Anno sexto

Georgii III. Regis.

An Act for making the River *Chelmer* navigable from the Port of *Maldon*, to the Town of *Chelmsford*, in the County of *Essex*.

WHEREAS the River Chelmer is capable of being made navigable for Boats and other Vessels from the Port of Maldon, to the Town of Chelmsford, in the County of Essex, and the making and maintaining such Navigation will be a particular Advantage to the Inhabitants of that Country, and of publick Utility: 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 the Earl of Tylney in the Kingdom of Ireland, the Right Honourable Earl Verney in the Kingdom of Ireland, the Right Honourable the Earl of Thomond in the Kingdom of Ireland, the Right Honourable Lord Viscount Barrington in the Kingdom of Ireland, the Right Honourable Lord Waltham in the Kingdom of Ireland, Sir William Maynard, Sir Anthony Thomas Abdy, Sir Brooke Bridges, Sir William Mildmay, Baronets; Sir John Griffin Griffin Knight of the Bath, the Right Honourable Charles Townshend, John Luther, Jacob Houblon, Thomas

Preamble.

Commissioners Names.

mas Brand, Isaac Martin Rebow, Charles Gray, John Bullock, John Huske, Edward Finch Hatton, John Roberts, Richard Rigby, John Henniker, Peregrine Bertie, Eliab Harvey, Richard Bull, Bamber Gascoyne, Philip Honeywood, Robert Nugent, Thomas Staunton, George Forster Tuffnell, William Brocket, Thomas Berney Bramston, John Jolliffe Tuffnell, Richard Hoare, William Mills, Richard Holden, Thomas Brand of the Hyde, James Wyatt, Thomas Walmesley, Thomas Fytche, Nicholas Westcombe, Henry Lovybond Collins, Thomas Aylmer, Joseph Gascoyne, John Coe, Joseph Struet, John Strutt, Joseph Keiling, Esquires; the Reverend Foot Gower D. D. the Reverend Charles Phillips, the Reverend John Tindal, the Reverend Jonathan White, the Reverend William Marshall, Clerks; Edward Codd, Henry Hance, Samuel Brickwood, John Tyrrell, John Clark, Edward Harrington, John Crosier, Nicholas Monk, Benjamin Joscelyne, Robert Haselfoot, Thomas Bridge, Thomas Pocklington, William Prior Johnson, John Lough, and Lionel Lukin, Gentlemen; shall be, and they and their Successors, to be elected in manner hereafter mentioned, are hereby appointed Commissioners for making the said River Chelmer navigable for Boats and other Vessels from the Port of Maldon, to the Town of Chelmsford, and for putting this Act in Execution; and they the said Commissioners, or any Seven or more of them, shall have full Power and Authority to employ or contract with any Person or Persons for making the said River navigable, or for the Performance of any Works which they the said Commissioners, or any Seven or more of them, shall think necessary to be done in pursuance of this Act; such Contracts to be for such Time or Times, and under such Conditions, as the said Commissioners, or any Seven or more of them, shall think proper; and the said Commissioners, or any Seven or more of them, or the Person or Persons employed or contracted with as aforesaid, his or their Agents, Workmen, and Servants, is and are hereby authorized and impowered, from time to time, to open, cleanse, scour, depthen, enlarge, or straiten, the said River, and any Brooks, Streams, or Watercourses, which do or can be made to communicate therewith; and to make such Passages for Water from any Brooks, Streams, or Watercourses, into the said River; and to dig, cut, heighten, or strengthen, the Banks of the said River, or of any such Brooks, Streams, Watercourses, or Passages, and to make such new Cuts or Trenches; and to widen and deepen any

Their Power.

Contractors, &c. impowered to do all necessary Works.

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

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

Proviso. Provided always, That such Locks, Floodgates, Pens, or Staunches, shall be well and sufficiently built on the Sides with Walls of Stone, Brick, or Timber, in such Manner, as to secure the adjacent Lands and Mills from any Damage.

Time and Place of Commissioners Meeting. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall meet on the Twenty eighth Day after the Day of the passing of this Act, at the House known by the Sign of the Saracen's Head, in the Town of Chelmsford, and shall then proceed to the Execution of this Act; and the said Commissioners, or any Seven or more of them, shall hold a General Meeting on the First Tuesday in July in each Year; and the said Commissioners, or any Seven or more of them, assembled at such First and at any subsequent Meeting, may, from time to time, adjourn, and hold their Meetings at such Place or Places as they, or any Seven or more of them, shall appoint: And if at any Time a sufficient Number of Commissioners shall not attend to act or to adjourn, the Meeting shall, from time to time, as often as the Case shall so happen, be deemed adjourned until that Day Fortnight; and the Treasurer, Clerk, or Surveyor, to the said Commissioners, shall cause Notice in Writing, or in Print, under his Hand, of the Time and Place of holding every Meeting, to be affixed on some publick Place in the Towns of Maldon and Chelmsford, at least Four Days before every such Meeting; unless the Business to be transacted at any

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

Meeting,

Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice; in which Case the Commissioners, or any Seven or more of them, may, from time to time, adjourn to the succeeding Day, or, if such Day be Sunday, to the Day after, and in like Manner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business until the same is finished, without any Notice to be given of the Meetings held by such Adjournments; but no Meeting shall be held by virtue of this Act, at any Place which is above Three Miles distant from the said River; and the Commissioners at all their Meetings shall defray their own Expences; and no Commissioner shall be impowered to do any Matter or Thing in the Execution of this Act, otherwise than at a Meeting to be held in pursuance hereof; and that no Order or Determination of the said Commissioners, or any Seven or more of them, shall be revoked or altered, unless Nine Commissioners shall be present, nor shall any Person act as a Juryman in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act, or shall have lent any Money upon the Credit of the Tolls hereby granted; but all such Commissioners as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Commissioners to defray their own Expences.

Commissioners may act as Justices.

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

On Death of Commissioners, others to be chosen.

And be it further enacted, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby granted, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Profits of Lands, or other Hereditaments, of the yearly Value of One hundred Pounds, above Reprizes; or be possessed of, or intitled unto, a Personal Estate to the Amount or Value of Three thousand Pounds, after Payment of all Debts: And if any Person, not being so qualified, shall act as a Commissioner, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information,

Qualification of Commissioners.

