

45

On Her Majesty's Service

WASC 145 

1734

ACT OF PARLIAMENT
AN ACT FOR ASCERTAINING,
PRESERVING AND IMPROVING
THE NAVIGATION OF THE
RIVER LEA.

WASC 145

23

River Lee 1734

WASC 145

ANNO REGNI
GEORGI II.
REGIS

Magnæ Britannia, Franciæ, & Hiberniæ,
DUODECIMO.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *January*, *Anno Domini* 1734, in the Eighth Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God, of *Great Britain, France,* and *Ireland*, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the First Day of *February* 1738 ; being the Fifth Session of this present Parliament.

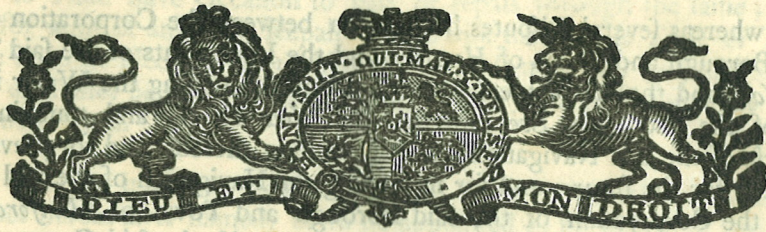


L O N D O N :

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16



ANNO DUODECIMO

GEORGII II. REGIS.



C A P. XXXII.

An Act for ascertaining, preserving, and improving the Navigation of the River *Lee*, from the Town of *Hertford* to the Town of *Ware* in the County of *Hertford*; and for preserving and improving the said River from the said Town of *Ware* to the new Cut or River made by the Mayor, Commonalty, and Citizens of *London*; and for enabling the Governor and Company of the *New River* the better to supply the Cities of *London* and *Westminster*, and the Liberties and Suburbs thereof, with good and wholesome Water.

New River

WHEREAS there hath been and still is an ancient and accustomed Navigation on that Part of the River *Lee* which runs from the Borough and Town of *Hertford* in the County of *Hertford* to *Ware Bridge* in the Town of *Ware* in the same County; which Navigation hath formerly at different Times been carried on through different Branches of the said River; but the same for many Years past hath been and now is carried from the said Borough and Town of *Hertford* through a Channel running to *Ware-mills*, unto and through a Cistern or Lock near the said Mills, and from thence to *Ware-bridge* in the said Town of *Ware*, and from thence to the River of *Thames*: And whereas the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London* have for many Years past had and received into the said *New River* a considerable Quantity of Water which issued out of the said River *Lee* at the Mouth or Opening of *Manifold Ditch*, which lies between the said Town of *Hertford* and the said Town of *Ware*:

Occupiers of Ware-mills to give a supply of Water for the Passage of Barges, &c. through the Lock.

New River Company to keep the Lock
Manifold ditch

And whereas several Disputes have arisen between the Corporation of the said Borough and Town of *Hertford* and the Inhabitants of the said Town of *Ware* and the said Governor and Company, touching the Water issuing out of the said River *Lee* into the said *New River*, and touching the Course of the said Navigation; and for ending thereof, and for preventing the like for the future, and for improving the Navigation of the said River *Lee*, the Corporation of the said Borough and Town of *Hertford*, and the Inhabitants of the said Town of *Ware*, and also the said Governor and Company, who have purchased *Ware-mills* aforesaid, have agreed that the Navigation between *Hertford* and *Ware-bridge* may be fixed and ascertained in the present Channel, and that the Quantity of Water which is to be taken from the River *Lee* into the said *New River* may be ascertained in the Manner and upon the Terms and Considerations herein-after mentioned, which will redound to a general Good; but cannot be established or rendered effectual without the Aid of an Act of Parliament: Wherefore the Mayor, Aldermen, and Commonalty of the said Borough and Town of *Hertford*, and the Inhabitants of the said Town of *Ware*, and also the said Governor and Company, most humbly beseech 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 Twenty-fourth Day of *June* One thousand seven hundred and thirty-nine the Navigation of the said River *Lee* shall be and the same is hereby established, and for ever hereafter shall be fixed and continued in the same Channel or Course wherein the said River now runs, and is used for Navigation, from the said Town of *Hertford* to *Ware-mills* as far as the Lock or Cistern near the said Mills, and through the said Lock or Cistern to *Ware-bridge*, and from thence in and along the ancient River *Lee* unto the beginning of the Cut or River made by the Mayor, Commonalty, and Citizens of *London*, in pursuance of the Act passed in the Thirteenth Year of the Reign of Queen *Elizabeth*, intituled *An Act for the bringing of the River of Lee to the North Side of the City of London*, and from thence in and along the said new Cut or River unto the said River of *Thames*, in the same Manner as the Navigation hath been usually carried on and performed.

