Anno ſexto

Georgii III. Regis.

An Act for making and continuing navigable the River *Stort*, in the Counties of *Hertford* and *Eſſex*.



WHEREAS by an Act paſſed in the Thirty ſecond Year of the Reign of His late Majeſty King George the Second, intituled, An Act for making the River *Stort* navigable, in the Counties of *Hertford* and *Eſſex*, from the *New Bridge* in the Town of *Biſhop Stortford*, into the River *Lee*, near a Place called *The Rye*, in the County of *Hertford*; it is enacted, That the ſeveral Perſons in the ſaid Act named, ſhall be Commiſſioners for making the ſaid River Stort navigable, and for putting the ſaid Act in Execution, by ſuch Ways and Means, in ſuch Manner, and with ſuch Powers and Authorities veſted in them the ſaid Commiſſioners, for that End and Purpoſe, as in the ſaid Act are given and directed: And whereas, ſince the paſſing of the ſaid Act, the ſaid Commiſſioners have, in purſuance thereof, had ſeveral Meetings, in order to put the ſame in Execution; but from the Difficulty of procuring the Loan of a ſufficient Sum of Money, upon the Security in the ſaid Act provided for carrying on and compleating the ſaid Navigation, and from other Cauſes of Impediment appearing to the ſaid Commiſſioners, no Progreſs hath hitherto been made to effect the ſaid Navigation, and the ſaid Act hath proved wholly ineffectual

Preamble, reciting Act 32 *Geo.* II.

for that Purpose: And whereas a Proposal having been made to the said Commissioners by Charles Dingley, of Hampstead in the County of Middlesex, Esquire, on Behalf of himself and George Jackson, and William Masterman, Esquires, that in case the said Commissioners would concur in the obtaining another Act of Parliament, whereby the said Charles Dingley, George Jackson, and William Masterman, should be invested with such Powers and Authorities as are herein after mentioned; and that such Tolls and Duties as are herein after enumerated, should be vested in them the said Charles Dingley, George Jackson, and William Masterman, their Heirs and Assigns, as a Consideration that they the said Charles Dingley, George Jackson, and William Masterman, would undertake at their own Expence (exempt from all Expences theretofore incurred) and Risque the making, supporting, maintaining, and rendering effectual the said Navigation, in such compleat and substantial Manner, and subject to such Methods and Restrictions, as are contained in the said recited and this present Act; and that the said Navigation should be so perfected within Five Years after the passing of this Act: And whereas the said Commissioners being of Opinion, that the said recited Act, as it now stands, cannot be carried into Execution, or the said Navigation otherwise effected than by private Undertaking, and having duly considered the said Proposal, did fully approve thereof, and agree to concur with the said Charles Dingley, George Jackson, and William Masterman, in obtaining the Act of Parliament to effectuate the said Proposal and Undertaking; May it therefore please Your Majesty, at the humble Suit of the said Charles Dingley, George Jackson, and William Masterman, and also of the Commissioners in the said recited Act named, 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,

Undertakers appointed.

That the said Charles Dingley, George Jackson, and William Masterman, and their Heirs and Assigns, shall be, and are hereby, nominated and appointed Undertakers of the said Navigation, and are hereby authorized and impowered, and shall have full Power and Authority, by virtue of this present Act, at their own Costs, Charges, and Risque, and for their own Benefit, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make the said River Stort navigable for Boats and other Vessels from the River Lee, near a Place called the Rye, to or near a certain Mill called the Town Mill,

in Bishop Stortford, in the said County of Hertford; and the said several Persons so appointed Undertakers, or such Person or Persons as they, or any Two of them respectively, shall, by Writing or Writings under their Hands and Seals, nominate or appoint their Deputies, Agents, Officers, Workmen, Servants, and Assigns, shall be, and are hereby impowered and authorized, at the proper Costs and Charges of them the said Undertakers, to make and keep navigable and passable for Barges, Boats, Lighters, and other Vessels, the said River Stort, from the said River Lee, to or near the said Town Mill, in Bishop Stortford aforesaid; and for that Purpose to cleanse, scour, open, deepen, 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, for bringing Water into the said River; and to make such new Cuts, Canals, or Trenches, in, upon, or through, the Lands or Grounds adjoining, or near unto the same River, or such Brooks, Streams, or Watercourses aforesaid, or any of them, as shall be necessary and proper for the Navigation and Passage of such Boats and Vessels as aforesaid, or any Ways necessary for the more convenient, easy, and better carrying on and effecting the said Undertaking, or making the said River navigable as aforesaid, be it the Soil or Ground of the King's most Excellent Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole; and also to widen and deepen any Cuts and 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 use of all or any Part of the old or former Channel of the said River, commonly called the Old River, or the Old River Stort, as of the new or present Channel or Channels of the said River, 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 Rivers, Cuts, Trenches, Passages, Brooks, Streams, and Watercourses, or upon the Lands adjoining, or near to the same,

Their Power.

same, such and so many Bridges, Sluices, Stanches (so that no such Stanch be made between the Town of Bishop Stortford and Roydon Mills) Locks, Flood-gates, Wears, Dams, Pens for Water, Winches, Landing Places, Fences, Weigh Beams, Cranes, Engines, and other Works necessary for the compleating and maintaining the said Navigation; 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 and Grounds 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, or in any 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 at 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 Undertakers, or any Two of them, shall, from time to time, judge proper or convenient in the making, maintaining, and using, such Navigation, and executing the Purposes of this Act; they the said Undertakers doing as little Damage as may be to and upon the Premisses, and first making Satisfaction to the respective Owners and Occupiers of, and Persons interested in, any Mills, Lands, Tenements, or Hereditaments,

taments, for any Damage that may happen or be occasioned to such Mills, Lands, Tenements, or Hereditaments, by Reason or Means of making the said intended Navigation, or exercising any of the Powers or Authorities by this Act given to, or vested in, the said Undertakers, their Heirs, or Assigns, as the Commissioners herein after named, or their Successors, or any Three or more of them, shall, for that Purpose, order, adjudge, direct, or appoint, according to the Tenor and true Meaning of this Act, in case the said Undertakers, or any Two of them, shall not before-hand have agreed with such Owners, Occupiers, and Persons interested respectively, concerning the same.

And, for the better and more regular carrying on the said Undertaking, and for the due ascertaining, rating, and estimating, the Matters and Things for which Satisfaction is to be made or given, according to the true Intent and Meaning of this Act, in case the Persons concerned shall not settle, adjust, or agree, upon the same; it is hereby further enacted, That the Right Honourable John Earl of Tilney in the Kingdom of Ireland, the Right Honourable Piercy Earl of Thomond in the Kingdom of Ireland, the Right Honourable Frederick North, commonly called Lord North; the Right Honourable George Lord Carpenter in the Kingdom of Ireland, Sir Conyers Jocelyn, Sir Robert Long, Sir William Maynard, Baronets; Sir John Griffin Griffin Knight of the Bath, Sir Richard Chase, Sir Thomas Salusbury, Knights; William Plumer, George Jennings, Jacob Houblon, Charles Gore, Nicolson Calvert, Richard Crop, Thomas Plumer Byde, Edward Gardiner, James Long, Samuel Feake, Edward Parson, James Gordon, Matthew Raper, John Raper, William Taylor How, John Archer, Isaac Whittington, Francis Barnard, Arthur Barnard, Benjamin Henshaw of Cheshunt, Joseph Douglas Knight, William Altham, John Calvert, James Wyatt, John Luther, Robert Jocelyn, Jacob Houblon junior, Peter Calvert, William Plumer junior, Richard Bull, Thomas Staunton, Beckford Cater, Gilbert Marshall, Thomas Dimsdale, Joseph Dimsdale, James Raymond, Richard Chiswell, Thomas Michell, Samuel Southouse, James Turvin, Thomas Blackmore, Edward Brome, George Wright, Henry Cranmer, William Robertson, Richard Gulston, Alexander Duncan, Jerningham Cheveley, Staines Chamberlayne, Thomas Benson, John Conyers, John Woodley, Benjamin Henshaw of Harlow, Charles Smith, Francis Allen, Edward Parson junior, Edward Coldham, Joseph Mico, John Houblon, Richard Hale,