Penalty on acting if not qualified.

formation, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person prosecuted shall prove that he is so qualified, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners to take the Oath following.

Provided always, and be it further enacted, That the Commissioners, and each of them, before he or they take upon him or themselves the Execution of any of the Powers or Authorities hereby given to him or them (other than the administering the Oath following to one another, which they hereby respectively have Power to administer to one another) shall take the Oath following; videlicet,

The Oath.

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Judgement, adjudge and faithfully execute the Powers and Authorities as a Commissioner appointed in pursuance of an Act for making the River *Chelmer* navigable from the Port of *Maldon* to the Town of *Chelmsford*, in the County of *Essex*.

Which Oath the said Commissioners, or any One or more of them, is and are hereby authorized or impowered to administer at their First Meeting, or at any subsequent Meeting, in pursuance of this Act.

Commissioners impowered to purchase Lands, &c.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall have full Power and Authority to agree with the Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, which the said Commissioners, or any Seven or more of them, shall judge necessary to be cut, digged, pulled down, or otherwise made use of, for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damage they may sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premisses: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors,

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

tesors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, unto the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, any Lands, Tenements, or Hereditaments, for the Purposes aforesaid; or to agree with the said Commissioners, or any Seven or more of them, for any Recompence to be made for the Damage which may be done to any such Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary notwithstanding: and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in pursuance of this Act. But if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or any Seven or more of them, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Commissioners, or any Seven or more of them, are hereby impowered, from time to time, to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of Essex, and if such Sheriff shall be interested in such Matter, then to One of the Coroners of the said County, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return Twenty-four sufficient Men, qualified according to this

Persons neglecting to treat, &c.

Commissioners may issue their Warrant to summon and impanel a Jury.

Act, and according to the Laws of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve may be sworn to enquire touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any Seven or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said Commissioners, or any Seven or more of them, may order and authorize the said Jury to view the Place or Places, or Matters of Controversy; which Jury, upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Two or more of them, are hereby impowered to administer) shall inquire of, assess, and ascertain, the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premisses; and the said Commissioners, or any Seven or more of them, shall give Judgement for such Purchase-monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Seven or more of them, shall be binding and conclusive to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever: And if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premisses, every such Person shall, for every Offence, forfeit and pay the Sum of Twenty Pounds: And if any Person, so summoned and returned as aforesaid on such Jury, shall not appear,

Jurors may be challenged.

Witnesses may be examined on Oath.

Jury to assess Damages.

Verdict of the Jury to be final.

Penalty on Sheriff, &c. neglecting to summon a Jury.

or

or appearing refuse to be sworn, or being sworn refuse to give his Verdict, or in any other Manner wilfully neglecting his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined, or to give Evidence; every Person so offending respectively, having no reasonable Excuse to be allowed by the Commissioners, or any Seven or more of them, shall, for every such Offence, forfeit and pay such Sum as the said Commissioners acting in the Premisses, or any Seven or more of them, shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

and on Witnesses refusing to give Evidence.

And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgements, which shall be made and given in relation to any such Lands, Tenements, and Hereditaments, as aforesaid (such Verdicts and Judgements being signed and sealed by Seven or more of the Commissioners who shall be present at the taking of such Inquest) shall be delivered to the Clerk of the Peace for the County of Essex, and shall be filed with the Rolls of the said County; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling; and for every such Copy not exceeding Two hundred Words, the Sum of Nine Pence; and so in Proportion for any greater Number of Words.

Agreements to be filed with the Clerk of the Peace.

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

Proviso.

And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be agreed on between the said Commissioners, or any Seven or more of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any Jury to such Party or Parties, or legal Tender thereof made to him, her, or them, or to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate; or if he, she, or they, cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said Commissioners, or any Seven or more of them, shall by Writing under their Hands appoint, for the Use of, and to be paid upon Demand without Fee or Reward, to such Party or Parties respectively; the said Commissioners, and all

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

Persons employed or authorized by them, or any Seven or more of them, shall have full Power and Authority to enter upon the Lands, Tenements, and Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, and Hereditaments, for the Purposes of this Act, and they shall be, and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate whatsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, to or in the same.

Survey may be made without any previous Tender.

Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey and Level of, and to mark out, any Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Seven or more of them, shall think necessary to be used for any of the Purposes of this Act; doing thereby as little Damage as may be, and giving Forty eight Hours Notice of such Entry at the least to the respective Owners or Occupiers of such Lands, Tenements, or Hereditaments, and making Satisfaction as soon as may be for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of Six Pence.

Expences of the Jury how to be born.

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

ment or Tender of the Remainder of such Monies shall be deemed within the Intent and Meaning of this Act, to be a full Satisfaction for such Lands, Tenements, Hereditaments, or Damages, respectively.

Collectors to take Tolls.

And, for defraying the necessary Expences of putting this Act in Execution, be it further enacted, That at such Place and Places upon or adjoining to the said River, Cuts, or Trenches, as the said Commissioners, or any Seven or more of them, shall, by any Instrument in Writing, under their Hand and Seals, appoint, there shall be paid to the Collector or Collectors to be nominated as herein after is directed, by all and every Person and Persons who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever (except as herein after excepted) up or down the said River, or any of the said Cuts or Trenches, such Sum and Sums of Money as the said Commissioners, or any Seven or more of them, shall, upon due Consideration of the said Expences, from time to time think proper to appoint, not exceeding

The Tolls.

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

For every Quarter of Malt or Oats, Four Pence.

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

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

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

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

Which respective Sum and Sums of Money so appointed to be paid as aforesaid, shall and may be demanded and taken in the Name of or as a Toll; and the Money so to be raised, is hereby vested in the said Commissioners, and shall be applied and disposed of in such Manner as the said Commissioners, or any Seven or more of them, shall from time to time direct, for the several Purposes of this Act: And in case of Neglect or Denial of Payment on Demand of such Tolls, or any Part thereof, such Collector or Collectors is and are hereby authorized and required to seize and detain any of the Goods, Wares, Merchandizes, and Commodities, or

Tolls vested in the Commissioners.

Tolls may be levied by Distress.

Distress may be sold after 5 Days.

the Boats or Vessels conveying the same; and in case such Tolls shall not be paid within the Space of Five Days next after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandizes, Commodities, Boats, or Vessels; rendering the Overplus, if any, to the Owner or Owners thereof, after the said Tolls, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be deducted and paid.