Navigation of the River *Lee* ascertained.

Occupiers of *Ware-mills* to give a Supply of Water for the Passage of Barges, &c. through the Lock.

II. And be it further enacted by the Authority aforesaid, That a sufficient Supply of Water from the Mill-dam of the said *Ware-mills* shall be given by the Owners or Occupiers of the said Mills, for the Passage of all Barges, Boats, and Craft through the said Lock or Cistern, and for carrying them from thence to *Ware-bridge*, and back again from *Ware-bridge* to and through the said Lock or Cistern; the Owners or Occupiers of every Barge, Boat, or Craft passing through the same towards *Ware*, first paying to the Owners or Occupiers of the said Mills the Sum of One Shilling for each Barge, Boat, or Craft, for such Passage through the said Lock or Cistern, and for such Supply of Water, and without paying any thing on their Return though the said Lock or Cistern.

New River Company to keep the Lock in Repair.

III. And be it further enacted by the Authority aforesaid, That the said Governor and Company shall from Time to Time, and at all Times hereafter, at their own proper Costs and Charges, maintain and keep in good and sufficient Repair the said Lock or Cistern near the said *Ware-mills*, for the Conveniency of all Barges, Boats, and Craft that shall from
Time

Time to Time have Occasion to pass or repass through the same; so as that, for want of any such Repairs (otherwise than at the Time or Times of the absolute Necessity of making good the same), they may not at any Time or Times be hindered or stopped in their Passage through the same Lock or Cistern.

IV. And be it further enacted by the Authority aforesaid, That the Trustees herein-after named, or to be appointed in pursuance of this Act, or any Ten or more of them, shall and may, out of the Monies herein-after appointed to be laid out for improving the Navigation of the River Lee, between the Town of Hertford and Ware-bridge, set up, erect, or build a Turnpike, Weir, Jetty, or some other Device cross the said River Lee, between the said Mills and Water-lane, near the Wall of the Priory Orchard in Ware aforesaid, in such convenient Place and Manner as by the said Trustees, or any Ten or more of them, shall be thought most beneficial for the Navigation of that Part of the said River Lee, and be least detrimental to the said Mills; and also from Time to Time, and at all Times hereafter, scour, cleanse, and deepen the same River Lee, between the said Mills and Ware-bridge; and shall have Power to pass and repass with Carts and Carriages in, through, and over the Grounds adjoining, for the Purposes aforesaid, making such reasonable Satisfaction to all Owners or Occupiers of Lands and Grounds which may be damaged or injured thereby, as the Justices of the Peace for the said County, at any General Quarter Sessions, shall adjudge, in case the said Trustees and the other Parties concerned cannot agree; but the said Governor and Company shall have the Direction and Government of such Turnpike, Weir, Jetty, or Device after erected, and shall from Time to Time maintain and keep the same in good and sufficient Repair, and permit all Barges, Boats, and Craft to pass through the same, without any Toll or other Acknowledgment for such Passage.

Trustees to set up a Turnpike cross the River Lee,

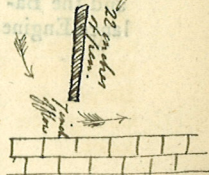
and to cleanse and deepen the River.

The Company to have the Direction of the Turnpike when erected.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Governor and Company of the New River at all Times for ever hereafter to have, receive, and take from and out of the said River Lee into the said New River, and to hold, use, and enjoy a Quantity or Body of Water constantly to issue from the said River Lee, at or near the Mouth or Opening of Manifold Ditch aforesaid, through the Balance Engine there lately erected by the said Governor and Company, and to pass and run along and through the said Manifold Ditch to the ancient Turnpike or Sluice of the said Governor and Company, now standing cross the same Ditch, near a small Piece of Land called Chalk Island, and from the said ancient Turnpike or Sluice in and along a Cut or Trench made from thence into the said New River, through the present Timber Gage or Trough, there lately placed by the said Company; which Gage or Trough is of the clear Dimensions within the same, of Six Feet in Width or Breadth, Two Feet in Depth, and Fourteen Feet in Length, and is to be continued of the same and no greater Dimensions for ever hereafter in Brick, Wood, or Stone, as the said Governor and Company shall think most proper and useful, between the Brick Arch standing near the said Turnpike and the said New River, and not be placed perpendicularly higher or lower than the present Gage now is, to the Intent that the said Governor and Company shall for ever hereafter be supplied with a constant Quantity or Body of Water of the

Draught of Water from the River Lee into the New River ascertained.

