



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## *Cap. cclxxxi.*

An Act to amend an Act for improving the Navigation from the *Hythe* at *Colchester* to *Wivenhoe* in the County of *Essex*, and for better paving, lighting, and improving the Town of *Colchester*; and for making a new Channel and deepening the River *Colne* from *Wivenhoe* to *Ram's Hard* leading towards the Sea. [22d July 1847.]

**W**HEREAS an Act was passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for improving the Navigation from the Hythe at Colchester to Wivenhoe in the County of Essex, and for better paving, lighting, watching, cleansing, and improving the said Town of Colchester*: And whereas the Commissioners acting under and by virtue of the said Act have made great Progress in the Execution of the several Works, Matters, and Things thereby authorized, and have expended several considerable Sums of Money in and about the same; but the Navigation and Improvements by the said Act authorized still remain imperfect and incomplete, and the Powers and Provisions contained in the same Act have been found defective and inadequate: And whereas it would be of great public Utility if Powers were given to the Commissioners acting under the said recited Act and this Act

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to make and maintain a Floating Basin, with necessary Locks and other convenient Works, at the Port of *Colchester*, and to widen, deepen, and otherwise improve certain Parts of the said Navigation between the *Hythe Bridge* and *Wivenhoe*, and also to make a new Cut or Channel from the River *Colne*, commencing at or near a certain Meadow in the Parish of *Saint Andrew Greenstead* in *Colchester*, belonging to the Right Honourable Earl *De Grey*, and occupied by *Robert Wayland Tabrum* and *James Parkes*, and terminating at or near *Short Reach* in the Parish of *Saint Giles* in *Colchester*, and also to deepen and make more navigable the said River *Colne* between *Wivenhoe* and *Ram's Hard* leading towards the Sea, and for effecting those Purposes to raise a further Sum of Money, and to levy and take additional Rates and Duties; and it is expedient that some of the Powers and Provisions contained in the said recited Act as relate to the said Navigation and Improvement of the said Town of *Colchester* should be repealed, altered, amended, and enlarged, and new Powers granted; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lands Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act, and that the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Works and Improvements hereby authorized (except so far as the same Provisions or any of them are inconsistent with this Act).

8 & 9 Vict.  
c. 18. incorporated with  
this Act.

Part of  
10 & 11 Vict.  
c. 16. incorporated with  
this Act.

II. And be it enacted, That the Clauses of "The Commissioners Clauses Act, 1847," numbered respectively 8, 9, 10, 11, 12, 13, 14, 15, 41, 51, 52, 53, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 108, 109, 110, and 111, shall be incorporated with and form Part of this Act.

10 & 11 Vict.  
c. 34. incorporated with  
this Act.

III. And whereas an Act is now depending in Parliament, intituled "The Towns Improvement Clauses Act, 1847," which Act it is expected will be passed into a Law in the present Session of Parliament; be it enacted, That the said Act shall be incorporated with and form Part of this Act, and the Provisions of the said Towns Improvement Clauses Act shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with this Act or the said recited Act, or are herein-after declared not to extend thereto.

10 & 11 Vict.  
c. 89. incorporated with  
this Act.

IV. And whereas a Bill is now depending in Parliament, intituled "The Towns Police Clauses Act, 1847," which it is expected will be passed into a Law in the present Session of Parliament; be it enacted, That the same, when passed into a Law, shall be incorporated with and form Part of this Act, and the Provisions thereof shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with this Act or the said recited Act, or are herein-after declared not to extend thereto.

V. And be it enacted, That the said recited Act, and all the Powers, Provisions, Matters, and Things therein contained, (except such of them as are by this Act repealed, altered, or otherwise provided for,) shall, so far as the same are applicable, extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, and of the said recited Act as altered and amended by this Act, as effectually as if the same Powers, Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes of the same.

Recited Act, except so far as hereby repealed, to be in force.

VI. And whereas in and by the said recited Act it is (amongst other things) provided, that the several Owners for the Time being of the Lands, Meadows, and Marshes on both Sides of the Channel and River below the Lock to *Wivenhoe* aforesaid should be and they are thereby appointed Commissioners for carrying the said Act into execution: And whereas it is desirable that no Owner of Land adjoining the said Channel or River should be a Commissioner whose Extent of Land adjoining the said Channel or River does not amount to the Quantity of Five Acres; be it therefore enacted, That so much of the said recited Act as appoints the several Owners for the Time being of the Lands, Meadows, and Marshes on both Sides of the Channel or River below the Lock to *Wivenhoe* aforesaid to be Commissioners for carrying the said Act into execution be and the same is hereby repealed.

Repeal of recited Act as to Qualification of Commissioners as Owners of Land adjoining the River.

VII. And be it enacted, That each and every Owner for the Time being who shall be seised in his own sole Right for an Estate of Freehold or Inheritance of any Lands, Meadows, or Marshes of the Extent or Quantity of Five Acres on either Side of and adjoining the Channel or River between the *Hythe Bridge* and *Wivenhoe* aforesaid, shall be qualified to be elected in manner herein-after mentioned a Commissioner for carrying this Act and the said recited Act into execution.

Qualification of Commissioners as Owners of Land adjoining the River.

VIII. And whereas in and by the said recited Act it is also enacted, that no Person, except such as should be a Commissioner by virtue of his Office, or as Owner of Land adjoining the Channel or River, should be capable of acting as a Commissioner in the Execution of the said Act, unless he should be a Resident in the said Town of *Colchester* or the Liberties thereof, and should be, in his own Right or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments situate and being within the Limits of the said recited Act, and rated and assessed for the Purposes thereof of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of or entitled to a Personal Estate of One thousand Pounds, and a Householder within the Limits of the said Act: And whereas it is expedient that the said Qualification should in future be altered as herein-after mentioned; be it therefore enacted, That so much of the said Act as is lastly herein-before recited shall be and is hereby repealed; and that from and after the passing of this Act every Person shall be qualified to be elected a Commissioner in the Execution of this Act or of the said recited Act who shall be a Male Inhabitant of the said Town of *Colchester*

Repeal of recited Act as to Qualification of certain other Commissioners.

*Colchester* or the Liberties thereof, and rated and assessed for the Purposes of this Act or of the said recited Act upon a rateable yearly Value of not less than Thirty Pounds, or shall be an Owner for the Time being who shall be seised in his own sole Right for an Estate of Freehold or Inheritance of any Lands, Meadows, or Marshes of the Extent or Quantity of Five Acres on either Side of and adjoining the Channel or River between the *Hythe Bridge* and *Wivenhoe* aforesaid, or shall immediately before the passing of this Act be by virtue of the said recited Act a Commissioner under the same, and shall have acted as such Commissioner.

Joint Occupiers, when qualified as Commissioners.

IX. And be it enacted, That where Two or more Persons shall be jointly rated in respect of any such Property as aforesaid each of such Persons shall, subject to the Provisions herein-before contained, be eligible to be a Commissioner as aforesaid, provided such Persons shall be Inhabitants, and rated in respect of such Property upon a rateable yearly Value, which, when divided by the Number of Persons so rated, shall give to each a sufficient rateable yearly Value according to the Provisions herein-before contained.

Present Commissioners to retire from Office.

X. And be it enacted, That on the Second *Monday* after the passing of this Act the several Commissioners under the Provisions of the said recited Act shall go out of Office, and cease to be Commissioners, and the Number of Commissioners shall not thenceforward exceed Twenty-four, and the said Twenty-four Commissioners shall be elected at the Times and in manner herein-after directed.

Commissioners.

XI. And be it enacted, That Twenty-four Male Persons qualified as herein-before mentioned, and to be elected at the Times and in the Manner herein-after directed, shall be the Commissioners for putting the said recited Act and this Act into execution.

Commissioners to be elected annually.

XII. And be it enacted, That the Commissioners shall be annually elected in manner herein-after mentioned by the Occupiers of Property rated and assessed for the Purposes of this Act or of the said recited Act upon a rateable yearly Value of not less than Thirty Pounds *per Annum*, and by each and every Owner for the Time being who shall be seised in his own sole Right for an Estate of Freehold or Inheritance of any Lands, Meadows, or Marshes of the Extent or Quantity of Five Acres on either Side of and adjoining the Channel or River between the *Hythe Bridge* and *Wivenhoe* aforesaid, and by the Persons who immediately before the passing of this Act were by virtue of the said recited Act Commissioners; and had acted as such Commissioners, and shall retain the Qualification in the said recited Act mentioned.

Proceedings at Election of Commissioners.

XIII. And be it enacted, That for the Purpose of electing the Commissioners a Meeting of the Persons entitled to vote thereat shall be held at the Town Hall in *Colchester* on the Second *Monday* after the passing of this Act, and upon the corresponding *Monday* in every subsequent Year, between the Hours of Eleven o'Clock in the Forenoon and Three o'Clock in the Afternoon, and at such annual Meeting the Person who shall have been Chairman at the then last preceding

preceding Meeting of the Commissioners under the said recited Act or this Act, or in case of the Absence of such preceding Chairman, then the Mayor of the said Borough for the Time being, or in case of his Absence, then the senior Magistrate of the said Borough who may be present and willing to act shall be the Chairman of such annual Meeting; and the Persons assembled at such annual Meeting shall then nominate and choose to be Commissioners Twenty-four Persons, who shall be duly qualified under the Provisions of this Act; and the Persons having the Majority of Votes at each such Election, and qualified as herein-before mentioned, shall for the Year then next ensuing, and no longer, (except as herein-after provided,) be the Commissioners for putting the said recited Act and this Act into execution; and if at such Election there be an Equality of Votes for Two or more Persons, the Chairman of the Meeting shall, if necessary, to prevent an Excess in the Number of Commissioners, decide upon the Person to be elected.

XIV. And be it enacted, That every Person entitled to vote at any such Meeting as last aforesaid shall vote for the Persons then to be chosen as Commissioners by delivering to the Chairman of any such Meeting a Voting Paper containing the Christian Names and Surnames of the Persons for whom he votes, with their respective Places of Abode and Descriptions, such Paper being previously signed by and with the Name of the Person voting; and every such Voting Paper so to be delivered as aforesaid shall contain the Christian and Surnames of Twenty-four Persons duly qualified to be Commissioners as aforesaid, and including not less than Six Persons, if there shall be so many, who shall each be the registered Owner to the Extent of One hundred Tons at the least of any Ship or Ships, or Part of any Ship or Ships, registered at the Port of *Colchester*, and qualified to be a Commissioner as aforesaid: Provided always, that if there shall not be at the Time of such annual Election of Commissioners Six Persons who shall be registered Owners or Part Owners of such Ship or Ships to the Extent of One hundred Tons, and qualified as aforesaid, such Voting Paper shall contain the Christian and Surname of so many of such Persons who shall each be the registered Owner to the Extent aforesaid at the said Port of *Colchester*, and qualified as aforesaid.

Manner of voting for Commissioners.

XV. And be it enacted, That the Treasurer and Clerk, and Assessor and Assessors, Collector and Collectors, Surveyor and Surveyors, and other Officer and Officers of the Commissioners who shall be in Office immediately before the passing of this Act, shall continue in Office until the *Monday* in the Year One thousand eight hundred and forty-eight on which such Meeting as last aforesaid shall be held; and at every such Meeting as shall be held after the said *Second Monday* after the passing of this Act the Persons assembled at such Meeting, and qualified to vote in the annual Election of Commissioners, as herein-before mentioned, shall then and there (either before or after the Election of the Commissioners) nominate, elect, and choose a Treasurer and Clerk, and Assessor or Assessors, Collector or Collectors of the Duties, Rates, and Assessments in the said recited Act or in this Act mentioned or authorized to be collected, and also

As to the Appointment of Officers.

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a Surveyor or Surveyors, and such other Officer and Officers, Person and Persons, for the Execution of this Act, (except such as are by this Act directed to be otherwise nominated, appointed, or chosen,) as the said Persons assembled at such Meeting shall think proper; and the Persons having the Majority of Votes at each such Election shall for the Year then next following, and no longer, (except as herein-after provided,) be the Officers to the said Commissioners; and if at such Election there shall be an Equality of Votes for Two or more Persons for the same Office, the Chairman of the Meeting shall, if necessary, decide upon the Person to be elected; and it shall be lawful for the Commissioners from Time to Time to elect any such Officers in the Room of those that shall die, or retire for the Remainder of the then current Year of Office; and the said several Officers shall be paid Salaries, Wages, and Allowances as in the said recited Act provided, and shall in all respects be subject to the Provisions in the said recited Act and this Act contained.

Power to suspend or remove Officers for Misconduct.

XVI. And be it enacted, That if any Officer shall misconduct himself in his Office it shall be lawful for the Commissioners to suspend such Officer, or to remove him from his Office, and to appoint another in his Stead, to act until the then next annual Day of Election.

How to vote for Officers.

XVII. And be it enacted, That every Person entitled to vote at any such Meeting as last aforesaid shall vote for any Number of Persons not exceeding the Number of Officers respectively then to be chosen, by delivering to the Chairman of any such Meeting a Voting Paper containing the Christian Names and Surnames of the Persons for whom he votes, with their respective Places of Abode and Descriptions, such Paper being previously signed by and with the Name of the Person voting.

