



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI II. REGIS.

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## Cap. lxxi.

An Act for amending and rendering more effectual an Act of His late Majesty King *William* the Third, for making the River *Lark*, alias *Burn*, navigable. [10th July 1817.]

**W**HEREAS by an Act made in the Eleventh and Twelfth Years of the Reign of His late Majesty King *William* the Third, intituled *An Act for making the River Lark, alias Burn, navigable*, it was enacted that *Henry Ashley* of *Eaton Socon* in the County of *Bedford*, Esquire, his Heirs and Assigns, should be and were thereby empowered and authorized, at his or their own Costs and Charges, to make navigable and passable with Boats, Lighters, and other Vessels, the said River *Lark*, otherwise called *Burn*, from a Place called *Long Common*, a little below *Mildenhall Mill* on the said River, where it then ceased to be navigable, to *Eastgate Bridge* in *Eastgate Street* in *Bury Saint Edmunds* aforesaid; and likewise to improve the Passage for Boats, Lighters, and other Vessels on the said River, from *Worlington* to the said Place called *Long Common*; and for those Purposes to cleanse, scour, open, enlarge, or straighten the said River, and to dig or cut the Banks of the same, and likewise to cleanse, scour, and open any other Streams, Brooks, Ditches, or Watercourses, and to cut and dig the Banks of the same, as to the said *Henry Ashley*, his Heirs or Assigns, should seem convenient, and to make such new Cuts, Trenches, or Passages for Water, in the Lands or Grounds adjoining or near to the said River, as the said *Henry Ashley*,

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[Local.]

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his



his Heirs or Assigns, should think necessary for the bringing in any other Streams, Brooks, or Watercourses into the said River, or otherwise for the better carrying on or effecting the said Undertaking; and likewise to build over or in the said River and Watercourses such Bridges, Sluices, Pens of Water, Locks, Wears, Stanks, Dams, and other Works, as and where the said *Henry Ashley*, his Heirs or Assigns, should think convenient, and from Time to Time to alter, repair, and amend the same, and to make such Ways, Passages, and other Conveniences as the said *Henry Ashley*, his Heirs or Assigns, should think fit, for carrying or conveying Merchandizes, Goods, or Commodities to or from the said River or Cuts, with free Liberty of Ways to convey Materials for erecting and altering the said Works, and to lay the said Materials on the Grounds near the said Works; and in the Grounds adjoining or near to the said River to dig, take, and carry away so much Earth as should be required for making, altering, or repairing all or any the Works afore-mentioned, or for making or maintaining the said River, Streams, Cuts, and Passages navigable as aforesaid; and the said *Henry Ashley*, his Heirs and Assigns, were thereby likewise empowered and authorized to amend and alter such Bridges, and to turn and alter such Highways as were then upon or over the said River, Streams, or Watercourses, and that did or might hinder the Navigation or Passage thereon; and to set out and appoint Towingpaths and Halingways on the Grounds adjoining or near to the said River, Cuts and Watercourses, as he or they should think convenient, and to remove and take away all Trees and other Impediments which might hinder Navigation, either in sailing or haling of Boats, Lighters or other Vessels, with Men, Horses, or otherwise, and to do all other Matters and Things which the said *Henry Ashley*, his Heirs or Assigns, should think necessary for the making or improving of the said navigable Streams or Passages, or maintaining or preserving the Navigation thereof; the said *Henry Ashley*, his Heirs or Assigns, first giving Satisfaction to the Owners or Proprietors of such Lands, Tenements, or Hereditaments as should be digged, cut, removed, or otherwise made use of for the carrying or effecting the said Navigation, in all or any Part of the said River, or for maintaining and managing the same, as therein-after is directed; and after reciting, that as a great Part of the Lands and Grounds of *William Gage* Esquire, and of several other Persons lying adjacent to the said River, were always several and of great Value, it was therefore further enacted, that so far as the Watermen or Boatmen should hale or tow upon such of the Lands or Grounds of the said *William Gage*, or of any other Person as aforesaid, the said *Henry Ashley*, his Heirs and Assigns, at his or their own proper Costs and Charges, should make and maintain a sufficient Ditch between such Halingway or Towingpath and the Residue of the Lands and Grounds of the said *William Gage*, or of any other Person as aforesaid, lying more distant from the said River or navigable Passages; and it was further enacted, that for the better effecting the Premises, and due rating the Things for which Satisfaction should be given by the Intent of the said Act, several Persons therein named or described were appointed Commissioners for adjusting the said Rates, and determining what Satisfaction should be given for such Lands, Grounds, and Hereditaments as should be intended to be cut, digged, removed, or otherwise made use of for carrying on or effecting the Undertaking aforesaid, and in case the Owners of the said Lands, Tenements, and Hereditaments, and the said *Henry Ashley*, his Heirs or Assigns, should not agree for the same, or if any Person through any legal Disability



could not contract for the same, that then the said *Henry Ashley*, his Heirs or Assigns, having made it appear to the said Commissioners how, where, and how much of the said Lands, Tenements, and Hereditaments adjoining or near to the said River were to be digged, cut, or otherwise made use of, and how and where the said Bridges, Sluices, Locks, Wears, Stanks, Dams, or other Works were to be erected or made, the said Commissioners were to proceed in Manner therein mentioned to ascertain what Damages should be sustained, and what Satisfaction should be made for the Lands, Tenements, or Hereditaments which should be made use of for any of the Purposes aforesaid, which Determination should be binding upon all the Parties concerned; and upon Payment of the Money so ascertained, according to the Order of the said Commissioners, the said *Henry Ashley*, his Heirs or Assigns, were thereby empowered to make and execute the several Works aforesaid, and he and they were thereby required to maintain, repair, and amend all such Bridges, Sluices, Stanks, Pens of Water, Dams, Cuts, Trenches, Halingpaths, Locks, and Passages as aforesaid; and it was further enacted, that for supplying the Number of the Commissioners thereby appointed in case of Death, the surviving Commissioners, or any Fifteen of them, were directed to nominate and appoint some other Person or Persons, qualified as therein mentioned, in the Place of him or them that should die; and the said *Henry Ashley*, his Heirs and Assigns, were thereby authorized to demand, receive, and take, for his and their own Use, certain Tolls and Duties upon all Goods, Merchandizes, Wares, and Commodities that should be carried or conveyed upon the said River; and other Powers, Regulations, and Restrictions were thereby enacted, for the better effecting the Purposes aforesaid: And whereas the said *Henry Ashley*, his Heirs and Assigns, have made the said River navigable, and did for that Purpose cut through the Lands of the Owners of Estates joining the said River, and have made Towingpaths and Halingways along the Side thereof, and have set down divers Locks and Staunches and other Works upon the said River: And whereas *Susanna Palmer* of *Bury Saint Edmunds* aforesaid, Widow, is the sole Proprietor of the said Navigation: And whereas new Commissioners have not been appointed according to the Directions of the said Act, and there not being now in Existence a competent Number of Commissioners to appoint new Commissioners, several of the Powers vested in the Commissioners by the said Act cannot be carried into Execution, and the Owners of Lands adjoining the said Navigation have sustained considerable Injury by such Powers having been lost; and it is expedient that Commissioners should be appointed, and further Powers given to them by this Act; and that the said recited Act should be altered and amended in many 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 after the passing of this Act, *Sir James Affleck* Baronet, *Nathaniel Lee* Aclon, *Charles Andrews* Clerk, *Thomas Archer*, *Joseph Andrews*, *Sir Thomas Charles Bunbury* Baronet, *Sir Henry Edward Bunbury*, *George Boldero*, *John Benjafield*, *George Boldero* Clerk, *John Boldero*, *George Brown*, *Charles Blomfield*, *William Buck*, *Shelford Bidwell*, *Leonard Shelford Bidwell*, *George Bidwell* Clerk, *James Borton*, *Richard Biggs*, *Richard Eaton*, *Sir Thomas Gery Cullum* Baronet, *Thomas Gery Cullum* Clerk, *Thomas Cockledge*, *Martin Thomas Cockledge*, *Philip James Case*, *Richard Cartwright*, *William Dalton*, the Right Honourable