March 23rd 1830
Balance Engine



Mem. on 23rd March 1830
found pen - 22 inches
flow 7 inches

greatest flow ascertained
said to be 12 inches
by present Engine.
Balance Engine } 1793
erected in

House rebuilt } 1770
Engine repaired } 1770

Dimensions
replaced by one of similar } 1770

B

No pen to be permitted

Dimensions aforesaid, and no more, to run and pass from the said River Lee into the said *New River* in a natural Course, and without any Pen at the said Gage or Trough; and that it shall not be lawful to or for the said Governor and Company, at any Time or Times hereafter to take any more or other or greater Quantity of Water than as aforesaid out of and from the said River Lee or *Manifold Ditch* aforesaid, between the Towns of *Hertford* and *Ware*, by or through any other Passage, Ditch, or Cut, or in any other Manner than as in this Act is mentioned.

Means to prevent too great a Quantity being drawn off.

VI. And to prevent any greater Quantity of Water than as aforesaid at any Time or Times passing from the said River Lee, through the said Gage or Trough, into the said *New River*; be it further enacted by the Authority aforesaid, That the said Governor and Company shall, at their own Costs and Charges, for ever hereafter maintain the Turnpike or Tumbling-bay now fixed and standing cross *Manifold Ditch*, just below the Mouth of the said new Cut leading from thence to the *New River*, and all other Tumbling-bays or Turnpikes by the said Governor and Company hereafter to be erected, of the same Height and Breadth, and no higher or narrower than the present Turnpike now is (which is Fourteen Feet wide), and so low as to keep or reduce the Head of Water flowing down the said Ditch, to be upon a Level with and not higher than the Top or uppermost Part of the said Gage or Trough in the said Cut, and the Two adjacent capped Stones placed as Standards, the one near the said Brick Arch, and the other near *Chadwell Spring*, now are; so that all superfluous Water, more than can with a natural Current pass through the said Gage or Trough, may run over the said Tumbling-bay or Bays, and fall again through the present Channel, below the said ancient Turnpike into the said River Lee.

The Company to maintain the Watercourse,

VII. And be it further enacted by the Authority aforesaid, That the said Governor and Company shall and may from Time to Time, and at all Times hereafter, as Need or Occasion shall require, maintain and keep open the Mouth of the said *Manifold Ditch*, on the Side of the said River Lee, and remove all Soil lying before or about the same, and cleanse, scour, and maintain the Watercourse through the said Ditch, for conveying the said Water to the said *New River*; they making Satisfaction to the Owners or Occupiers of the Lands adjoining thereunto, for all Damages which shall be done thereby, in manner as herein-after is mentioned; and shall and may for ever hereafter maintain and support the said Balance Engine or Device erected near the said Mouth or Opening of the said Ditch next the said River Lee, that a necessary and sufficient Quantity of Water (neither more nor less, as near as may be) may from Time to Time run through the said *Manifold Ditch* to supply and fill the said Gage or Trough; and shall for ever hereafter continue the said Balance Engine or Device in the Manner and at or near the Place where it now is.

and the Balance Engine;

and may erect a Covering over it, and a House adjoining to it.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Governor and Company to erect, build, and continue, or cause to be erected, built, and continued, over or upon the Balance Engine or Device for the Time being standing at or near the Mouth of the said *Manifold Ditch*, any Building or Covering requisite for the Preservation of the same, or otherwise; and also

also to erect, build, and continue, or cause to be erected, built, and continued near or adjoining to such Balance Engine or Device, a Dwelling-house or Habitation for one or more Servant or Servants. Officer or Officers of the said Governor and Company, who shall from Time to Time be employed to take care of such Balance Engine or Device, and Buildings thereunto belonging; the said Governor and Company making Satisfaction to the Owners or Occupiers of the Soil in such Place or Places whereon such Dwelling-house or Buildings shall be erected and built, in manner as is herein-after also mentioned.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Governor and Company to have, hold, and enjoy for ever such Balance Engine or Device, and also the said Dwelling-house and Buildings, and the said Gage or Trough, Turnpikes, Sluices, and Tumbling-bays already erected, or any other Gage or Trough, Turnpikes, Sluices, or Tumbling-bays by virtue of this Act to be erected and built, and from Time to Time to repair and amend the same; and they or any of them shall at all convenient Times have free Entry and Passage with their Men, Horses, Carts, or other Carriages, by, over, or through any Ground or Land, in Places and at Times meet or convenient, to and from such Balance Engine or Device, Dwelling-house or Habitation, and Buildings, Gage or Trough, Turnpikes, Sluices, or Tumbling-bays, or to do or perform any Thing necessary or requisite for the making, building, erecting, repairing, maintaining, preserving, or amending the same or any Part thereof, they the said Governor and Company making Satisfaction for all such Damages as shall be done thereby; the same and all other Satisfaction and Recompence to be made by the said Company for any Thing to be done by the Authority of this Act, to be ascertained by the Trustees nominated and appointed or to be nominated and appointed by or in pursuance of this Act, or any Ten or more of them, in case the Parties cannot agree.

