

ANNO REGNI

GEORGE II. REGIS

Magnae Britanniae, Franciae, Hiberniae,
TERTIO.

At the Parliament begun and holden at *Westminster*, the Twenty-third Day of *January*, *Anno Dom. 1727*, in the First Year of the Reign of our Sovereign Lord G E O R G E 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 Thirteenth Day of January 1729; being the Third Session of this present Parliament.



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ANNO TERTIO

GEORGI II. REGIS.

C A P. XIII.

An Act for making Navigable the River Stroudwater, in the County of
Gloucester, from the River *Severn*, at or near *Framiload*, to *Wallbridge* near
the Town of *Stroud* in the same County.

WHEREAS the River called *Stroudwater* is capable of being made navigable from the River *Severn*, at or near *Framiload* in the County of *Gloucester*, to *Wallbridge* near the Town of *Stroud* in the same County, which, if effected, will be of great Advantage not only to the Clothing Trade of the said County, but likewise to the Publick, by opening a Trade and Commerce between the City of Bristol and the several Market Towns and other Places near the said River *Stroudwater*, whereby the Poor will be much better employed, the Highways greatly preserved, and the Woollen Manufacture of the said County much improved and increased; to the end therefore that the said River, called *Stroudwater*, may be made navigable and passable for Boats, Barges, Lighters, and other Vessels; 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 *Samuel Yeats* of *Minchin-Hampton*, *Thomas Arundell* of *Stroud*, *William Edwards* of *Shurdington*, *William Capel* of *Stroud*, *John Peach* of *Minchin-Hampton*, *Daniel Watkins* of *Besley*, *Samuel Hawker* of *Rodborough*, *Thomas Bond* of *Stroud*, *Joseph Cambridge* of *Minchin-Hampton*, Gentlemen, their Heirs or Assigns,

Persons
authorized
to make the
River
Stroud
navigable.

3^o GEORGI II. Cas. 13.

Their
Powers.

Assigns, or such Person or Persons as they or any Five or more of them shall nominate and appoint under their Hands and Seals, their Deputies, Agents, Officers, Workmen, and Servants, shall be and are hereby authorized and empowered, at their proper Costs and Charges, to make the said River called *Stroudwater* navigable and passable for Boats, Barges, Lighters, and other Vessels from the River *Severn*, at or near *Framiload aforesaid*, to *Wallbridge* near the Town of *Stroud* aforesaid, and from Time to Time to continue, maintain, and use such Navigation in such Manner as they shall think fit; and for the better carrying on, effecting, supporting, and continuing thereof from Time to Time, as they shall think proper, to clear, scour, open, and enlarge or straiten the said River, called the *Stroudwater*, or any other Streams, Brooks, or Watercourses, which do come, or may be brought into the same, and to dig or cut the Banks of adjoining or near unto the same River, Streams Brooks, or Watercourses, or any of them, as they shall, think fit and proper for Navigation and Passage of Boats or other Vessels, or any ways necessary for the better carrying on and effecting the said Undertaking, being the Soil or Ground of the King's most Excellent Majesty, His Heirs or Successors, or of any other Person or Persons, Bodies Politick or Corporate, their Heirs or Successors, and to remove and take away al Trees and other Obstruction and Impediments whatsoever, which may any way hinder Navigation, either in failing or haling of Boats, Barges, Lighters, and other Vessels, with Men or Horses, or otherwise, upon the same River, Brooks, Streams, Cuts, or Watercourses, and to build, erect, set up, and make, over or in the same River, Streams, Brooks, Cuts, and Watercourses, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices Locks, Wears, Pens for Water, Stanks, Dams, Cranes, Wharfs, Warehouses, and other Works, as and where they the said Undertaker, their heirs, Assigns or Nominees shall think fit and convenient;- and from Time to Time to alter, repair, and amend the same, and to make, widen, or enlarge any Ways, Passages, and other Conveniences for the carrying and conveying of Goods, Commodities, and other Things to and from the same River, navigable Passages, Streams, or Cuts, and, for the carrying and conveying of all manner of Materials for erecting or making the said Works, and for altering, repairing, or amending the same, and to lay the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall or are to be made, erected or done, and to amend, heighten, or alter any Bridges, and turn or alter any Highways, in, upon, or near the same River, Streams, or Cuts, as may any ways hinder the Navigation or Passage thereon, and also to make, let out, and appoint Towing Paths and Ways convenient for towing, haling, or drawing of Boats, Barges, Lighters, and other Vessels passing in, through, and upon the same River, Streams, Brooks, Cuts, and Watercourses, as the said Undertakers, their Heirs, Assigns, and Nominees shall think convenient, and to do all other Matters and Things Preservation thereof; the said Undertakers, their, Heirs and Assigns, first giving Satisfaction to the Owners or Proprietors of such Lands,

Lands, Tenements, Tythes, or Hereditaments respectively, as shall be digged, cut, removed, or otherwise made use of, or that in anywise shall be prejudiced or damaged, sor the carrying on or effecting the said Navigation, or sor maintaining or managing the same, as the Cornmissioners herein-after named sor that Purpose shall direct and appoint, according to the true Intent and Meaning of this Act, in case the said Undertakers, their Heirs or Assigns, shall not otherwise agree with the Proprietors of such Lands, Tenements, or Hereditaments respectively concerning the same.