New Commissioners appointed.



able *Charles Fitzroy* commonly called *Lord Charles Fitzroy*, the Right Honourable *John Fitzroy* commonly called *Lord John Fitzroy*, *Frederick William Hervey Foster*, *William Frere*, *John Fox* Clerk, *Sir Thomas Gage* Baronet, *Thomas Sherlock Gooch*, *John Gage*, *Robert Gwilt* Clerk, *Edward Gwilt*, *Charles Gwilt*, *William Godfrey*, *Thomas Withers Gill*, *Benjamin Greene*, *Henry Hasted* Clerk, *Edward Hogg* Clerk, *John Hawes*, *Timothy Holmes*, *Sir Charles Egleton Kent* Baronet, *Edward Kynaston* Clerk, *Thomas Mills*, *Edward Mills* Clerk, *Joseph Maulkin*, *Robert Maulkin*, *John Muskett*, *Edward Mower*, *William Newton*, *James Oakes*, *Orbell Ray Oakes*, *John Harcourt Powell*, *Sir William Rowley* Baronet, *Robert Rushbrooke*, *Robert Gage Rookwood*, *Edward Rogers* Clerk, *Thomas Robinson*, *John Ridley*, the Right Honourable *Henry Charles Howard* commonly called *Earl of Surrey*, *John Stutter*, *John Symonds*, *Harry Spencer Waddington*, *William Walker*, *Henry Wakeham* Clerk, *John Wastell* Clerk, *Joseph Wilkinson* Clerk, *James Haddy Wilson Williams* Clerk, *John Woolledge*, and *Henry Wyatt*, shall be and they are hereby appointed Commissioners for the Purposes in the said recited Act and this Act mentioned, and for putting the Acts in Execution.

Commis-  
sioners to  
elect others  
in the Room  
of such as  
die or refuse  
to act.

II. And be it further enacted, That when any Person or Persons hereby appointed a Commissioner, and who shall hereafter be appointed a Commissioner in pursuance of this Act, shall die or refuse to act in the Execution of the said recited Act and this Act, it shall be lawful for the surviving or remaining Commissioners for the Time being, from Time to Time to elect and appoint one other fit and proper Person to be a Commissioner in the Room of every Commissioner so dying or refusing to act, and so from Time to Time as often as Occasion shall require; and every Person so elected and appointed, being qualified according to the Directions of the said recited Act, shall be a Commissioner for the Purposes of the said recited Act and this Act, and be vested with the same Powers and Authorities for executing the same Acts as if he had been appointed a Commissioner in and by this Act.

Power to  
appoint Six  
additional  
Commis-  
sioners.

III. And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Six, to be Commissioners for the Purposes of the said recited Act and this Act, in addition to the Commissioners hereby nominated and appointed.

Power to  
appoint an  
additional  
Commis-  
sioner nomi-  
nated by the  
Proprietors  
of the Navi-  
gation.

IV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, at the Request in Writing of the Proprietor or Proprietors for the Time being of the said Navigation, at their First or any of their subsequent Meetings, to appoint any Person named in such Request to be an additional Commissioner for the Purposes of the said recited Act and this Act, and upon the Death, Refusal, or Incapacity to act of such additional Commissioner, upon the like Request and Nomination of the Proprietor or Proprietors of the said Navigation, to appoint another Commissioner in his Place, and so from Time to Time as often as any such Vacancy shall happen; and every such additional Commissioner so to be nominated and appointed as aforesaid shall be and is hereby invested with the same Powers and Authorities for executing the said recited Act and this Act, as if he had been named and appointed such Commissioner in and by this Act.

V. Pro-



V. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless at the Time of acting he shall, either in his own Right or in Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, held by him or her for a Life or Lives, or for some Estate of Inheritance, of the clear yearly Value of Three hundred Pounds above Reprizes, or be possessed of or entitled to a Personal Estate of the Value of Six thousand Pounds; and if any Person shall act as such Commissioner not having such Estate as aforesaid, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds to any Person or Persons who shall inform or sue for the same, to be recovered by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Qualification  
of the Com-  
missioners.

VI. Provided also, and be it further enacted, That every Commissioner before he shall act in the Execution of the said recited Act and this Act, other than in administering the following Oath, shall take and subscribe an Oath in the Form following:

Commission-  
ers' Oath.

I *A. B.* do swear, That I am, either in my own Right [*or in Right of my Wife*], in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, held by me [*or her*] for a Life or Lives, [*or for some Estate of Inheritance*] of the clear yearly Value of Three hundred Pounds above Reprizes, [*or am possessed of or entitled to a Personal Estate to the Value of Six thousand Pounds*]: And I do swear, that I will truly and impartially, according to the best of my Judgment, execute and perform the Powers and Authorities vested in me as a Commissioner by virtue of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*], and the Act therein recited.

Which Oath any Two or more of the said Commissioners are hereby authorized and required to administer.

VII. And be it further enacted and declared, That all and every the Powers, Authorities, Jurisdictions, Directions, Regulations, Provisions, Clauses, Matters, and Things in and by the said recited Act named, contained, and enacted, and now in force, and not hereby altered, varied, or repealed, shall be in full Force and Effect, and so far as the same or any of them relate to or concern the Powers and Jurisdictions of the Commissioners therein named, shall be exercised, practised, used, enforced, and put in Execution by the Commissioners appointed and to be appointed by virtue of this Act, as fully and effectually to all Intents and Purposes as if all such Powers, Authorities, Jurisdictions, Directions, Regulations, Provisions, Clauses, Matters, and Things had been repeated and re-enacted in the Body of this present Act with relation thereto.

Powers of  
the former  
Act to be  
applicable to  
this Act.

