ANNO TRICESIMO QUARTO

Georgii III. Regis.

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ſon or Perſons for making any Part or Parts of the ſaid River navigable as they ſhould judge neceſſary, in order to the carrying on the Navigation of the ſaid River from *Peterborough* to *Northampton:* And whereas the ſaid Commiſſioners did, in purſuance of the Powers granted by the ſaid Acts, contract with and appoint certain Perſons to be Undertakers for making the ſaid River navigable from the City of *Peterborough* to the North Bridge of *Oundle*, and a certain other Perſon to be Undertaker for the making the ſaid River navigable from the ſaid *Oundle* North Bridge unto the Bridge of *Thrapſton*, with ſuch Authorities, Privileges, and Powers to them for that Purpoſe, and for maintaining the ſame, as by force or virtue of the ſaid Acts of Parliament, or either of them, they reſpectively as Undertakers might or ought to have, and for their Charges and Expences therein they were alſo impowered to take and enjoy, to and for the Uſe and Behoof of them, their Heirs and Aſſigns, certain Tolls or Rates therein particularly mentioned: And whereas the ſaid reſpective Undertakers (being the Proprietors of the reſpective Parts of the ſaid Navigation) have cauſed the ſaid River to be made navigable from the ſaid City of *Peterborough* unto or near *Thrapſton Bridge* aforeſaid, and the ſame is known or diſtinguiſhed by the Name or Denominarion of the Eaſtern Diviſion of the ſaid Navigation; and have made and ſet down divers Locks and Stanches upon the ſaid River; and have cauſed Haling Ways to be ſet out and made along the Side thereof through the adjoining Lands, of the Width of Four Feet, for which Haling Ways, or ſome of them, a ſmall Annual Rent has been occaſionally paid to the Owners of ſuch Lands: And whereas the Powers by the ſaid Acts granted to the Commiſſioners have in ſeveral Inſtances been found inſufficient for the Purpoſes of the ſaid Acts: 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 it ſhall be lawful for the Majority of the Commiſſioners nominated and appointed by or in purſuance of the ſaid recited Acts, who ſhall be preſent at their reſpective Meetings to be holden in purſuance of this Act, and they are hereby authorized and impowered to do, execute, and perform, all Acts, Matters, and Things, by the ſaid former Acts, or any of them, or this Act, authorized to be done and performed by the ſaid Commiſſioners, the whole Number of the Commiſſioners preſent at ſuch Meetings reſpectively not being leſs than Nine, and every ſuch Act, Matter, and Thing, ſhall be as valid and effectual, to all Intents and Purpoſes, as if all the Commiſſioners nominated and appointed as aforeſaid had been preſent, and had done, executed, and performed the ſame; and that ſuch of the ſaid Commiſſioners as are or ſhall be in the Commiſſion of the Peace for the Counties of *Northampton* and *Huntingdon*, or either of them, may nevertheleſs act as Juſtices of the Peace in the Execution of this or the ſaid former Acts, except only in ſuch Caſes where they ſhall be perſonally intereſted; but no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this or the ſaid former Acts, in any Caſe where he ſhall be concerned in Intereſt, or during the Time he ſhall hold any Place of Profit under this Act.

Proviſions of the Acts may be executed by Nine or more Commiſſioners.

Commiſſioners may act as Juſtices.

II. And be it further enacted and declared, That all and every the Powers, Proviſions, Rules, Orders, Directions, Penalties, Forfeitures, Clauſes,

Former Acts to be carried into Execu-

Clauſes, Matters, and Things, granted, appointed, preſcribed, and contained in and by the ſaid recited Acts, or either of them reſpectively, which are now in force, (other than ſo far as the ſame, or any of them reſpectively are repealed, altered, or explained, by force and virtue of this preſent Act), ſhall and may be exerciſed, practiſed, uſed, enforced, and put in Execution, for the Purpoſes of this preſent Act, in as full, extenſive, and beneficial Manner as if the ſaid Powers, Proviſions, Rules, Orders, Directions, Penalties, Forfeitures, Clauſes, Matters, and Things, were particularly expreſſed, and again enacted in this preſent Act. tion, except where altered by this Act.

III. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the Houſe of *Thomas Ellis*, known by the Sign of *The Talbot*, in *Oundle* aforeſaid, on *Wedneſday* the Eleventh Day of *June* One thouſand ſeven hundred and ninety-four, or as ſoon after as conveniently may be, for carrying the ſaid former Acts and this Act into Execution, and ſhall then, and from Time to Time afterwards, adjourn themſelves and meet there, or at ſuch other Houſe or Houſes, either in *Peterborough*, *Oundle*, or *Thrapſton* aforeſaid, as they the ſaid Commiſſioners ſhall think proper; and if there ſhall not appear at any Meeting a ſufficient Number of Commiſſioners to act or to adjourn to another Day, or if the Commiſſioners at any Meeting ſhall omit to adjourn, the Clerk to the ſaid Commiſſioners ſhall adjourn the Meeting to ſuch Houſe, either in *Peterborough*, *Oundle*, or *Thrapſton* aforeſaid, as he ſhall think fit, not exceeding the Diſtance of Twenty-one Days from the Time of the laſt Default, and ſhall give Notice thereof, in the *Northampton* and *Cambridge* Newſpapers, if any ſuch ſhall be then printed, and if not, then in the *London* Gazette; and if no Ajournment, Notice, or Appointment for Meeting, ſhall be made or given by the Clerk, then it ſhall be lawful for any Three of the Commiſſioners (although not aſſembled at a Meeting) to cauſe Notice to be given in the ſaid Newſpapers or Gazette, as the Caſe may happen, appointing the Commiſſioners to meet at ſuch Houſe, either in *Peterborough*, *Oundle*, or *Thrapſton* aforeſaid, and upon ſuch Day as ſuch Three Commiſſioners ſhall think proper, not exceeding Twenty-one Days, nor leſs than Fourteen Days from the Time of giving ſuch Notice; and the ſaid Commiſſioners ſhall at all their Meetings defray their own Charges; and all Orders and Determinations of the Commiſſioners in the Execution of this Act, or the ſaid former Acts, ſhall be made at Meetings to be held in purſuance thereof, and not otherwiſe, except as herein otherwiſe particularly mentioned; and that no Order or Determination ſhall be made, unleſs the major Part of the Commiſſioners preſent ſhall concur therein. Meetings.

IV. And be it further enacted, That if upon any Emergency any Five or more of the ſaid Commiſſioners ſhall think an extraordinary Meeting of the ſaid Commiſſioners neceſſary to be held before the Time appointed by virtue of any Adjournment or Appointment, or if there ſhall not be any Adjournment ſubſiſting, then, and in either of the ſaid Caſes, any Five or more of the ſaid Commiſſioners, (although not aſſembled at a Meeting), ſhall, at leaſt Twenty-one Days before ſuch extraordinary Meeting ſhall be thought neceſſary, acquaint the Clerk to the ſaid Commiſſioners therewith, who ſhall at ſuch Requeſt appoint an extraordinary Meeting of the ſaid Commiſſioners, and give Fourteen Days Notice at leaſt, Occaſional Meetings.

leaſt, to be publiſhed in the *Northampton* and *Cambridge* Newſpapers, if any ſuch ſhall be then printed, and if not, then in the *London* Gazette, of the Time and Place of holding ſuch extraordinary Meeting, which extraordinary Meeting ſhall be held either at *Peterborough*, *Oundle*, or *Thrapſton* aforeſaid, and in ſuch Notic or Notices ſhall be ſpecified and expreſſed the particular Buſineſs intended to be done and tranſacted thereat, and which Buſineſs the ſaid Commiſſioners may do and tranſact if they ſhall think fit, and may adjourn to a future Day; and the Proceedings of the ſaid Commiſſioners at ſuch extraordinary Meeting, and any Adjournment made by them at ſuch Meeting, ſhall be as valid as they would have been in caſe the ſaid Commiſſioners had met purſuant to a regular Adjournment: Provided always, that in caſe the ſaid Commiſſioners ſhall not have any Clerk then in being, to whom ſuch Notice can be given by ſuch Five or more Commiſſioners as aforeſaid, requiring ſuch extraordinary Meeting, then, and in ſuch Caſe, it ſhall be lawful for ſuch Five or more Commiſſioners, requiring ſuch extraordinary Meeting, to appoint ſuch Meeting themſelves, and give the like Fourteen Days Notice thereof in the ſaid *Northampton* and *Cambridge* Newſpapers, or in the *London* Gazette, as the Caſe may happen, as before mentioned, which Meeting appointed by the ſaid Five Commiſſioners ſhall be as valid as if appointed by the ſaid Clerk.

Commiſſioners to examine Witneſſes on Oath.

V. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, in all Caſes, upon any Matters of Complaint or Injury, Diſpute or Controverſy, which ſhall come before them, to examine all Witneſſes upon Oath, which Oath the ſaid Commiſſioners are hereby authorized and empowered to adminiſter, and alſo to ſummon to appear before them, at any of their Meetings to be held in purſuance of this Act, or the ſaid former Acts, all ſuch Perſon or Perſons as they ſhall think proper and neceſſary to be examined by them touching any Matter or Thing which ſhall come before them.

Commiſſioners may appoint a Clerk and Overſeers.