Commissioners;

Hale, Charles Croſs, John Jones, Charles Smith, Ralph Winter, John Younghuſband, William Vachell, Thomas Hall, Joſeph Pike, Paul Field, Francis Stanley, Eſquires; the Honourable and Reverend Nicholas Boſcawen D. D. the Reverend Ralph Freeman D. D. the Reverend Richard Hynde D. D. the Reverend Nathaniel Geering, John Allen, Robert Tooke, John Pinceent, Wentworth Bradbury, Robert Gibſon, Edward Wiſe, Francis Stanley, Richard Stanley, John Wickſtead, Thomas Lipyeat, Francis Gulſton, Joſeph Richards, John Cock, Thomas Altham, John Crane, Pettit, John Bullock, William Wade, Joſeph Hanſhaw, John Canning, Allinſon, Paul Wright, William Smyth, Joſeph Clapp, Robert Fowler, John Horſley, Cheere, John Lawrence, William Saunders, Jonathan Lipyeat, Clerks; Peter Calvert LL. D. John Fiſher D. D. John Fiſher junior, D. D. Philip Martin of Epping, David Bayford, John Jones of Water Lane, Thomas Pennyſtone, Thomas Wolfe, Thomas Adderley, Philip Martin of Walden, Thomas Scott, Joſeph Scott, William Poole, Robert Flack of Thorley, Edward Davy, Joſeph Smith, William Mapletoft, Robert Mapletoft, John Jones of High Street, Henry Archer, William Archer, William Clark, Litchfield Moſely, William Canning, Joſeph Wright, John Wright, Joſeph Shepherd, John Brome, William Canning junior, George Jones Taſpil John Day, Francis Jones, Thomas Campin, John Judd, Hannibal Hill, Nathaniel Smith, Samuel Scott, Edward Johns, Calvert Bowyer, William Clay, Edward Chapman, John Dellow, Charles Clapton, Roger Bolton, George Guyver, Thomas Drane, Nathaniel Norris, Samuel Wade, William Lukin, William Daniels, John Phillipps, William Bird, John Pitkin, Jabez Wyatt, John Collin, Joſeph Collin, Thomas Adams, John Ives, Edmund Sworder, William Sworder, William Headland, Thomas Headland, William Beaumont, John Potterell, William Poole, Richard Dickinſon, Beckford Cater junior, Robert Howard, Rayner Heckford, Thomas Bridge, Iſaac Gardiner, Thomas Kitchingman, Nathaniel Jennings, John King, Edward Wiſe junior, William Impey, John Henniker, Thomas Brand, William Cobper, George Jennings, Michael Pepper, George Hankin, John Hankin, and Henry Cooper, Gentlemen; Newdigate Poyntz, Thomas Appleby, Eſquires; Sir Charles Smith, and Sir William Wake, Baronets; ſhall be, and are hereby conſtituted and made Commiſſioners; and they, or any Three or more of them, are hereby impowered and authorized, and ſhall have full Power and Authority to mediate between the ſaid Undertakers

Their Office and Power.

Undertakers and the Owners, Occupiers, or other Persons interested in such Lands, Tenements, Hereditaments, and Premisses, as shall be cut, damaged, or made use of, for the carrying on, maintaining, or effecting, the said Undertaking; and to settle, ascertain, and determine, what Satisfaction, either by an annual Payment, or by a Sum of Money in gross or otherwise, every Person or Persons, Bodies Politick, or Corporate or Collegiate, Corporations Aggregate or Sole, shall have for or in respect of the Loss or Damage thereby to be by him, her, or them, received or sustained; and to settle and ascertain what Share and Proportion of such annual Payment, Sum of Money in gross, or other Satisfaction, every Tenant or other Person having a particular Estate, Term, or Interest, in any of the Premisses, shall have or receive, for his, her, or their respective Interest or Right; and if the said Undertakers, or any Two of them, or any other Person or Persons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, shall dislike or be dissatisfied with any such Determinations of the said Commissioners, or any Three or more of them, or shall decline such Determinations; or if any Bodies Politick, or Corporate or Collegiate, Corporations Aggregate or Sole, 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 any 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 in Possession of any such Mills, Wears, Lands, Tenements, or Hereditaments, so intended to be cut, dug, used, damaged, or altered, as aforesaid, neglect or refuse to treat, deal, and agree, with the said respective Undertakers, or, by reason of Absence, shall be prevented from treating concerning the Matters aforesaid (except such Absence shall be occasioned by his or their necessary Attendance upon either House of Parliament); then, and in every such Case, the said Commissioners, or any Three or more of them, shall and may, and they are hereby authorized and impowered, from time to time, to issue out their Warrant or Warrants, under their Hands and Seals, to be directed to the Sheriff of the County where such Land, Matter or Thing, to be inquired, or compounded for, lies; or in case such Sheriff shall happen

Upon any Parties declining the Commissioners Determination,

or refusing to treat with the Undertakers,

a Jury to be summoned.

to be intereſted in the Matter in Queſtion, or any ways related to any of the Parties intereſted or concerned therein, then to One of the Coroners of ſuch reſpective County, commanding ſuch Sheriff or Coroner reſpectively, to impannel, ſummon, and return a Jury: And the ſaid Sheriff or Coroner reſpectively, to whom the ſaid Warrant or Warrants ſhall be directed, is hereby required accordingly to impannel, ſummon, and return, a Jury of Twenty four able and ſufficient Men, qualified according to the Laws and Statutes 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 Three or more of them, at ſuch Time and Place as in and by ſuch Warrant or Warrants, ſhall be directed and appointed, ſuch Time not being leſs than Six Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, or more than Ten Days after ſuch Service, upon Pain to forfeit for every Default in not making ſuch Return, the Sum of Twenty Pounds, to be ſued for and recovered in the Manner herein after directed; and alſo to return in Iſſues upon every Perſon ſo impannelled and returned, not appearing according to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which ſhall be levied upon the Goods and Chattles of the Perſon not appearing as aforeſaid, to the Uſe of the ſaid reſpective Undertakers, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them; and in caſe a ſufficient Number of Jurymen ſhall not appear, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or any Three 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 and every ſuch Perſon and Perſons as ſhall be thought proper or neceſſary to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Three or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters in Queſtion; which Jury, upon their Oaths, to be adminiſtered

Penalty on Sheriff, Coroner, or Jurors, making Default.

Commiſſioners may ſummon Witneſſes,

and order the Jury to view.