VIII. And be it further enacted, That all Acts, Matters, and Things relative to the Execution of the said recited Act and this Act, or either of them, may be done, executed, and performed by any Nine or more of the Commissioners for the Time being, except in those Cases which are

Nine Com-  
missioners  
may act.

[*Local.*]

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herein



herein particularly directed to be done and executed by any greater or less Number of them.

Commissioners Meetings.

IX. And be it further enacted, That the said Commissioners shall meet at the Shire Hall in *Bury Saint Edmunds* aforesaid, on the Fourth *Wednesday* after the passing of this Act, or so soon afterwards as conveniently may be, for carrying the said recited Act and this Act into Execution, and shall then and from Time to Time afterwards adjourn themselves, and meet at the Place aforesaid, as the said Commissioners shall think proper; and if there shall not appear at any Meeting a sufficient Number of Commissioners to act or to adjourn, or if the Commissioners at any Meeting shall omit to adjourn, the Clerk to the said Commissioners shall adjourn the Meeting to such Time as he shall think fit, not exceeding the Distance of Twenty-one Days then next ensuing, and Fourteen Days Notice of every such Adjournment shall be given in the Newspaper published at *Bury Saint Edmunds* aforesaid, or if no such Newspaper shall then be published, in some other Newspaper then published or generally circulated in the said County of *Suffolk*; and if it should happen that no such Adjournment or Notice as aforesaid shall be made or given by the Clerk, then and from Time to Time as often as Occasion shall require, it shall be lawful for any Three of the Commissioners (although not assembled at a Meeting in pursuance of this Act), to adjourn such Meeting to such Time as they shall think fit, not exceeding Twenty-one Days then next ensuing, and the Commissioners making every such Adjournment shall cause Notice thereof to be given and published as aforesaid; and the said Commissioners shall at all their Meetings defray their own Charges and Expences; and all Orders and Determinations of the Commissioners in the Execution of the said recited Act and this Act shall be made at Meetings to be held in pursuance of the said recited Act and this Act, and not otherwise (except as herein otherwise particularly mentioned); and that no Order or Determination shall be made unless Nine Commissioners shall be present, and the major Part of the Commissioners present shall concur therein.

Meetings on Emergencies.

X. And be it further enacted, That if upon any Emergency any Seven or more of the said Commissioners shall think an extraordinary Meeting of the said Commissioners necessary to be held before the Time appointed by virtue of an Adjournment, or if there shall not be any Adjournment subsisting, then and in either of the said Cases it shall be lawful for any Seven or more of the said Commissioners (although not assembled at a Meeting), by Writing under their Hands, specifying the Time, Place, and Purpose of such extraordinary Meeting, to appoint an extraordinary Meeting of the said Commissioners; and the said Seven Commissioners shall cause at least Eight Days previous Notice to be published in such Newspaper as aforesaid, of the Time and Place of holding such extraordinary Meeting, and of the particular Business intended to be done and transacted thereat, and shall give the like Notice to the Proprietor or Proprietors of the said Navigation for the Time being, or to his, her, or their Agent, and which Business the said Commissioners may do and transact if they shall think fit, and may adjourn to a future Day; and the Proceedings of the said Commissioners at such extraordinary Meeting, and any Adjournment made by them at such Meeting, shall be as valid as they would have been in case the said Commissioners had met pursuant to a regular Adjournment.



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

Commis-  
sioners may  
examine  
Witnesses on  
Oath.

XII. And be it further enacted, That it shall be lawful for the respective Proprietors of the said Navigation for the Time being, and they are hereby required, from Time to Time to appoint a Clerk to attend the several Meetings of the said Commissioners, to enter their Orders, and do all such other Business as the said Commissioners shall direct; and the said Commissioners shall and may allow and appoint to be paid to such Clerk such reasonable Sum of Money for his Attendance, Labour, Trouble, and Expences, as the said Commissioners shall think proper, not exceeding in any one Year the Sum of Forty Pounds, to be paid by the Proprietor or Proprietors of the said Navigation, which Clerk shall be removable at the Will and Pleasure of the said respective Proprietors; and on the Death or Removal of any such Clerk, it shall be lawful for the respective Proprietors and they are hereby required, from Time to Time to elect another in his Stead as herein-before mentioned.

Commis-  
sioners may  
appoint a  
Clerk and  
Overseer.

XIII. And whereas it may be necessary, in order to prevent Injury to the adjoining Lands, that the Width of the present Halingways should be enlarged, and new Halingways made; be it therefore further enacted, That it shall be lawful for the said Commissioners, upon Complaint made by the Proprietor or Proprietors for the Time being of the said Navigation, or by any Owner or Owners of Land adjoining to the said Navigation, to examine and inspect the State of the said Navigation, and to ascertain and determine in the different Parts of the said River what Width of Ground is necessary and requisite to be taken and used as a Halingway for the Towing or Haling Boats upon the said River, without injuring the adjoining Lands; and shall notify the same in Writing to the Proprietor or Proprietors of the said Navigation for the Time being, or his, her, or their Agent, Ten Days previous to the Meeting of such Commissioners, at which Meeting the said Commissioners shall take the Matter contained in such Notice into Consideration; and after hearing such Proprietor or Proprietors, Agent or Agents, and the Owner or Owners of such Lands, if they or any of them shall attend such Meeting, the said Commissioners then present shall make such Order therein as to them shall seem expedient, or if they think fit so to do, shall adjourn the further Consideration thereof to some future Meeting or Meetings, as they shall think proper; and make such Order as to them shall seem expedient at such future Meeting or Meetings, which Order or Orders, or a Copy thereof, shall be served upon such Proprietor or Proprietors, his, her, or their Agent or Agents, and upon the Owner or Owners of such Lands, and shall be binding and conclusive upon such Proprietor or Proprietors, and upon such Owner or Owners; and from and after the making of such Order or Orders concerning such Halingways, the Proprietor or Proprietors of the said Navigation shall be and is and are hereby required to make the several Halingways upon the said River of such Width and Extent as shall be specified

Commis-  
sioners may  
direct Haling-  
ways to be  
widened.



specified and directed in such Order or Orders, first giving due and proper Satisfaction for such Lands or Grounds which shall be taken for such Halingways, to the Owners thereof.

Commis-  
sioners to ex-  
amine into  
the Value of  
Lands for  
Halingways.