Time at which Polls may be closed at Elections.

XVIII. And be it enacted, That at any Election under the Provisions of the said recited Act or of this Act it shall be lawful for the Chairman to close the Poll at any Time after the Expiration of One Hour after the same shall have commenced, if a Quarter of an Hour shall have elapsed during which no Vote shall have been tendered.

Notice of Meetings for the Election of Commissioners.

XIX. And be it enacted, That Seven Days Notice shall be given of every annual Meeting to be held after the Year One thousand eight hundred and forty-seven, and such Notice shall be inserted in some Newspaper usually circulating within the Town of *Colchester*; and a Copy of such Notice, signed by the Clerk of the Commissioners, shall on the *Monday* immediately preceding the Day of such Meeting be affixed on or near to the principal Door of the Town Hall in the said Town of *Colchester*.

If no Election takes place on the Day fixed, the same

XX. And be it enacted, That if at any Time, from any Cause, no Election of Commissioners or Officers shall take place on any Day herein-before appointed for electing Commissioners and Officers, then and in every such Case the Time for making such Election shall stand

stand adjourned until the same Day of the following Week, and so from Time to Time, from Week to Week, as often as necessary, and the Election to be made in pursuance of such Adjournment shall be as good and effectual to all Intents and Purposes as if the same had been duly made and completed on the Day first appointed: Provided always, that in every such Case the Mayor of *Colchester* for the Time being shall give at least Three clear Days Notice of every such Adjournment by Advertisement in some Newspaper usually circulating within the Town of *Colchester*.

may be adjourned.

XXI. And be it enacted, That if from any Cause the Election of Commissioners and Officers shall not take place on the annual Day appointed for that Purpose, then and in that Case the Commissioners and Officers last appointed shall be and continue in Office until others are appointed in their Stead:

If no Election, Commissioners and Officers to continue.

XXII. And be it enacted, That every Commissioner going out of Office may, if duly qualified, be re-elected, and every Officer going out of Office may be re-elected.

Commissioners and Officers may be re-elected.

XXIII. And be it enacted, That if any of the Commissioners so to be elected as aforesaid shall refuse to act, or shall die, or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of the Expiration of the Year of Office, then it shall be lawful for the remaining Commissioners and they are hereby required forthwith to elect another Commissioner to fill the Place of the Person or Persons so refusing to act, dying, or resigning, or being disqualified, or ceasing to be a Commissioner or Commissioners, for the Remainder of such Year.

Mode of filling up occasional Vacancy.

XXIV. And be it enacted, That all Meetings of the Commissioners shall be open to all Persons rated for the Purposes of this Act; nevertheless no Person, unless he be a Commissioner, shall be allowed to take any Part in the Discussions of the said Commissioners, or in any way to interfere with or interrupt their Proceedings.

All Meetings of Commissioners to be open to Rate-payers.

XXV. And be it enacted, That it shall be lawful for any Three of the Commissioners, by Writing under their Hands, from Time to Time to require the Clerk to convene a Special Meeting of the said Commissioners at a Day and Hour to be stated in the said Requisition, and thereupon the Clerk shall publish a Notice of such Special Meeting in some Newspaper circulated in the Town of *Colchester* Three Days at least prior to the Day appointed for the said Meeting, and shall also place a like Notice upon the Door of the Town Hall of *Colchester* aforesaid Three Days at least prior to the Time of meeting; and the Proceedings at such Special Meeting shall be conducted in the same Manner as by the said recited Act is provided concerning the general or monthly Meetings of the said Commissioners, and all Acts done at such Special Meetings by Nine or more Commissioners then present shall be as valid and effectual to all Intents and Purposes as if the same had been made and done at a general or monthly Meeting of the said Commissioners.

Special Meetings of Commissioners.

XXVI. And

Power for  
Commission-  
ers to appoint  
Committees.

XXVI. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint One or more Committee or Committees of the said Commissioners for any definite or specific Purpose; and such Committees shall have Power to carry into effect any of the Provisions of this or the said recited Act, and such Committees shall meet at such Times and Places as they shall think proper, and all Powers hereby vested or which shall be vested in such Committees by the Commissioners as aforesaid shall be exercised by the major Part present at their respective Meetings; and such Committees shall at each monthly Meeting, or oftener if required, make Reports of their Proceedings to the Commissioners, and shall at all Times be subject to the Orders and Control of the said Commissioners; and any such Committee may act for any Period fixed at the Time of its Appointment, so that the same be not for a longer Term than until the annual General Meeting of Commissioners next following its Appointment; provided nevertheless, that the said Commissioners may, if they think fit, revoke the Appointment of any such Committee.

Duration of  
Committees.

Appointment  
of Navigation  
Committee,  
who shall  
continue for  
Three Years.

XXVII. Provided always, and be it enacted, That, notwithstanding any thing herein-before contained, the Commissioners shall, at their first General Meeting next after their Election under this Act, appoint out of their Number a Committee of Seven, to be called the "Navigation Committee," who shall have the entire Management of the said Channel or River, and of all Matters and Things connected therewith, and of the Improvements by this Act authorized to be made therein or in connexion therewith, which Committee shall continue and act for the Period of Three Years from the first General Meeting of Commissioners next after the passing of this Act, subject only to the following Regulations; that is to say, that at the General Meeting of Commissioners next after the annual Meeting to be held in the Year One thousand eight hundred and forty-eight Two of the said Committee (including such as may be elected to supply any Vacancies, as herein-after mentioned), to be then determined by Lot or Ballot by the said Commissioners, shall retire from Office, and the said Commissioners shall immediately thereupon elect from their Number Two Commissioners to supply the Places of the Two who shall so retire; and at the General Meeting of Commissioners next after the annual Meeting to be held in the Year One thousand eight hundred and forty-nine Two others of the said Committee (including such as may be elected to supply any Vacancies as herein-after mentioned), to be then determined by Lot or Ballot by the said Commissioners, shall retire from Office, and the said Commissioners shall immediately thereupon elect from their Number Two Commissioners to supply the Places of the Two who shall so retire; and every Member of the Committee so retiring may, if duly qualified, be re-elected; and during the said Period of Three Years the said Navigation Committee shall report their Proceedings to the monthly Meetings of Commissioners.

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XXVIII. And be it enacted, That if any Member of the said Navigation Committee shall die, or by Writing under his Hand delivered to the said Commissioners or their Clerk shall resign,  
decline



decline to act, or become incapable to act, or become bankrupt or insolvent, or shall cease to be qualified to be a Commissioner in manner aforesaid, then and in any or either of the said Cases the Place of such Member of the said Committee is hereby declared to be vacant; and the Commissioners shall from Time to Time, at the next monthly Meeting, or at some subsequent Meeting, elect One of their Number to be a Member of the said Navigation Committee, so as to complete the Number of Seven upon the said Committee.

cancies in  
Navigation  
Committee.

XXIX. And be it enacted, That the Members of the said Navigation Committee shall from Time to Time be and continue Commissioners during the said Period of Three Years, or during so long a Time as they shall act upon or be eligible for the said Committee; and, notwithstanding any thing herein before contained, there shall at each of the annual Elections of Commissioners in the Years One thousand eight hundred and forty-eight and One thousand eight hundred and forty-nine be elected only so many Persons to be Commissioners as with the Members of the Navigation Committee for the Time being shall make up the Number of Twenty-four; and the Commissioners so to be elected shall, with the Members of the said Navigation Committee, be the Commissioners for the Time being for putting the said recited Act and this Act into execution, and in each of those Years, instead of the Voting Papers for Commissioners containing the Names of Twenty-four Persons, they shall contain the Christian and Surnames of Seventeen, or such other Number of Persons, qualified to be Commissioners as aforesaid, as with the said Navigation Committee shall complete the Number of Twenty-four; and in each of the said Two Years it shall not be necessary that any of the Commissioners to be elected therein respectively should be Owners or Part Owners of any Ship or Ships at the Port of *Colchester*.

Navigation  
Committee to  
form Part of  
the Number  
of Commis-  
sioners  
during the  
Three Years.

XXX. Provided always, and be it enacted, That if upon the Retirement of any Member of the Navigation Committee he should not be re-appointed, but his Vacancy should be supplied from the Number of Commissioners so as to reduce the entire Number below Twenty-four, then and in that Case the Commissioners shall supply the Deficiency in the same Manner as herein-before provided concerning the filling up any occasional Vacancy in the Office of Commissioner.

As to the  
filling up of  
Vacancies of  
Navigation  
Committee.

XXXI. And be it enacted, That no Business shall be transacted at any Meeting of Committee unless Three Members of the Committee be present.

Quorum of  
Committees.

XXXII. And be it enacted, That no Resolution or other Act of any Meeting of Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given by the Clerk to the Commissioners Ten Days at least previous to the holding thereof, by Advertisement in some Newspaper circulated in the Town of *Colchester*, nor unless a like Notice be placed upon the Door of

No Resolu-  
tion of Com-  
missioners to  
be revoked  
at a subse-  
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the Town Hall of *Colchester* aforesaid Ten Days at least previous to the holding of such Meeting, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a Majority only.

Power to  
make Bye  
Laws;

XXXIII. And be it enacted, That it shall be lawful for the Commissioners, at any of their Meetings, to make such Bye Laws, Rules, Orders, and Regulations for the ordering and securing and safely and conveniently stationing or placing the Ships and Vessels coming into or lying in the said Basin and River above *Wivenhoe* aforesaid, and for the loading and unloading, mooring and unmooring of the same, and for the Safety and Preservation of the Goods and Merchandize landed or landing, shipping or intended to be shipped there, and of the Works to be made or done in pursuance or by virtue of this Act, and for the Appointment, Regulation, Direction, and well-conducting of Ships or Vessels into or out of or whilst within the said Basin or River, and the Use of Fires and the melting of combustible Matters on board any such Ships or Vessels, and for regulating Floating Bridges and Ferries, and also for regulating all Coal and Corn Meters and Weighers, Watermen, Tidesmen, Porters, Carmen, and Barrowmen plying or employed in or upon the said Basin and River, or the Wharfs and Quays belonging thereto, and the Rates and Fares to be by them taken respectively, and for the weighing or measuring of Corn, Grain, Coals, Culm, and Cinders, and the Sale and Delivery thereof, and for removing and preventing Nuisances or Encroachments within the said Basin or River, or any such other Matter or Thing relating to the said Navigation as shall from Time to Time appear necessary and proper to the said Commissioners, and also to alter, vary, or repeal the same from Time to Time as Occasion shall require, and to impose any reasonable Fines and Penalties for the Breach or Nonobservance of such Bye Laws, Rules, Orders, and Regulations, so as no One Penalty shall exceed Five Pounds, which Fines and Penalties shall be recovered and levied as Fines, Penalties, and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered and levied, and so that all such Bye Laws, Rules, Orders, and Regulations, Rates and Fares, and the Fines and Penalties for the Breach or Nonperformance 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 Town Hall and Custom House of *Colchester*, and in such other Place or Places as the Commissioners may appoint, and at all Times to remain and be in the said Places; and upon Application a Copy thereof shall be delivered to any Captain or Owner of any Ship or Vessel requiring the same, on Payment to the Lockman or Harbour Master of Sixpence for the same: Provided always, that the said Rules, Orders, and Bye Laws be approved by the Court of Quarter Sessions, and that the same or any of them be not contrary or repugnant to the Laws, Statutes, or Customs of *England*, nor prejudicial or derogatory to any Right, Authority,

but not to be  
repugnant to  
the Laws of  
the Realm, or  
the Jurisdic-

Authority, or Jurisdiction belonging to the Office of Lord High Admiral of *Great Britain*, or to any Powers, Provisoos, or Authorities heretofore made, given, or created relating thereto, nor to any Claims for Anchorage, Groundage, Beaconage, or any other Rights and Privileges of the Mayor, Aldermen, and Burgesses of *Colchester*, or any Lord of a Manor or Manors, or of any Proprietor of Lands, adjoining the said Basin or River; and provided also, that no Merchant or Master or Owner of any Ship or Vessel or other Person shall be compelled to employ any such Coal or Corn Meters, Weighers, Watermen, Tidesmen, Porters, Carmen, or Barrowmen, for all or any of the Purposes aforesaid, against the Will or Consent of such Merchant or Master or Owner of any Ship or Vessel or other Person as aforesaid.

tion of the  
Lord High  
Admiral.

XXXIV. And whereas in and by the said recited Act it is enacted that nothing in the said Act contained should extend or be construed to extend to enable the said Commissioners to widen the said Channel or River, or to cut through any Land not already inclosed within the Banks and Walls of the same, or to lay any Mud, Gravel, or Soil upon the Back of such Banks or Walls, more than should be sufficient to keep the same in repair, and of sufficient Width and Strength, without the Licence and Consent of the Owner and Occupier of the Lands adjoining: And whereas for the Purpose of carrying out the Improvements under this Act it is necessary that the said last-mentioned Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby declared to be repealed accordingly.