Proviso.

Provided always, That the Proportion of Tonnage to be paid at each Lock to be erected by virtue of this Act, shall be settled by the said Commissioners, or any Nine or more of them, at their First publick Meeting to be held after the perfecting the said Navigation.

Exemptions from Tolls.

Provided always, and be it further enacted, That no Toll or Duty shall be demanded or taken at any Lock or Locks to be erected by virtue of this Act, for any Boat, Barge, or other Vessel, which shall be loaded with any Dung, Lime, Chalk, or other Materials to be used in the Manure of Lands only; nor for any such Boat, Barge, or other Vessel, laden with any Materials for the Repair of any Mill or Mills upon the Stream (except such Sum of Money as shall by this Act be payable to the Owners or Occupiers of the several Mills, for the Loss of Water on the Passage of any such Boat, Barge, or other Vessel) any thing in this Act contained to the contrary notwithstanding.

Tolls may be assigned for Money borrowed.

And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, from time to time, to borrow and take up at Interest, any such Sum or Sums of Money as they shall think necessary for the Purposes of this Act, and to assign over the said Tolls, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) as a Security for any such Sum or Sums of Money to be borrowed, with Interest for the same, to such Person or Persons, or their Trustees, who shall advance the same; and the Money so borrowed shall be applied in such Manner as the said Tolls are directed to be applied, and to no other Use or Purpose; and Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners; which said Book or Books shall and may be perused at all seasonable Times by all Persons whomsoever, without Fee or Reward; and all and every Person

Entries to be made of all Assignments.

son or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest thereby secured, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said Original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Commissioners, or any Nine or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may, in like Manner, assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment, to make void, release, or discharge, the same, or any Monies thereby due, or any Part thereof.

Assignments to be transferred.

Clerk's Fee.

And be it further enacted, That nothing in this Act contained shall extend to impower the said Commissioners to erect any Lock, or make any Cut, for the Purpose of the said Navigation, until the Sum of Thirteen thousand Pounds shall have been agreed to have been advanced and lent by some Person or Persons upon the Credit of the Tolls to be collected by virtue of this Act; and such Person or Persons, shall have advanced and paid the Sum of Twenty five Pounds, for every One hundred Pounds of the several Sums so agreed to be advanced and lent to the said Commissioners, or any Nine or more of them, or to their Treasurer or Treasurers, and shall have given Security to the said Commissioners, or any Nine or more of them, for the Payment of the whole Sum so agreed to be advanced and lent, at the Time or Times when the same shall be demanded by the said Commissioners, or any Nine or more of them.

No Work to be done till a certain Sum subscribed, and a Deposit made.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, and they are hereby required, out of the Tolls or Duties hereby given, or the Money borrowed upon the Credit of the same, to purchase

A publick Wharf to be made at *Chelmsford*, and another at *Maldon*.

purchase proper Ground in or near the Town of Chelmsford, and at or near the Town of Maldon, and thereon to erect Two publick Wharfs, with Cranes and other Engines, and proper Conveniences for the landing and shipping of Goods; which said Wharfs 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 respective Wharfs, as the said Commissioners, or any Nine or more of them, shall, under their Hands and Seals, direct and appoint; and the Money to arise by such Rates or Duties, shall be, and is hereby declared to be, vested in the said Commissioners, and shall be applied by them, or any Seven or more of them, from time to time, for keeping the said Wharfs, Cranes, or other Engines, in Repair, and for other the Purposes of carrying this Act into Execution.

Commissioners to appoint Officers.

No Cut to be made thro' a Garden, except adjoining to a Mill.

Provided always, and be it further enacted, That no Cut or Channel shall be made by virtue of this Act within Twenty Rods of any Ground which at the Time of passing this Act, and for the Space of Twelve Months before, shall have been made use of as a Garden, except such Garden shall be in the Use and Occupation of the Miller, and appurtenant to the said Mill.

Plan of Navigation to be settled before any Cut made.

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall, and they are hereby required, before any Works shall be undertaken in consequence of this Act, to settle and agree upon a Plan for the effectual carrying the said Undertaking into Execution, and an Estimate of the Expence thereof, which shall be approved by the said Commissioners, or any Nine or more of them, at a publick Meeting assembled; and the said Commissioners, or any Nine or more of them, shall, and they are hereby required, before any Work shall be done in consequence of this Act, to take such sufficient Security from such Person or Persons as shall undertake to carry the said Work into Execution, for the due Performance thereof, in a certain Time, in such Manner, and at such Expence, as shall be mentioned in the said Plan and Estimate, as to the said Commissioners, or any Nine or more of them, so assembled as aforesaid, shall seem sufficient for that Purpose (and that no Commissioner shall be admitted to be a Security for the carrying this Act into Execution.)

Treasurer to enter Payments in Book.

In certain Cases, Houses to be erected for Lock-keepers.

And be it further enacted, That when any Locks shall be fixed at a greater Distance than Forty Rods from the Mill, which may be deprived of Water by the Opening of the said Lock; that then, and in every such Case, it shall

ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby required to erect a Houſe or Houſes near and adjoining to ſuch reſpective Lock or Locks, for the Reſidence of ſuch Perſon or Perſons as ſhall take Care of the ſame, and to allow a ſufficient Salary to ſuch Perſon or Perſons as ſhall be appointed by the Owner or Occupier of ſuch Mill or Mills, to open and ſhut the ſaid Lock or Locks, and to take Care that neither the ſaid Navigation or the ſaid Mills be injured by any unneceſſary Waſte of Water.

Commiſſioners to appoint Officers;

And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall be and are hereby impowered, from time to time, by Writing under their Hands and Seals, to appoint a Collector or Collectors of the ſaid Tolls, and alſo a Treaſurer or Treaſurers, ſuch Collector or Collectors, and Treaſurer or Treaſurers, giving Security to the Satisfaction of the ſaid Commiſſioners, or any Nine or more of them, and ſhall alſo adminiſter an Oath to every ſuch Collector for the faithful Execution of his Office (which Oath any Two of the ſaid Commiſſioners are hereby impowered to adminiſter) and ſuch Collector or Collectors ſhall at ſuch Times as he or they ſhall be required by the ſaid Commiſſioners, or any Seven or more of them, by Writ- under their Hands, pay, or cauſe to be paid, into the Hands of the Treaſurer or Treaſurers, all and every the Sum and Sums of Money which ſuch Collector or Collectors ſhall have received by virtue of this Act; and the ſaid Commiſſioners, or any Nine or more of them, ſhall alſo, by Writing under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and all the Officers ſo to be appointed ſhall be paid, out of the Monies to be raiſed by virtue of this Act, ſuch Salaries or Allowances as the ſaid Commiſſioners, or any Nine or more of them, ſhall think reaſonable, and ſhall be, from time to time, removeable at the Will and Pleaſure of the ſaid Commiſſioners, or any Nine or more of them.

and allow them Salaries.