II. And sor the better effecting the Premises, and due rating the Value of the Things sor which Satisfaction shall be given, according to the true Intent of this Act, if the Persons concerned as asoresaid shall not agree among themselves, be it enacted by the Authority asoresaid, That *Daniel Adye Esqurie, William Abdy, William Adey, John Andrews, Thomas Andrews, William Arundell, Nathaniel Adams, Richard Aldridge*, Gentlemen; the Honourable *Henry Berkeley*, the Honourable *George Berkeley, Peter Bathurst, Benjamin Bathurst, John Berkeley, William, Blathwaite, Reginald Morgan Bray, Thomas Barrow, Richard Browning, William Baghot, Levi Ball, Nathaniel Beard*, Esquires; *William Blanch, Giles Body, Archibald Blackwell, John Bond, Stephen Burcomb*, Gentlemen; the Mayor and Aldermen of the City of *Bristol* sor the Time being, *Sir Robert Cann, Sir William Codrington, Sir Rushout Cullen*, Baronets; *John Codrington, Thomas Chester, Edmund Chamberlain, Dennis Cooke, Maynard Colchester, Henry Creswick of Hannam, John Coxe, Thomas Church, Thomas Cooke, Jonathan Castleman, Paul Castleman, Richard Cambridge, William Clutterbuck, Richard Clutterbuck of Frampton, Francis Colston*, Esquires; *Thomas Chance, Daniel Chance, John Cripps, Samuel Cole, Nathaniel Cambridge, Giles Clutterbuck, Richard Clutterbuck, Jasper Clutterbuck*, Gentlemen; *Sir John Dutton* Baronet, *Kinard Delabere, Richard Dowdeswell, John Baker Dowell, Thomas Daunt*, Esquires; *Jeremiah Day junior, Jeremiah Davis, William Davis, John Dallaway*, Gentlemen; *Sir Abraham Elton* Baronet, *Giles Earle, William Rawlinson Earle, Thomas Estcourt, Edmund Estcourt, William Edwards*, Esquires; *Abraham Elton, William Estcourt, Anthony Edwards, Anthony Edwards junior, Richard Edwards, Robert Ellis, Abraham Elton*, Gentlemen; *Sir Francis Fust* Baronet, *Francis Fane, Edward Field*, Esquires; *Nathaniel Sowler, Daniel Sowler*, Gentlemen; the Right Honourable *Thomas Lord Viscount Gage*, in the Kingdom of *Ireland*, *Sir John Guise* Baronet, *John Guise, Henry Guise, Giles Gardner*, Esquires; *John Gyde, Nathaniel Gyde, Thomas Gyde, William Gryffin, Jonathan Gegg*, Gentlemen; the Mayor and Aldermen of the City of *Gloucester* sor the Time being, *John Howe, John Hanbury, Rogers Holland, Charles Hyett, Edward Bisse Hale, Matthew Hale junior, Andrew Hooke, Thomas Horton, Thomas Hayward, Edward Hill, William Hodges*, Esquires; *Samuel Holder, Peter Haines, John Hooper alias Morse, William Halliday*, Gentlemen; *Sir Robert Banks Jenkinson* Baronet, *John Jefferies, John Jacob, John Iles, Roynon Jones*, Esquires; *William Jayne, Thomas Iles, Francis Jay, Nathaniel Iles*, Gentlemen; *Sir William Keyte* Baronet, *William Kingscote, Nigel Kingscote*, Esquires; *Richard King* Gentleman, *Daniel Lysons senior, Daniel Lysons junior, Robert Loader, Littleton Laurence, William Lane*, Esquires; *William Loveday* Gentleman, the Honourable *Matthew Ducie Morton, Thomas Master, William Henry Morgan, Edward Machen, Samuel Mee, Thomas Mee*, Esquires; the Honourable *Sir Michael Newton, Knight of the Bath*;

Commissioners appointed to determine Differences

3^o G E O R G E II. Cap. 13.