Jury to aſſeſs Damages,

stered by the said Commissioners, or any Two or more of them (and which Oath, 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 to the Owners and Occupiers of, and Persons interested in any such Mills, Lands, Tenements, or Hereditaments, or any Part thereof, that shall or may be sustained as aforesaid, and to settle and ascertain in what Proportion the Sum or Sums, or other Recompence so assessed, shall be paid or made to the several Persons interested in the said Premisses; and the said Commissioners, or any Three or more of them, shall give Judgement for such Sum or Sums, Damages and Recompence, so to be assessed by such Juries, and shall upon Oath as aforesaid, and by all other lawful Ways and Means, examine, hear, and finally determine all, and all Manner of Debates, Controversies, Disputes, and Questions, which shall happen and arise between the Parties then in Difference, touching or concerning any Matter and Thing relating to the aforesaid Premisses, or any Part thereof; which said Verdict, and the Judgement, Sentence, Decree, and Determination, thereupon declared or pronounced by the said Commissioners, or any Three or more of them, and the Value and Recompence so to be decreed and assessed (Notice in Writing being first given of their Meeting, at least Six Days before such Meeting, to the Parties concerned, or left at their Dwelling-houses, or usual Places of Abode, or with the Tenant or Occupier of the Premisses, or at his or her usual Place of Abode) shall be binding and conclusive to all Intents and Purposes, against the King's Majesty, His Heirs, and Successors, and against all and every other Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Mills, Wears, Lands, Tenements, or Hereditaments, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick and Corporate, Infants, Ideots, Lunaticks, Femes Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them.

and Commissioners give Judgement finally.

Provided

Penalty on Witneſſes not appearing,

Provided alſo, and be it enacted, That if any Perſon or Perſons, ſummoned as aforeſaid, to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants, granted by the ſaid Commiſſioners, or any Three or more of them; or, appearing, ſhall refuſe to be ſworn, or examined by, or give Evidence before the ſaid Commiſſioners; or if any Perſon ſummoned as a Juryman as aforeſaid, ſhall, after his Appearance, refuſe to be ſworn, or, being ſo ſworn, refuſe to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſſes, contrary to the true Intent and Meaning of this Act; every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, or any Three or more of them, ſhall, for every ſuch Offence, forfeit and pay to the ſaid Undertakers, or to whom they ſhall appoint, any Sum to be fixed by the ſaid Commiſſioners, or any Three or more of them, not exceeding the Sum of Five Pounds, to be levied on the Goods and Chattles of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or any Three or more of them, by Diſtreſs and Sale of the Offenders Goods, rendering the Overplus, if any ſuch there be, to the Owner thereof, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, are deducted.

and on Jurymen refuſing to be ſworn, &c.

How the Expence of Jury and Witneſſes ſhall be paid.

Provided alſo, and be it further enacted, That in caſe any Jury to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Meſſuages, Mills, Lands, Tenements, or Hereditaments, or for any Damage to be done thereto, than what ſhall have been offered by the ſaid Undertakers, or any Two of them, before the ſummoning or returning of ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, ſhall be paid by the ſaid Undertakers; but if any ſuch Jury ſhall give a Verdict for no more or for leſs Monies than ſhall have been offered by the ſaid Undertakers, or any Two of them, before the ſummoning and returning ſuch Jury, for ſuch Recompence or Satisfaction, that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, ſhall be borne by the Perſon or Perſons with whom the ſaid Undertakers ſhall have ſuch Controverſy or Diſpute, and ſuch Expences having been aſcertained and ſettled by the ſaid Commiſſioners, or any

Three

Three or more of them, shall be deducted and taken out of the Monies so assessed and adjudged, as so much Money Advance to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged.

Commissioners Decrees to be filed with the Clerk of the Peace.

And be it further enacted, That the said Orders, Sentences, or Decrees, so made, shall be set down in Writing, without any Stamps thereupon, under the Hands and Seals of the said Commissioners that shall make the same, or any Three or more of them, and shall be delivered to the Clerk of the Peace for the respective County wherein such Lands, Tenements, or Hereditaments, are situate, and shall be filed with the Rolls of such respective County; and the same, or a true Copy or Copies thereof, without Stamps, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof, in all Courts of Law or Equity whatsoever; and all Persons may have Recourse to the same at all convenient Times, and may take Copies thereof without Stamps, paying for every such Inspection the Sum of One Shilling; and for every Copy, not exceeding Two hundred Words, the Sum of Nine Pence, and so proportionably for any greater or lesser Number of Words.

Bodies Politick and Corporate, &c.

And be it further enacted, That it shall and may be lawful, to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, or Femes Covert, and to and for all and every other Person and Persons whatsoever, who are or shall be seized, or possessed of, or interested in, any Messuages, Mills, Lands, Tenements, or Hereditaments, which may be proper and convenient for, and facilitate the carrying on and effecting the said intended Navigation, either to demise or lease any such Messuages, Mills, Lands, Tenements, or Hereditaments, for any Term or Number of Years, at a certain yearly Rent; or otherwise to contract for, and to sell and convey, the Inheritance in Fee Simple of all or any such Messuages, Mills, Lands, Tenements, or Hereditaments, to or in Trust for the said Undertakers: And all Contracts, Agreements, Bargains, Sales, Leases, and Conveyances, which shall be made by such Bodies Politick and Persons as aforesaid, shall be good and valid

in the Law to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person whatsoever, and all claiming, or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and that all such Persons so conveying as aforesaid, are and shall be indemnified for what they shall do, by virtue and in pursuance of this Act, notwithstanding any Omission or Mistake of Matter or Form whatsoever: And that all such Leases, Sales, and Conveyances, so to be made as aforesaid, shall be inrolled by the Clerk of the Peace of the respective County wherein such Lands, Tenements, or Hereditaments, are situate, lying, or being, and a true Copy or Copies of the same, signed by the Clerk of the Peace for the time being of such respective County, shall be deemed and taken to be good Evidence thereof 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.

Conveyances to be inrolled.

Satisfaction being made or tendered, the Undertakers may proceed.

And be it further enacted and declared, That upon Payment of the Sum or Sums so agreed on, contracted, or assessed and adjudged for Damages and Costs to the Parties concerned, or for the Purchase of any such Lands, Tenements, or Hereditaments, or legal Tender thereof made to them respectively; and in case any such Parties cannot be met with, or shall refuse to accept the same, then, upon Payment of such Sum into the Hands of such Person or Persons as the said Commissioners, or any Three or more of them, shall under their Hands in Writing appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to the Parties interested as aforesaid; it shall and may be lawful to and for the said respective Undertakers, and their Agents, Workmen, and Servants, to enter upon, remove, dig, cut, or use such or so much of the said Lands, Tenements, or Hereditaments, for which such Satisfaction shall have been contracted for, agreed on, assessed or decreed as aforesaid; and thereon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for

the supporting and maintaining the same, or for executing any of the Powers of this Act, as the said respective Undertakers, or any Two of them, shall think requisite; and to have, use, and enjoy, the same to and for their own Use and Benefit; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said respective Undertakers, and all Persons employed or authorized by them against the said Owners, Occupiers, or other Persons interested, their Heirs, Successors, Executors, Administrators, and Assigns, and against all and every other Person and Persons, to all Intents and Purposes whatsoever; and from thenceforth all and every Person and Persons, Bodies Politick, Corporate, and Collegiate whatsoever, shall be divested of all Right, Title, Property, Claim, and Interest, to or in the same Lands, Tenements, or Hereditaments.

Qualification of Commissioners.

Provided always, and be it further enacted, That no Person or Persons whomsoever shall sit or act as a Commissioner or Commissioners in any Case where he or they respectively shall be in any wise directly or indirectly interested or concerned in the Matter or Matters in Question, nor shall sit or act in any of the Cases before or herein after-mentioned, unless such Commissioner or Commissioners shall be respectively seized of or intitled, at the Time of such Sitting or Acting, to an Estate of Freehold, Copyhold, or Leasehold Lands, Tenements, or Hereditaments, in Possession for his own Life, or the Life of another Person, of the yearly Value of Forty Pounds above Reprizes; or be possessed of or intitled to a Personal Estate, to the Amount or Value of Eight hundred Pounds, after Payment of all Debts: And in case any Commissioner shall sit or act, being so interested, or not having such Estate as aforesaid, every such Person so sitting and acting shall forfeit the Sum of Fifty Pounds to any Person or Persons who shall inform and sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and upon any such Suit or Prosecution, the Proof of such Qualification shall lie upon and be made out by every Commissioner so to be sued or prosecuted.