Treaſurer to enter Diſburſements in a Book.

And be it further enacted, That the ſaid Treaſurer or Treaſurers ſhall fairly enter into One or more Book or Books to be kept for that Purpoſe, an Account of all Monies by him or them received and diſburſed, ſpecifying the Times when, and the Perſons from and to whom, ſuch Monies were reſpectively received and diſburſed, and for what Purpoſes; which Book or Books, or a true Copy thereof ſigned by the ſaid Treaſurer or

Treasurers, together with the Vouchers for their Disbursements, and also all Books and Papers in his or their Custody relating to the Execution of this Act, shall be delivered to the said Commissioners, or any Seven or more of them. Once at least in every Year, and, from time to time, as often as the said Commissioners, or any Seven or more of them, shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required by the said Commissioners, or any Seven or more of them; and the said Commissioners, or any Seven or more of them, are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said Commissioners, or any Seven or more of them, shall also at such Time or Times as they shall think proper summon before them, and if they think fit examine upon Oath (which Oath, as also the Oath or Oaths to the said Treasurer or Treasurers, the said Commissioners, or any Two or more of them, are hereby impowered to administer) all or any such Collectors, Clerks, Surveyors, and Persons employed in, or intrusted with, the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act; and the said Collectors, Clerks, Surveyors, and Persons employed in, or intrusted as aforesaid, shall render to the said Commissioners, or any Seven or more of them, from time to time, as often as they shall be thereunto required by the said Commissioners, or any Seven or more of them, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments, and also all Books and Papers in their Custody relating to the Execution of this Act; And in case any such Treasurer, Collector, Clerk, or other Officer, or Person, shall be found in Arrear, or refuse to account, or to pay the Money remaining in his Hands, according to the Directions of the said Commissioners, or any Seven or more of them, or if any such Officer or Person shall not deliver such Books or Papers in his Custody as aforesaid; in every such Case it shall and may be lawful for the said Commissioners, or any Seven or more of them, by Warrant or Warrants under their Hands and Seals, to commit every such Officer and Person to the Common Gaol of the County of Essex, there to remain without Bail or Mainprize until he shall have made a true Account and Payment, and delivered such Books and Papers as aforesaid, or compounded with the said Commissioners, or any Seven or more of them; which Composition

position the said Commissioners, or any Seven or more of them, are hereby impowered to make.

Masters of Vessels to give Account of Lading.

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

In case of Dispute, &c. Vessel to be detained.

if any Difference shall arise between any Collector of the said Tolls, and the Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandizes, or Commodities, concerning the Weight, Quantity, or Number, of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, gauge, or number, or cause to be weighed, measured, gauged, or numbered, all such Goods, Wares, Merchandizes, and Commodities; and in case the same shall appear to be of a greater Weight, Quantity, or Number, than such Person declared the same to be, in every such Case, such Person shall pay the Tolls and Charges of such weighing, measuring, gauging, and numbering; all which said Tolls and Charges, upon Refusal of Payment thereof, on Demand, shall and may be recovered as the Tolls hereby granted are appointed to be recovered: But if such Goods, Wares, Merchandizes, or Commodities, shall appear to be of no greater Weight, Quantity, or Number, than such Person declared the same to be; then such Collector shall pay such Tolls and Charges, and shall also pay to such Person, or to the Owner or Owners of such Goods, Wares, Merchandizes, and Commodities, One Shilling for every Hour that such Boat or Vessel shall be so detained; and in Default of immediate

immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattles of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County of Essex, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattles: And in case the said Collector shall not have sufficient Goods and Chattles whereon the said Penalty may be levied; that then it shall and may be lawful to and for the said Justice to commit such Collector to the Common Gaol of the County of Essex, for any Time not exceeding Two Months, or until Payment of the said Penalty, without Bail or Mainprize; and the said Commissioners, or any Seven or more of them, may, if they think fit, out of the Money to be raised by virtue of this Act, reimburse the said Collectors the Monies so paid by or levied upon them for the Detention of any such Boat or Vessel.

Commissioners may erect Bridges, &c.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall cause to be made, set up, and from time to time maintained and kept in Repair, convenient and substantial Gates, Bridges, Passages, and Stiles, in and over all the Ditches and Fences in the Towing-paths, to be used for the Purposes of this Act, where the same shall respectively be necessary; and also such Bridges of Brick, Stone, or Timber, over the new Cuts, Trenches, and Passages, as shall be proper for the Use of the Occupiers of the Lands, Tenements, and Hereditaments, thereunto adjoining; and also that if the said Commissioners, or any Seven or more of them, shall think proper to cause the said River to be deepened in any Part or Parts, so as to render any usual and common Fords and Highways impassable or dangerous, in every such Case, the said Commissioners, or any Seven or more of them, shall first cause a sufficient Bridge or Bridges of Brick, Stone, or Timber, to be erected, or such other Conveniencies to be made as the said Commissioners, or any Seven or more of them, shall judge proper, where such Fords or Highways now are, or as near thereto as conveniently may be, and shall, from time to time, maintain and keep the said Bridges or Conveniencies in Repair, for the Accommodation of all Persons having Occasion to pass over the same; and also if the said Commissioners, or any Seven or more of them, shall find it necessary to raise any Bank upon the Sides of the said River for Towing-paths or otherwise, whereby the Waters may be prevented from going off, or from overflowing the adjacent Lands, the said Commissioners,

or

or any Seven or more of them, shall first cause sufficient Tunnels to be laid through such Banks to be raised, at proper Places, for draining or overflowing the same, and shall, from time to time, keep such Banks and Tunnels in Repair.

Commissioners indemnified for making Works.

