on Payment of the lower Rates or Duties before mentioned, who shall not be entitled thereto, or shall use or dispose of any of the Articles so exempted, or liable only to the said lower Rates or Duties, in any other Manner than as before directed, and be convicted thereof before One Justice of the Peace for the said County of Essex, he or they shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Twenty Shillings, to be levied by Distress and Sale of his or their Goods and Chattels.

Power to vary the Tolls

LXXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any Special Meeting to be held for that Purpose (of which Two Calendar Months Notice shall be given in Manner herein-before mentioned) to lessen or reduce all or any of the said Rates, Tolls, or Duties hereby granted, as they shall think proper, and afterwards from Time to Time, at any Special Meeting (of which such Notice shall be given as aforesaid) to advance the said Rates, Tolls, or Duties so lessened to any Sum or Sums of Money not exceeding the respective Rates, Tolls, or Duties by this Act allowed to be taken.

Masters of Boats to give an Account in Writing of Goods, &c. on Board.

LXXIX. And, for the more easy collecting the said Rates and Duties, be it further enacted, That the Master, Owner, or Manager of every Boat or other Vessel navigating upon the said Navigation shall give a just Account in Writing, signed by him, to the Collectors of the said Rates or Duties at the Place or Places where they shall attend for that Purpose, of the Quantities, Qualities, and Weight of Goods which shall be in or belong to each Boat or other Vessel, from whence brought, where the same is or are intended to be landed, and also of the Quantities, Qualities, and Weight of such Goods as shall have been discharged or taken out of such Boat or other Vessel within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and in case such Master, Owner, or other Person shall neglect or refuse to give such Account,

count, or shall give a false Account, he shall forfeit and pay to the said Company of Proprietors the Sum of Twenty Shillings for every such Offence, over and above the respective Rates and Duties directed to be paid for the same by virtue hereof, which said Forfeitures may be recovered and levied in such Manner, and by such Methods, as the said Tolls, Rates, and Duties hereby granted are herein-before directed and appointed to be recovered and levied, either against the Master of such Boat or other Vessel, or the Proprietor or Owner thereof, at the Election of the said Company of Proprietors.

In case of Difference about Weight, Vessels to be gauged and Goods weighed.

LXXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties and the Master or Person having Charge of any Boat or other Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight or Quantity of the same, or the Tonnage thereof, it shall be lawful for any such Collector to seize and detain any such Boat or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, and Merchandize as shall be therein contained; and in case the same shall upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat or other Vessel affirmed the same to be, then the Master, Owner, or other Person so offending, shall pay the Costs and Charges, and upon Refusal of Payment thereof, upon Demand, the same shall and may be levied and recovered as the said Rates and Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandize shall appear to be of the same Weight or Quantity which the Master, Owner, or other Person affirmed, or of less, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also shall pay to the Master or other Person, or to the Owner or Owners of such Goods, Wares, and Merchandize, such Damages as shall appear to the Commissioners, or any Three or more of them, on the Oath or Oaths of One or more credible Witness or Witnesses, to have arisen from such Seizure and Detainer; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors of the said Undertaking, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Power to regulate the Price of small

LXXXI. And, for regulating the Price of Freight to be charged or taken by the Owners or Masters, or other

Persons belonging to any Boat or other Vessel, for the Carriage of small Parcels upon the said Navigation, be it further enacted, That it shall be lawful for the said Company of Proprietors, their Successors and Assigns, from Time to Time, and at all Times hereafter, at any General Assembly, with the Consent of the major Part of the said Commissioners at any General Meeting of Commissioners assembled, to make such Bye Law or Laws for ascertaining and fixing the Price, Sum or Sums of Money, to be taken or charged for the Carriage of any Parcel, not exceeding Five hundred Pounds Weight, upon the said Navigation, or any Part thereof, as to them shall seem fitting and reasonable; and that the said Company of Proprietors shall, from Time to Time, print and stick up, or cause to be printed and stuck up, upon every publick Wharf on the said Navigation, in some conspicuous Place there, a printed Paper, ascertaining and particularizing the Price, or Sum or Sums of Money, to be charged or taken for the Freight or Carriage of all and every such Parcel or Parcels, not exceeding Five hundred Pounds Weight as aforesaid, upon the said Navigation, or any Part thereof; and in case any Master or Owner, or other Person belonging to any Boat or other Vessel navigated upon the said Navigation, after such printed Paper, so ascertaining and particularizing the Price, or Sum or Sums of Money at which every such Parcel shall be so carried or conveyed, shall be stuck up as aforesaid, shall demand or take more than the Price, or Sum or Sums of Money in such printed Paper ascertained and particularized, such Master, Owner, or other Person as aforesaid, shall for every such Offence forfeit and pay to the Person owning such Parcel the Sum of Twenty Shillings for every Hundred Weight, any Thing herein contained to the contrary thereof in anywise notwithstanding; and such Bye Law shall be valid, and shall be binding upon all Persons whomsoever. Parcels, under 500 Pounds Weight.