Penalty on acting if not qualified.

Upon Death or Refusal of any Commissioner to act, another may be chosen.

And be it further enacted, That upon the Death or Refusal to act of any Commissioner hereby appointed, or hereafter to be elected, the surviving Commissioners, or any Three or more of them, shall and may, from time to time, elect One other Commissioner in the Room of every

every such Commissioner deceased or refusing to act; and every Person so elected, shall have the same Authority as if he had been named a Commissioner in this Act.

The Rates and Duties.

And it is hereby further enacted, That for and in Consideration of the great Charge and Expences the said Undertakers, their Heirs, or Assigns, shall be at, not only in making the said River Stort navigable as aforesaid, but also in making, erecting, repairing, cleansing, maintaining, keeping up, and continuing the Wears, Works, Locks, Dams, Sluices, Bridges, Cranes, and other Matters necessary to be made and erected as aforesaid; it shall and may be lawful to and for the said Undertakers, their Heirs, or Assigns, or such Person or Persons as they, or any Two of them, shall for that Purpose appoint, and no others, from time to time, and at all Times hereafter, to ask, demand, receive, and take, to and for the proper Use and Behoof of them the said Undertakers, their Heirs, and Assigns, in respect of their Charges and Expences aforesaid, for all and every, or any Goods, Wares, Merchandizes, Commodities, or other Things whatsoever, that shall be carried or conveyed in any Boat, Barge, or other Vessel, in, upon, to, or from, any Part of the said River Stort, between the said River Lee, and to or near the said Town Mill in Bishop Stortford aforesaid, such Rate and Duty, Rates and Duties, for the same (over and beside what shall or may be paid for the Freight or Carriage thereof,) as the said Undertakers, their Heirs, or Assigns, shall think fit, not exceeding the several Rates and Duties herein after-mentioned (that is to say)

For every Quarter of Wheat, Rye, Beans, or Peafe, 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, Four Pence.

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

For every Chaldron of Lime, Two Shillings and Six Pence; and so in Proportion for any greater or lesser Quantity than a Chaldron.

For every Ton of Oil Cakes, Malt Dust, Pigeon Dung, or other Manure of any Kind whatsoever, the Sum

Sum of One Shilling and Six Pence; and so in Proportion for any greater or lesser Quantity than a Ton.

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

The same Rate and Duty, Rates and Duties, to be paid at such Place or Places near to the said River, and in such Manner as the said Undertakers, their Heirs, or Assigns, or any Two of them, shall think fit; and in case of Refusal, Neglect, or Denial of Payment, on Demand, of the several Tolls, Rates, and Duties abovementioned, or any Part thereof, the said Undertakers, their Heirs or Assigns, or such Person or Persons as they, or any Two of them, shall nominate and appoint, by Writing under their Hands, to be Collector or Collectors of the said Tolls, Rates, and Duties, as aforesaid, shall or may sue for the same, by Action of Debt, or upon the Case, in any Court of Record, or stop, detain, or make stay, of any Goods or Vessels, for which the said Tolls, Rates, and Duties, ought to be paid, until they shall be satisfied and paid the same; and in case such Tolls, Rates, and Duties, shall not be paid within the Space of Five Days next after such Seizure made, it shall and may be lawful for the said Undertakers, their Heirs and Assigns, or their said Collector or Collectors, to sell such Goods, Wares, Merchandizes, Commodities, Boats, or Vessels, rendering the Overplus, if any, to the Owners, after the said Tolls, Rates, and Duties, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be satisfied and paid.

Rates may be levied by Distress, &c.

Distress may be sold after Five Days.

Provided always, and be it further enacted, That no Tonnage Rates, Tolls, or Duties, shall be due, paid, or demanded, for Oil Cakes, Malt Dust, Pigeon Dung, or other Manure of any Kind whatsoever, that shall be carried or conveyed as Back Loading or Back Freight, in any Barge, Boat, or other Vessel, up or down the said River Stort, in any Case where the same Barge, Boat, or other Vessel, shall have immediately before passed up or down the said River loaded and freighted with any Goods, Wares, Merchandize, Commodity, or other Thing, for which Tolls, Duties, and Rates, shall have been paid by virtue of this Act; any thing herein contained to the contrary thereof notwithstanding.

No Tolls to be taken for the Back Carriage of Manure.

And, for the more easy collecting the said Tolls, be it further enacted, That every Person having the Charge

Reports to be made of Loading, &c.

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 Undertakers, their Heirs or Assigns, or any Two of them, to receive the same, or to the Collector or Collectors of such Tolls, Rates, and Duties, and at such Place or Places as shall be appointed by the said Undertakers, or any Two of them, of the Quantity, Quality, and Weight, of the Goods, Wares, Merchandizes, Commodities, and other Things, which shall be in or belong to such Boat or Vessel, and also of the Quantity, Quality, and Weight, of such Goods, Wares, Merchandizes, Commodities, and other Things, 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 the Sum of Five Pounds over and above the Payment of such Tolls; and 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, Commodities, or other Things, 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, Commodities, and other Things; and in case the same shall appear to be of greater Weight, Quantity, or Number, than such Person declared the same to be, in every such Case, such Person shall pay the Costs and Charges of such weighing, measuring, gauging, and numbering; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the said Tolls are appointed to be recovered; but if such Goods, Wares, Merchandizes, Commodities, or other Things, shall appear to be of no greater Weight, Quantity, or Number, than such Person declared the same to be, then such Collector shall pay such Costs and Charges, and also shall pay to such Person, or to the Owner or Owners, or Person having Charge of such Boat, Barge, Lighter, or other Vessel, or to the Owner or Owners of such Goods, Wares, Merchandizes, Commodities, or other Things, One Shilling for every Hour that such Boat or Vessel shall be so detained;

and

and in Default of 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 said County of Hertford or Essex, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattles so distrained.

Undertakers to set up Gates, &c. over Ditches and Fences in the Towing-paths,

And be it further enacted, That the said Undertakers, their Heirs, and Assigns, shall and do cause to be made, set up, and, from time to time, maintained, and kept in Repair, convenient 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 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 if the said Undertakers, their Heirs, and Assigns, shall think proper to cause the said River to be deepened or widened, in any Part or Parts, so as to render any usual or common Fords or Highways impassable or dangerous; in every such Case, the said Undertakers, their Heirs, and Assigns, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniencies as shall be fitting and necessary, or as the said Commissioners, or any Three 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 Undertakers, their Heirs, or Assigns, 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 the adjacent Lands, the said Undertakers, their Heirs, and Assigns, shall first cause sufficient Tunnels to be laid through such Banks so to be raised at proper Places for draining the same, and shall, from time to time, keep such Banks and Tunnels in Repair.

and Bridges over new Cuts.

Banks not to prejudice opposite Lands.

Provided nevertheless, That in case such Banks shall be raised, the same shall not be made of such Height, as to be prejudicial to the Lands on the opposite Side of the River.

Bridges how to be repaired.

Provided also, That if the said Undertakers, their Heirs, or Assigns, shall cause any Bridge or Bridges across the River to be amended, heightened, or altered,

such Bridge or Bridges shall from thenceforth, from time to time, for ever thereafter, be repaired, supported, and maintained, by the said Undertakers, their Heirs and Assigns.

Undertakers indemnified for making Works.

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

Future Damages how to be ascertained.