And be it further enacted, That this Act shall be sufficient to indemnify the said Commissioners, and all Persons acting under their Orders, in making, erecting, or passing through, any Cuts, Trenches, or other Works as aforesaid, or in towing or haling with Men or Horses on the Lands on the Sides of the said River, Cuts, or Trenches, Satisfaction having been first made or given to the Owner or Owners of such Lands.

Towing Paths to be fenced from the adjoining Lands.

Provided nevertheless, That the Lands purchased by the said Commissioners for Towing-paths, shall be fenced from the Lands of which before such Purchase they were a Part, if required by the respective Owners of such Lands, at any Time within Five Years after such Purchase.

Future Damages how to be ascertained.

And be it further enacted, That if at any Time or Times, after any of the Works for effecting or maintaining the said Navigation shall be begun or be completed, any Person or Persons shall sustain any Damage in his, her, or their Lands, Mills, Bridges, Hereditaments, or Property, within the Limits of the said Navigation, either by raising the Water to be used in such Navigation, or by turning, diverting, or lowering the Stream thereof, or by not sufficiently making up the Banks thereof, or by not cleansing the same, or by turning or diverting any other Streams or Brooks that shall be brought into the same, or by any Bridge or Bridges to be built, or by any Works made for carrying on the said Navigation, or by any Act, Neglect, or Default of the Workmen employed therein, or by any other Ways or Means not hereby otherwise provided for; in every such Case, the said Commissioners, or any Seven or more of them, shall have full Power, from time to time, and at all Times, to settle and agree upon such a Recompence and Satisfaction to be made for the same to the Person or Persons injured or aggrieved, as they shall judge fit and reasonable, in such Manner as the other Damages herein before mentioned are provided for; but if it shall happen that the Person or Persons making Complaint of such Losses or Damages, shall dislike or be dissatisfied with such Recompence and Satisfaction, in every such Case, it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby required, upon Request in Writing to

In case of Dissatisfaction,

Jury may be impanelled to assess the Value of such Damages.

be made or given to them, or any Seven or more of them, by such Person or Persons injured or aggrieved as aforesaid, within Fourteen Days after such Request made, to cause a Jury to be summoned, impanelled, and sworn, in Manner as aforesaid; and the Jury so returned shall inquire how far the said Commissioners, or their Agents, or Servants, have any ways occasioned such Damage, and if any shall appear, they shall assess the Value of such Damage; and the said Commissioners, or any Seven or more of them, shall pay to the Party or Parties injured or aggrieved the Monies so assessed; and in case the said Commissioners, or any Seven or more of them, shall not (being thereunto required), make such Payment within Twenty Days after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Tolls which shall then, or within the Space of Six Calendar Months preceding, have been appointed to be collected on the said River, Cuts, or Trenches, and thereout to pay the Damages which shall have been settled and assessed as aforesaid; and the Money to be received by such Receiver or Receivers shall, and is hereby declared to be as so much Money received to the Use of the Persons who have suffered such Damage, in Order and Course successively, as such Determinations shall be in Priority of Time; and after such Damages so settled and assessed shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine; any thing herein contained to the contrary notwithstanding: And in case a Verdict shall be given for a greater Sum or Recompence for such Damages than shall have been offered by or on the Behalf of the said Commissioners, or any Seven or more of them, before the summoning of such Jury, that then all the Expences of summoning such Jury, and of taking such Inquest, shall be defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more or a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, or any Seven or more of them, then and in such Case, such Expences, to be settled by the said Commissioners, or any Seven or more of them, shall be defrayed by the Party or Parties making such Complaint as aforesaid.

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

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

Owners of Vessels to be answerable for their Servants.

And be it further enacted, That the Owner or Owners of every Boat or Vessel, which shall pass upon the said River, Cuts, or Trenches, shall be answerable for any Damage, Spoil, or Mischief, that shall be done by his, her, or their Boat or Vessel, or by any Person or Persons belonging to or employed in or about the same respectively, or by his, her, or their Horses or Servants, unto any of the Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, that now are or shall be erected and maintained, in, upon, or near the said River, Cuts, or Trenches, or by loading or unloading any Boat or Vessel; and also for any Trespass or Damage that shall or may be done with respect to any Mills, Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining or lying near to the said River, Cuts, or Trenches; and if any such Damage, Spoil, or Mischief, shall be done, the same shall be enquired into, and determined by any Justice of the Peace for the County of *Essex*, who is hereby authorized and required, upon Complaint or Information made before him, to summon the Owner or Owners of such Boat or Vessel to appear before him; and upon his, her, or their Appearance, or making Default to appear (Proof being made upon Oath before such Justice, that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her, or their usual Place of Abode) such Justice shall proceed to examine into the Truth of the said Complaint or Information; and upon Conviction of the Party complained of, by Proof upon the Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Owner or Owners as a Recompence for such Damage, Spoil, or Mischief, as he the said Justice shall think proper, not exceeding Treble the Amount or Value thereof; and in case of Non-payment of such Sum of Money so awarded and ordered, for the Space of Fourteen Days, the said Justice is hereby authorized and required to cause the same to be levied by Distress and Sale of the Boats, Vessels, or other Goods and Chattles, of such Owner or Owners, by Warrant under the Hand and Seal of such Justice, rendering to the Owner the Overplus (if any be) after such Sum, together with the reasonable Charges

of

of such Information and Conviction, Distress and Sale, have been first satisfied and paid.

Vessels not to obstruct Navigation.

And be it further enacted, That if any Person having the Care or Management of any Boat or Vessel, or navigating or working the same, shall lay such Boat or Vessel, so as to obstruct the Passage of other Boats or Vessels, or shall hinder the opening or shutting of any of the said Locks or Sluices, and shall not upon Request immediately remove the same; every Person so offending as aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Vessels sunk to be weighed up.

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

Penalty on Millers not opening and shutting their Locks after Notice.

Owners Names to be put on the Vessels.

