

AN

ACT

FOR

Making and continuing Navigable the River

Stort, in the Counties of *Hertford* and *Essex*.

Preamble

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

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 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 thentofore incurred) and risqué 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 Aid 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, That the said *Charles Dingley*, *George Jackson* and *William Masterman*, and

their

their Heirs and Assigns, shall be and are hereby (sic) nominated and appointed Undertakers of the said Navigation,

Undertakers appointed

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 County of *Hertford*;

The Undertakers Power

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, 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 ouzing or flowing of Water out of the said River, Cuts, Trenches, Passages, Streams and Watercourses; and also to erect or make, in or across the said Rivers, Cuts, Trenches, Passages, Brooks, Streams or Watercourses, or upon the Lands adjoining, or near to the 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,

Person or Persons, Body Politick.....= a legal phrase to include every person whether as an individual or a group of any kind.

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 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, nor 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 to 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 Premises, and first making Satisfaction to the respective Owners and Occupiers of and Persons interested in any Mills, Lands, Tenements or Hereditaments, 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 the shall, for that Purpose, order, adjudge, direct or appoint, according to the Tenor and true Meaning of this Act, in case the 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

Land, Tenements or Hereditaments = describes all the rights capable of being owned and enjoyed. Land is the dirt and everything natural under it, attached to it and the air above. Tenements are any structures attached to the land, and hereditaments are any interests in real estate capable of being inherited.

to the true Intent and Meaning of this Act, in case the Persons concerned shall not settle, adjust, or agree upon the same;

Appointment of Commissioners

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 Lang*, 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*, *Nicholson 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*, *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. *Richard Hynde*, D.D. the Reverend *Nathaniel Geering*, *John Allen*, *Robert Tooke*, *John Pincent*, *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 Henshaw*, *John Canning*, *Allinson*, *Paul Wright*, *William Smyth*, *Joseph Clapp*, *Robert Fowler*, *John Horsley*, *Chere*, *John Lawrence*, *William Saunders*, *Jonathan Lipyeat*, Clerks; *Peter Calvert*, L.L.D. *John Fisher*, M.D. *John Fisher*, junior, M.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 *Highstreet*, *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

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 Swoorder, William Swoorder, 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, George Jennings, Michael Pepper, George Hankin, John Hankin, Henry Cooper, William Cooper, Gentlemen; Newdigate Poyntz, Thomas Appleby, Esquires; Sir Charles Smith, Sir William Wake, Baronets, shall be and are hereby constituted and made Commissioners;

The Commissioners Office and Power

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 and the Owners, Occupiers, or other Persons interested in such Lands, Tenements, Hereditaments and Premises 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 or Money in Gross, or other Satisfaction, every Tenant or other Person having a particular Estate, Term or Interest, in any of the Premises, shall have or receive, for his, her or their respective Interest or Right;

upon any of the Parties declining the Commissioners Determination,

and if the said Undertakers, or any Two of them, or other Person or Persons, Bodies Politick, or 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 any 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, or Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left 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,

or upon Persons refusing to treat with the Undertakers

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

Com-

Commissioners, or any Three or more of them, shall and may,
The Commissioners empowered to have a Jury summoned before them.
 and they are hereby authorized and empowered, 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 of, or compounded for, lies; or in case such Sheriff shall happen 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 impanel, 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 impanel, 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,
Sheriff or Coroner, for every Default, to forfeit
 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;
Issues to be returned and levied upon Jurors not appearing
 and also to return in Issues upon every Person so impanelled 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 Chattels 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,
and to return a Tales de Circumstantibus
 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;
Commissioners may summon Witnesses to appear before them
 and the said Commissioners, or any Three or more of them, are hereby empowered, 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 or Persons as shall be thought proper or necessary to be examined as Witnesses touching the Matters in question;
and may order the Jury to view
 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;
Jury to assess Damages
 which Jury, upon their Oaths, to be administred (sic) 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 empowered to administer) shall inquire of, assess and ascertain
 the

40s or £2 = £204 (in 2009); Tales de Circumstantibus = An order to the local sheriff to round up as many new jurors as may be required to complete a jury

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 Premises;

and Commissioners give Judgement finally

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 Premises, 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 Premises, 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 as Bodies Politick and Corporate, Infants, Ideots, Lunaticks, Femmes-Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, Administrators, and all claiming by, from or under him, her or them, or any of them.