LXXXII. And be it further enacted, That all Persons whomsoever shall have free Liberty, with Horses, Cattle, and Carriages, to use the private Ways and Roads leading to the said Navigation, and with Boats and other Vessels to navigate and use the said Navigation and Sluices to be made by virtue of this Act, for the Purpose of conveying any Coals, Lime, Goods, Merchandize, and Commodities, Matters and Things whatsoever, upon the said Navigation, so as such Boat or other Vessel do not exceed Twelve Feet in Breadth, and also to use the Wharfs and Quays to be made by virtue Navigation to be free on Payment of the Rates.

of this Act for loading and unloading, and the said Towing Paths for haling and drawing such Boats and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, not exceeding the Rates herein-before mentioned, and subject always to the Rules, Bye Laws, and Regulations, which shall from Time to Time be made by the said Company of Proprietors by virtue of the Powers herein-before granted.

For repairing Damage from Floods, &c. and preventing further Damage.

LXXXIII. And whereas it may hereafter happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Cuts, Rivers, Trenches, or other Works of the said Undertaking, may be damaged or destroyed, and the adjacent Land thereby endangered or damaged, and that it may be necessary the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore enacted, That when and so often as any such Accident shall happen, it shall be lawful for the said Company of Proprietors, from Time to Time, or their or any of their Servants, Agents, or Workmen, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Navigation, Cuts, Trenches, or other Works (not being the Ground whereon any House stands, and not being an Orchard, Park, Paddock, Garden, or Ground planted as a Nursery for Trees, or an Avenue to a House), and to dig for, work, get, take, and carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for such Damage to the Person or Persons sustaining the same, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which may be done by Means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, shall be assessed, adjusted, ascertained, settled, and determined by the Ways and Means herein-before prescribed with respect to other Damages done by the making and completing the said Navigation.

LXXXIV. And,

LXXXIV. And, for the better ascertaining the Tonnage of Stone, Timber, and other Things to be charged with the Payment of such Tolls, Rates, and Duties as aforesaid; it is hereby enacted and declared, That Sixteen Cubic Feet of Stone, Ten Yards Square of Flag Stone, from One Inch and an half to Three Inches thick, and Ten Yards of lineal Curb Stone, from Eleven to Thirteen Inches wide, and from Five to Seven Inches thick, Fifty Cubic Feet of Round, or Forty Cubic Feet of Square Oak, Ash, or Elm Timber, or Fifty Cubic Feet of Fir or Deal Baulk, Poplar, or other Timber Wood, shall be deemed, rated, and estimated as and for One Ton Weight, and Twenty hundred Weight, at One hundred and twelve Pounds per Hundred Weight of Averdupois, shall be deemed and estimated as and for One Ton Weight of unwrought Stone, Lime Stone, and all other Goods, Wares, and Merchandize within the Intent and Meaning of this present Act: Provided always, That in suing for or recovering any such Forfeiture respecting the Weight of Lime, a reasonable Allowance shall be made in Favour of such Master, Owner, or Manager, for the probable Increase in the Weight, occasioned by the Operation of the Air thereupon within the Time such Lime shall have been on Board any Boat or other Vessel. For ascertaining a Ton Weight.

LXXXV. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any Preference, or shew Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said Navigation, or in loading or unloading any Goods, Wares, or Merchandize at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said Company of Proprietors, and shall be thereof convicted before any One or more of His Majesty's Justices of the Peace for the said County of Essex, every Person so offending shall forfeit and pay the Sum of Twenty Shillings, One Half to the Informer. To prevent Lock Keepers, &c. giving any Preference.