And be it further enacted, That the Owner or Owners of every Boat or Vessel, passing upon the said River, Cuts, or Trenches, shall cause his, her, or their Name or Names at full Length to be placed and set in large Capital Letters Four Inches long, and broad in Proportion, on the Upper Part of the Bow on both Sides of every such Boat or Vessel, and painted White, so that the same shall from time to time, and at all Times, be plain and legible; And in case any such Owner or Owners of any such Boat or Vessel, shall not, at all Times, have his, her, or their Name or Names so set or placed as aforesaid; or if any Person or Persons having the Care or Charge of any Boat or Vessel, passing the said River, Cuts, or Trenches, into or through any of the Sluices or Locks in or upon such River, Cuts, or Trenches, shall wilfully or negligently set or leave open any of the Gates, Doors, or Slakers, belonging to any such Sluice or Lock, whereby the Water shall run waste, to the Hindrance or Detriment of any of the Mills upon the said River, or of the said Navigation, then, and in every such Case, every such Owner or Person so neglecting or offending, shall forfeit and pay the

Reason enacted to be and to the Millers

Sum of Five Pounds; and the Owner and Owners of every Vessel navigating the said River, shall be answerable for all Damages to be done by their said Agents or Servants employed in the navigating such Boat, Barge or other Vessel.

Penalty on Persons maliciously opening Locks, &c.

And be it further enacted, That if any Person shall maliciously or wantonly open, or cause to be opened, any Lock or Clough belonging to the said Navigation, or shall leave any of the Cloughs running, after any Boat or Vessel shall have passed any Lock belonging to the said Navigation; or shall draw, or cause to be drawn, any Clough in the Lock Gates on such Navigation, so as to mispend or waste the Water, to the Prejudice of the said Navigation, Mills, or Lands; every such Person, for every such Offence, shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Millers not opening and shutting Cloughs after Notice.

And be it further enacted, That if any Owner or Occupier of any Mill or Mills do or shall, upon reasonable Request made, and Forty eight Hours Notice given, and upon Payment or Tender of such Recompence or Satisfaction, as is herein after mentioned, to him or them made, by the said Commissioners, or any Seven or more of them, or any other Person or Persons employed as their Surveyor or Agent, neglect or refuse, either to draw up or open, or to shut or put down, any Clough or Cloughs of any Sluice or Sluices, which shall be necessary to be opened or shut respectively, for making and effecting the said Navigation, and the Works requisite for that Purpose, and for altering and repairing the same; every Person so offending, and being thereof lawfully convicted, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds.

Recompence to be made to the Millers.

And be it further enacted, That the Recompence to be paid per Hour by the said Commissioners, or any Seven or more of them, for the Loss or Damage the Owners or Occupiers of any Mill or Mills upon the said intended Navigation may respectively sustain, by the drawing up, or opening or the shutting, or putting down, such Clough or Cloughs, shall be settled and determined by a Jury, in the same Manner as is herein before prescribed for the determining the Value of Lands cut through or used for the Purposes of the said Navigation; which Verdict shall be final and conclusive to all Parties, and shall, from time to time thereafter, be observed as the Quota for the Recompence to be paid per Hour for such drawing up, or opening or shutting, or putting down, such Clough or Cloughs at such Mills respectively; and

the said Jury shall, in like Manner, also determine what Sum and Sums of Money shall be paid to the Owner or Owners, Occupier or Occupiers, of such Mills respectively, for the respective Locks upon the said intended Navigation, as a Recompence for their Time in attending the Penning any Boat or Vessel up or down the said River, Cuts, or Trenches, and for the Loss of Water by such Penning; which Verdict shall be final and conclusive to all Parties, and shall, from time to time thereafter, be observed as the Quota for the Recompence to be paid to such Owner or Owners, Occupier or Occupiers, of such Mills respectively, for their Time in attending the Penning any Boat or Vessel up or down the said River, Cuts, or Trenches, and for the Loss of Water by such Penning; and the said Commissioners, or their Collector or Agent, shall, and they are hereby required, to pay such Damages immediately to the Party or Parties intitled to the same; and such Owner or Owners, Occupier or Occupiers, of such Mills respectively, shall have the Care and Management of the Lock for Penning into his, her, or their respective Mill-head; and it shall be lawful for him, her, or them, before he, she, or they, shall draw the Cloughs, and open the Locks, for the Passage of any Boat or other Vessel passing up or down the said River, Cuts, or Trenches, to demand and take to his, her, or their own Use, of the Master or Person navigating such Boat or Vessel, such Sum of Money as shall be so ascertained by such Jury, as a Recompence for his, her, or their Time in attending the Penning any such Boat or Vessel up or down the said River, Cuts, or Trenches, and for the Loss of Water by such Penning; and upon Nonpayment thereof, to stop and detain such Boat or Vessel from passing through the said Lock, until the said Sum so ascertained shall be paid.

Penalty on Millers obstructing the Navigation.

And be it further enacted, That if any Owner or Occupier of any Mill or Mills, within the Limits of the said Navigation, or other Person employed by him, her, or them, shall, upon Examination of One or more Witness or Witnesses, upon Oath, in the Judgement and Opinion of any Nine or more of the said Commissioners, (which Oath the said Commissioners are hereby impowered to administer) wittingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby, or by Means whereof, the said Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause, to be allowed by the said Commissioners, or any Nine or more of them, for so doing; every such Owner or Occupier, or other

Person

Person whomsoever, shall, for every such Act, Matter, or Thing, forfeit and pay such Sum and Sums of Money as the said Commissioners shall order, decree, or award, not exceeding the Sum of Forty Shillings for every such Offence: Provided, any Person or Persons, who shall think him or themselves aggrieved by such Opinion or Judgement of the said Nine or more Commissioners, is and are hereby impowered to appeal to the Justices at the next General Quarter Sessions to be held in and for the said County of Essex, who are hereby impowered to hear and finally determine the same.

Locks to be opened on Tender of Money.

Provided always, and be it further enacted, That as often as any Boatmaster, or other Person navigating any Boat or Vessel upon the said River, Cuts, or Trenches, shall come to any of the said Locks with his Boat or Vessel; the said Tenants or Occupiers of the said Mills, or Person or Persons having the Care or Management of any Lock or Locks respectively, or their Servants, shall, upon Payment or Tender of such Sum of Money as shall be so ascertained by the said Jury as a Recompence for his, her, or their, Time in attending the Penning any such Boat or Vessel up or down the said River, Cuts, or Trenches, and for the Loss of Water by such Penning, immediately draw the Cloughs, and open the Locks, and freely permit such Boat or Vessel to pass through their respective Locks upwards or downwards; and every Person and Persons neglecting or refusing so to do, on such Payment or Tender made, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Commissioners to remove Lock-keepers, and appoint others.