XIV. And in order to ascertain and fix the due and proper Recompence and Satisfaction to be made for such Halingways, in case the Proprietors of the said Navigation, and the Owners or Proprietors of such Lands or Grounds to be taken and used for such Halingways cannot agree in the Recompence and Satisfaction to be made for the same; be it further enacted, That it shall be lawful for the said Commissioners to name and appoint One or more Meeting or Meetings for taking the same into Consideration, of which Meeting or Meetings respectively Fourteen Days Notice in Writing shall be given to the Proprietors of the said Navigation respectively, or to any Person or Persons receiving any of the Rates and Tolls thereof, and also to the several Owners of the Lands and Grounds which shall be required to be taken for such Halingways, or to the respective Agents of such Owners, or to the Occupier of such Lands and Grounds, that they may respectively, if they shall think fit so to do, attend such Meeting or Meetings, and be heard as to the Value of such Lands or Grounds to be taken for such Halingways, at which Meeting or Meetings the said Commissioners are hereby authorized and empowered to take the same into Consideration, and for that Purpose to examine Witnesses on Oath touching the Value of the Lands or Grounds to be had, taken, and used for such Halingways, or any Part thereof; and the said Commissioners are hereby empowered, by Writing or Writings under their respective Hands, to determine and adjudge from Time to Time what Sum or Sums of Money shall be paid by the Proprietor or Proprietors of the said Navigation as a Recompence for the Use of the Lands or Grounds which shall be set out and directed to be taken, had, and used for such Halingways respectively as aforesaid.

Parties dis-  
satisfied with  
Commis-  
sioners' De-  
termination,  
a Jury to be  
summoned.

XV. Provided always, and be it further enacted, That if the Proprietor or Proprietors of the said Navigation, or any of them, shall be dissatisfied with any Determination of the said Commissioners, either concerning any Sum to be paid as a Recompence for the Use of the Lands which shall be required for such Halingpaths, or concerning any Recompence for Damages which shall have been sustained by cutting, digging, or using any Lands or Tenements in pursuance of the Powers contained in the said recited Act and this Act respectively, and shall give Notice in Writing of such Dissatisfaction to Two or more of the said Commissioners within Fourteen Days next after such Determination; or if any One or more of the Owners of or Persons interested in the Lands or Grounds which shall be intended to be taken for such Halingways, or which shall be cut, digged, or used for any other of the Purposes of the said recited Act or this Act, or any of them; or the Agent or Agents of any such Owner or Owners, being incapable of acting for himself, herself, or themselves, shall be dissatisfied with any Determination of the said Commissioners, and shall give Notice in Writing to Two or more of the said last-mentioned Commissioners of such Dissatisfaction, within Fourteen Days next after such Determination; and if the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in Dispute may be submitted to the Determination of a Jury; then and in every such Case the said Commissioners are hereby empowered and required from Time to Time

to



to cause the Matter of such Dispute to be ascertained, settled, and determined by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Suffolk* (which Oaths the said Commissioners are hereby empowered to administer), and in order thereto the said Commissioners are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Commissioners are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in Question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Recompence for Damages, the said Commissioners shall thereupon order, adjudge, and determine the Payment of the Damages so assessed by the said Jury, to be paid at such Time or Times, and in such Manner, Shares, and Proportions, to the Owners and Occupiers of or other Persons interested in any such Lands and Tenements respectively, according to the Verdict of the said Jury, which said Verdict and Judgment, Order or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever; and for summoning and returning any such Jury the said Commissioners are hereby empowered to issue their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of *Suffolk*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to empanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, or returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons interested shall have their lawful Challenges against the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to, but shall not challenge the Array.

Juries may  
be chal-  
lenged.

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

Jurors and  
Witnesses to  
be paid.

[Local.]

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XVII. And



By whom  
Expences of  
Jury to be  
paid.

XVII. And be it further enacted, That in every Case where a Verdict shall be given for a greater Recompence for Damages than had been previously offered for or on Behalf of such Proprietor or Proprietors of the said Navigation before the Meeting of the said Commissioners, or than had been by the said Commissioners determined and adjudged as aforesaid, then and in all such Cases all the Expences of calling a Meeting of the said Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners, and be defrayed and paid by the Proprietor or Proprietors of the said Navigation; but if a Verdict shall be given for the same or a less Recompence for Damages than had been previously offered by or on Behalf of the Proprietor or Proprietors of the said Navigation, or had been previously determined or adjudged by the said Commissioners, then and in all such Cases the Costs and Expences of calling a Meeting of the said Commissioners, summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the Proprietor or Proprietors of the said Navigation shall have such Controversies or Disputes: Provided, that in all Cases where any Person or Persons shall by reason of ill Health or other Impediment (to be allowed by the said Commissioners as a sufficient Cause of Absence) have been prevented from treating with the said Proprietor or Proprietors, such Costs and Expences shall be borne and paid by the Proprietor or Proprietors of the said Navigation in Manner aforesaid.

Persons re-  
quiring a  
Jury to give  
Bond to pro-  
secute.

XVIII. Provided always, and be it further enacted, That all and every Person or Persons requesting a Jury to be summoned, shall, before the said Commissioners shall issue out their Warrant for that Purpose, enter into a Bond, with Two sufficient Sureties, to the Clerk of the said Commissioners, in the Penalty of One hundred Pounds, with Condition to prosecute his, her, or their Complaint, and to bear and pay all such Costs and Expences of summoning such Jury, and taking such Verdict, as according to the Event of such Verdict he, she, or they may become liable to pay.

Penalty on  
Sheriff, Ju-  
rymen, and  
Witnesses  
making De-  
fault.

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

Lands not to  
be taken Pos-  
session of till  
the Consider-  
ation Money  
paid.

XX. Provided always, and be it further enacted, That it shall not be lawful for the Proprietor or Proprietors of the said Navigation, or any other Person or Persons, by virtue of the said recited Act and this Act, to take Possession of any Lands or Hereditaments authorized to be purchased, taken, or used for the Purposes of the said Acts, until the Consideration Money shall have been paid for the same, according to the Directions, true  
Intent,



Intent, and Meaning of the said recited Act and this Act, unless with the previous Consent of the Person or Persons in the actual Seisin or Possession of such Lands or Hereditaments, testified by Writing under his, her, or their Hand or Hands; and in case the Proprietor or Proprietors of the said Navigation, or any other Person or Persons, shall take Possession of any Lands or Hereditaments contrary to the Directions aforesaid, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every such Offence, and shall also be deemed a Trespasser, and liable to pay Damages to the Person or Persons aggrieved.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to the purchasing, taking, or using of any Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, Paddock, planted Walk, inclosed Nursery for Trees, or Avenue to any House, without the previous Consent of the Person or Persons in the actual Seisin or Possession thereof, testified by Writing under his, her, or their Hand or Hands.

Gardens, &c.  
not to be  
taken with-  
out Consent.

XXII. And be it further enacted, That all principal Monies to be paid for the Purchase of any Lands or Hereditaments which shall be purchased, taken, or used for the Purposes of the said recited Act and this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing this Act, or any Three or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid affecting the same Lands and Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Monies shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities

Application  
of Purchase  
Money for  
Lands, when  
amounting to  
200l.



Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Where less than 200l. and amounting to 20l.

XXIII. Provided always, and be it further enacted, That if any principal Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Three Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20l.

XXIV. Provided also, and be it further enacted, That where such principal Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Commissioners shall think fit; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of Refusal to accept Purchase Monies, the same to be paid into the Bank.

XXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable for the Purchase of any Lands or Hereditaments to be purchased, taken, or used by virtue of the said recited Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the Proprietor or Proprietors of the said Navigation; or in case such Person or Persons to whom such Sum or Sums of Money shall be so payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money, so payable as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments



Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Estate, Title or Interest, of the Person or Persons making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXVI. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance of the said recited Act and this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

When questionable, Persons in Possession shall be deemed well entitled, unless the contrary be shewn.

XXVII. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court may deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by such Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order Expences of Purchases to be paid by Trustees.



Halingways  
to be marked  
out, &c.

XXVIII. And be it further enacted, That so soon as conveniently may be, and not exceeding Six Months after such Halingways shall have been set out as herein-before mentioned, the Proprietor or Proprietors of the said Navigation shall mark out the Halingways which shall be set out as herein-before mentioned, by Stumps, or in such other Manner as by the said Commissioners shall be deemed necessary; and the same Halingways shall afterwards be constantly kept marked out as before mentioned, to the Intent that the Bounds and Extent of every Part thereof may be known and ascertained; and the Proprietor or Proprietors of the said Navigation shall, at his, her, or their Costs and Charges, from Time to Time and at all Times thereafter, maintain, support, and keep in Repair all and every such Halingways; and in all Cases where such Halingways shall cross the Line of any Hedges, Ditches, or Fences made for dividing or separating the different Fields, Lands, or Grounds through which such Halingways shall be carried, such Proprietor or Proprietors shall make or cause to be made, and at all Times thereafter maintain and keep in Repair necessary and proper Gates (with proper Fastenings) or Leaps of proper Height, to prevent Cattle from going or trespassing from One Field or Ground into another or adjoining Field or Ground; and in Cases where it shall be necessary to carry such Halingways over any Ditch or Drain for the conveying of Water out of or from the Meadows or Lands adjoining or near to the said River, and where such Proprietor or Proprietors shall make any new Cuts or Fences across any Meadows adjoining to the said River, such Proprietor or Proprietors shall, at his, her, or their own Costs and Charges, make and maintain such new Cuts and Fences, and shall make and erect necessary and proper Arches, Tunnels, or Bridges over or across such Ditches or Drains, as the Commissioners shall think proper; and shall at all Times keep so much of such Ditches or Drains, as shall be under such Arches, Tunnels, and Bridges of such Depth, Breadth, and Dimensions as shall be sufficient to convey the Water clear from the Lands and Grounds adjoining or lying near the said River, without obstructing, impounding, or penning up the same; and in case such Halingways shall in any Part or Parts thereof be raised or made above the Level of the adjoining Lands or Grounds, so as to obstruct the free Passage of the Water, or any Drain or Drains made by the Owner or Owners of the said Lands or Grounds, and prevent the same from draining or falling into the said River, then and in every such Case such Proprietor or Proprietors shall at his, her, or their own proper Costs and Charges, if the said Commissioners shall think the same necessary, make or cause to be made such and so many Outlets as shall in the Judgment of the said Commissioners be sufficient to carry such Water into the said River; and if at any Time after Twenty-one Days Notice in Writing shall, by or on Behalf of the Owners or Occupiers of Lands or Meadows adjoining or lying near to the said River, be given to the Proprietor or Proprietors of the said Navigation, or his, her, or their Agent or Collector, that the said Arches, Tunnels, Bridges, or Outlets, or any of them, are or is not made, cleansed, scoured, maintained, and repaired, according to the true Intent and Meaning of this Act, and any of the Owners or Occupiers of Lands adjoining the said River are injured thereby, and if such Proprietor or Proprietors shall neglect or refuse to make, cleanse, scour out, and maintain the same, and repair such Works, or to mark out such Halingways pur-  
suant



suant to the Directions of the said Commissioners for that Purpose, then and in any of the said Cases it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from the said Commissioners at any one of their Meetings, which Orders the said Commissioners are hereby authorized to grant (Proof on Oath being made before them that such Notice as aforesaid was given, and of the Neglect of the Proprietor or Proprietors therein) and in such Order to enable and empower such Person or Persons who shall apply for the same to make, cleanse, scour, maintain, and repair such Arches, Tunnels, Bridges, Ditches, Drains, or Outlets accordingly, and to mark out such Halingways; and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed and paid by such Proprietor or Proprietors; and in case of Neglect or Refusal to defray such Expences for the Space of Twenty-one Days after Demand thereof made upon such Proprietor or Proprietors, or his or their Agent or Agents in the Receipt of the Rates and Tolls arising from the said Navigation, such Expences shall and may be levied and recovered, together with the Charges and Expences of levying the same, in such Manner as are herein-after directed, touching the Recovery of any Monies to be raised by virtue of the Powers of this Act: Provided always, that such Owner or Occupier making such Complaint shall at the Time of making the same have his, her, or their respective Ditches, Drains, and Passages for Water, leading to such Arches, Tunnels, Bridges, Outlets, and Halingways, sufficiently cleansed and open: Provided always, that nothing in this Act or the said recited Act contained shall be construed to authorize the Proprietor or Proprietors of the said Navigation to make any new Halingway on any Lands or Grounds of Sir *Thomas Gage* of *Hengrave* in the said County of *Suffolk*, Baronet, which are situate on the opposite Side of the said River to that along which the present Halingway is made; and nothing in this Act contained shall prejudice any Right or Privilege which the said Sir *Thomas Gage* or his Tenants, previously to the passing of this Act, had or were entitled to by virtue of the said recited Act or otherwise.

Restriction  
as to Sir  
Thomas  
Gage's  
Estate.

XXIX. Provided also, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Navigation passes, do and shall at any Time or Times hereafter choose to erect or make any Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages or Watering Places respectively, (other than such as are already made, or shall hereafter be made by virtue of the Directions contained in the said recited Act and this Act), then and so often or in any such Case it shall be lawful for all or any such Owners or Occupiers, with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, any Gates, Stiles, Bridges, Passages, Arches, Tunnels, or Watering Places, of the same or the like Constructions with others made and erected or to be made and erected by such Proprietor or Proprietors, in, over, under, or near to the said River, or the Halingways near or adjoining thereto respectively, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the free Navigation be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles,

Land Owners  
may erect  
Gates, &c.



Stiles, Bridges, Passages, Arches, Trenches, and Watering Places had been made or erected by such Proprietor or Proprietors as aforesaid: Provided nevertheless, that nothing in this Act contained shall authorize or empower the said Commissioners, or any other Person or Persons, without the Consent of the Proprietor or Proprietors of the said Navigation in Writing first obtained for that Purpose, to make any new Ditches, Drains, Passages, Arches, Tunnels, Outlets, or Watering Places, to communicate with the said River so as to take the Water from the said Navigation.

Top Water  
Marks to be  
set up.