LXXXVI. Provided always, and be it further enacted, That no Boat or other Vessel of less Burthen than Twenty Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their principal Agent for the Time being, in Writing, first had and obtained, unless the Owner, Navigator, or Person having the Care of such Boat or Vessel, shall pay Tonnage Vessels under 20 Tons, not to pass the Locks but on certain Conditions.

nage as for a Boat or Veſſel of Twenty Tons Burthen.

Maſters to put their Names on the Outſide of their Boats.

LXXXVII. And, for the better Regulation of Maſters of Boats and other Veſſels, and others employed by or under them reſpectively, and for the more eaſy detecting of any Thing by them or any of them reſpectively done contrary to the Directions of this Act; be it further enacted, That every Owner, Maſter, or Perſon having the Rule or Command of any Boat or other Veſſel (not being a Pleaſure Boat) paſſing upon the ſaid intended Navigation, ſhall cauſe the Name and Place of Abode of ſuch Owner or Owners, and the Number of his, her, or their Boat or other Veſſel, to be entered with the Clerk of the ſaid Company of Proprietors for the Time being, and ſhall alſo cauſe ſuch Name, and Number of the Boat or other Veſſel, of ſuch Owner or Owners, to be painted in large White Capital Letters and Figures, on a Black Ground, Six Inches high and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat or other Veſſel, ſo high that no Part of ſuch Letters or Figures ſhall ſink into the Water when ſuch Boat or Veſſel is full laden, and alſo ſhall cauſe ſuch Boat or other Veſſel to be marked on both Sides thereof, with large Figures, denoting or aſcertaining the Number of Tons of Goods in each Boat or other Veſſel, for every Inch of Water ſuch Boat or other Veſſel ſhall draw; and alſo ſhall permit and ſuffer every ſuch Boat or other Veſſel to be meaſured, at the Expence of the ſaid Proprietors of the ſaid Undertaking, whenever it ſhall be required by them, or any Perſon or Perſons appointed for that Purpoſe, provided that no ſuch Boat or other Veſſel ſhall be meaſured more than Four Times in any One Year; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat or other Veſſel, who ſhall refuſe or neglect to put thereon the Owner's Name and Place of Abode, and ſuch other Marks or Numbers as are herein-before directed, or ſhall alter, eraſe, deface, or deſtroy any Letter or Figure deſcribing ſuch Name, Place of Abode, or Number as aforeſaid, or ſhall refuſe to permit his, her, or their Boat or other Veſſel upon the ſaid Navigation, to be loaded or unloaded without a Stage being laid upon the Gunnel of ſuch Boat or other Veſſel to the Bank of the ſaid Navigation, in order to prevent any Dirt or Rubbiſh falling therein, he, ſhe, or they ſhall for every ſuch Offence reſpectively, forfeit and pay to the ſaid Company of Proprietors a Sum not exceeding Forty Shillings, nor leſs than Ten Shillings.

Boats to be meaſured.

LXXXVIII. And

LXXXVIII. And be it further enacted, That the Master or Owner of any Boat or other Vessel navigating or passing upon the said Navigation, shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat or Vessel, or any of the Boatmen, Watermen, or others belonging to, or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the said intended Navigation, Trenches, Sluices, or Passages, or by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Erections, Lands, or Tenements adjoining or lying near to the same, or any of them (by leaving open Gates or otherwise), or any Trespass whatsoever, contrary to the several Directions and Restrictions in this Act contained, or any of them, and the said Master or Owner of such Boat or other Vessel shall, for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace for the County or Place where any such Offence shall be committed, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby impowered and required to administer) pay to the Person or Persons injured, the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer a Sum not exceeding Twenty Shillings, nor less than Ten Shillings, to be determined by such Justice, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Master, or Owner or Owners, of such Boat or other Vessel, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any) after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels, or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case, the Master, or Owner or Owners, of such Boat or other Vessel shall and may be sued and prosecuted for the same in any Court of Record at Westminster, and if found guilty, or a Verdict pass against him, or Judgement be given against him upon Demurrer or by Default, the Plaintiff in such Case

Masters or Owners of Boats to be answerable for Damages.

shall recover his Damages thereby sustained with full Costs of Suit.

Masters to recover back from their Servants Sums paid for their Defaults.