Provided also, and be it further enacted, That in case the said Commissioners, or any Seven or more of them, at any Time or Times, shall find the Navigation obstructed or impeded by the Neglect or Misbehaviour of all or any of the Owners or Occupiers of the said Mills respectively, or of any other Person or Persons hereafter to be appointed to have the Care of all or any of the said Locks; it shall be lawful for the said Commissioners, or any Seven or more of them, from time to time, to remove and displace such Owners or Occupiers, or other Persons, from having the Care of any such Lock or Locks; and it shall be lawful for the Owners or Proprietors of such Mill or Mills respectively, from time to time, to appoint some other Person or Persons to have the Care and Management of such Lock or Locks respectively, and from time to time to remove such Person or Persons, and to appoint some other Person or Persons in their Stead; and from and after such Appoint-

pointments, all the Powers and Authorities hereby vested in such Owners or Occupiers, shall cease, other than and except the demanding and taking One Moiety of the aforesaid Sum or Sums of Money that shall be so ascertained by the said Jury as a Recompence for his, her, or their, Time in attending the Penning any such Boat or Vessel up or down the said River, Cuts, or Trenches, and for the Loss of Water by such Penning, which in such Case shall be demanded and taken only as a Recompence for the Loss of Water occasioned by penning such Boats or Vessels, with the Powers hereby before granted for the Recovery thereof, which is hereby nevertheless reserved to him and them respectively; and the other Moiety shall from time to time be paid to the Person or Persons who shall have the Care of the Lock or Locks respectively; and such Person and Persons is and are hereby vested with the same Powers and Authorities for demanding, collecting, and recovering, the said Moiety of the said Sum or Sums of Money that shall be so ascertained by the said Jury as a Recompence for attending the Penning any Boat or Vessel up or down the said River, Cuts, or Trenches, and for the Loss of Water by such Penning, as the said Owners or Occupiers of the said Mills are hereby vested with, for demanding, collecting, and recovering, the other Moiety thereof.

In what Case Commissioners may appoint Lock-keepers.

Provided also, and be it further enacted, That in case the said Owners or Proprietors of the said Mills respectively, or any of them, shall not, upon the Death or Removal of the said Tenants or Occupiers of such Mill or Mills, or other Person or Persons, or any of them, appointed to have the Care and Management of any Lock or Locks, appoint some other Person or Persons, within Fourteen Days after Notice given of such Death or Removal; the said Commissioners, or any Seven or more of them, may, and they are hereby impowered to nominate and appoint a Lock-keeper or Lock-keepers in the Room of him or them so dying or removed.

Commissioners to repair Locks, &c.

And be it further enacted, That in case any Lock, Pen, or other Work, to be erected by virtue of this Act on or upon the River, shall at any Time want any Repair, the said Commissioners, or any Seven or more of them, are required to give Directions for the immediate Repair of such Lock, Pen, or other Work: And in case the said Commissioners shall refuse or neglect to repair the same, after Fourteen Days Notice to be given to them or their Treasurer, or left at the Dwelling-house

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

Water not to be let out of Locks upon the Passage of Barges from *Maldon* to *Chelmsford*.

And be it further enacted, That no Barge or other Vessel navigating the said River upwards from Maldon to Chelmsford shall, from the First Day of June to the First Day of October, in every Year, empty any Lock of Water, unless immediately followed by another Barge, but that every such Lock shall remain full for the Benefit of the Barges passing down the said River; and that no Water shall at any Time be drawn through any of the said Locks, except for the Passage of Vessels navigating the said River, without the Consent of the Owner or Occupier of the Mill or Mills next adjoining such Lock or Locks.

Lands may be flooded in dry Seasons.

And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to take away the Rights or Privileges of any Owners, Possessors, or Occupiers, of Mills, Lands, Tenements, or Hereditaments, adjoining or lying near to the said River, Cuts, Trenches, Passages, Streams, Brooks, or Watercourses, of watering or flooding their Meadows in proper Seasons, which they had and enjoyed before the Passing of this Act.

Water not to be raised so as to put any Mill in Back-water.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Commissioners to raise or pen up any Water, so as by any Back-water to obstruct the working of any Mill-wheel or Mill-wheels erected upon the said River, or any Stream adjoining thereto.

Posts to be erected to distinguish the Height the Water is to stand in the River.

And to prevent Disputes between the said Commissioners and the Owners or Occupiers of Mills, be it further enacted, That Stones or Posts shall be set up, whereon shall be marked in visible Letters or Figures the Height to which such Water shall and may be allowed to be raised; and that when such Water shall be raised to the Height marked on such Stone or Post, the same may flow waste over such Pen or Staunch; and that every Owner or Occupier of any Mill or Mills upon the said River or Streams to be made navigable by this Act, shall and may draw off or let down the Water through his own Pen, Staunch, or Low Shot, to such

Mark, and no lower, when and as often as he or they shall have Occasion; and that no more than One running Pen or Staunch be shut at One Time, except by a different Barge or a different Gang of Barges, on Pain of the Persons navigating such Barges forfeiting, for every such Act or Offence, the Sum of Forty Shillings.

Power to make By-laws.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, from time to time, have full Power to make By-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well governing of the Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandizes, on any Part thereof; and, from time to time, to alter or repeal the same; and to impose such reasonable Fines, Forfeitures, or Punishments, upon all Persons offending against such By-laws, Orders, or Constitutions, as they the said Commissioners, or any Seven or more of them, shall think fit; such Fines, Forfeitures, or Punishments, to be levied or inflicted by such Ways and Means as the said Commissioners, or any Seven or more of them, shall direct; which said By-laws, Orders, and Constitutions, being put into Writing under the Hands and Seals of the said Commissioners, or any Seven or more of them, shall be binding to, and be observed by, all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; But any Person or Persons thinking himself, herself, or themselves, aggrieved by any Order or Judgement made or given in pursuance of any such By-law, Order, or Constitution, may, within Three Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace at their General or Quarter Session to be held for the said County of Essex; who shall in a summary Way either hear and determine the said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Session of the Peace to be held for the said County; and, if they see Cause, may mitigate or alter such Forfeiture or Punishment, and may order any Money to be returned which shall have been levied in pursuance of such By-law, Order, or Constitution; and may also order such further Satisfaction to be made, and give such Costs to the Party injured, as they shall judge reasonable; but no Justice of the Peace shall act or vote in the Hearing

Persons aggrieved may appeal to the Quarter Sessions.

or

or Determining of any such Complaint, whose Hand and Seal as a Commissioner shall appear to have been set to the said By-law, Order, or Constitution, which occasioned such Complaint.