VI. And whereas, by the ſaid Act of the Thirteenth Year of the Reign of Queen *Anne*, the ſaid Commiſſioners are empowered and authorized, from Time to Time, to nominate and appoint ſuch Overſeers and other Officers as they ſhould think fit, the better to enable them duly to ſee the ſaid Act executed; and the Charges of ſuch Overſeers and Officers are directed to be paid by the ſaid Undertakers: And whereas no ſufficient Proviſion has hitherto been made to enforce the Execution of ſuch Direction contained in the ſaid Act; and for Want of ſuch Officers the ſaid Commiſſioners have been unable to exerciſe the Powers veſted in them for the good and orderly Uſage of the ſaid Navigation; be it therefore further enacted, That the ſaid Commiſſioners, at their ſaid Firſt Meeting, or at any other Meeting, (publick Notice thereof being firſt given by Writing under the Hands of any Nine or more of the ſaid Commiſſioners in the *Northampton* and *Cambridge* Newſpapers, if any ſuch ſhall be printed, if not, then in the *London* Gazette), either continue the preſent Clerk to the ſaid Commiſſioners, or diſcharge ſuch Clerk, and elect ſome other Perſon to be their Clerk in his Place, as they ſhall think fit; and alſo that the ſaid Commiſſioners ſhall, and they are hereby authorized, from Time to Time, as there ſhall be Occaſion, to elect and appoint a Clerk to attend their ſeveral Meetings,

Meetings, which Clerk is to enter ſuch Orders as the ſaid Commiſſioners ſhall order and direct, and do ſuch other Buſineſs as to the Office of Clerk to the ſaid Commiſſioners acting in the ſaid Eaſtern Diviſion of the ſaid Navigation ſhall belong or appertain; and that the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required, at their ſaid Firſt, or ſome ſubſequent Meeting, to elect and appoint an Overſeer or Overſeers to ſuperintend and overlook the ſaid Navigation, and the Works thereto belonging, between *Peterborough* and *Thrapſton* Bridge aforeſaid, and alſo from Time to Time, as there ſhall be Occaſion, to elect and appoint an Overſeer or Overſeers, which Overſeer or Overſeers ſhall be called the Commiſſioners Overſeer or Overſeers, who ſhall from Time to Time do and execute ſuch Orders, Directions, and Bye Laws, as the ſaid Commiſſioners, by virtue of the Powers and Authorities herein or in the ſaid former Acts expreſſed and contained, ſhall direct or appoint; and the ſaid Commiſſioners ſhall and may allow and appoint to be paid to ſuch Clerk and Overſeer or Overſeers, from Time to Time, ſuch reaſonable Sum and Sums of Money, for his or their Attendance, Labour, Trouble, and Expences, as the ſaid Commiſſioners ſhall think proper, and to be raiſed and paid as is herein-after expreſſed; which Clerk and Overſeer and Overſeers ſhall be from Time to Time removeable at the Will and Pleaſure of the ſaid Commiſſioners, and others elected in their Stead, publick Notice thereof being firſt given as aforeſaid.

By whom Clerk to be paid.

VII. And be it further enacted, That One Moiety of the Money to be allowed to ſuch Clerk ſhall be paid by the Proprietor or Proprietors for the Time being of the Tolls and Duties ariſing from the ſaid Navigation between *Peterborough* and *Oundle* North Bridge, and the other Moiety thereof by the Proprietor or Proprietors for the Time being of the Tolls and Duties ariſing from the ſaid Navigation between *Oundle* North Bridge and *Thrapſton* Bridge.

Overſeers to keep Two Accounts;

One to be paid by the Proprietors between *Peterborough* and *Oundle*; the other by the Proprietors between *Oundle* and *Thrapſton*.

VIII. And be it further enacted, That the Overſeer or Overſeers to be appointed as aforeſaid ſhall keep Two ſeparate Accounts of his or their Charges for his Labour, Trouble, and Expences, One of them for ſo much as ſhall be due to him or them for his or their Labour, Trouble, and Expences, in attending the Works of the ſaid Navigation between *Peterborough* and *Oundle* North Bridge; and ſuch Account, being firſt allowed of and ſigned by the ſaid Commiſſioners, ſhall be paid and diſcharged by the Proprietor or Proprietors for the Time being of the Tolls and Duties ariſing from the ſaid Navigation between *Peterborough* and *Oundle* North Bridge; and that the other of ſuch Accounts ſhall expreſs what ſhall be due to the ſaid Overſeer or Overſeers for his or their Labour, Trouble, and Expences, in attending the Works of the ſaid Navigation between *Oundle* North Bridge and *Thrapſton* Bridge aforeſaid; and ſuch laſt-mentioned Account, being firſt allowed of and ſigned by the ſaid Commiſſioners, ſhall be paid and diſcharged by the Proprietor or Proprietors for the Time being of the Tolls and Duties ariſing from the ſaid Navigation between *Oundle* North Bridge and *Thrapſton* Bridge: Provided always, that Ten Days Notice ſhall be given by the ſaid Commiſſioners Overſeer to the ſaid Navigation Proprietors of the Time he intends to lay his Accounts before the ſaid Commiſſioners, in order that the Navigation Proprietors may, if they think fit ſo to do, attend at the

Time of paſſing ſuch Accounts, and make their reaſonable Objections thereto, for the Conſideration of the ſaid Commiſſioners.

Recovery of the Money from Proprietors.

IX. And be it further enacted, That if any or either of the Proprietors of the ſaid Tolls and Duties ſhall neglect or refuſe to pay ſuch Sum or Sums of Money which ſhall be allowed, and which ſhall become due or payable to ſuch Clerk, or to ſuch Overſeer or Overſeers as aforeſaid, upon Demand thereof made either of ſuch Proprietor or Proprietors by whom the ſame ought to be paid, or of the Agent or Agents of ſuch Proprietor or Proprietors, who ſhall be Collector or Receiver of the Tolls or Duties of the ſaid Navigation for ſuch Proprietor or Proprietors, then and in every ſuch Caſe ſuch Sum or Sums of Money ſhall and may be recovered by Action of Debt, or upon the Caſe or Promiſe, with double Coſts of Suit, ſuch Action to be brought in the Name of ſuch Clerk, or Overſeer or Overſeers, to whom ſuch Sum or Sums of Money ſhall be due or payable, againſt the Proprietor or Proprietors of ſuch Tolls or Duties, who ought to pay the ſame under the Directions of this Act; and if ſuch Proprietor or Proprietors of the ſaid Navigation cannot be found, then any ſuch Action may be brought againſt the Agent or Agents in the Receipt of the Tolls or Duties of ſuch Proprietor or Proprietors; or otherwiſe ſuch Sum or Sums of Money ſhall or may be levied upon the Goods and Chattels of the Proprietor or Proprietors refuſing or neglecting to pay the ſame, by Warrant of Diſtreſs, under the Hands and Seals of Two or more of His Majeſty's Juſtices of the Peace for the County of *Northampton* or *Huntingdon*, or of the Soke of *Peterborough*, or of ſuch of them wherein ſuch Goods and Chattels ſhall be found, and if no ſuch Goods or Chattels ſhall be in either of thoſe Counties or Diviſion, then upon the Goods and Chattels of ſuch Agent or Agents as aforeſaid: Provided always, that when and ſo often as the ſaid Commiſſioners Overſeer or Overſeers ſhall be employed by the ſaid Commiſſioners in Matters which do not affect or concern the ſaid Navigation, or where the Proprietors of the ſaid Navigation, or either of them, are or is not intereſted, then and in ſuch Caſes the Proprietors of the ſaid Navigation, or either of them, ſhall not be compelled or obliged to pay the Charges or Expences of, or any Sum or Sums of Money which ſuch Overſeer or Overſeers may charge or require to be paid for executing ſuch Orders of the ſaid Commiſſioners.

Proprietors to acquaint the Clerk of their Agents.

X. And be it further enacted, That the Proprietors of the ſaid Navigation reſpectively ſhall from Time to Time give Notice to the Clerk of the ſaid Commiſſioners for the Time being, of the Perſon or Perſons, and the Places of their Reſidence, who ſhall be the Agent, Receiver, or Collector, for ſuch Proprietors reſpectively, of the Tolls and Duties ariſing from the ſaid Navigation.

Commiſſioners may direct the Haling Ways to be widened.

Overſeers to inſpect the Navigation;

and aſcertain the Width of Ground neceſſary for Haling Ways;

XI. And whereas it is neceſſary, in order to prevent Injury to the adjoining Lands, that the Width of the preſent Haling Ways ſhould be enlarged; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners to direct the Overſeer or Overſeers to be appointed as aforeſaid, to examine and inſpect the ſaid Navigation between *Peterborough* and *Thrapſton* Bridge aforeſaid, and to aſcertain and determine in the different Parts of the ſaid River what Width of Ground is neceſſary and requiſite to be taken and uſed as a Haling Way for the towing or haling

haling Boats upon the ſaid River, without injuring the adjoining Lands; and ſuch Overſeer or Overſeers, after he or they ſhall have examined and inſpected, aſcertained and determined as aforeſaid, ſhall make proper Returns thereof to the ſaid Commiſſioners, at ſome or One of their Meetings to be held in purſuance of this Act, and ſhall alſo notify the ſame to the Proprietor or Proprietors of the ſaid different Parts of the ſaid Navigation, or to the Agent or Agents receiving the Tolls or Duties of the ſaid Navigation, for or on Behalf of ſuch Proprietor or Proprietors, Ten Days previous to the Meeting of ſuch Commiſſioners for the Receipt of ſuch Returns; at which Meeting the ſaid Commiſſioners ſhall take ſuch Returns into Conſideration, and the ſaid Proprietor or Proprietors, or his, her, or their Agent or Agents, ſhall and may be heard in Objection thereto, if he, they, or any of them, ſhall chuſe to attend ſuch Meeting, in which ſuch Returns, or any of them, ſhall be taken into Conſideration; and after hearing ſuch Overſeer or Overſeers, and ſuch Proprietor or Proprietors, Agent or Agents, if they, or either of them, ſhall attend ſuch Meeting, the ſaid Commiſſioners then preſent ſhall make ſuch Order therein as to them ſhall ſeem expedient, or if they ſhall think fit ſo to do, ſhall adjourn the further Conſideration thereof to ſome future Meeting or Meetings, as they ſhall think proper, and make ſuch Order as ſhall to them ſeem expedient, at ſuch future Meeting or Meetings; which Order or Orders, or a Copy thereof, ſhall be ſerved upon ſuch Proprietor or Proprietors, his, her, or their Agent or Agents, and ſhall be binding and concluſive upon ſuch Proprietor or Proprietors; and from and after the making ſuch Order or Orders concerning ſuch Haling Ways, the Proprietor or Proprietors of the ſaid Navigation ſhall be, and is and are hereby required to make the ſeveral Haling Ways upon the ſaid River of ſuch Width and Extent as ſhall be ſpecified and directed in ſuch Order or Orders, firſt giving due and proper Satisfaction for ſuch Lands or Grounds which ſhall be taken for ſuch Haling Ways to the Owners or Proprietors thereof.

and notify ſame to the Proprietors of the Navigation.