The Company to enjoy such Engine, Building, &c. for ever,

and to have free Passage to and from thence,

making Satisfaction for Damages.

X. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees or any Ten or more them, with any Servants or Surveyors with them, from Time to Time and at all Times hereafter, at all reasonable Times in the Day-time, to see and inspect the aforesaid Balance Engine or Device, Gage or Trough, Turnpike or Tumbling-bay, and the several Conditions and Repairs thereof, to the end that no more Water shall or may be taken out of the said River *Lee* or *Manifold Ditch*, through the aforesaid Gage or Trunk, than ought to pass or run through the same by virtue of this Act, or than shall be sufficient constantly to supply and fill the said Gage or Trough; and if, upon any such Inspection, any Defects or Wants of Repair shall at any Time or Times appear, whereby a greater Quantity of Water than as aforesaid shall or may pass through the said Balance Engine or Device, or the said Gage or Trough, then the said Governor and Company, within Six Months after Notice shall be given in Writing to them, or to any of their Servants employed to look after the same, of such Defects or Wants of Repairs, shall from Time to Time well and sufficiently make good such Defects, and repair the same, pursuant to the Intent and Meaning of this Act; and in Default thereof the said Trustees or any Ten of them shall and may do or cause the same to be done, and be paid by the said Company the reasonable Charges thereof; but the principal

Trustees may inspect the Balance Engine, to see if it be kept in Repair.

principal Works are to remain, and be fixed and framed in the same Form and Manner as the same now are or ought to be pursuant to this Act.

Property of
Manifold
Ditch vested
in the Com-
pany;

saving to all
Persons their
respective
Rights.

No new Mill,
&c. to be
erected.

Prohibition
to do any
Damage to
the New
River, or the
Works there-
on.

Water to be
supplied from
Ware-mills
for cleansing
the Town of
Ware.

XI. And be it further enacted by the Authority aforesaid, That the said Course of Water or Ditch called *Manifold Ditch*, and the Water running through the same to the said *New River*, shall for ever hereafter be deemed and taken to be a Part of the said *New River*; and the Property thereof shall be and is hereby vested and settled in the said Governor and Company for ever, except and always reserving to the said Mayor, Aldermen, and Commonalty of the said Borough and Town of *Hertford*, and to all Lords of Manors and others, their several accustomed Rights to fish therein, and to all Owners and Occupiers of Land adjoining to or lying near the said Ditch, and to all Persons having Right of Common in the common Meadows lying near or adjoining thereunto, their respective Rights of passing as usual through or over the same Ditch at the usual Ford, and to water their Horses and Cattle therein as usual, doing no Damage to the said Governor and Company's Works.

XII. And be it further enacted by the Authority aforesaid, That no new Mill, Lock, or Weir shall hereafter be erected on the said River *Lee*, or any Branch thereof, between the Mouth of *Manifold Ditch* and *Ware-mills*, or on the said *Manifold Ditch*.

XIII. And be it further enacted by the Authority aforesaid, That no Person or Persons shall at any Time or Times cast or put into the said Watercourse or Ditch called *Manifold Ditch*, or the said Cut between the same, and the said *New River*, or into the said *New River*, or any of the Watercourses, Canals, Ponds, Reservatories, or Pipes already made or laid, or hereafter to be made or laid, for the Conveyance or Passage of the Water from the same to any Part or Parts of the said City of *London* or Suburbs thereof, or to any Part or Parts of the said City of *Westminster* or Liberties thereof, any Filth, Rubbish, Soil, dead Dogs, dead Cats, dead Carcases, Carrion, or other unwholesome Thing; or wash or cleanse therein any Wool, Hemp, Flax, or other noisome Thing; nor hinder, let, stop, draw off, turn or divert the said Water, or the Current or Passage thereof, by any Device, Art, Contrivance, or Means whatsoever, without the Licence or Consent of the said Governor and Company; nor do any Damage, Nuisance, or Annoyance to the said Lock or Cistern, Weir or Jetty, Gage or Trough, Turnpikes or Tumbling-bays, or other Buildings or Erections aforesaid, or to the said Watercourse or Ditch, or to the said Cut between the same and the *New River*, or to the said *New River*, or any the Watercourses, Canals, Ponds, Reservatories, Pipes, Banks, or Bridges of or belonging to the same.