Bath; *John Neale, William Nelme, John Nelme*, Esquires; *Giles Nash* Gentleman, *Sir Henry Penrice* Knight; *Henry Perrot, Thomas Pyrke, Edward Popham, Thomas Player, John Prynne, Walter Pryse of Paynswick, Lewis Pryse*, Esquires; *Patridge of Wishanger, Samuel Peach, John Peach, John Patridge, Thomas Phelps, Joseph Pinsoid, Daniel Packer, John Packer, Thomas Purnell, Thomas Pettat, Thomas Phillipps, Samuel Poulton*, Gentlemen; *Sir Thomas Read, Sir John Rushout*, Baronets; *George Read, Thomas Rous, Walter Ridler*, Esquires; *Abraham Ridler* Gentleman, *Sir John Smith* Baronet, the Honourable *John Scrope, John Selwyn, Charles Selwyn, Edward Southwell, Edward Southwell junior, Nathaniel Stephens, John Stephens, John Sampson, William Saunders, Samuel Sheppard, Robert Sandford, Luke Singleton, Joseph Small, John Small, Richard Stephens, Charles Savage, Robert Stephens*, Esquires; *John Saunders, Thomas Small, John Saniger, Thomas Smart, William Sandford, Samuel Saunders, Robert Shipway, Brice Seed, Edward Stephens, Jasper Selwyn, John Shipway, Joseph Small junior, Daniel Small*, Gentlemen; the Right Honourable *Thomas Lord Viscount Tracy*, in the Kingdom of Ireland; *John Ivory Talbot, John Tracy, Samuel Trotman, Thomas Trye of Ampney, Thomas Trye of Hannam, John Temple*, Esquires; *William Twonsend, William Tayloe, William Tayloe junior, Robert Thayer, John Taylor, William Tippetts, John Tykell*, Gentlemen; *William Vaughan, Vaughan of Sherehampton, Robert Unet, Thomas Wyndham, Edmund Waller, Thomas Warner, Thomas Wynston, Henry Windowe, George Ware, Thomas Webb, Wenman Winniat*, Esquires; *Matthew Wallbank, Edmund Wick, John Webb, Robert Webb of the Ham, Edward Webb, Richard Webb, John Winchcombe, Samuel Whitmore, Jacob Wallington*, Gentlemen; *Sir Philip Yorke* Knight, His Majesty's Attorney General, *Charles Yate, and Walter Yate*, Esquires, shall be and are hereby constituted and appointed Commissioners for settling, determining, and adjusting (in manner herein-after mentioned) all Matters about which any Difference or Controversy may arise between the said Undertakers, their Heirs, Assigns, or Nominees, and the Proprietors of the said Lands, Tenements, Tithes, or Hereditaments; and they the said Commissioners, or any Seven or more of them, are hereby empowered and authorized, and shall have full Power and Authority, to interpose and mediate between the said Undertakers, their Heirs, Assigns, and Nominees, and the Owners and Occupiers of such Lands, Tenements, and Hereditaments, adjoining to or near the same River, Streams, Brooks, or Watercourses, as shall be intended to be made use of for the carrying on or effecting the Undertaking aforesaid, and to settle and determine what Satisfaction every Person or Persons, Bodies Politic or Corporate, shall have for such Proportion of his, her, or their Lands, Tenements, Tithes, or Hereditaments, as shall be cut, digged, removed, or made use of as aforesaid, and for the Damage that shall be thereby sustained, and to settle and adjust what Share and Proportion of such Purchase Money or Satisfaction every Tenant, or other person, having a particular Estate, Term, or Interest in any of the Premises, shall have or receive for his, her, or their respective Interest or Right; and if it shall happen that any Person or Persons, Bodies Politick or Corporate, shall avoid or decline such Mediation, or refuse to treat or agree, or through any Disability by Nonage, Coverture, or special Tail, or other Impediment, cannot treat or agree with the said Undertakers, their Heirs, Assigns, or Nominees, that then, and in every such Case, the said Commissioners, or any Seven or more of them, are hereby authorized and empowered, from time to time, to issue out their Warrant or Warrants, under their Hands and Seals, to

Any Seven of the Commissioners may settle Differences between Undertakers and others:

If any refuse to treat, they may order a Jury.

the Sheriff of the said County of *Gloucester* for the Time being, for the impanelling and returning, and the said Sheriff is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four able and sufficient Men, qualified according to the Laws and Statutes of this Realm to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as by such Warrant or Warrants shall be appointed, upon pain to forfeit for every Default in not making such Return, Fifty Pounds; and also to return Issues upon every such Person so impanelled and returned, not appearing, the Sum of Forty Shillings, which shall be duly estreated and levied to the Use of the said Undertakers and their Successors, by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Seven of them; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers by, or that can be speedily procured to attend that Service, to make up the said Jury to the Number of Twelve, and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Commissioners, or any Seven or more of them, are hereby empowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion Shall require, to summon and call before them every Person and Persons whatsoever, as Shall be thought proper and necessary to be examined as Witnesses before them, in, touching, and concerning the Premises; and also to order and authorize the said Jury to view the Place or Places or Matters in question, as they the said Commissioners or any Seven or more of them Shall think fit; which Jury, upon their Oaths to be administered by the said Commissioners (which Oath as also the Oaths to such Person or Persons as shall be called upon to give their Evidence before them the said Commissioners, or any Three or more of them, are hereby empowered to administer), shall inquire and assess such Damages and Recompense as they shall think fit, to be awarded to the Owners and Occupiers of any such Lands, Tenements, Tithes, or Hereditaments, or any Part thereof, as shall be used for, or damaged by, making the same River navigable, for their respective Estates and Interests therein, by reason of the cutting, digging, removing, or otherwise using any of his, her, or their Lands, Tenements, or Hereditaments for the Purpose aforesaid, or for the Loss or Damage which they shall or may respectively sustain thereby; and the said Commissioners, or any Seven or more of them, shall give Judgment for such Sums so to be assessed by such Juries, and Thail upon Oath as aforesaid, and by all other lawful Ways and Means, examine, hear, and finally determine all manner of Disputes and Controversies, which Shall happen or arise between any Persons whatsoever touching or concerning any Matter or Thing relating to the aforesaid Premises, or any Part thereof; which said Verdict, and the Judgment, Decree, or Determination thereupon declared and pronounced by the said Commissioners, or any Seven or more of them, and the Value and Recompense so to be assessed and decreed (Notice in Writing being first given of the Time and Place of the Meeting of the said Commissioners, at least Ten Days before such Ivi ceting, to every Person concerned, or being left in Writing at the Dwelling-house of such Party concerned, or at his, her, or their usual Place of Abode, or with some Tenant or Occupier of some Lands or Tenements of such Party near the said River, in case such Party cannot conveniently be found out to be served with such Notice) shall be binding to all Intents and Purposes against the King's Majesty, His Heirs