Commiſſioners to take Returns into Conſideration;

and make Orders therein;

or may adjourn to a future Day;

which being ſerved upon Proprietors, ſhall be binding.

After making the Orders, Proprietors to make Haling Ways.

XII. And, in order to aſcertain and fix the due and proper Recompence and Satisfaction to be made for ſuch Haling Ways, in caſe the ſaid Proprietors of the ſaid Navigation, and the Owners or Proprietors of ſuch Lands or Grounds, to be taken and uſed for ſuch Haling Ways, cannot agree in the Recompence and Satisfaction to be made for the ſame, be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to name and appoint One or more Meeting or Meetings for the taking the ſame into Conſideration, of which Meeting or Meetings reſpectively Fourteen Days Notice in Writing ſhall be given to the Proprietors of the ſaid Navigation reſpectively, or to his, her, or their reſpective Agent or Agents, receiving the Rates, Tolls, and Duties thereof, and alſo to the ſeveral Owners of the Lands and Grounds which ſhall be required to be taken for ſuch Haling Ways, or to the Agent of each ſuch Owner reſpectively, or to the actual Occupier thereof, that they may reſpectively, if they ſhall think fit ſo to do, attend ſuch Meeting or Meetings, and be heard as to the Value of ſuch Lands or Grounds to be taken for ſuch Haling Ways, at which Meeting or Meetings the ſaid Commiſſioners are hereby authorized and empowered to take the ſame into Conſideration, and for that Purpoſe to examine Witneſſes on Oath touching the Annual Value of the Lands or Grounds to be had, taken, and uſed, for ſuch Haling Ways, or any Part thereof; and they the

Commiſſioners to examine into the Value of Lands for Haling Ways.

ſaid Commiſſioners are hereby empowered and enabled, by Writing or Writings under their Hands, to determine and adjudge, from Time to Time, what Sum or Sums of Money yearly ſhall be paid by the Proprietor or Proprietors reſpectively of the ſaid Navigation, by Annual Rent or Payment, as a Recompence for the Uſe of the Lands or Grounds which ſhall be ſet out and directed to be taken, had, and uſed, for ſuch Haling Ways reſpectively as aforeſaid.

If Proprietors of the Navigation, or Owners of Lands, are diſſatisfied with Commiſſioners Determination, a Jury to be ſummoned to determine ſame.

XIII. Provided always, and be it further enacted, That if the Proprietor or Proprietors of the ſaid Navigation, or any or either of them, affected by ſuch Determination of the ſaid Commiſſioners, ſhall be diſſatisfied therewith, and ſhall give Notice thereof in Writing to the ſaid Commiſſioners making ſuch Determination, or to their Clerk, within Ten Days next after ſuch Determination; or if any One or more of the Owners of, or Perſons intereſted in the Lands or Grounds which ſhall be directed to be had, taken, and uſed, for ſuch Haling Ways, or any of them, or the Agent or Agents, Guardian or Guardians, of any ſuch Owners, ſhall in like Manner be diſſatisfied with the Determination of the ſaid Commiſſioners, and ſhall refuſe to accept ſuch Annual Rent or Payment as a Recompence, which ſhall be ſo determined and adjudged by them the ſaid Commiſſioners, and ſhall give Notice in Writing to the ſaid Commiſſioners making ſuch Determination, or to their Clerk, of ſuch Refuſal, within Ten Days next after ſuch Determination; and if the Party or Parties giving ſuch Notice as aforeſaid ſhall therein requeſt that the Matter or Matters in Diſpute may be ſubmitted to the Determination of a Jury, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and they are hereby impowered and required, from Time to Time, to cauſe a Jury to be ſummoned for the Determination of the Matters in Queſtion, in ſuch Manner, and ſuch Proceedings ſhall be had therein, as are in and by the ſaid firſt herein recited Act directed and appointed concerning Juries.

If Perſons refuſe to treat, Value to be aſcertained by a Jury.

XIV. And whereas it may happen, that by reaſon of Abſence in Foreign Countries, or any other Impediment or Diſability not before provided for by this or the ſaid former Acts, or either of them, there may not, in certain Caſes, be found any Perſon or Perſons who may be legally empowered or capacitated to treat or contract with the ſaid Proprietor or Proprietors of the ſaid Navigation for the Compenſation to be made for the Lands and Grounds which may be neceſſary and requiſite for ſuch Haling Ways; and it may alſo happen, that the Bodies Politick, Corporate, or Collegiate, or other Perſon or Perſons, who is or are under the Proviſions contained in this or the ſaid former Acts, or otherwiſe legally capacitated to treat or contract with the Proprietor or Proprietors of the ſaid Navigation, or ſuch of them with whom it may be proper to treat as aforeſaid for ſuch Compenſation as aforeſaid, or of the Intereſt which he, ſhe, or they may hold therein, may nevertheleſs refuſe to enter into any ſuch Treaty or Contract: Be it therefore further enacted, That in either of the ſaid Caſes, whenſoever the ſame ſhall happen, it ſhall and may be lawful for the ſaid Proprietor or Proprietors of the ſaid Navigation, or any of them, (after giving Ten Days previous Notice thereof in Writing to the principal or other known Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to the Tenant or Tenants, Occupier or Occupiers, or other Perſon or Perſons intereſted

intereſted in the Uſe, Produce, or Profit, of ſuch Lands or Grounds reſpectively, or leaving the ſame at his, her, or their uſual Abode), to make Application to the ſaid Commiſſioners, who ſhall, and they are hereby impowered and required, forthwith to iſſue ſuch Warrant to the ſaid Sheriff, who ſhall ſummon and return a Jury in Manner directed by the ſaid firſt herein recited Act, and to ſummon and call before them the ſaid Commiſſioners, and before the ſaid Jury, and to examine on Oath, (to be adminiſtered by the ſaid Commiſſioners), all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion, and may order and authorize the ſaid Jury to view the Premiſes; and the ſaid Jury ſhall, on their Oaths, aſſeſs and aſcertain the Sum or Sums of Money which ought to be paid by Annual Rent or Payment for the Uſe and Occupation of the Premiſes in Queſtion, and the ſaid Commiſſioners ſhall give Judgement accordingly for and reſpecting the ſame, which Judgement ſhall be binding and concluſive againſt all and every Perſon and Perſons whomſoever.

Jurors and Witneſſes to be paid.

XV. And be it further enacted, That whenſoever a Jury is or ſhall be ſummoned by the Direction of the Commiſſioners as aforeſaid, or any Witneſſes is or ſhall be ſummoned to appear, and ſhall, in Obedience of ſuch Summons, attend and appear before the ſaid Commiſſioners, acting as Commiſſioners only, or before the ſaid Commiſſioners and Jury as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby authorized and required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes in every ſuch Caſe ſuch ſeveral Sum and Sums of Money as ſhall be reaſonable to recompenſe them for the Trouble and Expences of their reſpective Journies and Attendances.

By whom Expences of Jury to be paid.

XVI. And be it further enacted, That in every Caſe where a Verdict ſhall be given for a greater Annual Rent, as a Recompence or Satisfaction for the Uſe of any Lands or Grounds of any Perſon or Perſons whomſoever, than had been previouſly offered by or on Behalf of ſuch Proprietor or Proprietors of the ſaid Navigation reſpectively, before the Meeting of the ſaid Commiſſioners, or than had been by them the ſaid Commiſſioners determined and adjudged as aforeſaid, or where, by Reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to enter into any Contract with and to receive Compenſations from the ſaid Proprietor or Proprietors of the ſaid Navigation, as herein-before mentioned, then and in all ſuch Caſes all the Expences of calling a Meeting of the ſaid Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed and paid by the Navigation Proprietor or Proprietors in whoſe Diviſion the Premiſes ſhall lie, which ſhall be ſettled by ſuch Jury; but if a Verdict ſhall be given for the ſame Sum or Rent that had been previouſly offered by or on Behalf of ſuch Navigation Proprietor or Proprietors, or had been ſo determined or adjudged by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or adjudged, or in caſe of Refuſal to enter into Treaty with or to receive Compenſations from ſuch Navigation Proprietor or Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any

other Perſon or Perſons whomſoever, who is or are, by the Proviſions of this Act, or the ſaid former Acts, or otherwiſe, legally capacitated to treat for and receive ſuch Compenſation as aforeſaid, then, and in all ſuch Caſes, (except where, by Reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid), the Coſts and Expences of calling a Meeting of the ſaid Commiſſioners, ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Commiſſioners, and be borne and paid by the Perſon or Perſons with whom ſuch Proprietor or Proprietors of ſuch Navigation ſhall have ſuch Concerns, Controverſies, or Diſputes, which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted and retained out of and from the Rent directed to be paid for the Uſe of the Land for ſuch Haling Way as the ſame ſhall become due and payable, until the Whole of ſuch Coſts and Expences ſhall be paid, unleſs ſooner diſcharged.