And be it further enacted, That if at any Time or Times, after any of the Works for effecting or maintaining the said Navigation, shall be begun or be compleated, 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 means of any Works made for carrying on the said Navigation, or by not keeping in constant and sufficient Repair any of the said Works, or by any Act, Neglect, or Default of the Workmen employed therein, or by any other Ways or Means not hereby otherwise provided for, a Recompence and Satisfaction shall therefore be given and made by the said Undertakers, their Heirs and Assigns, to the Person or Persons so damaged and injured as aforesaid; and in case the said Undertakers, their Heirs and Assigns, or such Person or Persons shall not agree thereon, then, and in every such Case, the said Commissioners, or any Three or more of them, shall have full Power, from time to time, and at all Times, to settle, agree upon, and award such 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 said Undertakers, their Heirs and Assigns, or any Two of them, or the Person or Persons making Complaint of such Losses or Damages, shall dislike or be dissatisfied with such Recompence and Satisfaction so awarded, in every such Case, it shall be lawful for the

said

said Commissioners, or any Three or more of them, and they are hereby required, upon Request in Writing to be made or given to them, or any Three or more of them, by the said Undertakers, their Heirs and Assigns, or any Two of them, or by such Person or Persons injured or aggrieved as aforesaid, to cause a Jury to be summoned, impanneled and sworn in Manner as aforesaid, and the Jury so returned shall inquire how far the said Undertakers, their Heirs and Assigns, or their Agents or Servants, have any ways occasioned such Damage; and if any shall appear, they shall assess the Value of such Damages, and the said Commissioners, or any Three or more of them, shall give Judgement for the said Undertakers, their Heirs and Assigns, to pay to the Party or Parties injured or aggrieved, by a certain Day to be appointed by the said Commissioners, or any Three or more of them, the Monies so assessed, with or without Costs, to be assessed by the said Commissioners, or any Three or more of them; and in case the said Undertakers, their Heirs and Assigns, shall not make such Payment within the Time to be appointed by the said Commissioners as aforesaid, then the Person or Persons, Party or Parties, so aggrieved, shall have Remedy to recover the same Sum or Sums so to be assessed, which shall not be paid according to the Judgements of such Commissioners as aforesaid, by Action of Debt, or upon the Case, in any of his Majesty's Courts of Record at Westminster, or in any other Court of Record, against the said Undertakers, or their Heirs and Assigns, or any Two of them, to recover the same, with their Costs and Damages.

No Person intitled to Satisfaction, unless Complaint be made within 6 Months.

Provided always, That no Person or Persons whatsoever, shall be intitled to Satisfaction for any Damages, nor shall the said Commissioners, or any of them, be obliged to take Notice of any Application in relation thereto, unless the Complaint of such Damages shall be made within the Space of Six Calendar Months after such Damages shall have been sustained.

No Jury to be summoned until Security be given to prosecute, &c.

Provided also, That no Jury shall be summoned upon any such Request of the Person or Persons, Party or Parties, seeking a Recompence for any Injury or Damage happening as aforesaid, until the Party or Parties making the same, shall have entered into a Bond, with Two sufficient Sureties, to the said Undertakers, their Heirs, and Assigns, or Two of them, in the Penalty of Fifty Pounds, for prosecuting of such Complaint, and to pay the summoning of such Jury, and the Costs and Charges of taking such Inquest; the same

to be settled and assessed by the said Commissioners, or any Three or more of them, in case a Verdict shall be given for no more or for less Money than shall have been offered by or on the Behalf of the said Undertakers, their Heirs and Assigns, before the summoning of any such Jury, as a Recompence for the Damage so complained of.

Owners of Vessels answerable for the Damage done by the Crews.

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, Stanches, 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 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 to any or either of the said Bridges, Locks, Stanches, Dams, Sluices, Cuts, Banks, or other Works, the same shall be inquired into and determined by any Justice of the Peace for the said County of Hertford or 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 to the said Undertakers, their Heirs, or Assigns, 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 Six 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 such Information and Conviction, Distress and Sale, have been first satisfied and paid; and if any Trespass or Damage shall be done to the Owners or Possessors of such Lands, Tenements, or Hereditaments, or Crop on the Ground adjoining thereto, then, and in such Case, the said Owner or Owners of such Boat or Vessel, shall and may be sued and prosecuted for the same, in any of His Majesty's Court of Record at Westminster; and if found guilty, or a Verdict pass against him, her, or them, or Judgement be given against him, her, or them, upon Demurrer or by Default, the Plaintiff in any such Case shall recover his, her, or their Damages thereby sustained, with Treble Costs of Suit.

40*s.* Penalty on obstructing the Passage of Boats.

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, to the said Undertakers, their Heirs, and Assigns, the Sum of Forty Shillings.

Boats 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 and draw up, and hale the same out of the Way of the other Vessels passing upon the said Navigation; it shall be lawful for any Agent or Servant of the said Undertakers, their Heirs, or Assigns, 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, any such Agent or Servant shall cause Sale to be made thereof for reimbursing to the said Undertakers, their Heirs, and Assigns, the said Expences, or other incidental Charges, returning the Overplus (if any be) to such Owner or Person.

The Owner's Name to be marked on each Vessel.

And be it further enacted, That the Owner or Owners of every Boat or Vessel passing upon the said

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 such Person or Persons, having the Care or Charge of any such Boat or Vessel passing on 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 set or leave open any of the Gates, Doors, or Slakers, belonging to any such Sluice or Lock, whereby the Water shall run to waste, to the Hindrance or Detriment of any of the Mills upon the said River, or of the said intended Navigation; then, and in every such Case, every such Owner or Person, so neglecting or offending, shall forfeit and pay the Sum of Five Pounds.

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 mis-spend or waste the Water, to the Prejudice of the said Navigation; every such Person, for every such Offence, shall forfeit and pay to the said Undertakers, their Heirs, and Assigns, the Sum of Forty Shillings.

Millers to open or shut Sluices;

And be it further enacted, That if any Owner or Occupier, or Miller 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 Undertakers, their Heirs, and Assigns, 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 intended Navigation, and the Works requisite for that Purpose, and for altering and repairing the same; every Person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such Offence,

fence, forfeit and pay to the said Undertakers, their Heirs, and Assigns, the Sum of Twenty Pounds.

Satisfaction to be made them.

And it is hereby also enacted and declared, That the Owners or Occupiers of any such Mill or Mills shall and may, in such Case, lawfully demand, have, and receive, and there shall become due and payable to him or them, from the said Undertakers, their Heirs, and Assigns, as a Recompence and Compensation for such drawing up or shutting such Clough or Cloughs respectively, the Sum of One Shilling and Three Pence for every Hour that any Wheel of any such Mill shall, by that Means, or on that Occasion only, be stopped or hindered from working, and so in Proportion for any greater or lesser Time that such Stoppage or Hindrance shall continue.

Penalty on Persons obstructing the Navigation.

And it is hereby further enacted and declared, That if any Owner, Occupier, or Miller, of any Mill or Mills within the Limits of the said intended Navigation, or other Person employed by him, her, or them, shall, in the Judgement and Opinion of any Three or more of the said Commissioners, wittingly or wilfully do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby, or by Means whereof, the said intended Navigation shall be interrupted or obstructed, impeded or prevented, and not shew sufficient Cause to be allowed by the said Commissioners, or any Three or more of them so assembled; for so doing; every such Owner, Occupier, or Miller, or other Person whatsoever, shall, for every such Act, Matter, or Thing, forfeit and pay to the said Undertakers, their Heirs, and Assigns, such Sum and Sums of Money as the said Commissioners so assembled shall order, decree, or award, not exceeding the Sum of Forty Shillings for each Offence.