Lawful Chal-
lenges.

Witnesses to be
summoned.

Jury to assess
Damages:

Their Verdict
binding.

The Decrees
to be kept
among the
Records of
the County
of
Gloucester.

On Payment
or Tender of
The
Assessments
Undertakers
may act.

Persons
summoned not
appearing, etc.
forfeit 40s.

Heirs and Successors, and against all and every other Party and Parties, their Heirs, Successors, Executors, Administrators, and Assigns, and all others claiming any Title or Interest in the same Lands, Tenements, or Premises, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Infants, Feme Coverts, Tenants in Tail, as others, and their respective Heirs, Executors, and Administrators, and all claiming by, from, or under him, her, or them, or any of them; which said Orders, Sentences, or Decrees so made, shall be set down in Writing under the Hands and Seals of the Commissioners that shall make the same, and be kept among the Records and Writings of the Sessions of the Peace for the said County of *Gloucester*; all which, or true Copies thereof, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and that upon Payment of any such Sum or Sums, so agreed on or assessed, to the Party concerned, or Tender thereof made at his, her, or their Dwelling-house, and if they have no Dwelling-house, then at the House of some Tenant or Occupier of some Lands or Tenements of such Party, near the same River; and if upon such Tender as aforesaid they refuse, or shall not be willing to receive the same, then upon Pay -ment of such Sum into the Hands of such Peron or Persons as the Commissioners, or any Seven or more of them, shall appoint, for the Use of the Parties interested as aforesaid, it shall then, and not before, be lawful to and for the said Undertakers, their Heirs, Assigns, or Nominees, their Agents, Workmen, and Servants, to remove, dig, cut, or use so much of the said Lands, Tenements, or Hereditaments, for which such Satisfaction shall be assessed or decreed as aforesaid, and thereon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the said Navigation, and for the supporting and maintaining the same, as the said Undertakers, their Heirs, Assigns, or Nominees, shall think requisite, and to have, use, and enjoy the same to and for their own Use and Benefit; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said Undertakers, their Heirs, Assigns, and Nominees, and all Persons employed or authorized by them, against the said Owners and Occupiers, their Heirs, Successors, Executors, Administrators, and Assigns, to all Intents and Purposes whatsoever: Provided always, that no Commissioner shall vote or act in any Case where he is any ways interested or concerned, or in case he hath not an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds or a Real and Personal Estate together of the Value of Two thousand Pounds at the least.

III. Provided also, and be it further enacted by the Authority aforesaid, That if any Peron or Persons summoned as aforesaid to give Evidence shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be limited, mentioned, or appointed in or by the Warrant or Warrants granted by the said Commissioners or any Seven or more of them for that Purpose as aforesaid, or appearing shall refuse to be sworn and give Evidence, or be examined by or before the said Commissioners, every Peron so neglecting or refusing, having no reasonable Excuse, shall forfeit and pay to the said Undertakers and their Successors, or to whom, they shall appoint, for every such Neglect or Refusal the Sum of Forty Shillings, to be levied on the Goods or Chattels of the Peron or Persons so neglecting or refusing, by Warrant or Warrants under the Hands and Seals,

Seals of the aforesaid acting Commissioners or any Seven of them, to be levied by Distress and Sale of the Offender's Goods, rendering the Overplus to the Owner thereof, after such Distress and Sale made, if any be.

IV. And be it further enacted by the Authority aforesaid, That for the supplying the Number of the said Commissioners in case of Death, or any of their Refusal to act, the surviving or other Commissioners or any Thirteen or more of them shall, from Time to Time, by some Instrument in Writing under their respective Hands and Seals, nominate and appoint some other Person or Persons within the said County, having an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or a Real and Personal Estate together of the Value of Two thousand Pounds at the least, in the Place of him or them so dying or refusing to act; which said new Commissioner or Commissioners so nominated and appointed shall from thenceforth have like Power and Authority, in all Things relating to the Matters aforesaid, as if he or they had been expressly named in this Act; and every such Instrument and Nomination of new Commissioners shall from Time to Time be recorded by the Clerk of the Peace for the said County.