Perſons requiring a Jury to give Bond to proſecute.

XVII. Provided always, and be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting a Jury to be ſummoned, ſhall, before the ſaid Commiſſioners ſhall iſſue out their Warrant for that Purpoſe, enter into a Bond, with Two ſufficient Sureties to the Clerk of the ſaid Commiſſioners, in the Penalty of Fifty Pounds, with Condition to proſecute his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum or Rent than had been offered by or on Behalf of ſuch of the ſaid Navigation Proprietor or Proprietors with whom ſuch Diſpute or Controverſy ſhall have ariſen, or than had been determined and adjudged by the ſaid Commiſſioners before the ſummoning and returning ſuch Jury, for the Rent or Recompence for any Lands or Grounds as aforeſaid.

Penalty on Sheriff, Jurymen, and Witneſſes, making Default.

XVIII. And be it further enacted, That if any Sheriff or Under Sheriff ſhall make Default in the Premiſes, every ſuch Sheriff or Under Sheriff ſhall forfeit the Sum of Twenty Pounds, and if any Perſon ſo ſummoned and returned as aforeſaid upon any ſuch Jury ſhall not attend, or attending ſhall refuſe to give his Verdict on Oath, or ſhall in any Manner wilfully neglect his Duty; or if any Perſon ſo ſummoned to give Evidence before the ſaid Jury, or on any other Occaſion, before the ſaid Commiſſioners, ſhall not appear, or appearing ſhall refuſe to be examined upon Oath, or to give Evidence, every Perſon reſpectively ſo offending, not having reaſonable Excuſe, to be allowed of by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be adjudged by the ſaid Commiſſioners.

Recovery of Rents.

XIX. And be it further enacted, That all and every the Annual Rent and Rents, and other Sum and Sums of Money, which ſhall, from Time to Time, be agreed upon by the Parties intereſted, or ſettled and aſcertained by the ſaid Commiſſioners, or ſuch Jury as aforeſaid, ſhall be charged and chargeable upon the Tolls and Duties ariſing from the ſaid Navigation, and ſhall be paid by ſuch of the ſaid Navigation Proprietors reſpectively who ought to pay the ſame, as ſuch Rent or Rents, Sum or Sums of Money, ſhall reſpectively become due and payable; and in caſe of Non-payment thereof within Forty Days next after the ſame ſhall become due and payable, and Demand thereof made by the Perſon or Perſons who ſhall be entitled to receive the ſame, or his, her, or their Agent or Attorney,

from ſuch Navigation Proprietor or Proprietors reſpectively, whoſe Tolls or Duties ſhall be chargeable therewith, or his, her, or their Agent, Collector, or Receiver, of ſuch Tolls or Duties, it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, or for any Two Juſtices of the Peace for the County where ſuch Tolls or Duties ſhall be collected and received, and ſuch Commiſſioners or Juſtices, upon proper Application made to them for that Purpoſe, and Proof on Oath made to them that ſuch Rent or Rents is or are in Arrear, are hereby authorized and required, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive ſuch Tolls or Duties, and to pay the ſame, or a ſufficient Part thereof, to ſuch Perſon or Perſons to whom ſuch Annual Rent or Rents, Sum or Sums of Money, ſhall be due and unpaid, until the ſame Annual Rent or Rents, Sum or Sums of Money, together with the Coſts and Charges of recovering the ſame, and receiving ſuch Tolls, for the Purpoſe of paying ſuch Rent or Rents, ſhall be fully paid and ſatisfied, or otherwiſe it ſhall and may be lawful for ſuch Perſon or Perſons, to whom ſuch Annual Rent or Rents, Sum or Sums of Money, ſhall be due and unpaid as aforeſaid, and he, ſhe, and they, is and are hereby impowered to ſeize and diſtrain any of the Goods and Chattels of the ſaid Navigation Proprietor or Proprietors liable to pay the ſame, wherever the ſame ſhall be found, and to detain the ſame until Payment ſhall be made of ſuch Rent or Rents, Sum or Sums of Money, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days next after ſuch Diſtreſs made, and Notice thereof given in Writing either to ſuch Proprietor or Proprietors reſpectively, whoſe Goods or Chattels ſhall be ſo diſtrained, or his, her, or their Agent or Agents, either at the Place where ſuch Diſtreſs ſhall be made, or by affixing ſuch Notice on the Lock or Place, or on any One of the Locks or Places where ſuch Tolls or Duties ſhall be uſually taken, received, or collected, then ſuch Goods and Chattels ſo diſtrained ſhall and may be appraiſed and ſold for the Recovery of ſuch Rent or Rents, Sum or Sums of Money, Coſts and Charges of Diſtreſs and Sale, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

Haling Ways to be enlarged where worn down.

XX. And be it further enacted, That when and as often as ſuch Haling Ways as aforeſaid, or any Part thereof, ſhall otherwiſe than through the Neglect of the ſaid Navigation Proprietors in not repairing the ſame, be worn away by the frequent Uſage thereof, or by the Rubbing of Boats or other Veſſels againſt the Banks of the ſaid River, or by Floods, and if it ſhall appear impracticable to reſtore ſuch Haling Ways to their original Width, that then, and in every ſuch Caſe, when and ſo often as the ſame ſhall happen, the ſaid Proprietors of the Navigation reſpectively in whoſe Diviſion the ſame ſhall happen, ſhall, and they are hereby required, if the ſaid Commiſſioners ſhall think the ſame requiſite, by additional Land or Ground to be taken and uſed for that Purpoſe, to make ſuch Haling Ways of the Width and Extent the ſame ſhall be made purſuant to the Powers and Authorities hereby given, ſo always that ſuch Haling Ways ſhall be at all Times of ſuch ſufficient Width and Extent as the ſaid Commiſſioners ſhall think neceſſary for the proper and convenient haling Boats and other Veſſels up and down the ſaid River, which new or additional Land ſhall be paid for by an Annual Rent, to be ſettled and aſcertained in ſuch and the ſame Manner, either

by the Parties themſelves, or by the ſaid Commiſſioners, or by a Jury, and under the ſame Regulations, as are herein-before directed concerning the new Haling Ways herein-before mentioned: Provided always, that the Proprietors of the ſaid Navigation reſpectively in whoſe Diviſion the ſame ſhall lie, ſhall pay to the Owner or reſpective Owners of the Land or Ground which ſhall be worn away, ſuch Sum or Sums of Money as ſhall, in the Judgement of the ſaid Commiſſioners, be equal in Value to the Fee Simple and Inheritance of the Land which ſhall be ſo worn away, which Money ſhall be paid by ſuch Navigation Proprietor to the reſpective Owners of ſuch Land or Ground at ſuch Time or Times as the ſaid Commiſſioners ſhall order and direct.

Haling Ways to be marked out.

XXI. And be it further enacted, That ſo ſoon as conveniently may be, and at fartheſt within Six Months after ſuch Haling Ways ſhall have been ſet out as herein-before mentioned, the ſaid Proprietor or Proprietors of the ſaid Navigation, within their reſpective Diviſions thereof, ſhall, under the Inſpection and in ſuch Manner as by the ſaid Commiſſioners Overſeer or Overſeers ſhall be deemed neceſſary for that Purpoſe, mark out, by Stumps or otherwiſe, as ſhall be ſufficient, and conſtantly keep marked out, the ſeveral Haling Ways which ſhall be ſet out as before-mentioned, to the Intent that the Bounds and Extents thereof in every Part of ſuch Haling Ways may be known and aſcertained; and the ſaid Proprietor or Proprietors of the ſaid Navigation reſpectively ſhall at their reſpective proper Coſts and Charges, from Time to Time, and at all Times hereafter, maintain, ſupport, and keep in Repair, all and every ſuch Haling Ways which ſhall be in their reſpective Diviſions of the ſaid Navigation, and in all Caſes where ſuch Haling Ways ſhall croſs the Line of any Hedges, Ditches, or Fences, made for dividing or ſeparating the different Fields, Lands, or Grounds, through which ſuch Haling Ways ſhall be carried, the ſaid Navigation Proprietor or Proprietors reſpectively ſhall within their reſpective Diviſions thereof make or cauſe to be made, and at all Times hereafter maintain and keep in Repair, neceſſary and proper Gates (with proper Faſtenings) or Leaps of proper Height to prevent Cattle from going or treſpaſſing from One Field or Ground into another or adjoining Field or Ground; and in Caſes where it ſhall be neceſſary to carry ſuch Haling Way over any Ditch or Drain made or to be made for the conveying Water out of or from the Meadows or Lands adjoining or near to the ſaid River, and where the ſaid Navigation Proprietors reſpectively ſhall make any new Cuts or Fences upon or acroſs the Meadows adjoining to the ſaid River, the ſaid Navigation Proprietor or Proprietors reſpectively ſhall, at their own reſpective Coſts and Charges, within their reſpective Diviſions, make and maintain ſuch new Cuts and Fences, and ſhall make and erect neceſſary and proper Arches, Tunnels, or Bridges, over or acroſs ſuch Ditches or Drains, without narrowing the ſame, or making the ſame of a leſs Width than the Commiſſioners ſhall think proper, and ſhall at all Times keep ſo much of ſuch Ditches or Drains as ſhall be under ſuch Arches, Tunnels, and Bridges, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient to convey the Water clear from the Lands and Grounds adjoining or lying near the ſaid River, without obſtructing, impounding, or penning up the ſame; and in caſe ſuch Haling Ways ſhall in any Part or Parts thereof be raiſed or made above the Level of the adjoining Lands or Grounds, ſo as to obſtruct the free Paſſage of the Water, and prevent the

Arches, Tunnels, &c. to be made by Proprietors.