XIV. And be it further enacted by the Authority aforesaid, That the Proprietors and Occupiers of the said Mills called *Ware-mills* shall for ever hereafter permit and suffer the usual Quantity of Water to be let out from the Head of Water at *Ware-mills*, from the said River *Lee*, at proper and convenient Times and Seasons, as heretofore, to run through the said Town of *Ware*, for the cleansing and preserving the Streets and Highways leading through the said Town; the usual and former Exemptions of Parish and other Duties, Rates and Offices, and the former Payments

Payments and Allowances for the same, being from Time to Time continued and made to and for the Proprietors and Occupiers of the said Mills, and the Premises by them held and enjoyed.

XV. And for the better establishing the Remedies which as well the said Governor and Company may have against any Person or Persons, or which any Person or Persons may have against them; be it declared and enacted by the Authority aforesaid, That the said Governor and Company shall, by the Name of the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London* (which Name is originally given them by their Charter) sue and implead, be sued and impleaded, answer and be answered in all Courts of Record and elsewhere; and shall and may recover full Satisfaction for any Damage accruing by any Matter or Thing which shall be done contrary to this Act, in or by an Action of Trespass or on the Case; and in case they recover in such Action shall be paid their full Costs of Suit, and have the like Remedies for the same as in other Cases of Costs.

New River
Companyem-
powered to
prosecute,
&c.

XVI. And be it further enacted by the Authority aforesaid, That the Lord Mayor, Aldermen, and Recorder of the City of *London* for the Time being, the Knights of the Shire for the County of *Middlesex* for the Time being, the Members of Parliament for the City of *Westminster* for the Time being, *Walter Plumer*, *Richard Plumer*, Esquires; Sir *Robert Grosvenor*, Sir *Nathaniel Curzon*, Sir *William Heathcote*, Baronets; *John Smart* Esquire, *Rivers Dickinson* Gentleman, Sir *Jeremy Vanacker Sambrooke* Baronet, *Joseph Gascoigne Nightingale*, *Harry Gough*, *Ralph Harwood*, *Daniel Brattle*, *Hugh Smithson*, *John Francis Tyssen*, *Samuel Tyssen*, *Samuel Trench*, Esquires; *Zacheus Haydon* Gentleman, *William Pulteney*, *John Hambleton*, *George Bourne*, Esquires; the Right Honourable *Henry Lord Coleraine* in the Kingdom of *Ireland*, the Knights of the Shire for the County of *Essex* for the Time being, the Members of Parliament for the Borough of *Colchester* for the Time being, Sir *Edward Smyth*, Sir *Cesar Child*, Baronets; *Charles Wake Jones*, *John Abdy*, *Edward Conyers*, *Andrew Searle junior*, *Richard Lockwood*, *Peyton Altham*, *Richard Staines*, *Thomas Archer*, *John Comyns*, *Peter Floyer*, *William Harvey senior*, *William Glascock*, *Robert Snell*, *John Badger Weller*, *Richard Morgan*, Esquires; *Richard Collard*, *William Pigbourne*, *John Kempe*, *John Rochester*, Gentlemen; the Knights of the Shire for the County of *Hertford* for the Time being, the Members of Parliament for the Borough of *Hertford* for the Time being, Sir *Thomas Clarke* Knight, *Nathaniel Brassley*, *John Byde*, *Thomas Plumer Byde*, *William Cowper*, *Charles Caesar*, *Peter Calvert*, *Felix Calvert of Pelham*, Esquires; Sir *Thomas Clarges* Baronet, *Henry Dunster*, *William Field*, *George Harrison*, *Thomas Hall*, the Honourable *Charles Leigh*, *Charles Monson*, *William Plumer*, *Richard Reynolds*, *William Shaw*, *William Stanley*, *Richard Warren*, *Thomas Winnington*, Esquires; the Mayor of *Hertford* for the Time being, *Thomas Martin*, *Robert Plomer*, Esquires; and *George Hathaway* Gentleman, shall be and are hereby nominated Trustees for the putting in Execution the Powers and Trusts in them reposed, by virtue or in pursuance of this Act, for the Purposes herein expressed; and that the said Trustees or any Ten or more of them shall first meet and assemble together at the House known by the Sign of *The Old Crown* at *Ware*, on *Monday* the Sixth Day of *August* One thousand seven hundred and thirty-nine; and also yearly and every Year thereafter

Trustees
nominated.

probably the
owner of
Waltham abbe
at that time
vide p 118. o
"a Town. the
Britain". pub
London 1755
M.

