



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 83.

An Act for explaining and amending Two Acts, passed in the Tenth and Eleventh Years of King *William* the Third, and the Sixth Year of Queen *Anne*, for making and keeping navigable the River *Tone*, from *Bridgwater* to *Taunton* in the County of *Somerset*. [14th July 1804.]

WHEREAS an Act was passed in the Tenth and Eleventh Years of the Reign of His Majesty King *William* the Third, intituled, *An Act for making and keeping the River Tone navigable from Bridgwater to Taunton in the County of Somerset*, and certain Persons therein named, and their Successors, were thereby declared and appointed Conservators of the said River, and Powers were granted to them for making and keeping the same River navigable; and for reimbursing them the Principal Money which they had laid out or should lay out in making or keeping the said River navigable, and otherwise as therein mentioned, together with Interest after the Rate therein expressed, certain Tolls were imposed on Vessels passing to and fro on the said River; and after the said Conservators should have been fully reimbursed in Manner therein mentioned, then the Tolls were to be reduced to certain Rates therein also expressed; and it is provided that the reduced Tolls should be applied in keeping the said River navigable, and that the Surplus should be disposed of for the Benefit of the Poor of the Town of *Taunton*, and Parishes of *Taunton Saint Mary Magdalen* and *Taunton Saint James* in the County aforesaid, in the Manner therein mentioned: And the Right Reverend the Lord Bishop of *Bath and Wells*, and the Justices of the Peace for the said County of *Somerset*, or any Five or more of them, were thereby empowered annually to examine, state, correct, and allow the Accounts

[Loc. & Per.] 15 Z of

Recital of Act
of 10 and
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relating to the
Navigation.

Recital of the Act of 6th Anne, relating to Navigation.

Recital that the Conservators had expended considerable Sums of Money in making the River navigable.

Recital that Doubts have arisen on the Construction of the Acts.

Repeal of some of the Powers given by the former Acts to the Bishop of Bath and Wells, and the Justices of the County of Somerset; and other Powers substituted in Read thereof.

of Money received and paid by the said Conservators, and to appoint and make Distribution of the Surplus Monies, in the Manner and to the Uses by the said Act declared: And whereas by an Act passed in the Sixth Year of the Reign of Her late Majesty Queen Anne, intituled, *An Act for the more effectual making and keeping the River Tone navigable from Bridgwater to Taunton in the County of Somerset*, certain additional Tolls were granted to the said Conservators, and they were directed to account for and apply the same in the same Manner as is mentioned in the said first recited Act, with respect to the Tolls thereby granted: And whereas since the passing of the said recited Acts, the Conservators of the said River Tone have expended from Time to Time considerable Sums of Money in making and keeping the same navigable, and there remained and was due to the said Conservators, for Principal Money, on the Twenty-third Day of June One thousand eight hundred and three, the Sum of Thirteen thousand Pounds, as appears by Two several Orders or Allowances of Five of His Majesty's Justices of the Peace of and for the said County of Somerset, made respectively on the fourth and thirteenth Days of July One thousand eight hundred and three, in pursuance of the said recited Acts: And whereas Doubts have arisen on the Construction of some of the Provisions of the said recited Acts, relating to the Examination, Settlement, and Allowance of the Accounts of the said Conservators, and it is expedient that the same should be repealed, and other Powers granted for those Purposes, and that the said Acts should be amended in some other Respects: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and immediately after the passing of this Act, all Powers and Authorities given or granted to or vested in the Bishop of Bath and Wells for the Time being, and the Justices of the Peace for the said County of Somerset for the Time being, or any of them, by or by virtue of the said Acts of the Tenth and Eleventh Years of the Reign of His late Majesty King William, and of the Sixth Year of the Reign of Her late Majesty Queen Anne, or either of them, to examine, state, correct, and allow the Accounts of the said Conservators, shall be and the same are hereby repealed; and instead of such Powers, the Accounts of the said Conservators shall be made up to the Twenty-fourth Day of June yearly; and that the said Accounts so made up, and the Vouchers for the same, shall, if and when required by the said Bishop and Justices, or any Five of the said Justices without the said Bishop, be brought before the said Bishop and Justices, or any Five of the said Justices without the said Bishop, between the First Day of August and the then next General Quarter Sessions of the Peace to be held in and for the said County, at such Place within the said Town of Taunton, or Ten Miles thereof, as by them the said Bishop and Justices, or any Five of the said Justices without the said Bishop, shall be appointed, then and there to be examined, stated, and corrected; and that the said Accounts so made up by the said Conservators, whether or not the same shall have been examined and corrected by the said Bishop and Justices, or any of them as herein last before mentioned, shall be brought before the said Bishop and Justices, or any Five of the said Justices, in the Absence of the said Bishop, at the Opening of the Court of the next General Quarter Sessions of the Peace to be held in and for the said County after the said First Day of August yearly, there to remain during the Whole of that Sessions for the Inspection of any Persons desiring the same, without Fee or Reward; and the said