On Death of Commissioners new ones to be chosen.

V. And be it further enacted by the Authority aforesaid, That for and in consideration of the great Charges and Expences the said Undertakers, their Heirs, Assigns, or Nominees, will be at, not only in making the same River navigable as aforesaid, but also in repairing and keeping up the said Works, Locks, and other the Premises so to be made and erected as aforesaid, and making them fit and useful for the said Navigation, it shall and may be lawful to and for the said Undertakers, their Heirs, Assigns, and Nominees, and no others, from Time to Time, and at all Times hereafter, to ask, demand, recover, and take to and for their own proper Use and Behoof, in respect of their Charges and Expences as aforesaid, for all and every such Goods, Wares, Merchandizes, and Commodities whatsoever, that shall be carried or conveyed up or down the said River called *Stroudwater*, the Rates, Tolls, and Duties herein-after mentioned, and at such Place or Places adjoining to the said River, as the said Undertakers, their Heirs, Assigns, or Nominees, shall think fit ; viz.

For every Ton Weight of Coals, and Corn, Malt, Grain or Meal of any Sort, that shall be carried or conveyed in any Boat, Barge, or Vessel up the said River called *Stroudwater*, or any Part thereof, between the said River *Severn* at or near *Framiload*, and *Wallbridge* near the Town of *Siroud* aforesaid, or down the said River called *Stroudwater*, between *Wallbridge* near the Town of *Stroud*, and the River *Severn* at or near *Framiload*, any Sum not exceeding Three Shillings and Sixpence; and so in proportion for any greater or lesser Weight, or for a less Distance of Place:

Rates to be paid to Undertakers

And for every Ton Weight of other Goods, Wares, or Merchandizes, which shall be carried or conveyed in any Boat, Barge, or Vessel upon the said River called *Stroudwater*, or any Part thereof, between the said River *Severn* at or near *Framiload*, and *Wallbridge* near the Town of *Stroud* as aforesaid, any Sum not exceeding Five Shillings; and so in proportion for any greater or less Weight, or for a less Distance of Place:

And in case of Refusal, Neglect, or Denial of Payment on Demand of the several Rates and Prices above mentioned, the said Undertakers, their Heirs

Stoppage of Goods for Nonpayment.

Heirs and Assigns, and such other Person or Persons as they shall nominate and appoint for that Purpose, shall and may sue for the same, by Action of Debt or upon the Case, in any Court of Record, or may detain or stop any Goods, or any Vessels carrying Goods, for which the said Rates and Prices ought to be paid, until they shall be satisfied and paid for the same.

Undertakers may set up Winches, etc.

VI. And whereas it will be necessary in some Places to hale or tow up Barges, Boats, Lighters, and other Vessels, by the Strength of Men, Horses, Engines, and other Means; be it further enacted by the Authority aforesaid That it shall and may be lawful to and for the said Undertakers, their Heirs and Assigns, Watermen, Boatmen, and Bargemen, passing or navigating upon the said River *Stroudwater*, and the Streams, Cuts, or Watercourses thereof, and their Helpers and Assistants, to set up and make use of Winches and other Engines in convenient Places, and with the same, by Strength of Men, Horses, or Beasts going upon the Banks or Land near the same River, Streams, Cuts, or Watercourses, in Convenient Manner, to draw or hale up any Barges, Boats, Lighters, or other Vessels, without the Interruption or Denial of any Person or Persons whatsoever.

Bargemaster answerable for his Crew.

VII. And for the preventing of Damages or Mischief that may be done or committed by any rude or disorderly Persons rowing, navigating, or managing Boats, Barges, Lighters, or other Vessels, in and upon the said River, Streams, Cuts, or Watercourses, and to the End that the Owners and Masters thereof may be more careful therein, be it enacted by the Authority aforesaid, That the Master or Owner of every Boat, Barge, or other Vessel, shall be and is hereby made answerable and responsible for any Damage or Mischief that shall be done by his Boat, Barge, or Vessel, or any of the Crew, or his Bargemen, Boatmen, or Watermen, to any of the Bridges. Weirs, Locks, Dams, or Engines in, upon, or near the same River, Streams, Cuts, or Watercourses, and for any Trespass or Damage that shall or may be done to the Owners or Possessors of any Lands or Tenements adjoining to the same, or any of them, otherwise than is provided for and authorized by this Act; and the said Master or Owner of such Boat or Vessel shall and may be sued and prosecuted for the same in any Court of Record, and if found guilty, or a Verdict pass against him, or Judgment be given against him upon Demurrer, the Plaintiff in any such Case shall not only recover his Damages thereby sustained, but full Costs of Suit.

This River not under the Survey of Commissioners of Sewers.

VIII. And it is hereby further enacted by the Authority aforesaid, That the said River called *Stroudwater*, from the River *Severn* at or near *Framiload* to *Wallbridge* near the town of *Stroud* aforesaid, or any of the Matters or Things which shall be made, erected, or used for making and keeping the said River, Streams, Cuts, or Watercourses navigable and passable as aforesaid, shall not be under the Survey or Orders of any Commission of Sewers, nor subject thereunto.