So much of  
recited Act  
as relates to  
widening the  
Channel re-  
pealed.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners, their Engineers, Contractors, Agents, Officers, Workmen, and Servants, or any of them, to remove and take away the present Lock and Lock Gates in the aforesaid Channel or River, and to design, lay out, excavate, build, erect, make, complete, repair, and maintain, in, over, under, through, and upon, as well that Part of the said Channel or River which is described in the Plan herein-after mentioned, as also the Lands, Tenements, and Hereditaments which shall be purchased by or vested in the said Commissioners under the Authority of this Act, or any Part or Parts thereof, according to such Plan and in such Manner as they shall direct, a navigable or Floating Basin, with an Entrance Lock or Locks, Embankments, and other Conveniences, and also a new Cut or Channel from or near the aforesaid Meadow of Earl *De Grey* to or near *Short Reach*, with Banks and Walls on each Side thereof, of such Width as the said Commissioners shall think fit, and to divert and turn into and through the said Cut or Channel the Waters of the River *Colne*, and the Flow of the Tide of the said River, and any Stream or Brook now falling into the said River, also to dam and fill up so much and such Part of the River *Colne* as lies or extends from the Commencement of the intended Cut or Channel at or near the aforesaid Meadow of Earl *De Grey* to the South Side of the *Hythe Bridge*, and also to make, form, and construct all such Quays, Wharfs, Bridges, Buildings, Works, and other Matters and Things between the *Hythe Bridge* and *Wivenhoe* aforesaid as may be necessary or proper for carrying

Power to  
make Float-  
ing Basin  
according to  
Plan depo-  
sited, with a  
new Channel,  
Locks, Cul-  
vert, Quays,  
and Ap-  
proaches.

carrying into effect the Purposes of this Act: Provided always, that if the said Commissioners shall under the Powers in this Act contained make and execute the said several Works or any of them, then and in such Case it shall be compulsory on them, within the Period by this Act limited, to make and maintain, at their Expence, a Culvert under the said River *Colne* at or near the Distillery Stream or Brook, so as to cause the Waters of the said Stream or Brook to pass and flow into and through the said Culvert to the opposite or North-east Side of the said River, and there to discharge itself into the said intended Cut or Channel, or in lieu of such Culvert to form a Cutting or Drain on the South-west Side of the said River, and through and along the same Cutting or Drain to carry or cause to pass and flow the Waters of the said Stream or Brook, and also any Drainage or other Waters, with a proper Outfall or Outfalls into the said River below the said intended Lock, with all such Doors, Flats, Gratings, and Sluices as may be necessary or convenient for the Purposes aforesaid.

As to new  
Cut crossing  
Railway Em-  
bankment.

XXXVI. And be it enacted, That if in making the aforesaid new Cut or Channel the same shall pass through or under any Embankment now made or hereafter to be made by the *Colchester, Stour Valley, Sudbury, and Halstead* Railway Company, a proper and sufficient Waterway shall be made by the said Commissioners at the said Crossing, not only for the ordinary Flow of Water, but also for the effectual Drainage of the adjoining Lands in Times of Flood.

Floating Ba-  
sin, &c. not  
to be formed  
until Ex-  
pence of  
Quay Walls  
has been  
raised by  
Subscription,  
&c.

XXXVII. Provided also, and be it enacted, That the said Floating Basin shall not be made, nor any Land purchased for the said new Cut or Channel, until a sufficient Sum of Money shall have been raised by Subscription or other private Means for the new making or effectually repairing the Quay Walls or River Walls within the said intended Basin (except the Walls of the public Quays to be formed therein), and no Part of the Rates or Duties by this Act authorized to be raised or levied shall be applied in new making or repairing any Quay or River Walls within the said Basin, except the Walls of public Quays, which Money so to be raised by Subscription or other private Means shall prior to the said Works being commenced be invested for the Purposes aforesaid in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Floating Ba-  
sin and new  
Cut not to  
be made if  
Funds for  
Quay Walls  
be not raised  
in Five Years.

XXXVIII. And be it enacted, That if the necessary Funds for new making or effectually repairing the said Quay or River Walls shall not be raised and invested, to the Satisfaction of the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, within the Period of Five Years from the passing of this Act, that then and in that Case the said Floating Basin shall not be formed, nor the said intended new Cut or Channel made.

Sections of  
new Cut and  
Sill of pro-  
posed Lock

XXXIX. And be it enacted, That the Sections of the proposed new Cut or Channel, and also the Level of the Sill of the Lock to the said intended Basin, shall before the forming thereof respectively be

be approved by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral.

to be approved by Admiralty.

XL. And be it enacted, That upon the said new Cut or Channel being made the Commissioners shall for ever thereafter retain for the Purposes of this Act the Right and Ownership in and to at least One Moiety or Half Part of the whole Extent of Frontage next the said new Cut and Channel.

Commissioners to retain Ownership of Half the Frontage to new Cut.

XLI. And be it enacted, That upon the Commissioners making the intended Cut or Channel they shall at their own Expence build and place a Bridge of equal Strength and Dimensions with the present *Hythe Bridge* over and across the said intended Cut or Channel, on the Highway leading from the *Hythe Bridge* towards *Greenstead*, and from and after the said Bridge shall be so built and completed the same shall for the Term of Seven Years afterwards be kept in good, sound, and substantial Repair, by and at the Expence of the said Commissioners, and from and after the Expiration of such Seven Years shall for ever afterwards be maintained and repaired by and at the Expence of the Mayor, Aldermen, and Burgesses of the Borough of *Colchester*, who are now liable to the Repair of the present *Hythe Bridge*; and in the Construction of the new Bridge the Commissioners may use and employ the Materials of the present *Hythe Bridge*: Provided always, nevertheless, that from and after the Expiration of the said Term of Seven Years the said Mayor, Aldermen, and Burgesses shall be no longer liable to the Repairs of the present *Hythe Bridge*, but shall be wholly freed, exonerated, and discharged from all Liability to maintain and keep the same in repair; and further, that if the said present *Hythe Bridge* shall be left standing by the said Commissioners, the same shall, so long as it shall be so left standing, or forming or being necessary to form a Communication from one Bank of the said River to the other, be kept up, maintained, and repaired by and at the Expence of the said Commissioners.

As to Bridge over intended Channel.

XLII. And whereas a Map or Plan, describing the Limits within which the said Basin and Works by this Act authorized are proposed to be made, and the Lands comprised therein, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in the Offices of the respective Clerks of the Peace for the County of *Essex* and for the Town of *Colchester*; be it therefore enacted, That such Map or Plan and Book of Reference shall remain in the Custody of such Clerks of the Peace respectively, to the end that all Persons interested in such Lands shall at all seasonable Times have Liberty to inspect the said Map or Plan and Book of Reference so deposited, and to have Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace in whose Custody the same may be the Sum of One Shilling for every such Inspection, and for furnishing Copies of or Extracts from the said Book of Reference after the Rate of not exceeding Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or either of them, or any Copy thereof or Extract therefrom (such Copy or Extract being certified to be a true Copy or Extract by the said Clerks of the Peace or

Deposited Maps or Plans to remain with Clerks of Peace, and be open to Inspection.

[Local.]

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either

either of them), shall be good Evidence in all Courts of Law and elsewhere.

Errors may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

Where Commissioners shall deepen or widen certain Parts of the River, they shall effectually make Quay Walls.

Not to commence any Work affecting Tidal Water, without the Consent of the Admiralty.

XLIII. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to make the said Basin and other Works within the Limits of and upon or through the Lands delineated on the said Map or Plan so deposited as aforesaid, although such Lands or any of them, or the Situation thereof respectively, or the Names thereof, or of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to any Two Justices of the Peace acting in and for the Town of *Colchester*, in case of Dispute about the same, to be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said Town of *Colchester*.

XLIV. And be it enacted, That where the Commissioners shall deepen or widen the said River or Channel they shall (if necessary) new make or effectually repair the Quay Walls or River Walls by the Sides of the said River or Channel at the Parts and Places which shall be so deepened or widened; and in case it shall be found necessary to make new Quay Walls in front of the present Quay Walls or any Part thereof, the said Commissioners shall have Power to make and form the same: Provided always, that all the said Quay Walls shall be deemed to be the Property and Right of the Owners of the Quays and Wharfs respectively in front of which the same shall be respectively built, and their respective Heirs and Assigns, and shall be kept in repair by them respectively, or by the Commissioners, at the Expence of such Owners, after the Completion thereof by the said Commissioners.

XLV. And whereas the Conservation of the several Ports, Harbours, Creeks, Estuaries, and navigable Rivers of the United Kingdom is by Law vested in the Lord High Admiral and the Commissioners for executing the Office of Lord High Admiral of the said Kingdom for the Time being; be it enacted, That the Commissioners shall not commence any Work whatever which shall in any Manner affect any Tidal Water without the previous Consent of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral having been first obtained for that Purpose, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only upon such Conditions and under such Restrictions as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may deem expedient; and that every Vessel and Boat belonging to or employed in the Service of or seized or detained on behalf of Her Majesty, Her Heirs and Successors, and every Vessel in the Service of the Customs or Excise or Post Office, and all Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty or Ordnance, shall have free Use of the said Basin and Locks and all other Works, without Charge or Rate whatsoever being made for the same, and without any Toll or Rate being payable

payable for any Stores belonging to or purchased for Her Majesty's Service, and this Act shall not confer any Power or Control over any of the said Vessels or Boats, their Officers or Crews: Provided always, that if any Person shall claim and take the Benefit of any such Exemption as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

XLVI. And be it enacted, That the Mayor, Aldermen, and Bur-  
gesses of *Colchester* shall have and exercise the same Rights, Liber-  
ties, Powers, and Privileges in, upon, and over the said intended Cut  
or Channel as they have heretofore exercised and enjoyed in, upon,  
and over the said River *Colne* between the *Hythe Bridge* and *Wi-*  
*venhoe* aforesaid (subject nevertheless to the Powers by this Act  
vested in the said Commissioners for the Purposes aforesaid).

Mayor, &c.  
of Colchester  
to have same  
Rights in new  
Channel as  
in old River.

XLVII. And be it enacted, That upon the said new Cut or  
Channel being made and completed the Ground and Soil of such  
Part of the River *Colne* as lies or extends from the Commencement of  
the intended Cut or Channel at or near the aforesaid Meadow of  
Earl *De Grey* to the South Side of the *Hythe Bridge* shall for ever  
afterwards be vested in the Commissioners, subject nevertheless to  
their making and maintaining a public Road and Carriageway upon  
the Site of or immediately adjoining to the present *Hythe Bridge*,  
so as to connect the *Hythe Street* with the Highway leading from the  
*Hythe Bridge* to the Parish of *Greenstead*, the said Commissioners  
making Satisfaction or Compensation, conformable to the Lands  
Clauses Consolidation Act, 1845, to all Persons whose Property shall  
be injured by reason of the said Portion of the said River being filled  
up as aforesaid.

The Portion  
of present  
River to be  
filled up to  
be the Pro-  
perty of  
Commis-  
sioners.

XLVIII. And whereas by the *Colchester, Stour Valley, Sudbury,*  
*and Halstead* Railway Act, 1846, the Railway Company thereby  
incorporated are authorized and empowered to take, purchase, and  
hold the Lands that lie on both Sides of that Part of the said River  
*Colne* between the Commencement of the said intended new Cut or  
Channel at or near the aforesaid Meadow of Earl *De Grey* and the  
North Side of the *Hythe Bridge* which is intended to be filled up  
under the Provisions of this Act, some of which said Lands the said  
Railway Company have already purchased and are in possession of  
for the Construction of their said Railway: And whereas it would be  
to the public Convenience and Advantage that so much of the said  
Slip or Piece of Land to be formed by the filling up of the lastly  
herein-before mentioned Part of the said River *Colne* as shall not be  
required by the Commissioners for the Purpose of forming a public  
Quay, or making the Roadway from the *Hythe* towards *Greenstead*,  
should belong to and be the Property of the said Railway Company;  
be it therefore enacted, That upon such lastly herein-before mentioned  
Part of the said River *Colne* being filled up by the said Commis-  
sioners, under the Powers of this Act, the Ground and Soil thereof,  
and the Strip or Piece of Land formed thereby, shall be vested in the  
said Commissioners, who are hereby authorized and required to sell  
and convey such Part or Parts of the said Ground and Soil as shall  
not

Power to  
Commission-  
ers to sell  
Portion of  
River filled  
up to Stour  
Valley Rail-  
way Com-  
pany.

not be required for the said public Quay and Roadway to the said Railway Company, in manner herein-after mentioned.

Such Sale and Conveyance to be in same Manner as provided by 8 & 9 Vict. c. 18.

XLIX. And be it enacted, That the said Commissioners shall forthwith after such filling up as aforesaid sell and convey to the said Railway Company, and the said Railway Company shall purchase and hold, the said Part or Parts of the said Strip or Piece of Land, in the same Manner as Persons are empowered to sell and convey and the said Railway Company are empowered to purchase and hold Lands under their special Act, and the Lands Clauses Consolidation Act, 1845.

Drains to be made to convey Water from adjoining Lands.

L. And be it enacted, That the said Commissioners shall have Power to make or cause to be made Arches, Tunnels, Culverts, Drains, and other Passages over, under, or by the Side of or into the said intended Cut or Channel, and the Banks or Walls on the Sides thereof, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to such Cut or Channel, and likewise to make or cause to be made back Drains to carry off any Water which may ooze or pass through any of the Banks of the said Cut or Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto.