Bishop

Bishop and Justices at the said Sessions, or any Five of the said Justices, in the Absence of the said Bishop, are hereby authorized and required to examine, state, and allow the said Accounts of the said Conservators; and that the said Accounts being so examined, stated, and allowed as herein last before mentioned, shall be final and conclusive, unless some evident Error or Mistake shall appear therein, which Error or Mistake may be reviewed and corrected in the Accounts of the next succeeding Year, but not afterwards; and that, except in case of such Error or Mistake, the Balance appearing to be due to the said Conservators on each respective Account so examined, stated, and allowed, shall always form and be the Basis of the next succeeding Account.

II. And be it further enacted, That nothing herein before contained shall alter or affect the Distribution of the Surplus of the said Accounts according to the said recited Acts; nor the Power of administering Oaths and summoning Witnesses, by the said first recited Act given to the said Bishop and Justices, or the said Five Justices; nor the Provision therein contained for depositing among the Records of the Sessions a Duplicate of the said Accounts; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Proviso that this Act shall not alter the former Acts as to Distribution, administering Oaths, and summoning Witnesses.

III. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Bridge, Bank, Gate, Fence, Towing Path or Lock, or other Work or Works belonging to the said Navigation, or to the said Conservators, every such Person being thereof convicted, shall be deemed a Felon, and shall be subject and liable to such Punishment as Persons convicted for Petty Larceny are by the Laws in being subject and liable to.

Persons wilfully destroying the Works to be punished as Felons.

IV. And be it further enacted, That if any Boatman or Bargeman, or any Person employed in navigating or towing or drawing any Boat, Barge, or other Vessel, upon the said River, shall at any Time do any wilful Hurt, Damage, Spoil, or Destruction to any Corn, Grass, or Hay, or any Gates, Stiles, Hedges, or Fences, or any Lands or Tenements near or adjoining to the said River, or the Towing Paths belonging to the said Navigation, every Person so offending, and being convicted thereof before any Two Justices of the Peace of the County of *Somerset*, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay to the Occupiers of the Lands where such Trespass shall be committed any Sum not exceeding Double the Amount of the Damages occasioned by such Trespass, to be ascertained by such Justices.

Punishing Boatmen committing Trespasses.

V. And be it further enacted, That it shall be lawful for the Conservators of the said River for the Time being, or the major Part of them, to make any Orders or Regulations in Writing for the Government to the Boatmen, Bargemen, or others, in navigating Boats or Barges, or floating Timber on the said River, which Orders or Regulations, being laid for Examination and Correction before the Justices of the Peace assembled at any General Quarter Sessions to be held for the said County next after *Midsummer*, and published Twice in some Newspaper commonly circulated in the said County, between that Time and the next General Quarter Sessions of the Peace to be held for the said County after the following *Michaelmas*, and then approved and confirmed at such last mentioned Sessions, shall be duly observed and kept by all Persons using the said River for navigating Boats, Barges, and other

Conservators to make Orders with the Approbation of the Justices in Sessions for the Government of Persons navigating on the River.

other Vessels, or floating Timber; and that every Person who shall offend against any of such Orders or Regulations, being thereof convicted before any One of His Majesty's Justices of the Peace for the said County, shall for every such Offence forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings.

Recovery
and Applica-
tion of Fines
and Forfeitures.

VI. And be it further enacted, That all Fines and Forfeitures imposed by or under the Authority of this Act, shall, in case of Non-payment thereof on Conviction of the Offender, be recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Two or more Justices of the Peace for the said County of *Somerset*, and such Justices are hereby authorized and required to examine Witnesses on Oath, and hear and determine all Complaints arising under this Act; and all such Fines and Forfeitures, except such as are herein-before given to the Occupiers of the Lands whereon Trespases shall be committed, shall be paid into the Hands of the Treasurer or the Clerk to the said Conservators, and shall be accounted for, applied, and disposed of in the same Manner as the Tolls arising from the said Navigation, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fine or Forfeiture, and the Expences of recovering the same, shall be rendered to the Owner of the Goods and Chattels; and for Want of sufficient Distress whereon to levy any Fine or Forfeiture, and in case the Fine or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction of the County of *Somerset*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

VII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Conviction, Order, Judgement, or Determination of any Justice or Justices of the Peace made in pursuance of this Act, may, within Six Calendar Months after such Order, Judgement, or Determination shall have been made, (first giving Twenty Days Notice of the Complaint to the Person or Persons against whom the same is intended to be made,) complain to the Justices of the Peace at their General Quarter Sessions to be held in and for the said County of *Somerset*; and the said Justices shall hear and determine the Matter of such Complaint in a summary Way, and may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Conviction, Order, Judgement, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Publick Act.

VIII. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.