Trustees
when and
where to
meet.

on the first *Monday* in *August* at the Place aforesaid, or at any other Place within the City of *London*, or Counties of *Hertford*, *Essex*, or *Middlesex*, as they the said Trustees or any Ten of them shall think proper or convenient; and at such their Meetings shall and may from Time to Time adjourn themselves, and meet at any Place or Places within the City or Counties aforesaid, as they or any Ten or more of them shall think most proper or convenient for putting in Execution the Powers and Trusts in them reposed by virtue or in pursuance of this Act; and if there shall not be Ten Trustees present at any such Meeting or Meetings so to be appointed, then and in any such Case such Meeting shall be continued and stand and be adjourned over to that Day Four Weeks, and to the same Place as such Meeting was last appointed to be held; and the Clerk or proper Officer of the said Trustees, which they or any Ten or more of them are hereby empowered to appoint and remove as they think fit, shall give at least Fourteen Days Notice in the *London Gazette*, or such other Notice as the said Trustees or any Ten or more of them shall from Time to Time order or direct, of the Day and Place on which such adjourned Meeting shall be held; and that the said Trustees at their First Meeting, and at all subsequent Meetings, shall defray their own Charges and Expences.

If there be not Ten at any Meeting, the same to be adjourned till that Day 4 Weeks.

Sums to be paid by the New River Company to such Persons as the Trustees shall appoint.

The same on Nonpayment recoverable by Distress.

XVII. And be it further enacted by the Authority aforesaid, That the said Governor and Company of the *New River* shall pay or cause to be paid unto such Person and Persons as the said Trustees or any Ten or more of them at their First General Meeting, or at any other of their General Meetings, shall from Time to Time by Writing under their Hands appoint, the several Sums of Money in the Manner and at the Times herein-after mentioned; that is to say, the several Sums of Two thousand five hundred Pounds, and Seven hundred and fifty Pounds of lawful Money of *Great Britain*, on the Nine-and-twentieth Day of *September* One thousand seven hundred and thirty-nine; and yearly and every Year for ever, from the said Nine-and-twentieth Day of *September* One thousand seven hundred and thirty-nine, the several yearly Sums of Three hundred Pounds, and Fifty Pounds of like lawful Money, by Two equal half-yearly Payments, that is to say, on the Five-and-twentieth Day of *March*, and the Nine-and-twentieth Day of *September*; the first Payment thereof to begin and be made on the Five-and-twentieth Day of *March* One thousand seven hundred and forty; such Payments to be made at the Office, Place, or House where the said Company do or shall usually meet for the Dispatch of their Business within the Cities of *London* or *Westminster*, or the Suburbs or Liberties thereof, upon Demand to be made by the Person or Persons so to be appointed to receive the same as aforesaid, of or from the Treasurer, Clerk, or Agent of the said Company for the Time being; and in default of such Payment by the Space of One-and-twenty Days after such Demand, and after a Duplicate of such Appointment shall be left with the said Treasurer, Clerk, or Agent of the said Company, the same shall and may be recovered against the said Governor and Company, with full Costs of Suit, by Action to be brought against the said Governor and Company in the Names of Five or more of the said Trustees, in any of His Majesty's Courts of Record at *Westminster*, to be laid in any Place within the City of *London* or County of *Middlesex*; wherein the Plaintiffs may declare, that the said Governor and Company being indebted to the said Plaintiffs in the Sum or Sums then in Arrear (specifying the same, and the Time when it became payable by virtue of this Act; mentioning the Title thereof,) have

have not paid the same, although demanded according to the said Act; and in which Action or Actions no Effoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