For providing public Wharfs.

LI. And be it enacted, That the said Commissioners shall provide a public Wharf or Quay upon the Site of or adjoining to the present *Hythe Bridge*, the Length of which Wharf shall be of the full Width of the uppermost Part of the intended Basin, and also another public Wharf or Quay, of the Extent of not less than Two hundred Feet next the said River, between the *Hythe Bridge* and the present Lock, and of the Width of at least Fifty Feet, and shall and may charge Dues for the Use thereof respectively to any Person or Persons desirous of using the same, such Dues to be from Time to Time fixed and regulated by the Court of Quarter Sessions for the Borough of *Colchester*, and which Court shall have full Power from Time to Time to increase, reduce, alter, and vary the said Dues, and to direct the Publication thereof.

Commissioners to cause Barrel Drains to be formed at Hythe.

LII. And be it enacted, That upon the said Floating Basin and Locks being made the said Commissioners shall forthwith construct and lay One or more Barrel Drain or Barrel Drains, of sufficient Size and Capacity for taking and carrying off the Drainage Waters from the Streets, Lanes, Lands, and Buildings at or near the *Hythe* in *Colchester* aforesaid, so as to cause the said Drainage Waters to empty, flow, and discharge into the said intended new Channel, or into the present River below the proposed Locks.

Commissioners to construct Roadways, &c. on the Banks of the River.

LIII. And be it enacted, That it shall be lawful for the said Commissioners at any Time hereafter, upon the necessary Funds for that Purpose being raised by Subscription or other private Means, as herein-before provided with reference to the new Quay Walls in the said intended Basin, but not otherwise, to make and construct Roadways or Tramways next, near, or upon the present River on either or both Sides thereof, at any Part or Parts of the said River between



between the *Hythe Bridge* and the proposed Lock, and the said Roadways and Tramways shall when made be vested in the Commissioners for ever thereafter: Provided nevertheless, that the Owners and Occupiers of the Wharfs, Quays, Land, or Buildings abutting upon and adjoining the said River in front of which the said Roadways or Tramways shall be made, shall at all Times be entitled to a Right of crossing and landing Goods and Merchandize over the said Roadways or Tramways, and to the Use and Exercise of the same, and to make Sidings thereto, under such Regulations and Restrictions as the Commissioners, or the Harbour Master to be appointed by them, shall from Time to Time order and direct; and the said Roadways or Tramways shall not prejudice the Rights of the Owners and Occupiers of the said Wharfs, Quays, Lands, or Buildings to erect Buildings to overhang the said Roadways or Tramways, so that such Buildings do not hinder or affect the free Use thereof, and do not overhang the said Roadways or Tramways within Twelve Feet of the Level thereof.

Owners, &c.  
entitled to a  
Right of  
landing  
Goods, &c.

LIV. And be it enacted, That after the said Roadways or Tramways shall be made and completed, the same, and also the Quay Walls near or upon which they shall be laid or constructed, shall for ever afterwards be kept in repair by the Commissioners, but the Expence of such Repairs shall nevertheless from Time to Time be repaid to the Commissioners, on Demand, by the Owners of the Wharfs, Quays, Land, or Buildings adjoining or in front of which the said Roadways or Tramways shall be made, who shall contribute and pay the said Expence rateably and in proportion to the Extent of their respective Wharfs or Frontages next or adjoining the said Roadways or Tramways.

After Road-  
ways com-  
pleted, to be  
kept in repair  
at the Ex-  
pence of the  
Owners, &c.

LV. And be it enacted, That if any Owner of the said Wharfs, Quays, Land, or Buildings can be found within the Limits of this Act, and he shall, on Demand in Writing under the Hand of the Clerk to the Commissioners of his Proportion or Share of the Expence of the Repair of the said Roadways, Tramways, and Quay Walls, neglect or refuse to pay the same for the Space of Twenty-one Days after such Demand made, then such Proportion or Share of the said Expence may be levied by Distress and Sale of the Goods and Chattels of such Owner, and any Justice may issue his Warrant accordingly.

The Expence  
may be re-  
covered by  
Distress.

LVI. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or if sufficient Distress of his Goods and Chattels cannot be met with whereupon such Expences may be levied, then the Person who shall then, or at any Time thereafter, occupy any such Wharf, Quay, Land, or Buildings, as Tenant to such Owner, is hereby required to pay the same; and in default of Payment for the Space of Twenty-one Days after Demand in Writing as afore-said, the same may be levied by Distress and Sale of the Goods and Chattels of any such Occupier, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all such Charges or Expences which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time

In default of  
Payment the  
Occupier  
liable, and to  
deduct it out  
of Rent.

[Local.]

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becoming

becoming due to such Landlord, as if the same had been actually paid to him as Part of such Rent.

Power for Commissioners to deepen the River Colne.

LVII. And be it enacted, That it shall be lawful for the said Commissioners, and their Engineers, Contractors, Agents, Officers, Workmen, and Servants, or any of them, from Time to Time as Occasion may be or require, to alter, vary, deepen, embank, cleanse, scour, dredge, cut, enlarge, straighten, and improve the said River *Colne*, and the Bed and Channel thereof for the Time being, or any Part thereof, between the *Hythe Bridge* and the Shipyard at *Wivenhoe* aforesaid, and to deepen and render the same and the Navigation thereof more commodious and safe for the Passage of Ships and Vessels, and also to deepen, dredge, and make more navigable that Part of the said River *Colne* which lies or runs from the North Side of the Shipyard at *Wivenhoe* to the lower or Southern Part of a certain Place called *Ram's Hard* leading towards the Sea, and also from Time to Time as Occasion may be or require, to take up, remove, and carry away all or any Hardways or Fordways therein, and also any Earth, Soil, or Gravel which may in anyway hinder, prevent, or impede the Works aforesaid, or the rendering the said River and Channel more commodious or safe for the Passage of Ships, Vessels, Lighters, Barges, Boats, and other Craft using the same, and also from Time to Time as Occasion may be or require, to lay or deposit upon the Lands, Marshes, and Banks of and adjoining the River *Colne* between the *Hythe Bridge* and *Ram's Hard* aforesaid, or the said intended Cut or Channel, and to remove from the said Lands, Marshes, and Banks, all such Earth, Soil, or Gravel as aforesaid, and all Materials requisite for carrying into effect the Purposes of this Act, and to pass and repass, with Horses, Carts, and Carriages, in, over, upon, along, and from the said Lands, Marshes, and Banks respectively, the said Commissioners making Satisfaction or Compensation, conformable to the Lands Clauses Consolidation Act, 1845, to all Corporations, Companies, and Persons interested in the said River *Colne*, and the Oyster and other Fisheries thereof, or any Lands, Marshes, or Banks which shall be used or injured, for all Damage to be by them sustained in or by the Execution of all or any of the Powers hereby given or granted: Provided always, that all Earth, Soil, or Gravel which shall be got, obtained, and removed from the said River *Colne* under the Authority of this Act shall be and become the Property of the said Commissioners.

Commissioners to provide Floating Bridge between Rowhedge and Wivenhoe.

LVIII. And be it enacted, That the said Commissioners shall, within Six Months after their removing the Fordway in the River at *Rowhedge* aforesaid, provide and for ever after maintain a Floating Bridge or Ferry, capable of carrying and conveying Passengers, Carts, Waggons, and Carriages, laden or unladen, Horses and other Cattle, over and across the said River at the said Fordway, with proper Landing Places to and from *Rowhedge* aforesaid and the opposite Side in the Parish of *Wivenhoe*, the said Commissioners making Satisfaction, pursuant to the Lands Clauses Consolidation Act, 1845, to all Persons interested in the present Ferry between *Rowhedge* and *Wivenhoe* aforesaid.

LIX. And

LIX. And be it enacted, That the said Commissioners, upon the said Floating Bridge or Ferry being provided as aforesaid, shall and may levy and take such Tolls and Dues for the same as the Justices of the Peace for the Hundred of *Winstree* and Half Hundred of *Lexden* shall in Petty Sessions allow and approve; and the said Justices shall and may from Time to Time alter, vary, increase, and reduce the said Tolls and Dues as to the said Justices may seem meet: Provided always, that it shall not be necessary for the said Commissioners to work the said Floating Bridge or Ferry from an Hour after Sunset in the Evening till an Hour before Sunrise in the Morning.

When Bridge provided, Justices may settle Tolls to be taken from Time to Time.

LX. And be it enacted, That the said Commissioners shall, within Six Months after their removing the Fordway in the River at *Wivenhoe* aforesaid, provide and for ever after maintain a Floating Bridge or Ferry, capable of carrying and conveying Passengers, Carts, Waggon, and Carriages, laden or unladen, Horses and other Cattle, over and across the said River at the said Fordway, with proper Landing Places to and from *Wivenhoe* aforesaid and the opposite Side in the Parish of *Fingringhoe*, the said Commissioners making Satisfaction, pursuant to the Lands Clauses Consolidation Act, 1845, to all Persons interested in the present Ferry between *Wivenhoe* and *Fingringhoe* aforesaid.

Commissioners to provide Floating Bridge between *Wivenhoe* and *Fingringhoe*.

LXI. And be it enacted, That the said Commissioners, upon the last-mentioned Floating Bridge or Ferry being provided as aforesaid, shall and may levy and take such Tolls and Dues for the same as the Justices of the Peace for the Hundred of *Winstree* and Half Hundred of *Lexden* shall in Petty Sessions allow and approve; and the said Justices shall and may from Time to Time alter, vary, increase, and reduce the said Tolls and Dues as to the said Justices may seem meet: Provided always, that it shall not be necessary for the said Commissioners to work the said Floating Bridge or Ferry from an Hour after Sunset in the Evening till an Hour before Sunrise in the Morning.

When Bridge provided, Justices may settle Tolls to be taken from Time to Time.

LXII. Provided always, and be it enacted, That the Tolls and Dues to be taken at each of the aforesaid Floating Bridges and Ferries shall not at any Time exceed the Amounts following; (that is to say,)

Limitation of Tolls.

- Carriages with Four Wheels, Eight-pence each :
- Carriages with Two Wheels, Four-pence each :
- Horse or Ass, Two-pence each :
- Foot Passengers, One Halfpenny each :
- Bullocks, Cows, and Calves, Two-pence each :
- Sheep and Lambs, Nine-pence *per* Score :
- Pigs, Nine-pence *per* Score, and so in proportion for any less Number than a Score.

Provided always, that the intended Ferry between *Rowhedge* and *Wivenhoe* shall be worked for Foot Passengers until Eight o'Clock in the Evening from *Michaelmas Day* to *Lady Day*, and until Nine o'Clock in the Evening for the Remainder of the Year.

LXIII. And be it enacted, That it shall be lawful for the said Commissioners to hire, purchase, continue, and maintain a Steam Tug

Commissioners may purchase and

maintain  
Steam Tugs.

Tug or Steam Tugs, for the better hauling or navigating Ships and Vessels in and along the said River *Colne*, and to charge reasonable Fares for the Hire and Use thereof to any Person or Persons desirous of engaging the same.

If Mayor, &c.  
do not within  
Two Years  
remove the  
Point called  
the Hound  
Spit, the  
Commission-  
ers may.

LXIV. And be it enacted, That if the Mayor, Aldermen, and Burgesses of *Colchester*, or the *Colne* Fishery Company with the Consent and Approbation of the said Mayor, Aldermen, and Burgesses, do not within Two Years after the passing of this Act remove and take away Part of a certain Point or Projection called the *Hound Spit*, at or near a Place or Bank called the *Hound*, lying on the East Side of the River *Colne*, and forming Part of the Banks thereof, and extending from the West Side of the Beacon there called the *Hound* Beacon into the Channel of the said River, so as to leave a clear Breadth of Channel between the West Side of the said Beacon to the opposite or West Shore of the said Channel or River at the usual or average Low-water Mark of One hundred Yards at the least, for Ships and Vessels to pass and repass, so as to make that Part of the Channel of the said River of equal or regular Depth with the other Part thereof at the Distance of Fifty Yards from the South, North, and West Sides of the said Beacon, it shall be lawful for the said Commissioners, or their Servants, Agents, or Contractors, at the Expence of the said Commissioners, to remove and take away the said Point or Projection to the Extent and in Manner aforesaid; and if at any Time thereafter any Earth, Soil, or Gravel should again accumulate at the Part or Place aforesaid, and the said Commissioners shall give Notice thereof to the said Mayor, Aldermen, and Burgesses, and the *Colne* Fishery Company, and they, or One of them, from Time to Time, do not within Six Months after the Receipt of every such Notice remove and take away such Earth, Soil, or Gravel, it shall be lawful for the said Commissioners, or their Servants, Agents, or Contractors, at the Expence of the said Commissioners, to remove and take away the same: Provided always, that if the said Mayor, Aldermen, and Burgesses, or *Colne* Fishery Company with such Consent as aforesaid, shall so remove the *Hound Spit* as aforesaid, the said Commissioners shall bear and pay One Moiety of the Expence of the first Removal thereof.

Service of  
Notice, &c.  
upon Mayor,  
&c.