Satisfaction to be made to the Millers for Loss of Water.

And, to the end that a full Compensation may be made to the Owners or Proprietors of the several Mills upon the said River, for the Loss and Damage which may be occasioned by the making new Cuts, and erecting Locks and other Works necessary for the said Navigation; be it enacted, That the Tenants or Occupiers of each and every of the said Mills for the time being, shall have the Care and Management of the Lock for penning into his, her, or their respective Mill-head; and that it shall be lawful for him, her, or them, before he, she, or they, shall draw the Cloughs, and open the Lock for the Passage of any Boat or Vessel passing up or down the said River, Cuts, or Trenches, to demand and take to his, her, and their own proper Use, of the Master or any Person navigating such Boat or Vessel, the Sum

of Six Pence, as a Recompence for his Time in attending the penning such Boats or Vessels up or down the said River, Cuts, or Trenches, and for the Loss of Water by such penning (above and exclusive of all other Tolls to be collected by virtue of this Act) and, upon Non-payment thereof, to stop and detain such Boat or Vessel from passing through the said Lock, until the said Sum of Six Pence shall be paid.

Locks to be opened on Tender of the Money.

Provided always, and be it enacted, That as often as any Boat-master, 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 and Management of any Lock or Locks respectively, or their Servants, shall, upon Payment or Tender of the said Sum of Six Pence, immediately draw the Clough, 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.

Lock-keepers may be removed, and others appointed.

Provided also, and be it further enacted, That in case the said Undertakers, their Heirs, and Assigns, or any Two 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 Tenants 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, or shall be dissatisfied with their or any of their Care or Management of the said Locks; in each of the said Cases, it shall be lawful for the said Undertakers, their Heirs, and Assigns, or any Two of them, from time to time, to remove and displace such Tenants, 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 and after such Appointments, all the Powers and Authorities hereby vested in such Tenants or Occupiers shall cease; other than and except the demanding and taking of One Moiety of the aforesaid Sum of Six Pence so granted to the said respective Tenants or Occupiers of such Mills, which, in such Case, shall be demanded and taken only as a Recompence for the Loss of Water occasioned by the penning such Boats or Vessels with the Powers hereby

hereby before granted for the recovering thereof, which is hereby nevertheless reserved to him and them respectively; and the other Moiety of the said Sum of Six Pence 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 of Six Pence, as the said Tenants or Occupiers of the said Mills are hereby vested with for demanding, collecting, and recovering, the other Moiety of the said Sum of Six Pence, for the Loss of Water occasioned by penning such Boats or other Vessels.

In what Case Undertakers 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 another Person or Persons within Fourteen Days after Notice given of such Death or Removal; the said Undertakers, their Heirs and Assigns, or any Two 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.

Reservation of Rights.

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 dry Seasons, which they had and enjoyed before the passing of this Act.

Power of making Bye-Laws, for better regulating the Navigation, &c.

And, for the better, more orderly, and effectual using the said Navigation; be it further enacted, That the said Undertakers, their Heirs and Assigns, or any Majority or greater Number of them, shall, from time to time, have full Power and Authority by and with the Consent of the said Commissioners, or any Three or more of them, to make Bye-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation; and of all such Warehouses, Wharfs, Passages, Locks, Wears, Turnpikes, and other Things that shall be made for the said Navigation; and for all such Vessels as shall be used on the said River Stort; and for the well governing of the Bargemen, Watermen,

men, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandizes, or any Part thereof, and from time to time to alter or repeal the same, and to impose such reasonable Fines, Forfeitures, or Punishments, upon all Persons offending against such Bye-laws, Orders, or Constitutions, as they shall think fit; such Fines, Forfeitures, or Punishments, to be levied or inflicted by such Ways and Means as they shall direct, and to them shall seem meet; which said Bye-laws, Orders, and Constitutions, being put into Writing, under the Hands and Seals of the said Undertakers, their Heirs and Assigns, or a Majority of them, and under the Hands and Seals of the said Commissioners, or any Three or more of them, allowing the same, 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 Bye-law, Order, or Constitution, may, within Three Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace, at their General or Quarter Sessions of the Peace to be held for the said County of Hertford or Essex respectively, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or if they think proper, may adjourn the hearing thereof to the next General or Quarter Sessions of the Peace, to be held for such Counties respectively, and if they see Cause, may mitigate or alter such Forfeiture or Punishment, and may order any Money to be returned which shall have been levied in pursuance of such Bye-law, Order, or Constitution, and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable; but no Justice of the Peace shall act or vote in the hearing or determining of any such Complaint, whose Hand and Seal as a Commissioner shall appear to have been set to the said Bye-law, Order, or Constitution, which occasioned such Complaint.

Persons aggrieved may appeal to the Quarter Sessions.

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, 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.

Upon Payment of the Rates, Navigation to be free.

And

And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted or authorized to be impoſed, the Recovery whereof is not herein before directed, ſhall, in all Caſes where ſuch Fines, Penalties, or Forfeitures, do not exceed the Sum of Five Pounds, to be recovered by Diſtreſs and Sale of the Offenders Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or under the Hands and Seals, of any Juſtice or Juſtices of the Peace for the ſaid County wherein the Offence is committed; and in caſe ſufficient Diſtreſs ſhall not be found, it ſhall be lawful for any ſuch Juſtice or Juſtices of the Peace to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Space not exceeding Three Months; and that all ſuch Fines, Penalties, and Forfeitures, or any Part or Parts thereof which are not herein before applied, ſhall be paid to the ſaid Undertakers, their Heirs, and Aſſigns, or to ſuch Perſon or Perſons as they ſhall appoint to demand or receive the ſame; and that all ſuch Fines, Penalties, or Forfeitures, as exceed the Sum of Five Pounds, ſhall be recovered by any Perſon who will ſue for the ſame, with double Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts at Weſtminſter, wherein no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed. Penalties and Forfeitures how to be recovered and applied.

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 Counties of Hertford or Eſſex reſpectively, at any General or Quarter Seſſions 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 given or allowed by the ſaid General or Quarter Seſſions, in caſe ſuch Orders or Judgement ſhall be affirmed; and the Juſtices at ſuch General or Quarter Seſſions, are hereby authorized and required to hear and determine ſuch Appeal, and to make ſuch Order therein, and to award ſuch 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, Perſons aggrieved may appeal to the Quarter Seſſions.

into any of his Majesty's Courts of Record at Westminster, or elsewhere; and that no Order or Proceeding to be had or made by or before any Justice of the Peace, relating the Execution of this Act, shall be quashed or vacated for want of Form only.

River to be deemed within the County of *Essex*.

And be it further enacted, That for the more easy and effectual Execution of this Act, and Punishment of Offences against the same, such Part of the said River, as is hereby intended to be made navigable, shall, for the Purposes aforesaid, be deemed and taken to be within the said County of Essex.

Penalty on Persons giving false Evidence.

And be it further enacted, That the said Commissioners, or any Three or more of them, and all and every the Justice or Justices of the Peace, hereby authorized to act, hear, determine, order, adjudge, or decree, in any Case, or upon any Occasion in this Act directed or expressed, are hereby impowered to administer an Oath or Oaths, to any Person or Persons, when any Information or Examination shall to such Commissioners, or Justice or Justices, seem necessary or expedient, to be had or made of or by such Person or Persons for any the Purposes in this Act contained; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the 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 and liable to the same Punishments and Disqualifications, which any Person or Persons can or may be subject or liable to, for wilful and corrupt Perjury, by any of the Laws and Statutes of this Realm.

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 the Space of Seven Years, in the like manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Navigation not subject to 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.

and exempted from Taxes.