Upon Payment of the Tolls Navigation to be free.

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

Charges of passing this Act how to be paid.

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

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted or authorized to be imposed, the Recovery whereof is not herein before directed, shall be recovered by Distress and Sale of the Offender's Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace, for the County of Essex; and in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to commit such Offender or Offenders to the Common Gaol, there to remain without Bail or Mainprize, for any Time not exceeding Three Months, or until the said Fines, Penalties, or Forfeitures, shall be paid; and that all such Fines, Penalties, and Forfeitures, or any Part or Parts thereof, which are not herein before applied, shall be paid into the Hands of the Treasurer or Treasurers to the said Commissioners, and applied for the Purposes of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, upon account of any Offence committed, or supposed to be committed, against this Act, may appeal to the Justices of the Peace for the County of Essex, at any General or Quarter Session of the Peace to be held within the Space of Four Calendar Months after such Cause of Appeal shall happen; the Person or Persons so appealing, first giving Security to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs, which shall be ascertained by the said General Quarter Session, in case such Orders or Judgement shall be affirmed; and the Justices at such General or Quarter Session, are hereby authorized

to

authorized and required to hear and determine such Appeal, and to make such Order therein, and to award Costs, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of his Majesty's Courts of Record at Westminster, or elsewhere; and that no Order or Proceedings to be had or made by or before any Justice of the Peace, relating to the Execution of this Act, shall be quashed or vacated for want of Form only.

Penalty on giving false Evidence.

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

Penalty on damaging the Works.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, damage, or destroy, any Banks or other Works to be erected or made for the Purposes of the said Navigation, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in other Cases of Felony; and the Court by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon or Felons for Seven Years, to such Place and in such Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Navigation not to be subject to the Commissioners of Sewers.

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

Navigation to be exempt from Taxes.

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

Proceedings to be entered in a Book.

Books may be read in Evidence.

And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings when entered, shall be signed by the said Commissioners, or any Seven or more of them,

them; and the Clerk or Clerks attending the said Commissioners, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said Orders and Proceedings, so signed and attested, shall be deemed and taken to be the Originals, and shall be admitted as Evidence in all Courts whatsoever; and such Book or Books shall be seen and perused at all reasonable Times, and Copies thereof, or any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk or Clerks Six Pence for every One hundred Words.

Writings to be without Stamps.

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

No Inhabitant of *Chelmsford* to be a Juryman.

Provided always, That no Inhabitant of the Parish of Chelmsford, or Holder of any Lands within One Mile of the said Navigation, shall be capable of acting as a Juryman in any Matter of Dispute which shall arise by virtue of this Act.

If Navigation not completed within a certain Time, Powers to the Commissioners to cease.

Provided always, and be it further enacted, That in case the said Navigation shall not be completed from the Port or Borough of Maldon, to the Town of Chelmsford, within the Term of Twelve Years, to be computed from the Twenty ninth Day of September, One thousand seven hundred and sixty six; that then, and in such Case, all the Powers granted to the said Commissioners by this Act, shall cease and determine and be utterly extinguished; and the Properties of the several Lands and Hereditaments purchased by the said Commissioners, together with the several Works erected thereon, and the Materials used in the same, shall immediately be vested in, and become the Property of, such Person or Persons of whom the said Commissioners purchased the said Lands and Hereditaments, their Heirs, or Assigns, to all Intents and Purposes, as if the same had been actually and legally conveyed.

Lands not used may be returned to the former Proprietors.

Provided nevertheless, That if any of the Lands purchased by the said Commissioners, shall not be entered upon, used, or cut up, then upon the said Commissioners, or any Nine or more of them, executing proper Deeds for reconveying the said Lands to the Use of the Proprietor or Proprietors of whom the said Lands were purchased, their Heirs, or Assigns, the said Proprietor or Proprietors, their Heirs, or Assigns, shall return such Sum or Sums of Money as was paid by the said Commissioners for the Purchase of such Lands, first deducting

ging thereout all such Charges and Expences as they shall have incurred upon account thereof.

Nothing in this Act to prejudice the Rights of the Corporation of *Maldon*.

Provided always, 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.

Reservation of Rights of Navigation.

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

Distress not to be deemed unlawful for want of Form.

Nor the Party distraining be deemed a Trespasser for same.

Pleasure Boats to pay 6*d.* at each Lock.

Provided always, That every such Pleasure Boat which shall pass through any Lock to be erected by virtue of this Act, shall pay the Sum of Six Pence to the Owner or Occupier of the Mill or Mills adjoining to such Lock, for the Loss of Water he shall sustain by such Passage.

Plaintiff not to recover, if Amend has been made.

Saving Rights of the Lord of the Manor.

Limitation of Actions.

Provided also, and be it further enacted, That nothing in this Act contained shall be construed to obstruct or hinder the Lord or Lords of the Manor or Manors, or the Owner or Owners of any Lands or Grounds lying upon or near the Banks of the said River, or of any Lands or Grounds through which the said Cuts shall be made, from making or erecting any Warehouses, Weigh-beams, Cranes, Quays, Landing Places, or Wharfs, upon the Banks of the said River or Cuts, in and upon their own Lands, Wastes, or Grounds, so that the erecting or using such Warehouses, Cranes, or Wharfs, do not obstruct or prejudice the said Navigation, or any of the Powers given by this Act; and all Rates, Dues, and Duties, that shall be paid for the Use and Benefit of the same Warehouses, Weigh-beams, Cranes,

General Issue.

Quays,

Quays, Landing Places, and Wharfs respectively, shall be, and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands, Wastes, and Grounds respectively, who shall make or erect any such Warehouses, Weigh-beams, Cranes, Quays, Landing Places, or Wharfs, upon his, her, or their Lands, Wastes, or Grounds, lying upon the said River or Cuts.

Constables to execute Warrants.

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

Distress not to be deemed unlawful for want of Form;

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage, in an Action upon the Case.

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

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

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

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action, Suit or Information, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Essex, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it

General Issue.

shall

shall appear to have been so done, or if any Action, Suit, or Information, shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in every such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit, in other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted, That this Act shall be deemed, adjudged, and taken to be, a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.