Witnesses not appearing, or refusing to be sworn

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 Premises, 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,

to forfeit

shall for every such Offence forfeit and pay to the said Undertakers, or to whom

they

Femes Covert = A married woman who had no rights except through her husband;
 Tenants in Tail = Estate which can only pass to an heir (not outside the family)

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 Chattels 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.

Commissioners are to determine who shall pay the Expence of the Jury and Witnesses

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 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 or returning such Jury, for such Recompence or Satisfaction, that then the Expenses 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 or more of them, shall be deducted and taken out of the Monies so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged.

Commissioners Decrees are to be filed with the Clerk of the Peace of the respective Counties.

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 Ninepence, and so proportionably for any greater or lesser Number of Words.

And

Bodies Politick and corporate and Husbands, Guardians &c. of disqualified Persons, may sell and convey to the Undertakers.

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 Femmes-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 affecting 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 and 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 or Femmes-Covert or other Person whatever, 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;

Conveyances to be inrolled.

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 Ninepence, and so in proportion for any greater Number of Words.

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

And be it further Enacted and Declared That upon Payment of the Sum or Sums agreed on, contracted for 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 and Persons

as

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 fit 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 fit or act in any of the Cases before or herein after-mentioned, unless such Commissioner or Commissioners shall be respectively seized of or entitled, at the Time of such fitting 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;

Penalty of acting if not qualified

and in case any Commissioner shall fit or act, being so interested, or not having such Estate as aforesaid, every such Person so fitting and acting shall forfeit the Sum of Fifty Pounds to any Person and 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 Impar lance 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.

And

Upon Death or Refusal of any Commissioners 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 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 maybe 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, recover and take to and for the proper Use and Behoof of them the said Undertakers, their Heirs or Assigns, in respect of their Charges and Expences aforesaid, for all and every and 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 ant 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 Pease Six-pence, for every Quarter of Malt or Oats Four-pence, for every Quarter of Barley, or any sort of Grain not before enumerated, Five-pence, for every sack of Meal or Flour containing Five Bushels, Four-pence, for every Chaldron of Coal, 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; and for every Ton of Oil-cakes, Malt-dust, Pigeon-dung, or other Manure of any Kind whatsoever, the sum of One Shilling and Six-pence, 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, 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;

Undertakers Remedy for Rates and Duties by Action.

and in case

of

Four-pence (4d) = £1.70 ; 5d = £2.12; 6d [2½p]= £2.55; One Shilling and Six-pence (1s 6d) [7½p] = £7.64; 2s 6d [12½p] = £12.70.

Chaldron = approximately 28 cwt (3136 lbs); behoof = benefit

of Refusal, Neglect or Denial of Payment on Demand of the several Tolls, Rates and Duties above-mentioned, 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 Goods or Vessels, for which 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,

Distress may be sold after five Days

it shall and may be lawful for the said Undertakers, their Heirs or 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.

No Tolls to be taken for the back Carriage of Oil-cakes, Malt-dust, Pigeon-dung or other Manure

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, Commodities or other Things, for which Tolls, Duties and Rates shall have been paid by virtue of this Act; any Thing herein contained to the contrary thereof notwithstanding.

Reports to be made of Loading and Directions to Masters of Vessels

And, for the more easy collecting the said Tolls, **Be it further Enacted,** That every Person having the Charge of any Boat or Vessel, passing on the said River, Cuts or Trenches, shall give a true Report, or an Account in Writing, signed by himself, unto such Person and 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, Merchandize, Commodities or 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

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, Merchandize, 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, Merchandize, Commodities or 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, Merchandize, 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 shall also 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, Merchandize, Commodities or other Things, One Shilling for every Hour that such Boat or Vessel shall be so detained; and in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, by Warrant or warrants under the Hand and Seal of any Justice of the Peace for the said County of *Hertford* or *Essex*, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels so distrained.

Undertakers to set up Gates, &c. over the 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 Bridges over new Cuts.

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 or 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 or Assigns, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniences 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

time to time, maintain and keep the said Bridges or Conveniences 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 do to be raised at proper Places for draining the same, and shall, from time to time, keep such Banks and Tunnels in Repair.