And be it further enacted and declared, That the said Tolls, Rates, and Duties, 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.

And be it further enacted, That the said Undertakers, their Heirs and Assigns, shall, from time to time, provide and appoint a Clerk or Clerks to attend the said Commissioners, at all Meetings to be held by them for the Purpose of executing this Act; and that all Orders and Proceedings of the said Commissioners shall, by such Clerk or Clerks, 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 Three or more of them; and the Clerk or Clerks, attending the said Commissioners, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said Orders and Proceedings, so signed and attested, shall be deemed and taken to be Originals, and shall be admitted as Evidence in all Courts whatsoever; and such Book or Books shall be seen and perused at all seasonable Times, and Copies thereof, or 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, and One Shilling for each Inspection.

Books may be read in Evidence.

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.

Reservation of Rights to Lords of Manors.

Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and 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 Undertakers, their Heirs or Assigns, or any of them, and without paying any of the Rates or Duties aforesaid, so as such Pleasure Boat or Boats is or are not used for carrying Coal, Stone, Slate, Wood, or any other Goods, Wares, or Merchandizes, charged or chargeable with any of the Duties by this Act granted and made payable; and that the Lord or Lords of the respective

respective Manors, or any other Person whatsoever, 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 intended Navigation.

Lords of Manors may build Warehouses;

Provided always, and be it 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 of 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, 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;

On their Neglect, Undertakers may build them.

Provided also, and be it enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Six Months after Notice given in Writing by or on the Behalf of the said Undertakers, their Heirs, and Assigns, that any Part or Parts of such Lands, Grounds, or Wastes, which shall have been previously approved of by the said Commissioners, or any Three or more of them, is or are intended to be used by them, for the Purpose of erecting Warehouses, Weigh Beams, Cranes, Quays, Landing Places, Wharfs, or other Works relating to the said Navigation, make, erect, and maintain, in the Opinion of the Commissioners, or any Three or more of them, a proper and sufficient Warehouse, Weigh Beam, Crane, Quay, Landing Place, Wharf, or other Works, on the respective Part or Parts of the Lands, Grounds, and Wastes, comprized in the said Notice; then, and in every

every such Case, the said Undertakers, their Heirs and Assigns, shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes (except such as are herein particularly specified and excepted) for all or any of the Purposes aforesaid, first making Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken and used for the like Purposes.

Navigation not to be within 200 Feet of Mr. *Turwin's* House.

Provided always, and be it further enacted, That no Part of the said Navigation shall be made nearer to the House of James Turwin Esquire, in the Parish of Gilstone, than Two hundred Feet; any thing herein contained to the contrary notwithstanding.

No more than One Lock between *Butt Mead* and *Five Acre Mead*,

Provided always nevertheless, and be it further enacted, That no more than One Pen or double Lock, and One Lowshot Stop or Tumbling Bay and Flood Gates shall be made for the Purposes of the said Navigation between that Part of a certain Meadow in the Parish of Sawbridgworth, called Butt Mead, being the Land of Rebecca Sworder, Widow, where the said River divides itself into Two Branches, and a certain other Meadow in the same Parish, called The Five Acre Mead, being the Land of William Gardiner Esquire; and that no other Wear, or any Dwelling-house, Wharf, Warehouse, Quay, Engine, or other Building, shall be made or erected by virtue of this Act, upon any Part of the Lands belonging to the said William Gardiner, and Samuel Feake Esquire, lying between the said Places, unless the said William Gardiner and Samuel Feake, or their Heirs or Assigns respectively shall consent thereto; and the said Navigation shall be at all Times carried on between the Places aforesaid, intirely on the Essex Side the said River, without any Towing Path to be made or used on the Hertfordshire Side:

and the Old River to be the Boundary.

Provided also, That in case it shall be found necessary to make any new Cut between the aforesaid Places called Butt Mead and Five Acre Mead, such new Cut shall not be made before the North West Front of the Mansion-house called Pishobury; and the Channel of the Old River shall not be filled up, otherwise than by placing therein such Lock, Lowshot Stop, or Tumbling Bay, and Flood Gates, but such Channel shall be and remain as a Boundary for dividing the said Counties and Lands; any thing herein contained to the contrary thereof notwithstanding.

And be it further enacted, That all and every Warrant and Warrants that shall or may be granted by any

Warrants may be directed to the Constable of the Place where the Offender lives.

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 Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, an 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 Parties distraining deemed Trespassers *ab initio*.

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 or brought in the said Counties of Hertford or Essex, wherein the Fact shall be committed, 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 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 discontinue 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

General Issue.

Treble Costs.

the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

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.

Times and Places of General Meetings.

And be it further enacted, That the said Commissioners, or any Three or more of them, shall meet on the Twenty seventh Day after passing of this Act, at the House of Roger Bolton, known by the Sign of the Crown, in Hockerell, in the Parish of Bishop Stortford aforesaid, and shall then proceed to the Execution of this Act; and the said Commissioners, or any Three or more of them, shall hold One General Meeting on the Third Tuesday in July, in the Parish of Bishop Stortford aforesaid, in each Year; and the said Commissioners, or any Three 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 Three or more of them, shall appoint; and if at any Time a sufficient Number of Commissioners shall not attend to adjourn, the Meeting shall, from time to time, as often as the Case shall so happen, be deemed adjourned until that Day Fortnight; but the Clerk or Clerks, from time to time attending 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 Bishop Stortford, Sawbridgeworth, Harlow, Eastwick, and Stanstead, at least Six Days before every such Meeting, unless the Business to be transacted at any Meeting, of which Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice; in which Case the Commissioners, or any Three 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

otherwiſe at a Meeting to be held in purſuance here of; and that no Order or Determination ſhall be made by the ſaid Commiſſioners, in the Execution of this Act, unleſs the Majority of the Commiſſioners preſent, at a Meeting to be held in purſuance of this Act, ſhall concur therein, ſuch Majority not being leſs than the Number of Commiſſioners herein authorized to make any ſuch Order or Determination; and that no Order or Determination of the ſaid Commiſſioners, or any of them, ſhall be revoked or altered, unleſs Nine Commiſſioners ſhall be preſent.

Undertakers may raiſe Money among themſelves, and divide the ſame into Three Shares, &c.

And be it further enacted, That it ſhall and may be lawful to and for the Undertakers for carrying on the ſaid intended Navigation, to raiſe and contribute equally amongſt themſelves a competent Sum of Money for making the ſaid River Stort navigable, from the ſaid River Lee, to or near the ſaid Town Mill of Biſhop Stortford aforeſaid, and for the other Purpoſes of this Act; and that the ſame ſhall be divided into Three equal Shares, and no Proprietor in ſuch Navigation ſhall be a Proprietor of leſs than One Share; and the Money ſo to be contributed by the ſame Undertakers, is hereby directed and appointed to be laid out and applied, in the firſt Place, for the Payment of the Fees, Coſts, Charges, and Diſburſements, paid and ſuſtained by the ſaid Undertakers, in and about the obtaining and paſſing this Act.

and be proportionally entitled to Profits.

And be it further enacted, That the ſaid Three Shares ſhall be and are hereby veſted in the ſaid ſeveral Undertakers before mentioned, and their ſeveral and reſpective Heirs and Aſſigns, as and in Nature of a Tenancy in common, to their and every of their proper Uſe and Behoof; and they the ſaid ſeveral Undertakers, their Heirs and Aſſigns reſpectively, ſhall be intitled to the intire and neat Diſtribution of One Third Part of the ſaid Profits and Advantages that ſhall and may ariſe and accrue, by Means of the Sum and Sums of Money to be collected, raiſed, levied, or recovered, by the Authority of this Act; and ſuch Share and Shares ſhall be veſted in the ſaid Undertakers, their Heirs and Aſſigns reſpectively, as Real Eſtates, and ſhall be bargained, ſold, aliened, and diſpoſed of as ſuch, from time to time, by the Owners and Proprietors thereof reſpectively for the time being, by an Inſtrument or Writing under their reſpective Hands and Seals, ſigned, ſealed, and delivered, in the preſence of, and atteſted by, Two or more Witneſſes, of the Form, Tenor, or Effect, herein mentioned; that is to ſay,

Shares to be veſted as Real Eſtates, &c.