If Haling Ways are above the proper Level,

the ſame from running out of ſuch Lands or Grounds into the ſaid River; then, and in every ſuch Caſe, the ſaid Navigation Proprietors reſpectively, within their reſpective Diviſions thereof, ſhall, at their own proper Coſts and Charges reſpectively, if the ſame Commiſſioners ſhall think the ſame neceſſary, make or cauſe to be made ſuch and ſo many Drains as in the Judgement of the ſaid Commiſſioners ſhall be requiſite and ſhall be ſufficient to carry off the Water which may at any Time be in ſuch Lands or Grounds by Reaſon of Floods or otherwiſe, and ſhall likewiſe make or cauſe to be made ſuch Arches, Tunnels, or Bridges, over and acroſs ſuch Drains, of ſuch Depth, Breadth, and Dimenſions, as ſhall in the Judgement of ſuch Commiſſioners be neceſſary and ſufficient to convey the Water clear from ſuch Lands or Grounds; and if at any Time after One Month's Notice in Writing ſhall, by or on Behalf of the Owners or Occupiers of Lands or Meadows adjoining or lying near to the ſaid River, be given to the ſaid Proprietor or Proprietors of the ſaid Navigation in whoſe Diviſion the ſame ſhall be, or to the Agent or Collector of ſuch Proprietor or Proprietors, that the ſaid Arches, Tunnels, Bridges, Ditches, or Drains, or any of them, are or is not made, cleanſed, ſcoured, maintained, and repaired, according to the true Intent and Meaning of this Act, or that any of the Works upon the ſaid Navigation are out of Repair, and any of the Owners or Occupiers of Lands adjoining the ſaid River are injured thereby, and if ſuch Navigation Proprietors reſpectively ſhall neglect or refuſe to make, cleanſe, ſcour out, and maintain the ſame, and repair ſuch Works, or if the ſaid Proprietors reſpectively ſhall neglect to mark out ſuch Haling Ways, purſuant to the Directions of the ſaid Commiſſioners for that Purpoſe, then, and in any or either of the ſaid Caſes, it ſhall and may be lawful for the ſaid Commiſſioners Overſeer, or for any other Perſon or Perſons, to apply for and obtain an Order in Writing from the ſaid Commiſſioners, which Orders the ſaid Commiſſioners are hereby authorized and required to grant, (Proof on Oath being made before them that ſuch Notice as aforeſaid was given, and of the Neglect of the ſaid Navigation Proprietors reſpectively therein), and in ſuch Order to enable and empower ſuch Overſeer, or other Perſon or Perſons who ſhall apply for the ſame, to make, cleanſe, ſcour, maintain, and repair, ſuch Arches, Tunnels, Bridges, Ditches, and Drains accordingly, and to mark out ſuch Haling Ways; and the reaſonable Expences thereof, (to be aſcertained by the Commiſſioners), ſhall be defrayed and paid by the Navigation Proprietor or Proprietors in whoſe Diviſion the ſame ſhall be, and in caſe of Neglect or Refuſal to defray ſuch Expences for the Space of One Calendar Month after Demand thereof made upon ſuch Proprietor or Proprietors who ought to pay the ſame, or upon his or their Agent or Agents in the Receipt of the Tolls or Duties ariſing from the ſaid Navigation, ſuch Expences ſhall and may be levied and recovered in ſuch Manner, together with the Charges and Expences attending the levying thereof, as are herein-before directed touching the Recovery of the Monies to be paid to the ſaid Overſeer or Overſeers: Provided always, that ſuch Owner or Occupier making ſuch Complaint ſhall, at the Time of making the ſame, have his, her, or their, reſpective Ditches, Drains, and Paſſages, for Water, leading to ſuch Towing Paths or Haling Ways, ſufficiently cleanſed and open.

Drains to be made through ſame.

If Proprietors refuſe or neglect to keep ſame in Repair, Owners of Lands may repair by Order;

and the Expences paid by the Proprietors.

XXII. Provided alſo, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the ſaid

Land Owners may erect Gates, &c.

ſaid Navigation paſſes, do and ſhall, at any Time or Times hereafter, chuſe to erect or make any Gates, Stiles, Bridges, Paſſages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Paſſages, Watering Places, or other Conveyances reſpectively, other than ſuch as are already made, or ſhall hereafter be made, upon or by virtue of the Directions contained in this or the ſaid former Acts, then and ſo often, or in any ſuch Caſe, it ſhall be lawful for all or any ſuch Owners or Occupiers, with the Conſent and Approbation of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, One or more Gate or Gates, Stiles, Bridges, Paſſages, Arches, or other Conveniencies, of the ſame or the like Conſtructions with others made and erected, or to be made and erected, by the ſaid Navigation Proprietors, in, over, or near to, the ſaid River, or the Haling Ways near or adjoining thereto reſpectively, in ſuch Places as the ſaid Owners and Occupiers ſhall judge moſt neceſſary and convenient for the better Uſe, Cultivation, Improvement, or Occupation, of ſuch Lands and other Hereditaments, and to repair and ſupport the ſame at their own like Coſts and Charges as Occaſion ſhall require, ſo as that the Navigation of, in, or upon, ſo much of the ſaid River as is between *Peterborough* and *Thrapſton* Bridge be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame would neceſſarily have been if ſuch Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies, had been made or erected by the ſaid Navigation Proprietors as aforeſaid.

When Locks, &c. want Repairs, Proprietors, before they begin to repair, to give Notice to the Overſeer.

XXIII. And be it further enacted, That when and ſo often as any of the Locks, Stanches, or Gates, belonging to the ſaid Navigation ſhall be out of Repair, or when any new Locks, Stanches, or Gates, ſhall be wanted, the Proprietor or Proprietors of the ſaid Navigation, in whoſe Diviſion ſuch Locks, Stanches, or Gates, ſhall be, or his or their Agent or Agents, before he or they ſhall begin the Repairs of ſuch Locks, Stanches, or Gates, or to erect new ones, ſhall give Notice in Writing to the Commiſſioners Overſeer or Overſeers, to be appointed as aforeſaid, of the Time ſuch Repairs will be begun upon, or ſuch new Locks, Stanches, or Gates, ſhall be begun to be erected or made, ſuch Notice to be delivered to ſuch Overſeer or Overſeers at leaſt Three Days before the Work ſhall be commenced or begun upon, to the Intent ſuch Overſeer or Overſeers may attend and ſee that ſuch Locks, Stanches, and Gates, ſo out of Repair, may be properly repaired, and ſuch new ones properly made, that the Gates or Slackers belonging or appertaining to ſuch Locks may be left of a proper Height and Width, and that no ſuch Locks or Stanches may be raiſed or widened above or beyond the uſual or antient Height or Width; and, in caſe it ſhall at any Time appear that ſuch Proprietor or Proprietors has or have heretofore raiſed any Lock or Stanch upon the ſaid Eaſtern Diviſion of the ſaid Navigation higher, or made any ſuch Lock or Locks narrower than ſuch Lock or Stanch was firſt made or agreed to be made at the reſpective Times the ſaid Eaſtern Diviſion of the ſaid River was made navigable, or, in caſe ſuch Proprietor or Proprietors ſhall hereafter raiſe or make narrower, or cauſe to be raiſed or made narrower, any Lock, Stanch, or Gates, upon the ſame Navigation, higher or of leſs Width than ſuch Lock, Stanch, or Gate, was firſt made or agreed to be made, or of a greater Height or of leſs Width than it is proper or neceſſary the ſame ſhould be, (the ſame to be determined by the ſaid Commiſſioners, in caſe any Diſpute ſhall ariſe concerning

concerning ſuch Height or Width between the ſaid Proprietors and the Commiſſioners Overſeer), then and in either of the ſaid Caſes it ſhall and may be lawful for the ſaid Commiſſioners Overſeer or Overſeers, having firſt an Order for that Purpoſe under the Hands of the ſaid Commiſſioners, at ſome or One of their Meetings, to employ proper and neceſſary Workmen to alter ſuch Lock, Stanch, or Gate, and to reduce the ſame to its original or proper Height, and to make the ſame of its original or proper Width, and ſhall at the next or ſome other Meeting of the ſaid Commiſſioners after ſuch Alteration, produce to the ſaid Commiſſioners an Account of the Expences attending ſuch Alteration, which Account the ſaid Commiſſioners ſhall examine, and ſhall allow the Whole or ſo much thereof as ſhall appear to them to have been properly and reaſonably expended in, about, or concerning ſuch Alteration, and ſhall allow to ſuch Overſeer or Overſeers ſo much as they ſhall think reaſonable to be allowed for his or their Labour, Time, and Trouble therein, and ſhall order the Proprietor or Proprietors of that Part of the ſaid Navigation where ſuch Alteration ſhall have been made as aforeſaid, to advance and pay to ſuch Overſeer or Overſeers ſo much and ſuch Sum and Sums of Money as ſhall be mentioned and contained in ſuch Order ſo allowed; and in caſe ſuch Proprietor or Proprietors ſhall neglect or refuſe to pay the ſame, upon Demand made from him, her, or them, or his, her, or their Agent or Agents, in the Receipt of the Tolls or Duties of ſuch Navigation, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Proprietor or Proprietors, by Warrant of Diſtreſs under the Hands and Seals of the ſaid Commiſſioners, ſuch Warrant to be iſſued on Proof made upon Oath that ſuch Proprietor or Proprietors, Agent or Agents, hath or have refuſed to pay the Money mentioned in ſuch Order: Provided always, that the Navigation Proprietor or Proprietors neglecting to give Notice as laſt mentioned, or making ſuch Repairs or Works without ſuch Notice, ſhall forfeit and pay for every ſuch Neglect ſuch Sum of Money, not exceeding Twenty Pounds as the ſaid Commiſſioners ſhall think fit: Provided alſo, that if at any Time it ſhall happen that the Repairs of any of the ſaid Locks, Stanches, or Gates require immediate Attention, and that it may be neceſſary to begin ſuch Repairs before ſuch Three Days Notice as aforeſaid can be given, it ſhall and may be lawful for the Proprietor or Proprietors of the ſaid Navigation in whoſe Diviſion the ſame ſhall be, to begin ſuch Repairs, on giving Notice to the Commiſſioners Overſeer or Overſeers to be appointed as aforeſaid, within Forty-eight Hours after ſuch Repairs ſhall have been begun; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Navigation Proprietors to repair Injuries to Bridges.