XXX. And be it further enacted, That on or before the Tenth Day of *October* next after the passing of this Act, permanent Top Water Marks shall be fixed and afterwards maintained by the Proprietor or Proprietors of the said Navigation, on both Sides of each Pound or Reach of the said Navigation, not higher than Six Inches below the Average Height of the present Banks of the said Pounds or Reaches.

Water not to  
be higher  
than the Top  
Water  
Marks.

XXXI. And be it further enacted, That the Proprietor or Proprietors of the said Navigation shall within Two Years next after the passing of this Act, make, and at all Times thereafter maintain and keep in Repair, proper and sufficient Overfalls in each Pound or Reach of the said Navigation, so that the Surface of the Water in the said Pounds or Reaches shall not at any Time be raised above the Top Water Mark herein-before mentioned, except in Times of Flood.

Power to  
Commission-  
ers to vary  
the Height  
of the Water  
Mark in  
certain Cases.

XXXII. Provided always, and be it further enacted, That if the Directions and Regulations herein-before contained, with respect to the Height of the Water in the said River, shall be found impracticable or inapplicable to the beneficial Purposes intended to be effected thereby, then and in every such Case it shall be lawful for the Proprietor or Proprietors of the said Navigation, or any of the Owners or Occupiers of Lands or Mills who shall think themselves aggrieved thereby, by Advertisement to be inserted in such Newspaper as aforesaid, and by Writing under their respective Hands to be delivered to any Two or more of the said Commissioners, specifying therein respectively the particular Matter of Complaint, to give Notice of a Meeting of the said Commissioners for the Purpose of hearing the Matter of such Complaint (such Meeting not being earlier than Twenty-one Days after Notice thereof shall be given as aforesaid); and it shall be lawful for the said Commissioners at such Meeting, or any subsequent Meeting to which the Complaint may be adjourned, to make such Order and Determination in the Premises as they shall think fit, so that the same be as nearly consistent with the Regulations and Directions aforesaid, as the Maintenance and Preservation of the said Navigation will admit of.

The Regu-  
lation as to  
the Top  
Water Marks  
not to be  
executed to  
the Prejudice  
of Mills.

XXXIII. Provided always, and be it further enacted, That in all Cases where the Directions and Regulations herein-before contained respecting the Top Water Marks, and the Height of the Water in the said River, shall be found to be injurious to any Mill or Mills upon the said River, such Directions and Regulations shall be carried into Execution so far only as the same can be done without Prejudice or Injury to such Mill or Mills; and in case any Difference or Dispute shall arise between the Proprietor or Proprietors of the said Navigation, and the Owners or Occupiers of any Mills or Lands, or between any other Person interested, as to the Existence or Extent of such Injury, all such Differences and Disputes shall



shall be settled and determined by the said Commissioners, who are hereby empowered to make and establish such other Directions and Regulations in the Premises as to the said Commissioners shall seem expedient and necessary for preventing any such Injury as aforesaid, so as all such Directions and Regulations be consistent with the Maintenance and Preservation of the said Navigation.

XXXIV. And be it further enacted, That in order to prevent Damage being done to the Lands and Grounds adjoining or near the said River in consequence of keeping the Water to the Height prescribed by this Act, the Proprietor or Proprietors of the said Navigation shall make, and for ever afterwards maintain and keep in Repair, such Banks, Soke Ditches or Drains, and Tunnels, as the said Commissioners shall judge to be sufficient and necessary for effecting the Purposes aforesaid, and as they shall from Time to Time order, direct, or appoint.

Proprietors of the Navigation to make Banks, Soke Drains, &c.

XXXV. And be it further enacted, That the Watercourses and Channels by which the Water is conveyed from any Mill or Mills into the said Navigation, shall at all Times be kept and preserved, by the respective Owners and Occupiers of such Mills, free and clear from all Obstruction which may prevent the free Passage of the Water therein from the Water Wheels of such Mills into the said River.

Watercourses from the Mills to the Navigation to be kept free from Obstructions.

XXXVI. Provided also, and be it further enacted, That it shall be lawful for the Owners and Occupiers for the Time being of the Site of the ancient Mill situate in *Fornham Saint Genoveve*, otherwise *Fornham Saint Genovieve* in the said County of *Suffolk*, now belonging to the Most Noble *Bernard Edward* Duke of *Norfolk*, and of any Mill or Engine which shall be hereafter erected thereon, to have the same Rights and Privileges, with respect to the Use of the Water contained in the said River, as he or they would have had by virtue of this Act or otherwise, if the same ancient Mill had been now existing and in use.

As to *Fornham Mill*.

XXXVII. And be it further enacted, That whenever it shall happen that any of the Locks, Stanches, or other Works of the said Navigation are so much out of Repair that it will be necessary to divert the Course of the River or any way prevent the Use of the said Navigation until the same is or are repaired, that then and in every such Case Twenty-one Days Notice shall be given in such Newspaper as aforesaid, before the same shall be begun, to the Intent that all Persons using or intending to use such Navigation may be informed thereof, under the Penalty of Forty Shillings, to be paid by the Proprietor or Proprietors of the said Navigation, except only in Cases of absolute and unavoidable Necessity, and which require immediate Attention, in which Case it shall be lawful for such Proprietor or Proprietors, having an Order for that Purpose under the Hand of any Justice of the Peace for the County where such Lock or Work shall be, for which such immediate Attention is necessary, which Justice, on Oath made before him of such Necessity, shall and may authorize and empower such Proprietor or Proprietors to stop the Navigation upon the said River without such previous Notice and Advertisement, but in such Case public Notice of such Order shall be given in the next Newspapers which shall be published after the making such Order.

When Works want Repair so as to stop Navigation, public Notice to be given.



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

XXXVIII. And be it further enacted, That when and as often as any Mill standing on or near the Line of the said River shall require to be rebuilt, or the Foundation or any Part thereof to be repaired, that will make it necessary to divert the Course of the River, then and in every such Case the Proprietor or Proprietors of the said Navigation, or their Agent, shall immediately upon receiving Notice thereof in Writing from the Owner or Occupier of such Mill, permit and suffer the Owner or Occupier of such Mill to make a good and sufficient Dam or Bank on the Stream or Cut by which such Mill is supplied with Water, or use other sufficient Ways and Means whereby the Water of such Stream or Cut may be diverted from or prevented running to such Mill during the Time of such rebuilding or repairing; and that when and as often as any Repairs shall be necessary to be done to the said River or any of the Works thereof, whereby there may be a Decrease of Water in the said River, the Proprietor or Proprietors of the said Navigation shall cause a Dam or Bank to be made across the said River, sufficient to keep and preserve the Water in the Head of all Mills near to which such Repairs shall be wanted, and which shall be affected thereby, in their usual Height, in order that no Loss or Injury shall or may, by Means of such Repairs, be sustained to such Mills or the Occupiers thereof.

Persons hav-  
ing the Care  
of Boats not  
to trespass on  
the adjoining  
Lands.