LXV. And be it enacted, That any Notice or other Proceeding at Law or in Equity, Demand, or other Document requiring to be served upon the Mayor, Aldermen, and Burgesses of *Colchester*, for the Purposes of this Act, may be served by the same being given personally to the Town Clerk of the said Borough, or left at his Office, or being delivered to some Inmate at his usual Place of Abode, and by being served personally upon the Mayor of the said Borough.

Service of  
Notice upon  
*Colne* Fish-  
ery Com-  
pany.

LXVI. And be it enacted, That any Notice or other Proceeding at Law or in Equity, Demand, or other Document requiring to be served upon the *Colne* Fishery Company, for the Purposes of this Act, may be served by the same being given personally to the Clerk to the said Company, or left at his Office, or being delivered to some Inmate at his usual Place of Abode, and by being served personally upon the Treasurer of the said Company.

LXVII. And

LXVII. And whereas the deepening and making the said River more navigable, and the forming and constructing a Floating Basin, with Locks, as provided by this Act, will enable Ships and Vessels of large Burden to sail up to the *Hythe* in *Colchester*, and there to discharge their Cargoes, and to remain constantly afloat, instead of being compelled, as heretofore, to remain lower down the River, for Want of sufficient Depth of Water, and there at considerable Expence emptying and discharging their Cargoes into Lighters and Barges, besides being exposed by grounding to great Damage and Injury; and inasmuch as the Rates and Duties authorized by the said recited Act to be levied and raised on Coals, Culm, Cinders, and Tonnage will be insufficient to carry into effect the Purposes of this Act, it is expedient that the said Rates and Duties should be increased and altered; be it therefore enacted, That such Parts and so much of the said recited Act as provides that there shall be paid unto the said Commissioners, by the Owners or Masters having the Command of Vessels who shall land any Coals, Culm, or Cinders at *Wivenhoe*, or at the *Hythe* at *Colchester* aforesaid, or in any Place or Places between *Wivenhoe* and the *Hythe* aforesaid, or between *Wivenhoe* aforesaid and the Sea, (provided the same Coals, Culm, or Cinders so landed at or between *Wivenhoe* aforesaid and the Sea come to or pass through the said Town of *Colchester* or the Liberties thereof,) the Sum of One Shilling *per* Chaldron for every Chaldron of Coals, Culm, or Cinders so landed or brought to or carried through the said Town or the Liberties thereof, and that there shall be paid unto the said Commissioners, by the Owners or Masters of all Ships and Vessels (except Vessels laden with Coals, Culm, or Cinders,) coming into or going out of the said Channel or River, the Rates and Duties following, (namely,) Two-pence *per* Ton on all Ships and Vessels belonging to the Port of *Colchester*, not exceeding Fifty Tons Burden, going out or coming into the said Channel or River laden with Goods, Wares, and Merchandizes, Three-pence *per* Ton on all such Ships and Vessels above Fifty Tons Burden going out or coming into the said Channel or River laden with Goods, Wares, and Merchandizes, Four-pence *per* Ton on all Ships and Vessels not belonging to the Port of *Colchester*, and not exceeding Fifty Tons Burden, coming into or going out of the said Channel or River laden with Goods, Wares, and Merchandizes, Sixpence *per* Ton on all such Ships and Vessels above Fifty Tons Burden coming into or going out of the said Channel or River laden with Goods, Wares, and Merchandizes, Sixpence *per* Ton on all Ships and Vessels of the United Kingdom, whether belonging to the Port of *Colchester* or not, trading to or from Foreign Parts, for every Voyage in or out, Sixpence *per* Ton on all Foreign Ships and Vessels not exceeding Fifty Tons Burden coming into or going out of the said Channel or River laden with Goods, Wares, or Merchandizes, One Shilling *per* Ton on all such Foreign Ships and Vessels above Fifty Tons Burden coming into or going out of the said Channel or River laden with Goods, Wares, and Merchandizes, shall be and the same are hereby accordingly repealed and annulled.

So much of recited Act as relates to the Rates and Duties on Coals, Culm, Cinders, and Tonnage, repealed.

LXVIII. And be it enacted, That from and after the passing of this Act there shall be paid unto the said Commissioners, by the Owners or Masters having the Command of Vessels who shall land

Rates and Duties on Coals, Culm, Cinders, and

[Local.]

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any

Tonnage payable under this Act.

any Coals, Culm, or Cinders at *Wivenhoe* or at the *Hythe* at *Colchester* aforesaid, or any Place or Places between *Wivenhoe* and the *Hythe* aforesaid, or between *Wivenhoe* aforesaid and the Sea, provided the same Coals, Culm, or Cinders so landed at or between *Wivenhoe* aforesaid and the Sea come to or pass through the said Town of *Colchester* or the Liberties thereof, such Sum or Sums as the Commissioners shall from Time to Time think reasonable and direct (not exceeding the Sum of One Shilling *per* Ton) for every Ton of Coals, Culm, or Cinders so landed or brought to or carried through the said Town or the Liberties thereof; and that from and after the passing of this Act there shall be paid unto the said Commissioners, by the Owners or Masters of all Ships and Vessels coming into or going out of the said River, Basin, or Channel between the Shipyard at *Wivenhoe* and the *Hythe Bridge*, such Rates and Duties as the Commissioners shall from Time to Time think reasonable and direct, not exceeding in any Case the Amount set forth in Schedule (A.) to this Act annexed; provided nevertheless, that nothing in this Act contained shall authorize the said Commissioners or any other Person to do any Act in contravention to the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France*.

6 & 7 Vict. c. 79.

Vessels coming into the River Colne to pay Duties in certain Cases.

LXIX. And be it enacted, That all Ships, Vessels, Boats, or other Craft coming into the River *Colne* at and below the Town of *Wivenhoe*, the Cargoes of which shall be delivered or afterwards brought into the said River, Basin, or Channel in any Place between the Shipyard at *Wivenhoe* and the *Hythe Bridge* aforesaid, or that shall take in any Cargoes from the said River, Basin, or Channel, by Boats, Barges, Lighters, or other Craft, shall be subject and liable to the same Rates and Duties as Ships and Vessels are made liable to which shall come into the said River, Basin, or Channel; and if only Parts of their Cargoes are delivered or brought into or carried from the said River, Basin, or Channel, the Boats, Barges, Lighters, or other Craft which shall be employed therein shall be subject to such Rate of Tonnage as the Ship or Vessel laden with such Cargoes would have been liable to had it been navigated into or up the said River, Basin, or Channel.

One Third of Dues only to be taken for Coals, Tonnage, &c. between *Wivenhoe* and the Shipyard at *Rowhedge*.

LXX. Provided always, and be it enacted, That from and after the said Floating Basin and Locks hereby authorized to be made shall be completed, the Owners or Masters having the Command of Vessels who shall land any Coals, Culm, or Cinders between the Shipyard at *Wivenhoe* and the upper or Northern Side of the Shipyard at *Rowhedge*, in the Occupation of *William Cheek*, provided the same Coals, Culm, and Cinders so landed between *Wivenhoe* and the Shipyard of the said *William Cheek* do not come to or pass through the said Town of *Colchester* or the Liberties thereof, shall pay not exceeding One Third Part of the Rates and Duties which shall from Time to Time be levied and collected of and from the Owners or Masters whose Vessels shall proceed higher up the said River;

River; and that after the said Floating Basin and Locks shall be completed the Owners or Masters of Ships and Vessels coming into or going out of the said River between the Shipyard at *Wivenhoe* and the said Shipyard of the said *William Cheek*, provided their Cargoes or some Part thereof be not delivered or afterwards brought into the said River above the said Shipyard of the said *William Cheek*, or into the said Town of *Colchester* or the Liberties thereof, shall pay not exceeding One Third Part of the Rates and Duties set forth in Schedule (A.) which shall from Time to Time be paid by Owners or Masters whose Vessels shall proceed higher up the said River than the said Shipyard of the said *William Cheek*.

LXXI. And be it enacted, That if any Person shall carry or cause to be carried or to come or pass through the said Town of *Colchester* or the Liberties thereof, any Coals, Culm, or Cinders which shall be landed between the said Shipyard of the said *William Cheek* and the Sea, without the Rates and Duties by this Act authorized to be levied being first duly paid and satisfied, he shall forfeit and pay unto the said Commissioners a Sum not exceeding Ten Pounds for every Ton of Coals, Culm, or Cinders which shall be so carried or be caused to come or pass through or into the said Town of *Colchester* or the Liberties thereof; and the said Penalty shall and may be recovered and enforced by any Justice of the Peace in the same Manner as by this Act directed in reference to other Penalties hereby authorized to be levied and recovered before a Justice of the Peace.

Penalty on landing Coals between the Shipyard at Rowhedge and the Sea, and bringing the same into Colchester without Payment of Duty.

LXXII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to alter, vary, lessen, and reduce, and again to raise and advance, all or any of the Rates and Duties herein-before authorized to be taken, and to order the same to be again raised, levied, and taken in such Manner as they shall appoint: Provided always, that such Rates and Duties shall not be increased so as to exceed the respective Amounts and Proportions mentioned and specified by this Act; and all such Rates and Duties shall be paid and payable and recoverable in such and the like Manner as the Rates and Duties upon Coals, Culm, Cinders, and Tonnage under the said recited Act or this Act are authorized to be taken and recovered.

Power to vary Rates, &c.

LXXIII. And be it enacted, That in the Improvement of the said River or Channel by this Act authorized to be made the Commissioners shall commence downwards or nearest towards the Sea, and from thence improve upwards to the Town of *Colchester*.

As to making Improvements in the River.

LXXIV. And be it enacted, That from and after the said Floating Basin shall be made and completed there shall be paid unto the said Commissioners, by the Owners or Masters of all Ships or Vessels which shall enter therein, for each and every Time of Arrival at the Port and Entry, an additional Sum equal to One Fourth Part of the maximum Rates and Duties mentioned and set forth in Schedule (A.) to this Act, over and above the other Rates and Duties comprised in the said Schedule to which by this Act the said Ships or Vessels are made liable,

One Fourth extra Tonnage Dues to be paid by Ships entering Basin.

liable, and without any Deduction being made from the said Fourth Part by reason of the said Ships or Vessels being laden solely or partly with Coals.

Admiralty may direct present Lock to be removed.

LXXV. And be it enacted, That if at any Time after the passing of this Act the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall be of opinion that it would be for the Improvement of the said Navigation that the present Lock in the said River should be removed, he or they shall have full Power to order and direct the same to be removed and taken away, and no new or other Lock or Locks shall thereafter be made or placed in the said River (save only for the Purposes of the Floating Basin, and then only upon the Terms and Conditions herein-before enacted,) without the express Consent in Writing of the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Not to take certain Lands of Earl De Grey without Consent.

LXXVI. Provided always, and be it enacted, That nothing in this Act contained shall authorize or enable the said Commissioners to take, use, or purchase any further or greater Quantity of the Lands and other Hereditaments belonging to the Right Honourable *Thomas Phillip Weddell* Earl *De Grey* than may be or become reasonably necessary to enable the said Commissioners to make and complete the Floating Basin, Cut, or Channel, Locks, Towing Paths, Roadways, and other Works and Conveniences of a like Nature, by this Act authorized to be made, nor authorize or enable the taking or using any of such last-mentioned Lands for the Purpose of building thereon any Houses, Buildings, Wharfs, or Quays, or for any other Purpose whatever, without the Consent in Writing of the said Earl, his Heirs or Assigns, first had and obtained.

Earth deposited on the Lands of Earl De Grey to be levelled.

LXXVII. Provided also, and be it enacted, That in making the intended Cutting and Embankments on the Lands of the said Earl in the Parish of *Greenstead* the said Commissioners shall deposit or cause to be deposited the Spoil to be got therefrom in the Parts of the same Lands lying contiguous to the said Cutting and Embankments in a regular Manner and of a uniform Height with the Tops of such Embankments, and shall and will level the Surface of the said Spoil to the Satisfaction of the said *Thomas Phillip Weddell* Earl *De Grey*, his Heirs and Assigns, or his or their Agent or Steward for the Time being.

Not to take certain Lands of J. G. Rebow, Esquire, without Consent.

LXXVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize or enable the said Commissioners to take, use, or purchase any further or greater Quantity of the Lands and other Hereditaments belonging to *John Gurdon Rebow* Esquire than may be or become reasonably necessary to enable the said Commissioners to make and complete the Floating Basin, Cut, or Channel, Locks, Towing Paths, Roadways, and other Works and Conveniences of a like Nature by this Act authorized to be made; and that it shall not be lawful for the said Commissioners to erect or build on any of such last-mentioned Lands any Houses, Buildings,



Wharfs, or Quays, or to use the same for any other Purpose whatsoever except for a Floating Basin, Cut, or Channel, Locks, Towing Paths, Roadways, and other Works and Conveniences of a like Nature, without the Consent under the Hand and Seal of the said *John Gurdon Rebow* Esquire, his Heirs or Assigns, first had and obtained.