XVIII. And be it further enacted by the Authority aforesaid, That the Sum of One thousand Pounds, Part of the said Two thousand five hundred Pounds, shall be paid to *George Hathaway, John Docwra, Anthony Fage, Humphry Ives, Thomas Fletcher, Ambrose Proctor, and Wayte Hampson*, the Survivors or Survivor of them, Inhabitants of the said Parish of *Ware*; out of which they shall in the first place pay and discharge all such Sum and Sums of Money as have been borrowed and actually laid out in carrying on and executing a late Commission of Sewers for preserving the Navigation of the River *Lee* from *Ware* to the River of *Thames*, or for scouring, cleansing, or deepening the same, which still remains due and unpaid, and also all such further Sum and Sums of Money, Cofts, Charges, and Expences, as the said Inhabitants of *Ware*, or any of them, have at any Time been at, or have expended or laid out, in, about, or anyways relating to the obtaining this present Act; and shall and may apply the Residue of the said Sum of One thousand Pounds in such Manner as the said *George Hathaway, John Docwra, Anthony Fage, Humphry Ives, Thomas Fletcher, Ambrose Proctor, and Wayte Hampson*, or the major Part of them, or of the Survivors of them, shall think most beneficial towards carrying on the Navigation from the said Town of *Ware*; and that the Residue of the said Sum of Two thousand five hundred Pounds and also the said Three hundred Pounds a Year, shall from Time to Time be paid and applied for the better Preservation and Improvement of the said Navigation of the said River *Lee* from *Ware-bridge* to the beginning of the said new Cut, and for purchasing, building, or hiring Locks or Weirs upon the said River, in such Manner as the said Trustees or any Ten or more of them shall direct; and also for defraying all such Charges and Expences as shall be necessary for executing the Powers in this Act contained; and the said Monies shall be issued and paid by the Person and Persons so to be appointed to receive the same, according to such Orders as the Trustees or any Ten or more of them at any of their General Meetings shall make for that Purpose; and that out of the said Sum of Seven hundred and fifty Pounds shall in the first place be paid all such Sum and Sums of Money, Cofts, Charges, and Expences, as the said Mayor, Aldermen, and Inhabitants of the said Town of *Hertford*, or any of them, have at any Time been at, or have expended or laid out in the scouring and cleansing the River *Lee* between the said Town of *Hertford* and *Ware-bridge*, or in erecting or repairing the Turnpikes thereon, not exceeding in the whole the Sum of Three hundred and two Pounds Twelve Shillings; and also all such further Sum and Sums as they or any of them have laid out, expended, or been at, in, about, or anyways relating to the obtaining this present Act, as the said Trustees or any Ten or more of them shall at any General Meeting think fit and direct to be paid; and that the Residue of the said Sum of Seven hundred and fifty Pounds, and the said Sum of Fifty Pounds a Year, shall from Time to Time be paid and applied for the Preservation and Improvement of the Navigation of the said River *Lee*, between the said Town of *Hertford* and *Ware-bridge*; and also for defraying all such Charges and Expences as shall be necessary for executing the Powers in this Act contained, in such Manner as the said Trustees or any Ten or more of them shall direct or appoint; which said Trustees are hereby authorized and empowered

Application thereof.

empowered

empowered to do and execute all such Acts, Powers, and Trusts for the Preservation and Improvement of the Navigation of the River *Lee*, from *Ware-bridge* to the Beginning of the said new Cut, to all Intents and Purposes, in as full, large, and ample Manner as they the said Trustees are herein-before empowered to do and execute for the Preservation and Improvement of the Navigation of the said River *Lee* between the said Town of *Hertford* and *Ware-bridge* aforesaid.

Vacancies of Trustees how to be filled up.

XIX. And be it further enacted by the Authority aforesaid, That for the continuing of a sufficient Number of fit and able Persons to be Trustees for ever for the Purposes in this Act expressed, it shall and may be lawful to and for the said Trustees herein-before named, and the Trustees to be hereafter named, or any Ten or more of them, upon the Death of any of the said Trustees, or their Removal or Refusal to act in the said Trust, at any public Meeting or Meetings, whereof Twenty-one Days Notice shall at least be given in the *London Gazette*, or such other Notice as the said Trustees or any Ten or more shall from Time to Time order and direct by any Writing or Writings under their Hands, from Time to Time and at all Times hereafter to elect, nominate, and appoint in the room of such Trustee or Trustees so deceased, removed, or refusing to act, so many more fit and able Person or Persons who at the Time of such Election, Nomination, or Appointment, shall have Lands, Tenements, or other Hereditaments in Fee Simple, Fee Tail, or for Term of Life, of the clear yearly Value of One hundred Pounds or upwards, and who shall live and reside in the same County where such Trustee or Trustees so dying, removed, or refusing to act, did, at the Time of his and their being elected, nominated, or appointed, live and reside, to be joined with them in the Execution of all and every the Powers and Trusts in the said Trustees reposed by virtue and in pursuance of this Act; and all and every Person and Persons from Time to Time so as aforesaid to be elected, nominated, or chosen to join in the putting in Execution this Act, shall and may and they are hereby empowered to act and do to all Intents and Purposes in as full, large, and ample Manner as they the said Trustees herein-before appointed are by this Act empowered to act and do.