XXIV. And be it further enacted, That in Caſes where by Reaſon of lowering or digging away the Bed of the ſaid River or otherwiſe, for the Purpoſes of the ſaid Navigation, under any Bridges which were or ſtood over or acroſs the ſaid Eaſtern Diviſion of the ſaid River at the reſpective Times the ſame was made navigable, any Injury or Damage has heretofore been or ſhall hereafter be done to any Arch or Arches of any of ſuch Bridges, or to the Piers and Buttreſſes ſupporting or connected with ſuch Arch or Arches, then and in every ſuch Caſe, ſo often as the ſame ſhall happen, the ſaid Proprietors of the ſaid Navigation, within their reſpective Parts or Diviſions thereof, ſhall and they are hereby required

quired (at their reſpective proper Coſts and Charges) to amend and ſupport ſuch Arches, Piers, and Buttreſſes, or ſuch of them which ſhall have been or may be injured or damaged as aforeſaid, and from Time to Time maintain and keep the ſame in and with all needful and neceſſary Reparations and Amendments, the ſame to be done under the Inſpection of the ſaid Commiſſioners Overſeer, in ſuch Manner as hereinbefore directed, touching the other Works or Repairs upon the ſaid Navigation.

Navigation Proprietors to remove Gravel, &c. from the Bed of the River.

XXV. And whereas the ſaid River is in many Places grown up and decreaſed in Depth, ſo that Boats and Lighters navigating thereon, for Want of a proper and ſufficient Depth of Water, are frequently ſtopped, and Boards are put upon the Stanches which are upon the ſaid River, and upon the Low Shots in the Streams by the Sides of, but communicating with, the ſaid River, thereby raiſing the Water beyond its uſual and proper Height, and overflowing the adjoining Meadows; and from the increaſing Shallowneſs of the Bed of the River, for Want of properly ſcouring the ſame, there is more Difficulty in keeping the Water within the Banks than heretofore; be it therefore further enacted, That the ſaid Proprietors of the ſaid Navigation ſhall in their ſeveral Diviſions thereof, within ſuch Time or Times as ſhall be directed and appointed by the ſaid Commiſſioners, or any Nine or more of them, for that Purpoſe, in all Places where any Dirt, Silth, or Gravel, now is or hereafter ſhall be collected or lodged in the Bed of the ſaid River, and the Bed of the ſaid River is or hereafter ſhall be by that Means raiſed above its uſual or proper Height, and in ſuch Manner that the Boats uſually navigating the ſaid River cannot paſs and repaſs therein, or navigate the ſame, without raiſing the Water in the ſaid River to ſuch a Height as ſhall cauſe the Water to ſpread over, cover, or overflow, the adjoining Meadows, or any Part thereof, then and in ſuch Caſe, when and ſo often as the ſame ſhall happen, the Proprietor or Proprietors for the Time being of the ſaid Navigation, in whoſe Diviſion ſuch Dirt, Silth, or Gravel, ſhall be lodged, ſhall ſcour out, clear, and carry away the ſame, at ſuch Time or Times as ſhall be directed and appointed by the ſaid Commiſſioners for that Purpoſe; and if ſuch Proprietor or Proprietors reſpectively ſhall neglect or refuſe ſo to do, after Forty Days Notice to be given to ſuch Proprietor or Proprietors, or his or their Agent or Agents, by the ſaid Commiſſioners Overſeer or Overſeers, it ſhall and may be lawful for ſuch Overſeer or Overſeers (firſt obtaining an Order from the ſaid Commiſſioners, for that Purpoſe, to be given or made by ſuch Commiſſioners, on Receipt of the Report of the ſaid Overſeer, of ſuch Neglect or Refuſal) to ſcour out, clear, and carry away the ſame, and ſuch Overſeer or Overſeers ſhall pay and diſcharge the Coſts, Charges, and Expences, attending the ſcouring out, clearing, and carrying away ſuch Dirt, Silth, or Gravel, and ſhall lay an Account of ſuch Expences before the ſaid Commiſſioners, which Commiſſioners ſhall examine into and allow the ſame, or ſo much thereof as they ſhall think proper and reaſonable, and ſhall allow ſuch Overſeer or Overſeers ſo much as they ſhall think reaſonable to be allowed for his or their Labour, Time, and Trouble therein, and ſuch Order ſhall be made by ſuch Commiſſioners upon ſuch Proprietor or Proprietors for the Payment thereof, and ſuch Methods uſed for the Recovery thereof, and of the Charges and Expences attending the levying thereof, as are herein-

herein-before directed touching the Recovery of the Accounts of the ſaid Overſeer or Overſeers: Provided always, that no ſuch Silth ſhall be ſuffered to lie upon the Banks of the ſaid River longer than Fourteen Days after it ſhall have been removed from the Bed of the ſaid River, and if it ſhall, by the Perſons removing the ſame, be ſuffered to lie upon the ſaid Banks beyond ſuch Time, it ſhall and may be lawful for the Owners or Occupiers of the adjoining Lands to remove the ſame, and take the ſame to his, her, or their, own Uſe, if they ſhall be willing to take the ſame, or otherwiſe the ſame ſhall be removed and taken away by the ſaid Commiſſioners Overſeer or Overſeers at the Expence of the Proprietors of the ſaid Navigation in whoſe Diviſion the ſame ſhall lie, which Expence ſhall be recovered in the ſame Manner as is herein-before directed touching the Recovery of the Accounts of the ſaid Overſeer.

Commiſſioners to make Enquiry into any Neglect complained of by Land Owners.

XXVI. And be it further enacted, That in caſe any Owner, Proprietor, or Occupier, of Lands or Grounds adjoining to the ſaid Navigation, ſhall make or exhibit before the ſaid Commiſſioners any Complaint againſt the Proprietor or Proprietors of the ſaid Navigation, for any Damage or Injury alledged to be ſuſtained by ſuch Land Owner, Proprietor, or Occupier, by the Act or Neglect of ſuch Navigation Proprietor or Proprietors, and the Commiſſioners ſhall in purſuance of ſuch Complaint order or direct their Overſeer to inſpect and examine into the Nature of the ſaid Complaint, and ſuch Complaint ſhall, upon the Report of ſuch Overſeer, appear groundleſs and improper, it ſhall be lawful for the ſaid Commiſſioners to order the Expences attending the Overſeer's Inſpection, and the Recompence for his Labour and Trouble therein, (to be aſcertained and allowed by ſuch Commiſſioners), to be paid by the Perſon making or exhibiting ſuch Complaint, the ſame to be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, in ſuch Manner as the Forfeitures and Penalties impoſed by this Act are directed to be levied and recovered.

Low Shots not to be raiſed higher than is neceſſary.

XXVII. And be it further enacted, That no Owner or Occupier of any Mill upon or adjoining to or which communicates with the ſaid River, or any of the Servants, Workmen, or other Perſon or Perſons, by the Order or Direction or in the Employment of ſuch Miller, ſhall, nor ſhall the Proprietor or Proprietors of the ſaid Navigation, or either of them, or any Agent, Servants, Workmen, or other Perſon or Perſons, by the Order or Direction, or in the Employment of ſuch Proprietors, any or either of them, at any Time or Times hereafter, make or cauſe to be made any Low Shot or Low Shots upon or adjoining to the ſaid River, or upon any Brooks, Collateral Branches or Streams, which empty themſelves into or which communicate with the ſaid River, of a greater Height or of leſs Width than they have uſually been; nor ſhall any Perſon or Perſons (without the Order in Writing of the ſaid Commiſſioners, at ſome or One of their Meetings held in purſuance of this Act, being firſt had and obtained, under ſuch Regulations and Reſtrictions as in ſuch Order ſhall be expreſſed) at any Time or Times hereafter, on any Pretence or on any Occaſion, put or place any Flaſh Boards upon the ſaid Low Shots, or uſe any other Device whatever, ſo as to raiſe the Water in the Stream, by the Side or upon the Bank whereof ſuch Low Shot is placed, beyond the proper Height of the Upper Head

No Flaſh Boards to be put on Low Shots;

under a Penalty.

or Sill of such Low Shot, under the Penalty of Twenty Pounds for every such Offence.