I *A. B.*

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer, unto the said *C. D.* his Heirs and Assigns, of the Undertaking of the Navigation of the River *Stort*, in the Counties of *Hertford* and *Essex*, subject to such Terms and Conditions, as I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept the same subject to the same Terms and Conditions. Form of Conveyances.

And it is hereby further enacted and declared, That for the Security as well of the said Purchasers as of the said Undertakers, such Instrument or Writing of Sale, and also a Duplicate or Counterpart thereof, shall be executed both by the Seller and Purchaser thereof, and shall be delivered to the Clerk or Clerks to be provided and appointed by the said Undertakers for the time being, to be filed and kept for the Use of the said Undertakers; and until such Duplicate or Counterpart shall be so delivered, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation paid unto him, her, or them; and such Clerk or Clerks is and are hereby required to enter such Duplicate or Counterpart in a Book or Books to be kept for that Purpose; and for which Filing and Entry no more than Five Shillings shall be paid or taken. Duplicate to be filed, and kept by the Clerk.

And it is hereby further enacted, That the said Undertakers, their Heirs and Assigns, shall and may meet at the Time and Place before appointed for the first Meeting of the said Commissioners for putting this Act in Execution; and shall and may, at that or any other Meeting, adjourn themselves, and appoint such Time or Place for their subsequent Meetings, as they, or any Two of them so assembled, shall think fit; and also that the said Undertakers so assembled at any such Meeting, or any Two of them, shall and may, and they are hereby authorized and impowered to nominate and appoint One or more Person or Persons to be their Treasurer or Treasurers, to receive and take all Sum and Sums of Money which shall, from time to time, be advanced and contributed by the said Undertakers, for the Purposes of this Act; and that it shall and may be lawful to and for such Treasurer or Treasurers for the time being, by Order of the said Undertakers so assembled, or any Two of them, to make such Call or Calls of Money from the said Undertakers, or any of them, Meeting of Undertakers: They may appoint a Treasurer.

them, for the Purposes of this Act, as shall from time to time be requisite and necessary in that Behalf; and that such Treasurer or Treasurers shall, by Writing under his or their Hand or Hands, give Notice of such Call or Calls to the said respective Undertakers, their Heirs or Assigns, at least Six Days before the Time appointed for the Payment of the Money so to be called for.

If Calls not answered, Shares to be forfeited.

Provided always, That no One Call do exceed the Sum of Five hundred Pounds for each Share, and so as no Call to that Amount be made till after the End of Twenty eight Days at least from the Call last preceding; and if any Person shall, for the Space of Six Weeks after such Notice, neglect or refuse to pay his, her, or their proportionable Part or Share of the Money so called for, to such Treasurer or Treasurers, he, she, or they, so neglecting or refusing, shall forfeit his, her, or their Share and Shares in the said Navigation, unto the others or other of the said Undertakers.

No Advantage to be taken of Forfeiture, unless Notice given, &c.

Provided also, and be it further enacted, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Navigation, till after personal Notice shall have been given to the Owner or Owners, Proprietor or Proprietors, of such Share or Shares; nor unless the same shall be declared to be forfeited at some Meeting of the said Commissioners, to be held after the Space of Fourteen Days next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Undertaker or Undertakers so forfeiting, against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement betwixt such Undertaker or Undertakers so forfeiting, and the rest of the Undertakers, with regard to carrying on the said intended Navigation.

Directions on the Death of Owners of Shares.

Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking, shall happen to die before all necessary Call or Calls shall have been made upon such Share or Shares, which he, she, or they, shall be possessed of, or intitled unto, without having made any Provision by Will, or otherwise, how such Share or Shares shall be disposed of, and the Money paid in upon future Calls, and leaving an Infant or Infants, his, her, or their Heir or Heirs at Law; then, and in such Case, the Trustee or Trustees, Guardian or Guardians, of any such Infant Heir or Heirs, intitled to the Real Estate of such Owner or Owners deceased, shall be indemnified against

againſt all ſuch Infant and Infants, or other Perſons whomſoever, for paying ſuch Sum or Sums of Money, out of ſuch Infant or Infants Eſtate or Eſtates, upon ſuch Share or Shares, when the ſame ſhall be called for as aforeſaid: And if ſuch Infant or Infants ſhall not have Eſtates ſufficient to anſwer ſuch Call or Calls and Payments; then, and in ſuch Caſe, the abſolute Property of ſuch Share or Shares ſhall be veſted in the Survivor or Survivors of the ſaid Undertakers, on Payment by him, her, or them, to the Heir or Heirs of ſuch deceaſed Owner or Owners, or Truſtee or Truſtees, Guardian or Guardians, of ſuch Heir or Heirs, of the full Sum or Sums of Money which ſhall have been paid by ſuch Owner or Owners, in his, her, or their Life-time, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares; but in caſe ſuch ſurviving Undertakers or Undertaker ſhall refuſe, or decline to make ſuch Payment as aforeſaid, then the ſaid Undertakers ſhall, and are hereby required, to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch Owner or Owners deceaſed, on Condition that he, ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Heir or Heirs of ſuch deceaſed Owner or Owners, or Truſtee or Truſtees, Guardian or Guardians, of ſuch Heir or Heirs, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner or Owners, in his, her, or their Life-time, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares.

Undertakers neglecting to proceed in the Works, to forfeit their Intereſt and Property.

Provided always, and it is hereby enacted and declared, That in caſe the ſaid Undertakers, their Heirs and Aſſigns, ſhall not, within the Space of Five Years, to commence and be computed from the paſſing of this Act, have finiſhed and continued the ſaid intended Navigation, ſo as to make the ſame portable and paſſable for Boats, Barges, Lighters, and other Veſſels, according to the Tenor and true Meaning of this Act (unleſs prevented by ſome unforeſeen and unavoidable Accidents) then and in ſuch Caſe all and every the Powers, Authorities, Rights, and Privileges, of the ſame Undertakers reſpectively, and their Intereſt and Property in the Works and Premiſſes, ſhall ceaſe and determine, and become void; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Succeſſors, or any Three or more of them, to nominate and appoint any other Perſon or Perſons to be Undertaker or Undertakers of, and to proceed in and continue the ſaid Navigation; and the Perſon or Perſons ſo appointed, who

ſhall

shall become intitled to such Works and Premisses, shall have such Rights, Liberties, Powers, Privileges, and Authorities, as are hereby given or granted to the said respective Undertakers, subject to such Rules, Orders, Directions, and Provisions, as are herein before stipulated, directed, established, and provided, in, for, about, or concerning the said intended Navigation, or such and so many of them as shall be then in Force or capable of taking Effect.

Act 32 Geo. II. repealed.

And be it further enacted, That the aforesaid recited Act, made in the Thirty second Year of the Reign of His late Majesty King George the Second, intituled, An Act for making the River *Stort* navigable, in the Counties of *Hertford* and *Essex*, from the new Bridge in the Town of *Bishop Stortford* into the River *Lee*, near a Place called *The Rye*, in the County of *Hertford*, be, and the same is hereby repealed.

FINIS.