Trustees empowered to sue out Commission of Sewers.

XX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed or to be appointed for putting this present Act in Execution, or any Ten or more of them, at any of their General Meetings, to apply for and sue out any Commission or Commissions of Sewers for the better scouring, cleansing, and preserving the said River *Lee* from the said Town of *Hertford* to *Ware-bridge*, and from thence to the said new Cut or River made by the said Mayor, Commonalty, and Citizens of *London*, and to apply any Sum or Sums of Money which shall from Time to Time be in the Hands or Power of the said Trustees appointed or to be appointed by this Act, for the defraying the Expences of taking out and executing such Commission or Commissions of Sewers, in such Manner as shall be thought necessary.

Penalty on Vessels carrying Nets, &c. for destroying Fish.

XXI. And be it further enacted by the Authority aforesaid, That if any Owner or Owners or Steersman of any Boat, Barge, or Vessel navigating in and upon the said River, shall permit or suffer any Fishing-net, Gun, Engine, or other Instrument for taking and destroying of Fish or Game, to be carried in such Boat, Barge, or Vessel, being thereof convicted by the

Oath

Oath of One or more credible Witnesses or Witnesses, before Two or more of the said Trustees (which Oath they are hereby authorized to administer), shall forfeit for every such Offence the Sum of Five Pounds, to be levied by Warrant of the said Trustees, or any Two or more of them, by Distress and Sale of the said Offender's Goods, rendering the Overplus (the Charge of such Warrant, Distress, and Sale being thereout first deducted) to such Offender; one Moiety of the said Forfeiture to be paid to the Informer, and the other Moiety to the Poor of the Parish where such Offender shall be convicted.

XXII. Saving and reserving at all Times hereafter unto the Mayor, Commonalty, and Citizens of *London*, all their Rights and Privileges which by any Law, Usage, or Custom, they have at any Time heretofore held, had, or enjoyed, or now hold, have, or enjoy, in or upon the said River *Lee* or any Part thereof; and also saving and reserving, at all Times hereafter, unto all Persons whatsoever, their several just Rights and Privileges which by Law they have at any Time heretofore had, held, or enjoyed, or now hold, have, or enjoy, in or upon the said River *Lee* or any Part thereof, or in, upon, or relating to the said *New River* or any Part thereof; or any Lands, Grounds, or Hereditaments through which the Stream of the said *New River* or any Part thereof runs, or in, upon, or through which any Watercourses, Canals, Ponds, Reservatories, Mains, or Pipes, are or have been made or laid; saving also and reserving unto all Persons whatsoever, Owners of any Lands and other Hereditaments through which the said *New River* runs, all their Rights and Privileges which by an Act of Parliament passed in the Third Year of the Reign of His Majesty King *James* the First, intituled *An Act for the bringing in a fresh Stream of running Water into the North Part of the City of London*, are saved and reserved, and also saving and reserving to the several Owners of any Lands or other Hereditaments through which any of the said Company's Mains or Pipes are or shall be laid, such yearly Rents, Satisfaction, or Recompence, as the said Company is or shall by Agreement be liable to pay and discharge; any Thing in this present Act contained to the contrary thereof in anywise notwithstanding.

Saving to all Persons their respective Rights.

XXIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and Notice shall be taken thereof as such in all Courts of Justice and elsewhere, without specially pleading of the same; and if any Action, Suit, or Information shall be brought or commenced by or against any Person or Persons, or by or against the said Governor and Company of the *New River*, for any Thing done pursuant to this Act, every such Action, Suit, or Information shall be brought and commenced within Twelve Calendar Months next after the Facts committed, and not afterwards, and shall be laid or brought in the County or City where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action, Suit, or Information shall be brought or commenced after the Time before limited for bringing or commencing the same, or shall be laid or brought in any other County, City, or Place, than where the Matter in Dispute shall lie, then

Public Act.

Limitation of Actions.

General Issue.

the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass or Judgment upon Demurrer be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Full Costs, and such Remedy for the same as any Defendant or Defendants hath or have, or may or can have, for Costs in any other Cases by Law.

Full Costs.

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