LXXIX. Provided also, and be it enacted, That in making the intended Cutting and Embankments on the Lands of the said *John Gurdon Rebow* Esquire, in the Parishes of *Greenstead* and *Wivenhoe*, the said Commissioners shall deposit or cause to be deposited the Spoil to be got therefrom in the Parts of the same Lands lying contiguous to the said Cutting and Embankments in a regular Manner and of a uniform Height with the Tops of such Embankments, and shall and will level the Surface of the said Spoil to the Satisfaction of the said *John Gurdon Rebow* Esquire, his Heirs and Assigns, or his or their Agent or Steward for the Time being.

Earth deposited on the Lands of J. G. Rebow, Esq. to be levelled.

LXXX. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase of Houses, Lands, Ferries, Tolls, Waters, and other Hereditaments, for the Purposes of this Act, shall not be exercised after the Expiration of Seven Years from the Commencement of this Act.

Period within which Lands are to be purchased.

LXXXI. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, at any General Meeting, to borrow and take up at Interest upon the Credit of the Rates and Duties herein-before granted any Sum or Sums of Money not exceeding Forty thousand Pounds, and in the event of all or any Part of such Money being repaid by the Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be due and owing on the Security aforesaid more than the Sum of Forty thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so to be borrowed, with Interest, the said Commissioners may from Time to Time, at any General Meeting, assign over the said Rates and Duties to the Person or Persons who shall advance or lend such Money, and his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, as a Security for the Payment of the Money to be borrowed, together with Interest for the same; and all Mortgages or Assignments, and Transfers thereof, to be made pursuant to this Act, may be in the Form or Forms prescribed in the said recited Act, with such Variations therein and Additions thereto as shall be deemed necessary.

Power to raise Money.

LXXXII. And be it enacted, That the Expences of any Mortgage or Assignment shall from Time to Time be defrayed by the said Commissioners out of the Money raised by the same.

Expence of Mortgages and Assignments.

LXXXIII. And be it enacted, That the Mortgagees may enforce the Payment of the Principal and Interest due on such Mortgages or Assignments by the Appointment of a Receiver.

Enforcing Arrears of Interest and Principal.

LXXXIV. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That

Mode of paying off Mortgages

[Local.]

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when

and Assign-  
ments.

when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages or Assignments upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage or Assignment, they shall cause the several Numbers of such Mortgages or Assignments to be written on distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put into a Box, and the Clerk shall at a General Meeting of the Commissioners draw separately out of the said Box One of the said Slips, and thereupon the Mortgage or Assignment corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the said Commissioners; and after every such Ballot the Commissioners shall cause a Notice signed by the Clerk to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless, from and after the Expiration of the said Six Months, be payable on Demand.

Certain Parts  
of recited  
Act as to the  
Application  
of Rates re-  
pealed.

LXXXV. And whereas in and by the said recited Act it is enacted, that all and every the Sum and Sums of Money that shall be raised and received by the Rates and Duties on Coals, Culm, Cinders, and Tonnage, or recovered for any Forfeitures or Penalties in respect thereof by the said recited Act imposed, other than so much thereof as shall be necessarily expended in collecting and managing the said Rates and Duties, or for the Charges of recovering such Forfeitures or Penalties, shall be applied and disposed of, in the first place, in paying the Charges and Expences of obtaining and passing the said recited Act, and, in the next place, for and towards the better cleansing and making navigable the said Channel and River from the Place called the *Hythe Bridge* aforesaid to *Wivenhoe* in the County of *Essex*, and in repairing the Lock or Locks, and all and every the Sluices, Banks, Walls, Gates, Stiles, Bridges, and Footways of and belonging to the said Channel and River, and in deepening the same where necessary, and also in repairing and paving the Streets, Highways, and Avenues leading thereto; (that is to say,) from the End of the Pavement in *Gutter Street*, through *Stanwell Street*, to the Pavement in *Botolph Street*, and from the End of the Pavement in *Magdalen Street*, through the same Street, to the Pavement in the Parish of *Saint Leonard*, and from the Salt Office at the *Hythe* to and over the *Hythe Bridge*, and in removing Annoyances and Obstructions in such Streets, Highways, and Avenues; and from and after the said Channel and River should so cleansed and made navigable, and the said Lock and Locks, Sluices, Banks, Walls, Gates, Stiles, Bridges, and Footways should be repaired, and the said Streets, Highways, and Avenues repaired

and paved, the said Rates, Duties, Forfeitures, and Penalties, or so much of the same as should be necessary, should from Time to Time be applied by the said Commissioners in keeping the said Channel and River cleansed and navigable, and the said Lock and Locks, Sluices, Banks, Walls, Gates, Stiles, Bridges, and Footways in repair, and the said Streets, Highways, and Avenues repaired and paved; and it was by the said recited Act further enacted, that the said Commissioners might and they were thereby authorized to apply the Sum of Fifty Pounds arising out of the said Rates and Duties annually towards the Costs and Charges of finding and providing Lamps, and lighting the Streets, Highways, and Avenues aforesaid, and in watching the same, in the same Manner and under the same Rules and Regulations as are therein-before contained respecting lighting and watching the Streets and Lanes of the said Town; and it was by the said recited Act further enacted, that if it should happen that any Surplus of the said Rates and Duties should arise or remain in the Hands of the said Commissioners at the Time of their settling their annual Accounts, the same should be placed out and invested in the Public Funds in the Names of the said Commissioners or any Five of them, until the same should amount to the Sum of Three thousand Pounds, to be thence drawn, when necessary, for the Purpose of answering any Emergency through Accidents that might arise and happen to the said River and Channel, or the Locks, Banks, and Walls of the same, and that the Dividends and annual Interest thereof should from Time to Time be received by the said Commissioners, and be by them applied to and for the Purposes aforesaid; and it was by the said recited Act further enacted, that from and after the said Sum of Three thousand Pounds should be so raised, placed out, and invested, the said Commissioners should and they were thereby required to reduce the said Rates and Duties therein-before by that Act granted in such Proportion and Manner as they should think expedient, so as the same should not, with the Dividends and annual Interest arising from the said Sum of Three thousand Pounds, exceed the Costs, Charges, and Expences which the said Commissioners should yearly lay out and expend in executing the several Matters and Things which by the said recited Act they were therein-before required and authorized to perform and do, and that all and every the Sum and Sums of Money arising from the said Rates and Duties, and collected and received as aforesaid, should by the said Commissioners be applied as therein-before directed: And whereas the said Sum of Three thousand Pounds was raised and invested, under the Powers of the said recited Act, in the Purchase of Three thousand five hundred and fourteen Pounds Ten Shillings and Sixpence Three *per Centum* Reduced Annuities, and the same is now standing in the Names of the said Commissioners, or some of them, in the Books of the Governor and Company of the Bank of *England*, and it is necessary that the said several last-recited Clauses or Enactments should be repealed; be it therefore enacted, That the same be and are hereby declared to be repealed accordingly.

LXXXVI. And be it enacted, That from and after the passing of this Act the said Commissioners shall, with and out of the said Sum of New Appli-  
cation of  
Rates.

of Three thousand five hundred and fourteen Pounds Ten Shillings and Sixpence Three *per Centum* Reduced Annuities, or the Proceeds thereof, or any other Monies then in the Hands of any Treasurer, Trustee, or other Officer of the said Commissioners, arising from the Rates and Duties under the said recited Act on Coals, Culm, Cinders, and Tonnage, pay and defray all the Costs, Charges, and Expences attending the passing this present Act, or incidental thereto, and then pay and discharge any Debts which may be due and owing in respect of the said Channel or Navigation; and the Remainder of the said Sum of Three thousand five hundred and fourteen Pounds Ten Shillings and Sixpence Three *per Centum* Reduced Annuities, and other the Monies aforesaid, together with all Monies which may be borrowed and taken up at Interest under the Provisions of this Act upon the Credit of the said Rates and Duties as aforesaid, and all other Monies to be collected and received by the said Commissioners under the Authority of this Act or the said recited Act, on Coals, Culm, Cinders, or Tonnage, or from any Forfeitures or Penalties connected with the said Channel or River shall be by them the said Commissioners applied, in the first place, in paying the Interest on the Money so to be borrowed, and, in the next place, in carrying into execution the subsisting Purposes of this Act and of the said recited Act in reference to the said Channel and Navigation, and in making, erecting, constructing, and maintaining the aforesaid Basin, Locks, Cut, Channel, Embankments, Sewers, Culverts, Roads, Weirs, Walls, Engines, Steam Tugs, Dredging Machines, Bridges, Wherries, Barges, Buildings, Gates, Stiles, Sluices, Footways, Towing Paths, Works, and other Matters and Things necessary or proper for carrying into effect the subsisting Purposes of this Act and the said recited Act, as herein-before provided in reference to the said Channel and Navigation, and in maintaining and keeping the Navigation deepened, cleansed, and navigable from the *Hythe Bridge* to *Ram's Hard* aforesaid, both inclusive, and the Remainder (if any) of such Monies shall from Time to Time be applied in repaying the Principal Money for the Time being secured on the said Rates and Duties on Coals, Culm, Cinders, and Tonnage: Provided always, that the Owners or Proprietors of Lands adjoining the River *Colne* between the *Hythe Bridge* and *Wivenhoe* aforesaid shall be and continue liable to find and provide rough Timber for the Repair of the Banks and Walls of the said River in the same Manner as provided for by the said recited Act.

Power to  
appoint a  
Harbour  
Master.

Powers of  
Harbour  
Master.

LXXXVII. And be it enacted, That it shall be lawful for the said Commissioners to appoint a Harbour Master from Time to Time, at such Salary as the said Commissioners shall think fit, who shall give Directions for all or any of the following Purposes; (that is to say,)

For regulating the Time and Manner in which any Vessel shall enter, lie in, or leave the proposed Floating Basin between *Short Reach* and the *Hythe Bridge*, and the Position, mooring or unmooring, placing or removing of any Vessel within the said Basin:

For regulating the Navigation and Government of any Vessel within the Navigation or Basin between *Wivenhoe* and the *Hythe Bridge*, or in the proposed new Channel:

And

And for regulating the Use of the Roadways or Tramways to be made by the Sides of the intended Basin :

Provided always, that nothing in this Act contained shall extend to affect the Right of any Owner or Occupier of any Wharf or Quay from mooring or berthing any Ship, Barge, Lighter, Boat, or other Vessel alongside his Wharf or Quay against the said Channel or River to the Extent of the Frontage of the said Wharf or Quay next the said Channel or River ; and provided also, that no Powers hereby conferred upon such Harbour Master shall be deemed or taken to authorize him to give any Directions or to make any Regulations in any way repugnant to or interfering with any Laws or Regulations of Customs.

LXXXVIII. And be it enacted, That in case any Harbour Master appointed under this Act shall give an undue Preference or show any Partiality in reference to the Exercise of any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds. Penalty on Harbour Master giving undue Preference.

LXXXIX. And be it enacted, That every Person entitled to the Use of the Roadways or Tramways to be made by the Sides of the said intended Basin shall use the said Roadways or Tramways according to the Directions of the Harbour Master, or shall be liable to a Penalty not exceeding Five Pounds. Penalty on using Tramways contrary to Directions of Harbour Master.

XC. And be it enacted, That the Master or Commander of every Vessel within the Navigation or Basin between *Wivenhoe* and the *Hythe Bridge*, or within the intended new Channel, shall regulate such Vessel according to the Directions of the Harbour Master, made in conformity with this Act ; and any Master or Commander of any Vessel who, after Notice from the Harbour Master, shall not forthwith regulate such Vessel according to such Directions, shall be liable to a Penalty not exceeding Five Pounds. Penalty on not complying with the Directions of the Harbour Master.

XCI. And be it enacted, That if the Master or Commander of any Vessel within the Navigation or Basin between *Wivenhoe* and the *Hythe Bridge*, or the intended new Channel, shall not moor, unmoor, place, or remove such Vessel according to the Directions of the Harbour Master given to the said Master or Commander, it shall be lawful for such Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose ; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, or by the Owner of such Vessel, and shall, together with the Costs of ascertaining and recovering the same, be recovered from any such Master or Commander or Owner. Power of Harbour Master to remove Vessels.

XCII. And be it enacted, That if any Master or Commander of any Vessel within the Navigation or Basin between *Wivenhoe* and the *Hythe Bridge*, or the intended new Channel, or any Person on board the same, shall hinder or obstruct the Harbour Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel, Penalty on Commanders, &c. obstructing Harbour Master.

[Local.]

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Vessel,

Vessel, in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalty for throwing Ballast, &c. into Basin, &c.

XCIH. And be it enacted, That if any Person shall, without the Consent in Writing of the Harbour Master, put or throw any Ballast, Earth, Dust, Ashes, Stones, or other Materials into or upon the Navigation or Basin between the *Hythe Bridge* and *Ram's Hard*, or the intended new Channel (except any thing done by the Mayor, Aldermen, and Burgesses of *Colchester*, as Owners of the River *Colne*, and not inconsistent with the Objects and Provisions of this Act), to the Injury or Prejudice of the Navigation, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Power to rate Houses, &c. for Benefit of Navigation.