LXXXIX. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel navigating or passing on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by Reason of any wilful Act or Default done or committed by his, her, or their Servant or Servants, every such Servant shall be liable to repay such Penalty to such Owner or Owners, and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant, although demanded (such Oath to be made before One Justice of the Peace for the County or Borough where such Penalty and Satisfaction shall have been recovered), the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale, and the Penalty or Satisfaction, when recovered, shall be paid to such Owner or Owners in Discharge of such Penalty or Satisfaction, so by him, her, or them paid for the wilful Act or Default of such Servant as aforesaid, and in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such Servant to the Common Gaol or House of Correction for the County or Borough in which such Act or Default shall have been committed as aforesaid, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Spaces to be made for Boats to turn.

XC. And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby required, in such Part of the said Navigation as shall not be of sufficient Breadth for admitting a Boat or Vessel to turn about and lie, or Two Boats or other Vessels to pass each other, to open or cut proper Places or Spaces in the Lands adjoining the said Navigation, at convenient Distances from each other, for the turning, lying, and passing of any such Boat or Vessel, and that the said Boats or other Vessels, sailing or being haled or navigated upon the said Navigation, Trenches, or Sluices, shall upon meeting any other Boat or Vessel, stop at, or go back to and lie in some One of the said Places or Spaces, in such Manner as the said Committee, or any Three or more of them, under their Hands and Seals, shall direct and appoint.

XCI. Pro-

XCI. Provided always, and be it further enacted, That no Boatman, or his Agent or Servant, navigating any Boat or other Vessel upon the said Navigation, and passing with any Boat or Vessel through any Lock to be made by virtue of this Act, shall suffer the Water to remain in such Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock, and also that every such Boatman, or other Person as aforesaid, in going down the said Navigation shall shut the lower Gates of such Lock, before he or they shall draw the Cloughs of the upper Gates thereof, and after he or they shall have brought his or their Boat or other Vessel into the said Lock, shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof, and in going up the said Navigation shall, so soon as he or they shall have passed with his or their Boat or other Vessel out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat or other Vessel in Sight coming down the said Navigation, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open, and at all Times the Vessels going up the same, if within Sight, and at a Distance not above Three hundred Yards below a Lock, shall pass through such Lock or Locks before the Vessel coming down, and then the Vessel next above shall come down, and if there shall be more Vessels than One below and above any Lock at the same Time, within the Distance aforesaid (at which Distance a Post or Mark shall be set up and made for ascertaining the same) such Vessels shall go up and come down in such Locks by Turns as aforesaid, until all the said Vessels going up and coming down shall have passed, by which Means One Lock full of Water may serve Two Vessels; and every Person offending in any of these Particulars, being convicted thereof before any Justice of the Peace, upon the Oath of One or more credible Witness or Witnesses, as also the Master, or other Person having the Command of such Boat or Vessel, shall for every such Offence forfeit a Sum not exceeding Twenty Shillings. Regulations for Vessels passing the Locks.

XCII. And be it further enacted, That if any Person or Persons whomsoever shall wantonly, or through Carelessness or Negligence, open or cause to be opened any Lock, Paddle, Valve, or Clough belonging to the said Navigation, or shall in such Manner suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof, or if any Person or Persons shall wilfully flush or draw off the Water, or cause the same to be flushed Penalty on Persons opening Locks, wasting Waters, &c.

ed or drawn off from any Part of the said Navigation, or shall leave any of the Cloughs open after any Boat or other Vessel shall have passed any Lock belonging to the said Canal or Navigation, or if any Person or Persons shall draw or cause to be drawn any Paddle, Valve, or Clough belonging to the said Navigation, so as to mispend or waste the Water therein, or shall wilfully or maliciously do any other Act to the Prejudice of the said Navigation, every Person offending in any of the Particulars aforesaid, and being thereof convicted before One or more Justice or Justices of the Peace for the said County of Essex, or for the Place or District wherein such Offence shall be committed, by the Oath of One or more Witness or Witnesses (which Oath such Justice or Justices is and are hereby respectively impowered to administer) shall forfeit and pay, for every such Offence, a Sum not exceeding the Sum of Five Pounds, nor less than Twenty Shillings, at the Discretion of such Justice or Justices.

Vessels obstructing the Navigation to be removed.