Banks not to prejudice the Lands on the opposite Side.

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.

Undertaker 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 Men 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, or 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

them, shall have full Power, from time to time, and at all Times, to settle, agree upon and award such a Recompence and Satisfaction to be made for the same, to the Person or Persons injured or aggrieved, as they shall judge fit and reasonable, in such manner as the other Damages, herein before-mentioned are provided for; but if it shall happen that the 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 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, impanelled and sworn in manner as aforesaid, and the Jury so returned shall enquire how far the said Undertakers, their Heirs and Assigns, or their Agents or, have in 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 appointed by the said Commissioners as aforesaid, 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, their Heirs and Assigns, or any Two of them, to recover the same, with their Costs and Damages.

No Person to be intitled to Satisfaction, unless Complaint be made within [space] Months

¶ Provided always, That no Person or Person (sic) whatsoever shall be entitled 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

Com-

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 recompense for the Damage to be complained of.

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

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 hid, 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 enquired 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 on 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 their 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 and Assigns, as a Recompence for such Damage, Spoil or Mischief as the said Justice shall think proper, not exceeding treble the Amount or Value thereof; and in the 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 Chattels of such Owner or Owners, by Warrant under the Hand and Seal of such Justice, rendering to the Owner the Overplus (if any be) after such Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale have been first satisfied and paid; and if any Trespass or Damage of such shall be done to the Owners or Possessors of such Lands, Tenements or Here-

ditaments

ditaments, 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 Courts of Record at *Westminster*; and if found guilty, or a Verdict pass against him, her or the m, 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.

Penalty on Persons 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 Undertakers, their Heirs and Assigns,

Forfeit Forty Shillings

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 and 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 Owners 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 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

shall run 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 misspend or waste the Water, to the Prejudice of the said Navigation, every such Person, for every 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 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, forfeit and **Penalty:** pay to the said Undertakers, their Heirs and Assigns, the Sum of Twenty Pounds.

Satisfaction to be made to Millers for opening and shutting of Sluices.

And it is 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 and 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 of the River

And it is also 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

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 or 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 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 **Penalty** 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 Occu-

piers

piers 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 the said 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 before granted for the recovering thereof, which is hereby nevertheless reserved to him and them respectively, and the other Moiety of the said 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 and 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 empowered 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.

And

Power of making Bye-Laws, for the 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 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, Waterman 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 and inflicted by such Ways and Means as they shall direct, and to them shall seem meet; which said Bye-Laws, Orders or Constitutions being put into Writing, under the Hands and Seals of by 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;

Persons aggrieved may appeal to the Quarter-sessions

but any Person or Persons thinking himself, herself or themselves aggrieved (sic) 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 it 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 or Seal as a Commissioner shall appear to have been set to the said Bye-law, Order or Constitution which occasioned such Complaint.

Upon Payment of the Rates and Duties, the Navigation to be free

And be it further Enacted, That the Navigation, and the Works, Towing-paths, private Ways and Roads hereby authorized to be made and set out, shall be free for the Use of all Persons, and their Boats,

Vessels

Vessels, Horses and Carriages, upon payment of such tolls as shall be appointed to be taken by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied

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 and Forfeitures do not exceed the Sum of Five Pounds be recovered by Distress and Sale of the Offenders Goods and Chattels, 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 Goal (sic) 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 such Fines, Penalties and 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

Persons agreived (sic) may appeal to Quarter-sessions

Provided always, and be it further Enacted, That all Persons who shall think themselves agreived by the Order of 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 Judgements 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 (sic) by any Writ of *Certiorari*, or otherwise, into any of his Majesty's Courts of Record at *Westminster*, or elsewhere; and that no Order or Proceeding to be had or made by or before any Justice of the Peace, relating to the Execution of this Act, shall be quashed or vacated for want of Form only.

And

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 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 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 empowered 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 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 to be 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 (sic), Direction, Survey or Order of any Commission of Sewers, or to any Law and Statute relating to Sewers; any Thing in any former Law or Statute contained to the contrary notwithstanding.

Navigation to be 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 and Statute to the contrary notwithstanding.