XXXIX. And be it further enacted, That if any Master, Owner, or other Person or Persons having the Care or Charge of any Boat, Barge, Lighter, or other Vessel navigating the said River or any Part thereof, shall permit or suffer any Horse or Horses used in the towing or haling of any such Boat, Barge, or other Vessel to trespass upon the Land or Ground adjoining upon or near to the said River, or to the Halingways aforesaid, or if any Person or Persons using such Halingways shall leave open any of the Gates, or throw down or destroy any of the Leaps upon such Halingways, or after having haled such Boat, Barge, or other Vessel over any Part of such Halingway, shall return back with the Horse or Horses employed therein, along, across, or over the Lands or Grounds adjoining to the said River or to such Halingways (not being a public Road or Highway), or shall permit or suffer any Horse to be loose upon such Halingway, without some Person with such Horse to take care thereof and prevent it from straying or trespassing upon the Lands adjoining or near to the said River, or shall commit any other wilful Trespass or Damage in the Lands or Grounds adjoining or near the said River, every such Person shall for every such Offence pay to the Person or Persons injured a Sum equal to the Damages so occasioned, to be ascertained and recovered in like Manner as any Penalty or Forfeiture is herein-after directed to be recovered, and shall also forfeit and pay to the Informer any Sum not exceeding Forty Shillings.

Masters  
answerable  
for Servants.

XI. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel navigating upon the said River, shall and be is hereby made answerable for any Trespass, Damage, or Mischief that shall be done by his Boat, Barge, or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in the Management of or in or about the same, to any Owners or Occupiers of any Lands or Grounds adjoining or near to the said River, or to any Bridges, Locks, Sluices, Stanches, Weirs, Dams, Low Shots, Mills, or other Works in, over, upon, or belonging to the said River, or to any

Back



Back Drains, Collateral Streams, Trenches, or Passages for Water leading into the said River, and the said Master or Owner of such Boat, Barge, or other Vessel shall pay to the Person or Persons injured the Damages so done, the same to be ascertained and recovered in like Manner as any Penalty or Forfeiture is by virtue of this Act to be ascertained and recovered, and shall also forfeit and pay to the Informer any Sum not exceeding Five Pounds to be settled and determined by the said Commissioners; and in case the Master, Owner or Owners of any such Boat, Barge, or other Vessel as aforesaid, shall be compelled to make Satisfaction for any Damages or Trespas, or pay any Penalty by reason of any wilful or negligent Act or Default done or committed by his, her, or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and every of them, shall be liable to repay the Amount of such Damages and Penalty, with the Costs attending the same, to such Master, Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master, Owner or Owners, of the Payment made by him, her, or them of such Penalty and Satisfaction for Damages and Costs, and that the same have or hath not been repaid to him, her, or them by such Servants, Boatmen, or Watermen, or any of them, although demanded (such Oath to be made before any one Justice of the Peace for the County where the Offence shall have been committed, or where such Servants, Boatmen, or Watermen respectively shall reside), the Amount thereof shall be recovered in like Manner as any Penalty is by this Act directed to be recovered.

Master may recover against his Servants.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, at any of their Meetings held pursuant to this Act, at which Meeting Fifteen Commissioners shall be present, to make, ordain, and establish such Bye-Laws, Rules, Orders, Regulations, and Ordinances for the better regulating of the Boats, Barges, and other Vessels, and Boatmen and others employed therein, or using the said Navigation, and for the Security and Safety of the Lands adjoining and lying contiguous to the said River, and of the Works made and done by virtue of the said recited Act and this Act, and of the said Navigation, as shall from Time to Time appear to be necessary and proper, and to alter, vary, and repeal the same as Occasion shall be or require, and to impose reasonable Fines and Forfeitures for the Breach or Non-performance of such Bye-Laws, Rules, Orders, Regulations, and Ordinances, so as no one Penalty or Forfeiture shall exceed Five Pounds, which Fines and Forfeitures shall be recovered and levied as other Fines and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered and levied; and that all such Bye-Laws, Rules, Orders, Regulations, and Ordinances, and the Fines and Forfeitures for the Breach or Non-performance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be put up, either in Print or in Writing in a clear legible Hand, in the Shire Hall of the said Town of *Bury Saint Edmunds*, and in such other Place or Places as the said Commissioners shall appoint; and upon Application a Copy thereof shall be delivered to any Person or Persons liable to be affected thereby and requiring the same, on Payment to the Person delivering the same of Four-pence for each Seventy-two Words thereof for the same; provided such Bye-Laws, Rules, Orders, Regulations, and Ordinances be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained; and all such Bye-Laws,

Power to make Bye-Laws.

Rules,



Rules, Orders, Regulations, and Ordinances, and all Convictions for Offences against the same, shall be subject to Appeal to the Quarter Sessions, in the Manner herein-after provided.

Bye-Laws,  
&c. how to  
be altered.

XLII. And be it further enacted, That no Bye-Law, Rule, Order, Regulation, or Ordinance made by virtue of the said recited Act, and now in force, or to be made by virtue of this Act, shall be altered, varied, or repealed, unless Notice of such intended Alteration or Repeal shall have been published in such Newspaper as aforesaid, and at least Twenty-one Days before the same shall be carried into Effect, nor unless there shall be at least Fifteen Commissioners present at such Alteration or Repeal, and the Majority present shall consent thereto.

Power to  
take new  
Tolls.

XLIII. And whereas the new Works required to be made, altered, and supported by the Proprietor or Proprietors for the Time being of the said Navigation, under the Powers of this Act and the said recited Act, for the Protection of the Lands adjoining or near to the said River, and of the Mills erected thereon, cannot be executed without a considerable Expence, and it is therefore reasonable the said Proprietor or Proprietors should be empowered to increase the Tolls now collected upon the said Navigation, towards repaying such Expence, and also the Expence of any other Works which in consequence of the passing of this Act may be necessary for the Preservation of the said Navigation; be it further enacted, That from and after the Tenth Day of *October* next ensuing the passing of this Act, it shall be lawful for the Proprietor or Proprietors for the Time being at all Times hereafter to ask, demand, take, recover, and receive, to and for his, her, and their Use and Benefit, in lieu of the Rates and Tolls granted by the said recited Act, the several Rates and Tolls hereafter mentioned, for all Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, or conveyed up or down any Part of the said River between the Sluice next above *Mildenhall Bridge*, and *Bury Saint Edmunds* aforesaid, the Rates and Tolls hereafter mentioned, at such Place or Places adjoining to the said River as the Proprietor or Proprietors of the said Navigation for the Time being, his, her, or their Deputies or Servants, shall think fit; that is to say,

Tolls.