Undertakers to secure Lands from being overflowed, and

IX. And be it further enacted by the Authority aforesaid, That if the said Undertakers, their Heirs, Assigns, or Nominees, shall, in pursuance of the Powers of this Act, by any Means raise the Water in the said River called *Stroudwater* above its ancient and usual Heighth, whereby the

the adjacent Lands or Premises may be more liable to be overflowed or damaged than they have formerly been, that then the said Undertakers, their Heirs and Assigns, at their own proper Costs and Charges, shall cause the Banks of the said River to be proportionably raised and strengthened in all Places where Need shall require, so that the new Banks shall be able and sufficient to contain the Waters at such their raised Heighth; and also shall, from Time to Time, maintain and repair the same Banks as often as Occasion shall require; or if the said Undertakers, their Heirs or Assigns, in pursuance of the Powers aforesaid, shall make any new Cuts or Trenches, by reason whereof any Person or Persons shall not have convenient Ingress or Egress into or out of their respective Lands, Tenements, or other Hereditaments, or any Part thereof, as there shall be Occasion, that then and in such Case the said Undertakers, their Heirs and Assigns, at their own proper Costs and Charges, shall erect and maintain such sufficient Bridges over every such new Cut, as by the said Commissioners or any Seven or more of them shall be directed; and in case any Loss or Damage shall at any Time hereafter fall upon or happen to any of the aforesaid Lands, Tenements, or Hereditaments, which at this Time is not foreseen nor herein provided for, that then and in such Case, if the said Parties shall not agree the same amongst themselves, the said Commissioners or any Seven or more of them shall, from Time to Time, settle, assess, and decree such Recompence and Satisfaction to be made for the same, to the Person or Persons injured or aggrieved, as they shall judge fit and reasonable, in such Manner as for the other Losses and Damages herein-before mentioned are provided for; and that the Rates, Tolls, and Duties accruing or arising therefrom, or by virtue of this Act, shall from Time to Time, in the first Place, be subject and liable to answer and satisfy the same, in such Manner as the said Commissioners or any Seven or more of them shall direct and decree: Provided always, that the said Undertakers and their Successors shall make and set up, and from Time to Time maintain convenient Gates and Bridges, Passages and Stiles, in all the Hedges and Fences in the Towing Paths and Ways to be set out as aforesaid, and shall not obstruct or destroy any Bridges, Highways, or Passages over the said River, Brooks, or Streams, without making and maintaining other Conveniences for passing the same near to the same Places.

make good
Damages.

X. And it is also hereby further enacted and declared by the Authority aforesaid, That the said River called *Stroudwater* is and for ever hereafter shall be esteemed and taken to be an open, common, and navigable River, from the River *Severn* at or near *Framiload* aforesaid to *Wallbridge* near the Town of *Stroud* aforesaid, and to be within the Port of *Gloucester*, and that all the King's liege People whatsoever may have and lawfully enjoy their free Passage in, along, through, and upon the said River called *Stroudwater*, to and from the Places aforesaid, with Boats, Barges, Lighters, and other Vessels, and have and enjoy all necessary and convenient Liberties and Privileges for navigating the same, without any Obstruction whatsoever, paying the Rates, Tolls, and Duties before in this Act limited and appointed to be paid; provided that none of the Rates, Tolls, or Duties aforesaid, or other Sum of Money or Thing, shall be demanded. or taken for any Dung, Marle, or other Manure, which shall be carried or conveyed upon the said River called *Stroudwater*, by any of the Owners or Occupiers of any the Lands within the Distance of five Miles from

The River free for
all Passengers on
Paying the Rates

Exception as to
Manure.

Undertakers to begin by 24 June 1732, and finish before 24 June 1740.

from the said River, their Servants or Agents, to be used or employed for the manuring or, improving of their respective Lands, and not otherwise.

XI. And be it further enacted by the Authority aforesaid, That in case the said Undertakers, their Heirs, Assigns, or Nominees, do or shall not begin the said Undertaking on or before the Twenty-fourth Day of *June* which shall be in the Year of our Lord One thousand seven hundred and thirty-two, and finish the same, in making the said River *Stroudwater* navigable, according to the Intent and Meaning of this Act, on or before the Twenty-fourth Day of *June* which shall be in the Year of our Lord One thousand seven hundred and forty, that then and immediately after the said Twenty-fourth Day of *June* One thousand seven hundred and forty, it shall and may be lawful to and for the said Commissioners or any Thirteen of them to appoint such other Persons to do the same as they shall think fit; which said Person or Persons so nominated and appointed shall, from the Time of such Nomination and Appointment, have the same Powers, Authorities, Rights, Privileges, and Interests for the making the same River navigable, and doing all Things necessary thereto, as the said Undertakers may or can do by virtue of this Act; and immediately from and after such Nomination and Appointment all and every the Powers, Authorities, Rights, Privileges, and Interests of the said Undertakers before named, their Heirs, Assigns, and Nominees, shall cease, determine, and be utterly void.