XCIII. And be it further enacted, That if any Boat or Vessel shall be wilfully plated in any Part of the said Navigation, Trenches, Sluices, or Passages aforesaid, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat or Vessel shall not immediately remove the same upon Request made for that Purpose, he shall, for every such Offence, forfeit a Sum not exceeding Twenty Shillings, nor less than Ten Shillings, and shall moreover forfeit a Sum not exceeding Four Shillings, nor less than Two Shillings, for every Hour such Obstruction shall continue after such Request for Removal shall be made as aforesaid, and it shall be lawful for the Agents or Servants of the Company of Proprietors, or any of them, to cause any such Boat or Vessel to be unladen, if necessary, and to be removed, in such Manner as shall be necessary for preventing such Obstruction, and to seize and detain such Boat or Vessel, and the Loading thereof, or any Part of such Loading, until the Penalty or Penalties, and Charge of such Removal be paid; and if any Boat or Vessel should be sunk in the said Navigation, Sluice, Tunnel, or Trench aforesaid, and the Owner or Person having the Use or Care of such Vessel shall not, without Loss of Time, weigh or draw up the same, it shall and may be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat or Vessel to be weighed up, and to detain and keep the same until Payment be made of all Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed up.

Persons floating Timber, or overloading Vessels, to forfeit Five Pounds,

XCIV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Navigation, or load any Boat or Vessel with Timber so that the same shall lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or Vessel navigating in or upon the said Navigation, so as to obstruct the Passage of any other Boat or Vessel, or shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other, every such Owner or Person floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay, for every such Offence, a Sum not exceeding the Sum of Five Pounds; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Navigation, or any Trenches or other Works to be made or maintained by virtue of this Act, every such Person shall, for every such Offence, forfeit a Sum not exceeding Five Pounds.

or throwing Rubbish into the Navigation.

Navigation not to be under the Commissioners of Sewers.

XCV. Provided always, and be it further enacted, That the said Navigation, or any Works whatsoever to be made by virtue of the Powers of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers, any Thing herein contained, or any former Law or Statute to the contrary notwithstanding; and the said Company of Proprietors shall and may, from Time to Time hereafter, be rated and charged to all Parliamentary and Parochial Cares, Rates, and Assessments, for or on Account of any Lands or Grounds to be purchased or taken, or of any Warehouses or other Buildings to be erected by them in pursuance of this Act, in the same Proportions as other Lands, Grounds, and Buildings adjoining to or lying near the same, are or shall be rated and charged.

Unqualified Persons having Nets, Guns, &c. on Board to forfeit Five Pounds.

XCVI. And be it further enacted, That if any Person or Persons navigating or working, or being on Board any Boat, Float, or other Vessel within the said intended Navigation, not being qualified by the several Laws and Statutes relating to Game, shall carry with him or them, or have on Board any Boat, Float, or other Vessel, any Fishing Net, Gun, Engine, or other Instrument for taking and destroying, and with Intent to take or destroy Fish or Game, such Person or Persons, being thereof lawfully convicted on his or their own Confession,

or by the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the said County of Essex, shall for every such Offence forfeit and pay the Sum of Five Pounds; and in case any Master, or other Person having the Command of any Boat, Float, or other Vessel, shall knowingly suffer or permit any Person or Persons, not being duly qualified as aforesaid, to have, carry on Board, or make Use of any Fishing Net, Gun, Engine, or other Instrument for the taking or destroying of Fish or Game, and being thereof convicted as aforesaid, before One or more Justice or Justices of the Peace for the said County of Essex, shall for every such Offence forfeit and pay the Sum of Five Pounds.

For measuring the Navigation, and setting up Mile Stones.

XCVII. And be it further enacted, That the said Navigation shall be measured, and a Stone erected on One Side thereof at the End of each Mile, and that all Vessels, Goods, Wares, and Merchandize which are made liable to the several Rates and Duties hereby imposed, that shall be navigated, carried, or conveyed at all upon the said Navigation, shall pay for One Mile, and if such Vessel, Goods, Wares, or Merchandize, so carried, navigated, or conveyed on the said Navigation, shall pass a Mile Stone so as to enter upon the next Mile, such Vessel, Carriage, Goods, Wares, and Merchandize, shall be charged with and pay the said Rates, Tolls, and Duties for the next Mile, and so for every Stone they shall pass by, in Proportion to the Rates herein-before granted.

Proceedings not to be quashed for Want of Form.