And

Proceedings to be entered in a Book.

And be it further Enacted, That the by 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,

Books may be read Evidence

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.

Writings 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 the Act, shall be subject to any Stamp Duty whatsoever.

Preservation of Rights to Lords of Manors, Landowners, &c.

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 and Assigns, or any of them, and without paying any of the Rates or Duties aforesaid, so as such Pleasure-boats 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 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 the 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 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 Ware-houses, Weigh-beams, Cranes, Quays,

Landing

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 Ware-houses, 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 Ware-houses, 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 Ware-houses, Weigh-beams, Cranes, Quays, Landing-places or Wharfs, upon his, her or their Lands, Wastes or Grounds lying upon the said River or Cuts.

¶**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 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 Ware-houses, Weigh-beams, Cranes, Quays, Landing-places and 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 Ware-house, Weigh-beam, Crane, Quay, Landing-place or Wharf, or other Works, on the respective Part or Parts of such Lands, Grounds and Wastes comprized in the said Notice; then, in every such Case, by 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 and any of the Purposes aforesaid, first making Satisfaction for the same, in such Manner as is directed with respect to other Lands and Grounds which shall be taken and used for the like Purposes.

Not to carry the Navigation within Two hundred Feet of Mr Turvin'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 Turvin*, Esquire, in the Parish of *Gilstone*, than Two Hundred Feet; any Thing herein contained to the contrary notwithstanding.

No more than one Lock between Bolt Mead (sic) 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 *Sawbridgeworth*, called *But Mead (sic)*, being the land of *Rebecca Sworder*, Widow, where the said River divides itself into Two

Branches,

Branches, and a certain 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, Ware-house, 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 to; 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 Preserving the Old River as a Boundary

Provided also, That in Case it shall be found necessary to make any new Cut between the aforesaid Places called *But Mead* and *Five Acre Mead*, such new Cut shall not be made before the North-west Front of the Mansion-house called *Pishiobury*, 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 notwithstanding.

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

And be it further Enacted, That all and every Warrant and Warrants that shall or may be granted by any Person or Persons enabled or empowered 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, nor the Party distraining deemed a Trespasser ab initio

And be it further Enacted, That where any distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining;

Plaintiff not to recover, if Tender of Amends shall have been made

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.

Limitation of Actions

And be it further Enacted, That if any Action, Suit or Information shall be brought or commenced against any Person or Per-

sons

sons, 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;

General Issue

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 (sic) 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 same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Public Act

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

Times and Places of General Meetings of the Commissioners Meeting.

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 Bacon*, known by the Sign of the *Crown*, in *Hockerill* 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,

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 (sic), 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 be 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 empowered to do any Matter or Thing in the Execution of this Act, otherwise than at a Meeting to be held in pursuance thereof; 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 Commissioners, or any of them, shall be revoked or altered, unless Nine Commissioners shall be present.

Undertakers may raise Money among themselves, to carry on the works and divide the same into Shares, and no Person to have less than one Share, or more than (end of sentence)

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 (sic) 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 (sic), 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.

Persons having Shares to be in proportion 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 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 Autho-

riety

rity of this Act;

Shares to be vested as real Estate, and conveyed as such.

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,

The Form of Conveyances

*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.*

Duplicate to be filed, and kept by the Clerk

And it is hereby further Enacted and Declared, That for the Security as well as of the said Purchasers as of the said Undertakers, such Instrument or Writing of Sale, and also a Duplicate or Counterpart thereof 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.

Meeting of the Undertakers

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 and 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

May appoint Treasurer

and they are hereby authorised 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

the Purposes of this Act;

His Office

and 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, 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 and Assigns, at least Six Days before the Time appointed for the Payment of the Money so to be called for.

Proviso.

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;

If Calls not answered, Shares to be Forfeited.

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 or Shares in the said Navigation, unto the others or other of the said Undertakers.

Proviso.

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 the 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 entitled 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, intituled to the real Estate of such Owner or Owners deceased,

shall

shall be indemnified 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 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.

If Undertakers proceed not in the Works, as hereby directed, 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 Premises 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 become intitled to such Works and Premises, 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

said intended Navigation, or such and so many of them as shall be then in Force, or capable of taking Effect.

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.