Not to assign their Interest till Navigation perfected.

XII. Provided always, and be it enacted by the Authority aforesaid, That no Proprietor or Undertaker shall be at Liberty to assign his Share or Interest till such Time as the said intended Navigation shall be perfected, unless Thirteen of the said Commissioners shall at one of their public Meetings grant a Licence in Writing for that Purpose.

Expences of Meeting, etc. to be born by them.

XIII. Provided always, and be it further enacted by the Authority aforesaid, That all the Expences attending such Meeting, and all Costs and Expences of summoning and maintaining the Jury and the Witnesses, and all other contingent Expences attending the ascertaining and determining the Value of any Lands, or any Damages sustained, shall be borne and paid by the Undertakers, their Heirs, Assigns, or Nominees, and Judgment shall be given for the same by the said Commissioners, or any Seven or more of them as above directed.

All Damages not provided for to be settled by a Jury.

XIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons, at any Time after the said Undertakers, their Heirs, Assigns, or Nominees, shall begin to make the said River *Stroudwater* navigable, shall happen to sustain any Damage in his, her, or their Lands, Grounds, Mills, Wears, Bridges, or other Hereditaments, in, upon, or near the same River, not otherwise herein-before provided for, either by raising the Water to a prejudicial Height, or by turning, diverting, or lowering the Stream thereof, or by not sufficiently making up the Banks thereof, or by not cleansing the same, or by turning or diverting any other Streams or Brooks that shall be brought into the same, in such Case it shall be lawful for the said Commissioners, or any Seven of them, and they are hereby required, upon Complaint made to them by such Person or Persons, to issue their Warrant or Warrants under, their Hands and Seals

Seals to the Sheriff of the aforesaid County of *Gloucester*, which he is hereby required to obey under the Pain aforesaid, requiring him at some convenient Time and Place, to be in such Warrant or Warrants expressed, of which Ten Days Notice at least before the Meeting shall be given, as well to the said Undertakers as to the Party or Parties complaining, to return before them, or any Seven or more of them, the said Commissioners, under the Penalty of Forty Shillings, in Issues, a good and sufficient Jury of Persons in Manner so qualified as aforesaid; and the Jury so returned shall upon Oath (which Oath, as well as an Oath to such Witnesses as shall be produced, the said Commissioners or any Three or more of them, are hereby authorized and required to administer) enquire how far the said Undertakers have any ways occasioned such Damage, and shall assess the Damage so occasioned: according to which Verdict and Assessment the Commissioners aforesaid, or any Seven or more of them, shall give Judgment for the said Undertakers to pay to the Party or Parties aggrieved, his, her, or their Damages so assessed, with all Costs and Charges relating thereto, and for securing a Satisfaction for the same in case the said Undertakers, their Heirs, Assigns, or Nominees, shall not (being thereto required) satisfy and recompence such Damage or injury as shall be so settled as aforesaid, with full Costs of Suit, within Twenty Days after such Request made, to appoint one or more Person or Persons to receive the Tolls, Rates, and Duties by this Act imposed, and thereout in the First Place to pay all such Damages and Colts so to be settled and assessed, as aforesaid; and the Monies so to be received by such Receiver or Receivers, shall and is hereby declared to be as so much Money received to the Use of such Proprietors, or Persons suffering Damage as aforesaid, in Order and Course successively, as such Determinations shall be in Priority of Time; and after such Damages and Costs so settled and assessed shall be paid and satisfied, the Powers and Authority of such Receiver or Receivers, for the Purposes aforesaid, shall cease and determine; any thing herein contained to the contrary notwithstanding.

XV. Provided always, and be it further enacted by the Authority aforesaid, That in Case the Damage herein-before provided to be satisfied be levied by out of the Tolls arising by the intended Navigation, shall not be paid and satisfied within the Space of Three Months after Judgment shall have been given as aforesaid, that then and in such Case it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, upon Complaint made to them by the Person or Persons sustaining such Damage, to issue their Warrant and Warrants under their Hands and Seals, directed to the Sheriff of the said County of Gloucester, to raise and levy upon the Goods or Chattels of the said Undertakers, or any or either of them, the Damages so assessed as aforesaid, and all Costs and Charges relating thereto.

XVI. And for the better and more effectual preventing the Prejudice or Damage which may be occasioned to the several Mills upon or near the to the said Streams, intended to be made navigable, at a Time of short Water, be it further enacted by the Authority aforesaid, That from and after the Fourteenth Day of *August* to the Fifteenth Day of *October* in every Year, the said Undertakers, their Heirs, Assigns, or Nominees, or any other Owners of Person or Persons whatsoever, shall not navigate or use the said Navigation.

Damages to
be levied by
Distress.