The Overseers to examine Low Shots.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to direct the Overseer or Overseers to be appointed as aforesaid to examine into and inspect the several Low Shots now or which may be hereafter put or placed upon the Banks of the said River, or upon any Brook, Collateral Branches, or Streams, which empty themselves into or communicate with the said River, and to ascertain and determine what has been the usual or antient Height and Width of every such Low Shot, and such Overseer or Overseers, after such Examination and Inspection, shall make proper Returns thereof to the said Commissioners, at some or One of their Meetings; and in all Cases where it shall appear to such Overseer or Overseers that any Low Shot or Low Shots has or have been raised above their usual or antient Height, or contracted to less than their usual or antient Width, then and in every such Case such Overseer or Overseers shall notify his or their Objections to the Height or Width of such Low Shot or Low Shots to the Owner or Owners, Occupier or Occupiers, of the Land or Ground upon which such Low Shot or Low Shots respectively is or are or shall be standing or placed, or to the Person or Persons liable to the Repair and Support of such Low Shots respectively, or to the known Agent of such Person or Persons, at least Ten Days before such Meeting of the said Commissioners, at which Meeting the said Commissioners shall take such Returns concerning such Low Shots into Consideration, and the Person or Persons to whom such Low Shot or respective Low Shots shall belong, or who is or are or shall be liable to repair the same, his, her, or their Agent or Agents, shall and may be heard in Answer to the Return or Complaint of the said Overseer, and after what shall be alledged on both Sides, the said Commissioners shall make such Order therein as to them shall seem expedient and proper, and if they shall think fit so to do, shall adjourn the further Consideration thereof to some future Meeting or Meetings as they shall think proper, and make such Order or Orders at such future Meeting or Meetings, which Order or Orders, or a Copy thereof, shall be served upon such Person or Persons to whom such Low Shot or respective Low Shots shall belong, or who is or are liable to repair the same, his, her, or their Agent or Agents, or the Person or Persons in the actual Occupation of the Land or Ground upon which such Low Shot or Low Shots is or are or shall be placed; and if by such Order or Orders the said Commissioners shall direct such Low Shots, or any of them, to be reduced in Height, or made wider, the Person or Persons liable to repair the same shall, and he or they is and are hereby required to alter and reduce the same in Height, and to widen the same, if Width also shall be directed, within such Time, and in such Manner, as the said Commissioners shall in and by such their Order direct and appoint; and if the Person or Persons liable to the Repairs of such Low Shots respectively shall neglect to alter the same within the Time or in the Manner directed by such Order, then and in either of the said Cases it shall and may be lawful to and for the said Commissioners Overseer or Overseers (having an Order for that Purpose under the Hands of the said Commissioners) to employ proper and necessary Workmen to alter such Low Shot or Low Shots respectively in such Manner as shall be agreeable to the Order or Orders of the said Commissioners concerning the same, and shall at the next Meeting of the

ſaid Commiſſioners after ſuch Alteration, produce to the ſaid Commiſſioners an Account of the Expences attending ſuch Alteration, which Account the ſaid Commiſſioners ſhall examine, and ſhall allow the Whole, or ſo much thereof as ſhall appear to them to have been properly and reaſonably expended in, or about, or concerning ſuch Alteration or Alterations reſpectively, and ſhall allow to ſuch Overſeer or Overſeers ſo much as they ſhall think reaſonable to be allowed for his or their Labour, Time, and Trouble therein, and ſhall order the Owner or Owners or other Perſon or Perſons liable to or chargeable with the Repairs of ſuch Low Shots, to advance and pay to ſuch Overſeer or Overſeers ſo much and ſuch Sum and Sums of Money as ſhall be mentioned and contained in ſuch Order; and in caſe the Perſon or Perſons upon whom ſuch Order ſhall be made ſhall neglect or ſhall refuſe to pay the ſame, upon Demand made from him or them, or his or their Agent, or the actual Occupier of the Land upon which ſuch Low Shot or Low Shots reſpectively is or are placed, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons as is or are liable to pay the ſame, or of the Goods and Chattels of ſuch Occupier or Occupiers, by Warrant under the Hands and Seals of the ſaid Commiſſioners, ſuch Warrant to be iſſued on Proof made on Oath that ſuch Owner or Owners, Occupier or Occupiers, hath or have refuſed to pay the Money mentioned in ſuch Order.

Low Shots may be widened.

XXIX. And whereas the ſaid Low Shots may be found inſufficient to carry off the Waſte Water or Floods, although not made higher or narrower than their uſual or antient Height or Width; be it further enacted, That whenever the Owner or Owners, Occupier or Occupiers of ſuch Meadows, or any of them, ſhall, by Application in Writing to the ſaid Commiſſioners, at ſome or One of their Meetings to be held in purſuance of this Act, requeſt that ſuch Low Shots, or any them, may be widened for the Purpoſe of carrying off ſuch Water, and ſhall give Notice of ſuch intended Application to the Owner or Owners, Occupier or Occupiers of the Land or Ground upon which ſuch Low Shot ſhall at the Time of ſuch Application be ſtanding or placed, or to the Perſon or Perſons liable to the Repair and Support of ſuch Low Shots, at leaſt Ten Days before the Meeting of the ſaid Commiſſioners at which ſuch Application is intended to be made, it ſhall and may be lawful for the ſaid Commiſſioners to take ſuch Application into Conſideration, and the Perſon or Perſons to whom ſuch Low Shot ſhall belong, or who is or are, or at the Time of ſuch Application ſhall be liable to repair the ſame, his, her, or their Agent or Agents, may be heard in Anſwer to ſuch Application, and the ſaid Commiſſioners ſhall make ſuch Order therein as to them ſhall ſeem meet, expedient, and proper; and if they ſhall order ſuch Low Shot, concerning which ſuch Application ſhall be made, to be made wider than the uſual or antient Width, the ſame ſhall be made wider in ſuch Manner and under ſuch Directions as the ſaid Commiſſioners ſhall think proper and neceſſary, and the Expences attending ſuch Alteration ſhall be paid, borne, and defrayed, by the Perſon or Perſons making ſuch Application, in ſuch Proportions as the ſaid Commiſſioners ſhall direct or appoint.

Commiſſioners to have like Power

XXX. And whereas, by the ſaid Act of the Thirteenth Year of the Reign of Queen *Anne*, the ſaid Commiſſioners are inveſted with the like

over adjoining Streams, &c. as Commissioners of Sewers.

Powers and Authorities respecting the said River, and the Weirs and other Works upon the same, as by any Law, Statute, or Commission, are given to any Commissioners of Sewers, with respect to any other Rivers or Places, and the Commissioners of Sewers are divested of all Power and Authority over the same; but Doubts may arise whether the said Commissioners are thereby authorized to intermeddle with or direct the cleansing or scouring any Back Brooks, Drains, or Ditches, adjoining the said River, or to enforce such Directions as may be necessary to be observed by Millers and Owners of Mills upon any Streams communicating with the said River, for preserving the said Navigation: Be it therefore further enacted, That the Commissioners for carrying the said recited Acts and this Act into Execution shall have the like Powers and Authorities in all Respects, and to all Intents and Purposes, over all Streams, Back Waters, Brooks, Drains, Banks, and Bridges, which communicate with the said River, and also over the Millers or Owners of any Mills upon any such Streams, as any Commissioners of Sewers have or are invested with by any Law, Statute, or Commission of Sewers, with respect to any Rivers or Places whatsoever, and no Commissioners of Sewers shall have Power or Authority over the same.

When Works want Repair, so as to stop Navigation, Notice to be given in the Newspapers.

XXXI. And be it further enacted, That whenever it shall happen that any of the Locks, Stanches, or other Works, of the said Navigation are so much out of Repair, that it will be necessary to divert the Course of the River, or any Way prevent the Use of the said Navigation until the same is or are repaired, that then, and in every such Case, Forty Days Notice shall be given in the *Northampton* and *Cambridge* Newspapers, in case such Newspapers shall then be printed and circulated, and if not, then in the *London* Gazette, before the same shall be begun upon, to the Intent that all Persons using or intending to use such Navigation may be informed thereof, under the Penalty of Twenty Pounds, to be paid by the Proprietor or Proprietors respectively of the said Navigation, in whose Division the said Works shall be begun, except only in Cases of absolute and unavoidable Necessity, and which require immediate Attention, in which Case it shall and may be lawful for such Proprietor or Proprietors, having an Order for that Purpose under the Hand of any Justice of the Peace for the County where such Lock or Work shall be, for which such immediate Attention is necessary, which Justice or Justices, on Oath made before him or them of such Necessity, shall and may authorize and impower such Proprietors respectively, in whose Division such Works shall be necessary, to stop the Navigation upon the said River, without such previous Notice and Advertisement; but in such Case publick Notice of such Order shall be given in the next Newspapers which shall be published after the making such Order.

Navigation Proprietors to divert the Water from Mill Streams for building or repairing any Mill.