For every Chaldron of Coals, by *Lynn* Measure, Four Shillings and Two-pence:

For every Half Hundred of Deals, Two Shillings and Seven-pence Halfpenny:

For every Load of Timber (accounting Forty Feet to the Load), Two Shillings and Seven-pence Halfpenny:

For every Eight Packs of Wool (accounting Ten Tod to the Pack), Three Shillings and Three-pence Halfpenny:

For every Weigh of Salt, Three Shillings and Three-pence Halfpenny:

For every Load of Wheat or Barley, reckoning Ten Combs to the Load, Two Shillings and Seven-pence Halfpenny:

For every Last of Oats, Three Shillings and Three-pence Halfpenny:

For every Load of Beans or Pease, reckoning Ten Combs to the Load, Three Shillings and Three-pence Halfpenny:

For every Ton of Grocery Wares or Commodities, Three Shillings and Three-pence Halfpenny:

For



For every Ton of Oil or Wine, Five Shillings and a Halfpenny :  
 For every Thousand of Turf, Four Shillings and Two-pence :  
 For every Load of Reed, Sedge, or Hay, reckoning Twenty Hundred Weight to a Load, Four Shillings and Two-pence :  
 For every Load of Hemp, reckoning Twenty Hundred Weight to a Load, Four Shillings and Two-pence :  
 For every Last of Malt, Three Shillings and Three-pence Halfpenny :  
 For every Load of Bricks, reckoning Five Hundred to the Load, Two Shillings and Seven-pence Halfpenny :  
 For every Thousand of Tiles, Two Shillings and Eleven-pence :  
 And for every Ton Weight of other Goods, Wares, Merchandizes, or Commodities whatsoever, Two Shillings and Seven-pence Halfpenny, and so proportionably for every greater or lesser Weight or Quantity of all, every, or any the respective Goods, Wares, Merchandizes, or Commodities before mentioned, or for a less Distance to or from which any Goods, Wares, Merchandizes, or Commodities shall be navigated, carried, or conveyed upon any Part of the said River, between the last-mentioned Sluice and *Bury Saint Edmunds* aforesaid ; and the said Proprietor or Proprietors shall have full Power from Time to Time to lower or reduce all or any Part of the said Tolls, and again to raise the same, as he, she, or they shall think proper.

XLIV. And whereas the Tolls herein-before authorized to be collected and taken may prove a very insufficient Compensation to the Proprietor or Proprietors of the said Navigation for the Money which he, she, or they may lay out in completing and supporting the Works he, she, or they is and are compellable to execute pursuant to the Directions of this Act, and of any other Expences which may necessarily be incurred by such Proprietor or Proprietors in consequence of the passing of this Act ; be it therefore further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, within Three Months next after Application to any Two or more of them in Writing from the said Proprietor or Proprietors, to increase all or any of the before-mentioned Tolls from Time to Time, and for such Length of Time as they the said Commissioners or any Nine or more of them shall think necessary, for the Purpose of making such further Compensation to the said Proprietor or Proprietors, as in the Judgment of the said Commissioners shall be just and reasonable for the Expence of the making and maintaining all such Works as are required by this Act to be made and maintained by the said Proprietor or Proprietors for the Protection of the Lands and Grounds adjoining or near to the said River, and of the Mills erected thereon, and of any other Expences which are necessarily incurred by the said Proprietor or Proprietors in or about any other Works indispensable by the passing of this Act ; and the said Commissioners shall have full Power from Time to Time to lower or reduce all or any of the Tolls so to be fixed by them, and again to raise the same, as they shall think proper ; provided always, that it shall not be lawful for the said Commissioners to increase the said Tolls authorized by this Act to be taken by the said Proprietor or Proprietors more than One Fifth Part thereof.

Commissioners to raise the Tolls to pay Expences of new Works.

XLV. And be it further enacted, That all and every the respective Toll herein-before respectively authorized to be levied, demanded, and taken, shall be paid to such Person or Persons, in such Manner, and under

For Recovery of Rates.

[Local.]

20 K

such



such Regulations, as the said Proprietor or Proprietors shall direct or appoint; and in case of Denial or Neglect of Payment of any such Tolls or any Part thereof on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Proprietor or Proprietors, or other Person or Persons, Collector or Collectors, to whom such Tolls ought to have been paid, may and he or they is and are empowered to seize or distrain the Goods or other Things for or in respect whereof any such Rates or Tolls ought to have been paid, or any Part thereof, and the Boat or other Vessel, Waggon or other Carriage, laden therewith, and the Horse or Horses, Beast or Beasts, or other Cattle, or Harness, Bridles, or Saddles thereof, or any Part thereof, or in respect whereof such Tolls ought to have been paid as aforesaid, and to detain the same until such Payment shall be made, and also until Payment of all Arrears of the said Tolls which may be due from the Owner or Owners of such Boat or Vessel, Waggon or other Carriage, Horse or Horses, Beast or Beasts, or other Cattle, to the said Proprietor or Proprietors, together with the reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold, and the Overplus of the Money produced by such Sale, after deducting the Tolls due, and the Expences of such Distress and Sale, shall be returned to the Owner or Owners of such Goods and Chattels so distrained.

Recovery of  
Forfeitures.

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



and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

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

Persons aggrieved by Irregularity in Distress to receive only the special Damage.

XLVIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Act and this Act, or either of them, shall and may cause the Conviction to be drawn up in the Form or to the Effect following, *mutatis mutandis*, as the Case may happen to be:

Form of Conviction.

County of Suffolk, }  
to wit. } BE it remembered, That on [Time of Conviction] at [Place of Conviction] A. B. [Name of Offender] of [Addition of Offender] was duly convicted before me [or, us] [Name and Style of convicting Justice or Justices] for that the said A. B. [Name of Offender] on [Time of committing Offence] at [Place of committing Offence] did [here state the Offence against this Act according to the Fact], contrary to the Statute made in the Fifty-seventh Year of the Reign of His Majesty King George the Third, intituled [here set forth the Title of this Act]; and I [or, we] do therefore declare and adjudge that the said A. B. [Name of Offender] has forfeited for the said Offence the Sum of [Fine] or shall be committed to [Place of Imprisonment] for the Space of [Time of Imprisonment]. Given under my Hand and Seal [or, our Hands and Seals] the Day and Year first above written.'

XLIX. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any such Bye Law, Order, or Constitution of the said Commissioners as aforesaid, or by any other Order, Judgment, or Determination of the said Commissioners, or of any Justice or Justices of the Peace, relating to the Execution of the said recited Act and this Act, may within Two Calendar Months after such Order, Judgment, or Determination shall have been made, and communicated in Writing to the Person or Persons affected thereby (first giving Twenty-one Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General or Quarter Sessions to be held in and for the County or Place in which the Cause of Appeal shall arise; which Justices shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty

Appeal.

or



or Forfeiture, and may order any Money to be returned which shall have been levied in purfuance of any such Bye Law, Order, Constitution, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in purfuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Navigation not to be subject to Commissioners of Sewers.

L. And be it further enacted, That the said Navigation, or any Part thereof, or any of the Works thereof made or to be made, shall not be subject to the Control, Directions, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers.

Public Act.

LI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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