XCIV. And be it enacted, That if at any Time or Times after the Expiration of Three Years from the passing of this Act the Rates and Duties on Coals, Culm, Cinders, and Tonnage by this Act granted and authorized to be raised and levied should be insufficient to pay the Interest of the Money borrowed under the Powers hereinbefore contained, and the Costs and Charges of keeping and maintaining the said intended Basin, Locks, Cut, Channel, Embankments, Sewers, Culverts, Roads, Weirs, Walls, Engines, Steam Tugs, Dredging Machines, Bridges, Wherries, Barges, Buildings, Gates, Stiles, Sluices, Footways, Towing Paths, Works, and other Matters and Things necessary and proper for carrying into effect the Purposes by this Act hereinbefore declared, and maintaining and keeping the Navigation deepened, embanked, cleansed, and navigable between the *Hythe Bridge* and *Ram's Hard*, and the Expences of Officers and others in carrying into effect the Provisions of this Act and the said recited Act, so far as relates to the said Navigation and River, then and in every such Case, and when and as often as the same shall happen, it shall be lawful for the said Commissioners from Time to Time to make, raise, levy, and collect One or more Rate or Rates upon the Owners and Occupiers of all Houses, Buildings, Yards, Gardens, and Orchards in the said Town of *Colchester*, which in and by the said recited Act or this Act are made liable to the Rate thereby or hereby provided for paving, lighting, watching, cleansing, and improving the said Town of *Colchester*; provided nevertheless, that the Rate or Rates hereby authorized to be made shall not in any One Year exceed the Sum of Sixpence in the Pound upon the annual Value of the said Houses, Buildings, Yards, Gardens, and Orchards, one Moiety or Half Part of which Rate or Rates shall be levied upon and paid by the Owner or Owners of such Houses, Buildings, Yards, Gardens, and Orchards, and the other Moiety or Half Part by the Tenant or Occupier thereof; and all Churches, Chapels, and other public Buildings shall be exempt from the Payment of the said Rate.

Powers of recited Act as to collecting Paving Rate, &c. to extend to this Act.

XCV. And be it enacted, That all and every the Powers and Authorities contained in the said recited Act, for making, raising, levying, collecting, enforcing, and appealing against the Rate or Rates thereby authorized to be made, raised, levied, and collected for the paving, lighting, watching, cleansing, and improving the said Town of *Colchester*,

*Colchester*, shall extend to and be applicable for the Purposes of the Rate or Rates hereby authorized to be made on Houses, Buildings, Yards, Gardens, and Orchards; and the Assessor or Assessors, Collector or Collectors, or other Officer or Officers appointed by the said recited Act for making, assessing, collecting, receiving, or enforcing the said Rates and Duties on Houses, Buildings, Yards, Gardens, and Orchards, under the said recited Act, or any other Person authorized by the said Commissioners, shall and may assess, collect, receive, and enforce the Rate or Rates lastly herein-before authorized to be made, raised, levied, and collected upon Houses, Buildings, Yards, Gardens, and Orchards.

XCVI. And be it enacted, That all Monies herein-before authorized to be raised and collected on Houses, Buildings, Yards, Gardens, and Orchards, by virtue of this Act, shall be paid to the Treasurer for the Time being under the said recited Act, and shall be applied in the same Manner as directed by this Act in reference to the Rates and Duties on Coals, Culm, Cinders, and Tonnage, and in aid of the same.

Application  
of the said  
Rate.

XCVII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, and notwithstanding the aforesaid Period of Three Years may not have expired, to mortgage the Rates and Duties herein-before authorized to be raised on Houses, Buildings, Yards, Gardens, and Orchards, so that the same may be auxiliary to and in aid of the Security herein-before provided for the Money to be borrowed upon the Credit of the Rates and Duties on Coals, Culm, Cinders, and Tonnage; and the said Commissioners shall and may from Time to Time, at any General Meeting, assign over the said Rates and Duties on Houses, Buildings, Yards, Gardens, and Orchards, to the Person or Persons who shall advance or lend such Money as aforesaid, and his or their Executors, Administrators, or Assigns, or his or their Trustee or Trustees, as a Security for the Payment of the Money to be borrowed under the Powers of this Act on the Rates and Duties on Coals, Culm, Cinders, and Tonnage, together with Interest for the same; and every such Mortgage or Assignment may be in the Form or Forms prescribed in the said recited Act, with such Variations therein and Additions thereto as shall be deemed necessary.

Power to  
mortgage  
the said Rate  
on Houses,  
&c., in aid of  
Security for  
Money bor-  
rowed on  
Rates on  
Coals, Ton-  
nage, &c.

XCVIII. And be it enacted, That every Mortgage, Assignment, or other Security for Money, and every Transfer of any Mortgage, Assignment, or other Security for Money, to be granted or made by virtue of the said recited Act or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said recited Act to the contrary notwithstanding.

Mortgages  
and Trans-  
fers to be  
stamped.

XCIX. And be it enacted, That from and after the passing of this Act there shall be separate and distinct Accounts kept of the Receipts and Payments in respect of the said Channel and River, and of the paving, lighting, and improving the said Town of *Colchester*; and no Part of the Rates and Duties on Coals, Culm, Cinders, or Tonnage

Separate  
Account of  
Town and  
Channel  
Funds to be  
kept.

Channel Fund not to be applied to the Town, unless Town be rated in aid of Channel Fund.

Tonnage shall hereafter be paid or applied towards the paving, lighting, watching, cleansing, or improving the said Town, save only in the event of Houses, Buildings, Yards, Gardens, and Orchards in the said Town being rated in aid of the said Channel or River, under the Powers herein-before contained, in which Case the Funds of the said Channel or River shall once a Year repay or contribute to the Funds for paving, lighting, watching, cleansing, and improving the Town such Sum or Sums of Money as shall be collected under and by virtue of the Rate so made in aid of the Channel or River, but no further or otherwise.

Certain Bridges and Streets excepted from Provisions of 10 & 11 Vict. c. 34.

C. And whereas certain Bridges in the Town of *Colchester* called respectively the *Hythe Bridge*, *East Bridge*, and *North Bridge*, and certain Streets called *Crouch Street*, *Lexden Road*, *North Street*, *East Street*, and *East Bay*, are now repaired and amended by certain Corporations, Trustees, or Persons, and not by the Commissioners; be it enacted, That the Towns Improvement Clauses Act, 1847, shall not extend to the said Bridges or Streets.

Power to levy Rates on Houses, &c. for paving, lighting, &c.

CI. And whereas in and by the said recited Act it is enacted, that the said Commissioners shall once in every Year rate and assess the several Landlords and Owners, and the several Tenants and Occupiers of all Houses, Buildings, Yards, Gardens, and Orchards within the said Town of *Colchester*, (except the Four outlying Parishes of *Beerchurch*, *Greenstead*, *Lexden*, and *Mile End*,) in such Sum or Sums of Money as the said Commissioners, or any Nine or more of them, shall judge necessary, so as such Rate or Rates, Assessment or Assessments, shall not exceed One Shilling and Three-pence in the Pound by the Year, to be computed on the annual Rent or Value thereof respectively, one Moiety thereof to be charged upon the Landlords or Owners, and the other Moiety thereof upon the Tenants or Occupiers of such Houses, Buildings, Yards, Gardens, and Orchards: And whereas the last-mentioned Rates and Duties are found inadequate for the Purposes intended, and it is necessary that the same should be increased; be it therefore enacted, That from and after the First Day of *July* next after the passing of this Act the said Commissioners shall once in every Year rate and assess the several Landlords and Owners and the several Tenants and Occupiers of all Houses, Buildings, Yards, Gardens, and Orchards within the said Town of *Colchester*, (except any Church, Chapel, Meeting House, Hospital, School, or other public Building, or any Wall or void Space of Ground for which Provision is made by the said recited Act, and also except the Four outlying Parishes of *Beerchurch*, *Greenstead*, *Lexden*, and *Mile End*,) in such Sum or Sums of Money as the said Commissioners, or any Nine or more of them, shall judge necessary, so as such Rate or Rates, Assessment or Assessments, shall not exceed Two Shillings in the Pound by the Year, to be computed on the annual Rent or Value thereof respectively, one Moiety thereof shall be charged upon the Landlords or Owners, and the other Moiety thereof upon the Tenants or Occupiers of such Houses, Buildings, Yards, Gardens, or Orchards: Provided always, that nothing herein or in the said recited Act contained shall extend to exonerate any House or Building, or any Yard or Garden occupied therewith



therewith and attached thereto, from being rated and assessed to the last-mentioned Rate, notwithstanding their being situate more than One Furlong from the End or Termination of any Street or Lane of the said Town, or being in either of the said Four outlying Parishes, provided any such House or Building, Yard or Garden, be within One Furlong of any lighting or paving the said Commissioners may perform or effect under the Powers of this Act or the said recited Act; and the same Rate hereby lastly authorized to be raised and levied shall be applied in the same Manner and for the same Purposes as by the said recited Act is directed concerning the Rate not exceeding One Shilling and Three-pence in the Pound thereby authorized to be raised and levied; and all the Powers, Provisions, and Authorities contained in the said recited Act in reference to the said Rate not exceeding One Shilling and Three pence in the Pound shall extend and be applicable to the Rate lastly hereby authorized to be raised and levied, save only so far as it is hereby altered in reference to Houses, Buildings, Yards, or Gardens in either of the said Four outlying Parishes within One Furlong of any lighting or paving by the said Commissioners: Provided always, that nothing herein-before contained shall extend to enable the said Commissioners to rate or assess the Landlords or Owners, Tenants or Occupiers of any Houses, Buildings, Yards, Gardens, and Orchards which shall be situate and being more than One Furlong from any lighting or paving which the said Commissioners may perform or effect under the Powers of this Act or the said recited Act, or any Land or Ground which shall be held and occupied by Gardeners in their Way of Trade or Business, but such Persons shall be totally exempt from the Rates or Assessments by this Act or the said recited Act to be imposed, and every of them.

Houses, &c. more than One Furlong distant not to be rated, nor Garden Ground in the Way of Trade.

CII. And be it enacted, That it shall be lawful for the Commissioners, for the Purpose of paying off the Monies due on Mortgages or Assignments created under the Authority of the said recited Act on Security of the Rates on Houses, Buildings, Yards, Gardens, and Orchards, and for answering the Purposes to which the last-mentioned Rates are by this Act directed or authorized to be applied, from Time to Time to borrow and take up at Interest such Sum or Sums of Money upon the Credit of the said Rates on Houses, Buildings, Yards, Gardens, and Orchards, to be made and collected under this Act, (exclusive of and in nowise affecting the Rate herein-before authorized to be made in aid of the Funds of the Navigation,) so that the Sum borrowed upon the same Rates, whether under the Powers of the former Act or of this Act, shall not at any One Time exceed in the whole the Sum of Ten thousand Pounds, and in the event of all or any Part of such Monies being repaid by the Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of the last-mentioned Rates more than the Sum of Ten thousand Pounds in the whole at any One Time; and all the Powers and Authorities given by the said recited Act for mortgaging, assigning, or transferring the said Rates on Houses, Buildings, Yards, Gardens, and Orchards shall extend and be applicable to the borrowing and taking up at Interest, under the Powers of this Act, of any Sum or Sums of Money upon the Credit

Powertoborrow Money on Rates on Houses, &c. for Improvement of the Town.

[Local.]

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of

of the said Rates, not exceeding at any One Time in the whole the Sum of Ten thousand Pounds; and the Money borrowed under the Powers of this Act on the said Rates shall, after and subject to the Payment of any Money that may have been borrowed and now due and owing upon the Assignment of Rates on Houses, Buildings, Yards, Gardens, and Orchards, under the said recited Act, be applied as directed by the said recited Act in reference to the Sum thereby authorized to be raised and levied upon the Credit of the said Rates.

Power to Commissioners to cause Roads leading to Railway Stations to be lighted.

CIII. And be it enacted, That if any Railway Station now is or hereafter shall be made or erected in any Parish within the said Town of *Colchester* or the Liberties thereof, provided the said Station shall not be distant more than Half a Mile from the Termination of any Street within the Limits of this Act, it shall be lawful for the said Commissioners, if they shall think fit, to cause the Road or Highway lying between the Termination of any Street and such Station to be properly lighted, and the Person or Company to whom such Station shall belong shall from Time to Time pay to the said Commissioners One Moiety of the Expence of such lighting, and of the necessary Lamps, Posts, Irons, and Fittings; provided nevertheless, that when and as often as any Portion of the Lands on either Side of the said Road or Highway, or any Building thereon, shall be rated or assessed for the Purposes of this Act, then and in that Case the said Person or Company shall only be required to pay to the said Commissioners a Moiety of the Expence of lighting such Portion of the said Road or Highway the Lands adjoining which shall not be so rated or assessed; provided also, that whilst the said Company or Persons shall pay the said Commissioners the Moiety of the aforesaid lighting the said Station shall not be rated under the Powers herein-before contained towards the paving, lighting, watching, cleansing, or improving the Town of *Colchester*, or in aid of the Navigation Fund; and when and so soon as the Property on both Sides of the Road between any Street of the said Town and the said Station shall be brought into the said Rates or either of them, then and in that Case the said Company or Persons shall not be required to pay the said Moiety of the said lighting, but the said Station and the Buildings and Premises connected therewith shall in lieu thereof be rated for the Purposes aforesaid in the same Manner as Houses and Buildings within the Limits of this Act or the said recited Act; provided also, that until such Station or Buildings shall be so rated as aforesaid no lighting for which the said Company or Persons shall pay in respect of the said Station shall operate so as to make other Houses, Buildings, or Lands liable to the said Rates or either of them.