XXXII. And be it further enacted, That when and as often as any Mill standing on or near the Line of the said River between *Peterborough* and *Thrapston* Bridge aforesaid shall require to be rebuilt, or the Foundation or any other Part thereof to be repaired, then, and in every such Case, the said Navigation Proprietors, or their Clerk or Agent, shall immediately upon receiving Notice thereof in Writing, from the Owner or Occupier of such Mill, permit and suffer the Owner or Occupier of

ſuch Mill to make a good and ſufficient Dam or Bank on the River, Stream, or Cut, by which ſuch Mill is ſupplied with Water, or uſe other ſufficient Ways and Means whereby the Water of ſuch River, Stream, or Cut, may be diverted from or prevented running to ſuch Mill during the Time of ſuch rebuilding or repairing; and that when and as often as any Repairs ſhall be neceſſary to be done to the ſaid River, or any of the Works thereof, whereby there may be a Decreaſe of Water in the ſaid River, the ſaid Navigation Proprietors ſhall cauſe a Dam or Bank to be made acroſs the ſaid River, ſufficient to keep and preſerve the Water in the Heads of all Mills near to which ſuch Repairs ſhall be wanted, and which ſhall be affected thereby, to their uſual Height, in order that no Loſs or Injury ſhall or may by Means of ſuch Repairs be ſuſtained to ſuch Mills, or the Occupiers thereof; and in caſe the ſaid Navigation Proprietors ſhall not be fully able ſo to do, or in caſe there ſhall at any Time be any Loſs or Waſte of the Water in the ſaid River, by Reaſon of any of the Locks, Stanches, Banks, or other Works belonging thereto, not being kept in good and ſufficient Repair, and any Injury or Damage ſhall in either of the ſaid Caſes be thereby occaſioned to the Occupier of any ſuch Mill, the ſaid Navigation Proprietors reſpectively ſhall make Compenſation to ſuch Occupier for ſuch Injury or Damage, ſuch Compenſation to be aſcertained and recovered in like Manner as herein directed with reſpect to aſcertaining and recovering the Value of any other Damage to be done by virtue of the Powers herein contained.

Perſons having the Care of Boats not to treſpaſs upon the adjoining Lands.

XXXIII. And be it further enacted, That if any Maſter, Owner, or other Perſon or Perſons having the Care or Charge of any Boat, Barge, Lighter, or other Veſſel, navigating the ſaid River between *Peterborough* and *Thrapſton* Bridge aforeſaid, or any Part thereof, ſhall permit or ſuffer any Horſe or Horſes uſed in the towing or haling of any ſuch Boat, Barge, or other Veſſel, to treſpaſs upon the Land or Ground adjoining upon or near to the ſaid River, or to the Haling Ways to be ſet out as aforeſaid, or if any Perſon or Perſons uſing ſuch Haling Ways ſhall leave open any of the Gates, or throw down or deſtroy any of the Leaps upon ſuch Haling Ways, or after having haled ſuch Boat, Barge, or other Veſſel, over any Part of ſuch Haling Way, ſhall return back with the Horſe or Horſes employed therein, along, acroſs, or over, the Lands or Grounds adjoining to the ſaid River, or to ſuch Haling Ways, (not being a publick Road or Highway), or ſhall permit or ſuffer any Horſe to be looſe upon ſuch Haling Way, without ſome Perſon with ſuch Horſe to take Care thereof, and prevent it from ſtraying or treſpaſſing upon the Lands adjoining or near to the ſaid River, or ſhall commit any other wilful Treſpaſs or Damage in the Lands or Grounds adjoining or near the ſaid River, every ſuch Perſon ſhall for every ſuch Offence pay to the Perſon or Perſons injured a Sum equal to the Damages ſo occaſioned, to be aſcertained and recovered in like Manner as any Penalty or Forfeiture is herein-after directed to be recovered, and ſhall alſo forfeit and pay to the Informer any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

Maſters anſwerable for Servants

XXXIV. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, navigating upon the ſaid River between

tween *Peterborough* and *Thrapſton* Bridge aforeſaid, ſhall be and is hereby made anſwerable for any Treſpaſs, Damage, or Miſchief that ſhall be done by his Boat, Barge, or other Veſſel, or by any of the Boatmen, Watermen, or other Perſon or Perſons, belonging to or employed in the Management of or in or about the ſame, to any Owners or Occupiers of any Lands or Grounds adjoining or near to, the ſaid River, or to any Bridges, Locks, Sluices, Stanches, Weirs, Dams, Low Shots, Mills, or other Works, in, over, upon, or belonging to, the ſaid River, or to any Back Drains, Collateral Streams, Trenches or Paſſages for Water, leading into the ſaid River, and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, ſhall pay to the Perſon or Perſons injured the Damages ſo done, the ſame to be aſcertained and recovered in like Manner as any Penalty or Forfeiture is by virtue of this Act to be aſcertained and recovered, and ſhall alſo forfeit and pay to the Informer any Sum not exceeding Five Pounds, to be ſettled and determined by the ſaid Commiſſioners; and in caſe the Maſter, Owner or Owners of any ſuch Boat, Barge, or other Veſſel as aforeſaid, ſhall be compelled to make Satisfaction for any Damages or Treſpaſs, or pay any Penalty by Reaſon of any wilful or negligent Act or Default done or committed by his, her, or their Servant or Servants, Boatmen or Watermen, or any of them, ſuch Servants, Boatmen, or Watermen, and each and every of them, ſhall be liable to repay the Amount of ſuch Damages and Penalty, with the Coſts attending the ſame, to ſuch Maſter, Owner or Owners, and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Maſter, Owner or Owners, of the Payment made by him, her, or them, of ſuch Penalty and Satisfaction for Damages and Coſts, and that the ſame have or hath not been repaid to him, her, or them, by ſuch Servant, Boatmen, or Watermen, or any of them, although demanded, (ſuch Oath to be made before any One Juſtice of the Peace for the County where the Offence ſhall have been committed, or where ſuch Servants, Boatmen, or Watermen, reſpectively ſhall reſide), the Amount thereof ſhall be recovered in like Manner as any Penalty is by this Act directed to be recovered.

and pay the Damages;

to be recovered by Diſtreſs, &c. if under 5*l.*

Maſter may recover againſt his Servant.

Commiſſioners may alter or repeal Bye Laws.

XXXV. And whereas, by the ſaid Act of the Thirteenth Year of the Reign of Queen *Anne*, the ſaid Commiſſioners are authorized and impowered to make Bye Laws, Orders, and Conſtitutions, for the good and orderly Uſage of the ſaid Navigation, and for the other Purpoſes in the ſaid Act mentioned; but no Power is thereby given to alter or repeal any ſuch Bye Laws, Orders, or Conſtitutions; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, aſſembled at a Meeting for that Purpoſe, of which Three Weeks Notice at the leaſt ſhall be given in the ſaid Newſpapers, from Time to Time, as the ſaid Commiſſioners ſhall think fit, to amend, repeal, or alter, any Bye Laws, Orders, or Conſtitutions, already made, or hereafter to be made, by virtue of the ſaid recited Acts and this Act, or any of them, in ſuch Manner as they ſhall judge neceſſary, according to the true Intent and Meaning of the ſaid recited Acts and this Act; provided that no Amendment, Repeal, or Alteration, ſhall be made in any ſuch Bye Laws, Orders, or Conſtitutions, unleſs Fifteen at leaſt of the ſaid Commiſſioners ſhall be preſent at the Meeting to be held for that Purpoſe, and the major Part of them concur therein.

XXXVI. And

XXXVI. And be it further enacted, That all Penalties and Forfeitures inflicted by the ſaid former Acts, or either of them, or by this Act, or which ſhall be inflicted by any ſuch Bye Law, Order, or Conſtitution, as aforeſaid, (the Manner of Levying and Recovery of which Penalties and Forfeitures are not particularly herein-before directed), ſhall, in caſe of Non-payment thereof, on Conviction of the Offenders reſpectively, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed, or the Offender ſhall be or reſide, who is hereby authorized and required to examine Witneſſes upon Oath, and hear and determine the ſame; and all ſuch reſpective Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, ſhall be paid into the Hands of the Clerk to the ſaid Commiſſioners, and ſhall be applied and diſpoſed of, (where ſuch Penalties and Forfeitures ſhall be paid by any other Perſon or Perſons than the ſaid Navigation Proprietors), One Half to the Informer, and the other Half to the Proprietor of ſuch Part of the ſaid Navigation, where ſuch Penalty or Forfeiture ſhall ariſe, towards paying the Expences of the Clerk and Overſeer, to be appointed as is herein-before mentioned; and where ſuch Penalties and Forfeitures ſhall be paid by the ſaid Navigation Proprietors, or either of them, the ſame ſhall be applied and diſpoſed of, One Half to the Informer, and the other Half to the Poor of the Pariſh where ſuch Offence ſhall be committed, and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Penalty or Forfeiture, and the Expences thereof, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs, and the Penalty or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice, by Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unleſs ſuch Penalty or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Recovery of Forfeitures.

XXXVII. 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 or the ſaid former Acts, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage, in an Action upon the Caſe.

Perſons aggrieved by Irregularity in Diſtreſs to recover only the Special Damage.

XXXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, or the ſaid former Acts, be it further enacted, That every Juſtice of the Peace, before whom any Perſon ſhall be convicted of any Offence againſt this Act, or the ſaid former Acts, ſhall and may cauſe the Conviction to be drawn up according to the following Form; (*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 County of [*specifying the Offence, and the Time and Place when and where committed, as the Case may be*]. Given under my Hand and Seal, the Day and Year first above mentioned.'

Appeal.

XXXIX. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given in pursuance of any such Bye Law, Order, or Constitution of the said Commissioners as aforesaid, or by any other Order, Judgement, or Determination, of the said Commissioners; or of any Justice or Justices of the Peace, relating to the Execution of this Act, may, within Six Calendar Months after such Order, Judgement, or Determination, shall have been made, (first giving Ten Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace, at the General Quarter Sessions to be held in and for the County or Place in which the Cause of Appeal shall arise, which Justices shall, in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Order, Constitution, or Determination, and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, or removed by *Certiorari*.

Limitation of Actions.

XL. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any Thing done in pursuance of this Act, or the said former Acts, every such Action or Suit 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 Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County or Place where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, or the said former Acts, 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 or the said former Act; and if it shall appear to have been so done, or if any such Action or Suit 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 every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Non-suit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against

againſt the Plaintiff or Plaintiffs, or if, upon demurring 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 hath for Coſts of Suit in other Caſes by Law. Treble Coſts.

XLI. 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. Publick Act.

FINIS.