From 14 Aug.
to 15 Oct.
yearly, no
Barges to pass
without
Consent of the
Owners of
Mills.

or permit any Boat, Barge, or other Vessel whatsoever, to pass or repass in, upon, or through the said intended River; nor shall substract or take away, during the said Space of Time, any Part of the Water in the present Streams or Brooks, without the Consent of the major Part of the Occupiers of such Mills first had and obtained in Writing; and in case any Boat, Barge, or other Vessel, shall be permitted to pass during the Space aforesaid, without such Consent, the said Undertakers, their Assigns or Nominees, shall forfeit and pay for every Boat, Barge, or other Vessel, so passing or repassing, the Sum of Five Pounds, to be levied by Distress and Sale of the Goods of the said Undertakers, or any or either of them, by Warrant or Warrants under the Hand and Seal of the said Commissioners, or any Seven or more of them; one Moiety of such Penalty to be paid to the Poor of the Parish where the Offence shall be committed, and the other Moiety to the Informer.

Undertakers to
open the Locks
to Barges.

XVII. And for the better and more commodious Navigation of Boats and Vessels on the said River *Stroudwater*, be it further enacted by the Authority aforesaid, That the said Undertakers, their Heirs, Assigns, or Nominees, and their Deputy and Deputies, shall from Time to Time be obliged, as any Boat or Vessel shall come up to any Lock or Locks upon the said River, first paying the Tolls aforesaid, to open such Lock and Locks for supplying such Boat or Vessel with Flows or Flashes of Water; and in case of Refusal upon Demand made for that Purpose, he or they so refusing shall forfeit the Sum of Ten Pounds of lawful Money of Great *Britain*, one Moiety thereof to be paid to the Owner of such Boat or Vessel, and the other Moiety thereof to be paid to the Person or Persons who shall sue for the same, within Six Calendar Months next following, in any of His Majesty's Courts of Record at *Westminster*.

Place of Meeting
of the
Commissioners

XVIII. Provided always, That the Place of Meeting for the said Commissioners to put this Act or any Part thereof in Execution, shall be at the *George Inn* within the Town of *Stroud* aforesaid, or within Seven Miles of the Place in question, where any Controversy doth arise.

No Order of
Commissioners
binding unless
made at a General
Meeting.

XIX. Provided also, and be it further enacted by the Authority aforesaid, That no Order, Decree, or Determination, made by any Part of the said Commissioners, shall be binding, unless the same shall be made at a General Meeting of the said Commissioners, where Seven of them at least shall be present at the Time of making such Order or Decree, and that no such Meeting shall be held, except it be by Adjournment of the Jail Meeting or Court; and if it shall happen that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Commissioners a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case the Clerk of the said Commissioners shall and may, by affixing public Notice at or upon the Market House in the Town of *Stroud* aforesaid, and at or upon some public Place, as near as conveniently he can to both Ends of the said River, at *Framiload* and at *Wallbridge* aforesaid, at least Fourteen Days before the next Meeting, appoint the said Commissioners to meet at the House where the last Meeting of the said Commissioners was appointed to be held, on that Day Three Weeks next after the Day on which such last Meeting of the said Commissioners was appointed to be held.

XX. Pro.

XX. Provided always, That nothing herein contained shall extend, or be construed to extend, to give any Power or Authority to the said Undertakers, their Heirs, Assigns, or Nominees, to make any Cut or Cuts, Trench or Trenches, or Passage for Water, in, upon, or through any House, Mill, or Garden inclosed with Walls upon the Twenty-fifth Day of
March One thousand seven hundred and thirty.

Commissioners not to make Cuts through any House, Mills, or Garden inclosed on 25 March 1730; nor through the Garden of John Small, Esq.

XXI. Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to give any Power or Authority to the said Undertakers, their Heirs, Assigns, or Nominees, to make any Cut or Cuts, Trench Trenches, or Passage for Water, in, upon, or through the House, Garden, or Yard of *John Small* Esquire, at *Wheatenhurst* in the said County of Gloucester, or to cut down any Tree or Trees in or upon any Planted Avenue or Avenues leading to the said House, or to make or erect any Arch, or arched Bridge, through or cross any such Avenue or Avenues.

XXII. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons, for any Thing that he or they shall do or cause to be done in pursuance of this Act, and executing any of the Powers and Authorities, or any of the Orders and Directions herein mentioned, all and every Person and Persons so sued and prosecuted in any Court whatsoever shall and may plead the General Issue, and give this Act and the special Matter in Evidence; and if in any such Suit the Plaintiff or Prosecutor shall become nonsuit, or suffer a Discontinuance, or if a Verdict shall pass against him, or Judgment be given against him upon Demurrer, then and in any of the said Cases the Defendant or Defendants shall recover his or their full Costs, for which he or they shall have the like Remedy as where Costs by Law are awarded; and this Act shall be taken and allowed in all Courts within this Kingdom as a Public Act, and all Judges and Justices are hereby required to take Notice thereof as such without special pleading the same.

General Issue

XXIII. Saving always, and reserving to the Lords, Owners, or Proprietors of all Royalties or Liberties of Fishing or Fowling, in or upon the said River, Streams, or Watercourses, their respective Rights and Privileges of Fishing and Fowling in and upon the same, any thing herein contained to the contrary notwithstanding.

Saving Clause.