Lamps to be placed near the River or Basin.

CIV. And be it enacted, That it shall be lawful for the said Commissioners to place any Lamp or Lamps upon or near the aforesaid River or Basin.

Penalty for exposing for Sale unwholesome Meat.

CV. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in any Place within the Limits of this Act, he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Justice

Justice of the Peace to order any Officer appointed by virtue of this Act, or any Constable, to seize and destroy such unwholesome Meat or Provisions.

CVI. And be it enacted, That if any Person shall cart, carry, expose, or offer Coals for Sale in any Street, without having therewith a proper Machine and Weights for weighing the same, or shall refuse or neglect to weigh such Coals when thereunto required by any Person desirous of purchasing the same, he shall for every such Offence forfeit any Sum not exceeding Twenty Shillings.

Penalty for selling Coals without having Machine and Weights.

CVII. And be it enacted, That the Occupier of every House or Building in any of the Streets within the Limits of this Act who shall suffer Snow to remain on the Footways in front of such House or Building for a longer Period than Two Hours between Sunrise and Sunset after Notice given, shall for every such Offence forfeit a Sum not exceeding Five Shillings.

Penalty for suffering Snow to remain on Footpaths.

CVIII. And be it enacted, That if any Person shall wilfully or maliciously take away, destroy, or injure any or any Part of any Pipe, Plug, Post, or other Apparatus, Article, Matter, or Thing belonging to the said Commissioners, every Person so offending shall forfeit to the said Commissioners any Sum not exceeding Five Pounds, and the Amount of the Damage done or occasioned by such Conduct.

Penalty for damaging Pipes, &c.

CIX. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Company or Person making or supplying any Gas within the Limits of this Act, such Company or Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Company or Person shall not within Forty-eight Hours next after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then such Company or Person shall for every such Offence forfeit any Sum not exceeding Five Pounds for each Day after the Expiration of Forty-eight Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Daily Penalty during Escape of Gas after Notice.

CX. And be it enacted, That if any Person making or supplying Gas within the Town of *Colchester* shall at any Time cause or suffer to be conveyed or flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the said Town, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water whereby the Water therein shall be fouled or corrupted, then the Person so supplying Gas, or offending as aforesaid, shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty on Gas-makers corrupting Water within the Borough.

CXI. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior

Penalty to be sued for in Superior

Courts with-  
in Twelve  
Months.

Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Pe-  
nalty during  
the Continu-  
ance of the  
Offence.

CXII. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Commissioners, or the Person so supplying Gas or offending as aforesaid, shall forfeit the Sum of Twenty Pounds, to be recovered in the like Manner, for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on the Commissioners, or the Person so supplying Gas or offending as aforesaid, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

Penalty on  
Gas-makers  
if Water con-  
taminated.

CXIII. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Company or Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Pe-  
nalty during  
the Continu-  
ance of the  
Contamina-  
tion after  
Notice.

CXIV. And be it enacted, That if the Company or other Person so making or supplying Gas shall not, within Forty-eight Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Company or other Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be so contaminated or affected, a Sum not exceeding Ten Pounds for every Day during which the said Water shall remain contaminated or affected after the Expiration of Forty-eight Hours from the Service of such Notice.

For ascer-  
taining if the  
Water is con-  
taminated.

CXV. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the said Company, or any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twenty-  
four

four Hours Notice shall be given to the Person making or supplying such Gas, of the Time at which such digging and Examination are intended to take place.

CXVI. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to the said Company or Person, the Expences of digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the said Commissioners or such other Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Company or Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person in and by such Examination.

The Expences to abide the Result of the Examination.

CXVII. And be it enacted, That the Amount of the Expences of Examination and Repair, and of any Injury done to the said Company or Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

The Amount of Expences to be ascertained and recovered as other Damages.

CXVIII. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Company or Person making or supplying Gas within the Limits of this Act from being liable to an Indictment for any Nuisance or any other legal Proceeding to which they or he may be liable in consequence of the making or supplying such Gas.

Nothing to exempt Persons supplying Gas from being indicted for a Nuisance.

CXIX. And be it enacted, That in case any Person shall carelessly, negligently, or accidentally break or otherwise damage any Lamp within the Limits of this Act, or the Irons, Posts, or Furniture thereof, and shall not immediately upon Demand make Satisfaction to the said Commissioners, or to any other Owner thereof, (as the Case may be,) for the Damage done thereto, it shall be lawful for any Justice to award such Sum of Money as a Satisfaction for such Damage as such Justice shall think reasonable, not exceeding the Value of the Lamp or other Article so injured or damaged, and the Costs and Charges of repairing and replacing the same respectively.

Persons carelessly, &c. damaging Lamps to make good the same.

CXX. And be it enacted, That no Bye Laws (except such as may relate solely to the Officers or Servants of the Commissioners) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the Borough of Colchester; and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same as to them may seem meet: Provided always, that no such Bye Law shall

Bye Laws to be confirmed before coming into operation.

be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Essex* One Month at least before the hearing of such Application, and also like Notice placed upon the Town Hall of *Colchester*; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Counsel or Attorney, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Proposed  
Bye Laws  
to be open  
for Inspection  
previous to  
Application  
for Confir-  
mation.

CXXI. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the Office of the Clerk to the Commissioners; and it shall be lawful for all Persons, at all reasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof or of any Part thereof, on Payment of not exceeding Sixpence for every One hundred Words so to be copied.

Publication  
of Bye Laws.

CXXII. And be it enacted, That a Copy of every such Bye Laws shall be written or printed, and affixed in the Office of the Clerk of the Commissioners, and shall be renewed from Time to Time, and shall be open to Inspection, without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and a like Copy of such Bye Laws shall from Time to Time be placed in the Town Hall of *Colchester*.

Bye Laws to  
be binding  
on all Par-  
ties.

CXXIII. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of  
making Pub-  
lication of  
Bye Laws.

CXXIV. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Recorder of the said Court of Quarter Session, shall be Evidence of the Existence and due making of such Bye Laws, in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a Copy thereof was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that the same was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Copy of such Bye Laws was not duly affixed or generally continued as directed by this Act.

Wheels of  
Waggons to  
be locked in  
certain Cases.

CXXV. And be it enacted, That every Person who shall drive or act as the Driver of any Waggon or Carriage down any Hill or Hills within the Limits of this Act or the said recited Act, which shall be so heavily laden as to prevent the Horse or Horses attached thereto

thereto stopping or having the Command of such Waggon or Carriage, shall cause One of the Wheels of such Waggon or Carriage to be properly locked whilst proceeding down such Hill or Hills, or in default thereof every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

CXXVI. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time as they shall think fit, to order and direct that in all Cases where any Waggon or Cart shall descend any Hill or Hills within the Limits of this or the said recited Act, with either of the Wheels locked, a Skidpan or Slipper shall be used or placed at the Bottom of such Wheel during the whole Time of its being so locked, in such Manner as to prevent the said Road from being destroyed or injured by the locking of such Wheel; and that it shall be lawful for the said Commissioners from Time to Time to repeal, alter, or renew such Order as they shall think necessary; and that whilst any such Order so to be made as aforesaid shall be in force all and every Person or Persons who shall drive or act as the Driver of any Waggon or Carriage down any such Hill or Hills with either of the Wheels locked, and without using or having such Skidpan or Slipper at the Bottom of such Wheel in manner aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Power to direct the Use of Skid-pans or Slippers.

CXXVII. And be it enacted, That it shall be lawful for the said Commissioners, in case they shall deem it expedient so to do, to lay, make, make, and maintain a Tramway or Railway for facilitating Carts and Waggons in ascending any Hill or Hills within the Limits of this or the said recited Act, and from Time to Time, as they shall think fit, to remove or alter the same.

Power to make Tramway on Hills.

CXXVIII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Non-payment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Damages to be ascertained with the Penalty.

CXXIX. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices, and the same shall be levied by Distress.

Provision for Damages not otherwise provided for.

CXXX. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay

For ascertaining and determining Damages, &c. the

the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of Money from Commissioners.

CXXXI. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of Treasurer.

CXXXII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Publication of Penalties.

CXXXIII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, or any Bye Law of the Commissioners, affecting other Persons than the Officers or Servants of the Commissioners, be it enacted, That from Time to Time the Commissioners shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Commissioners, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and on such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalties to be summarily recovered before One Justice or more.

CXXXIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons, requiring the Party complained



plained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

CXXXV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justices shall issue their Warrant of Distress accordingly.

Penalties not paid may be levied by Distress.

CXXXVI. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture, and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Time not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied.

Imprisonment in default of Distress.

CXXXVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such extra-parochial Place, or of any adjoining Parish or District,

Application of Penalties.

[*Local.*]

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and shall order the same to be paid over to the proper Officer for that Purpose.

Penalties to be sued for within Six Months.

CXXXVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CXXXIX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him or any other Justice as a Witness in any Matter in which such Justice shall have Jurisdiction, under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction, by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before any such Justice, every Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CXL. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Police Constable, Police Officer, or any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against each Offender.

Form of Conviction.

CXLI. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (B.) to this Act annexed.

Informalities.

CXLII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed, by Certiorari or otherwise, into any of the Superior Courts.

Distress how to be levied.

CXLIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels,

Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

CXLIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

CXLV. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, he may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Parties aggrieved may appeal to Quarter Sessions, on giving Security.

CXLVI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

Court to make such Order as they think reasonable.

CXLVII. And whereas in and by the said recited Act it is enacted that the Statute made in the Twenty-fourth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*, so far as the said Act relates to rendering Justices of the Peace more safe in the Execution of their Office, shall extend and be construed to extend to the said Justices respectively acting under the Authority of the said recited Act, and that no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of the said recited Act until Twenty-one Days Notice shall be given to the Person or Persons against whom the same is to be brought, or after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after

Repeal of recited Act as to Limitations of Actions. 24 G. 2. c. 44.

after Six Calendar Months from the Fact committed, and every such Action or Suit shall be brought and tried in the said Town of *Colchester* or in the County of *Essex*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead the General Issue, and give the said recited Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of the said recited Act; and if the same shall appear to be so done, or if such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law; and it is expedient that the said last-recited Clause or Enactment should be repealed; be it therefore enacted, That the same be and is hereby declared to be repealed accordingly.

Saving the Rights of the Corporation of Colchester.

CXLVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, or diminish the Right of the Mayor, Aldermen, and Burgesses of the said Town of *Colchester* to the Freehold of the said River and Channel, and the Creeks and Fleets of the same, or their Right of Fishery therein, or the Right of any Person or Persons duly licensed by the said Mayor, Aldermen, and Burgesses to dredge for Oysters in the River *Colne*, or any Lessee or Lessees of the said Mayor, Aldermen, and Burgesses to take Fish in the said River and Channel, or to lessen or diminish their Right to make, erect, set, or place Booths, Stalls, Benches, Forms, and other Things within the Market Places in the said Town on Market Days, or within any of the Market Places, Streets, or other public Places during the usual Time of holding any Fair within the said Town, nor the Right to any Rents, Customs, Tolls, Duties, or Profits whatsoever heretofore payable to them for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms, or other Things to be there made, erected, set, or placed as aforesaid, nor any other Right, Liberty, or Franchise whatsoever belonging to the said Mayor, Aldermen, and Burgesses, but that the said Mayor, Aldermen, and Burgesses, and their Successors, shall continue to enjoy the said River, Creeks, Fleets, and all such Rights, Liberties, and Franchises, and to have, receive, and enjoy all such Rents, Tolls, Duties, and Profits, in like Manner as they could or might or ought to have done in case this Act had not passed, save only so far as the Rights and Interests of the said Mayor, Aldermen, and Burgesses, or their Successors, or the Person or Persons duly licensed by them to dredge for Oysters in the River *Colne*, or any Lessee or Lessees of the said Mayor,

Mayor, Aldermen, and Burgesses to take Fish in the said River and Channel, may be affected by the Navigation and other Works by this Act authorized to be made, continued, and maintained.

CXLIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,) Interpreta-  
tion of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender only shall include Females :

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure, and also Waters, Heads of Waters, Falls of Waters, Tolls, Ferries, and all other Easements and Appurtenances :

The Expression "the Commissioners" shall mean the Commissioners for the Time being elected or appointed under or by virtue of this Act :

That the Word "Assistants" in the said recited Act shall mean the "Councillors" of the said Borough of *Colchester* :

The Words "recited Act" shall mean the Act passed in the Fifty-first Year of King *George* the Third, intituled *An Act for improving the Navigation from the Hythe at Colchester to Wivenhoe in the County of Essex, and for better paving, lighting, watching, cleansing, and improving the said Town of Colchester* :

The Word "Month" shall mean Calendar Month :

The Word "Person" shall include Corporation, whether aggregate or sole :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Justice" shall mean any Justice of the Peace for the Borough of *Colchester* :

The Word "Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough of *Colchester* :

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act :

The Word "Clerk" shall mean the Clerk to the Commissioners for the Time being under or by virtue of this Act or of the said recited Act.

CL. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