XCVIII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere.

Majority of the Proprietors may make future Applications to Parliament for Power to open other Communications with the Canal.

XCIX. And whereas the major Part of the Proprietors of the said Navigation may hereafter judge it expedient to make Application to Parliament for Power to make other navigable Communications with the said intended Navigation than such as are authorized by this Act; but, by Reason of Infancy, or otherwise, may not be able to obtain the Consent and Concurrence of all the Proprietors; be it therefore enacted, That in case the Persons entitled to the greater Number of the Shares in the said Navigation shall, at any General Assembly of the said Company of Proprietors, think it proper to make any such Application to Parliament as aforesaid, it shall be lawful for them to order and cause the Com-

mon Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act to be applied in defraying the Expences incurred by or in consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner, and as fully and effectually, as if every One of the said Proprietors had been capable of acting for himself, and had attended such General Assembly, and concurred therein; and it shall be lawful for the Guardians, Trustees, or Committees of the Proprietors of any such Shares, being Minors, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators as aforesaid, towards defraying the proportionable Shares of the Expences incurred by and in consequence of any such Application, which shall be payable by the Persons on whose Behalf they act, or to raise Money for that Purpose by Mortgage of any such Shares; which Mortgages they are hereby authorized to make by Writing under their Hands and Seals, and the same shall be valid and effectual.

For preserving the Rights of the Corporation of *Maldon*.

C. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, or defeat any Rights, Privileges, Franchises, or Jurisdictions heretofore claimed, used, or exercised by the Corporation of the Borough and Port of Maldon.

Recovery of Fines and Forfeitures.

CI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made in pursuance hereof, of which, when produced, all Justices are hereby required to take Notice, the Manner of levying and recovering of which is not herein particularly directed, shall be levied and recovered by Distress and Sale, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of Essex, as the Offence may happen and be committed, within their respective Jurisdictions, which Justice or Justices is and are hereby authorized to hear and examine Witnesses upon Oath or Affirmation, and determine the same; and all such respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, or authorized to be imposed and inflicted,

Application of Money.

fitted, (the Application whereof is not herein directed), shall be paid into the Hands of the Treasurer or Receiver of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Undertaking, and to and for no other Use, Intent, or Purpose whatsoever.

CII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; (videlicet),

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the said County of *Essex*, [*specifying the Offence, and Time and Place when and where the same was committed*].

Given under my Hand and Seal, the Day and Year first above written.

Distress not unlawful for Want of Form.

CIII. 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 Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Damages not provided for to be settled by Commissioners.

CIV. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by Reason of the Execution of any of the Powers hereby given, and through or by Means not hereby provided for, then, and in every such Case, such Damages shall from Time to Time be settled by the said Commissioners, or any Five or more of them, and be recovered, levied, and applied in such Manner as other Damages herein-before mentioned are provided for.

CV. Provided always, That if any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Six Calendar Months next after such Order shall be made or given, complain to the Justices of the Peace at the General Quarter Session of the Peace to be holden in and for the said County of Essex, or other Place where the Cause of Appeal shall arise, and not elsewhere, who shall, in a summary Way, either hear and determine such Complaint at such General Quarter Session of the Peace for the said County or Place, or, if they think proper, may adjourn the hearing thereof to the next General Quarter Session of the Peace to be holden for the said County or Place, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also award such further Satisfaction to be made to the Party injured, as they shall judge reasonable. Appeal to the Quarter Sessions.

CVI. And be it further enacted, That in all Cases where any Power or Powers is and are hereby vested in any Committee by the said Company of Proprietors to be appointed, or in the Commissioners, or any Act or Acts directed to be done by them respectively at any Meeting for putting into Execution any of the Powers given by this Act, the Opinion, Determination, or Judgement of the major Part of the Members of such respective Meetings shall be taken and ordered as the Act and Judgement of the whole Body so assembled, any Thing herein contained to the contrary notwithstanding. Majority of the Commissioners or Committee to be binding as the Act of the Whole.

CVII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions hereinbefore given and granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing such Damages shall cease, and not afterwards, and shall be laid or brought in the said County of Essex, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, Limitation of Actions.

and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suit, or Information, after the Defendant or Defendants shall have appeared, or if any Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

CVIII. And be it further enacted, 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 of it as such, without specially pleading the same,

FINIS.