

C H A P. XVI.

An ACT for the Encouragement of such Persons as will undertake to build Water-Mills. *Lib. LL. N^o 3. fol. 10.* Passed 3d of October 1704.

Other Acts relating to Water-Mills, are 1753, *ch. 16,* and 1756, *ch. 12.*

DAILY Experience sheweth, that the Want of Water-Mills is the true Cause that Husbandry in Tilling the Ground, and for Sowing of Wheat and Barley, is but coldly prosecuted, though the Advantage thereby in raising the Stock of neat Cattle be great; and forasmuch as the most Part of the Places fit for setting up of Water-Mills, are already in the Hands of Persons under Age, or unable to be at the Charge of Building a Water-Mill, or else such as are wilfully obstinate in forbidding and hindering such Persons as would purchase the said Places fit for building Water-Mills, and set them up, to the Increase of our Trade and Navigation; much to the public Damage of this Province: Preamble.

II. Be it Enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That if any Person or Persons, from and after the Publication hereof, shall desire to set up a Water-Mill upon any Land next adjoining to any Run of Water within this Province, not being the proper Possession or Free-hold of such Person or Persons, nor Leased to them, to the Intent thereon to set a Water-Mill, they shall purchase a Writ out of Chancery, directed to the Sheriff of the County where such Land lieth, requiring him, by the Oath of Twelve Men of his County to inquire what Damage it would be to her Majesty, or others, to have a Mill set up in such Place as aforesaid; the Form of which Writ followeth, *viz.* Writ of Ad quod Damnum for Land to set a Water-Mill on.

“ ANNE, by the Grace of GOD, of England, Scotland, France, and Ireland, Queen, Defender of the Faith, &c. Form of the Writ.

“ To the Sheriff of A..... County, Greeting.

“ We command you, that by the Oaths of Twelve honest and lawful Men of the County, by whom the Truth of the Matter may be better known, you diligently inquire, if it be to the Damage of us, or others, if we grant N. N. of N. County, Twenty Acres of Land, lying at N. in the County aforesaid, *viz. Ten Acres on one Side such Run, and Ten Acres on the other Side of such Run of Water, together with Liberty to take, fall, cut down, and carry away, either by Land or Water, any Wood or Timber fit for building a Mill, other than Timber fit to split into Clap-boards, upon any of the Lands next adjoining to the said Twenty Acres of Land lying on each Side of the said Run of Water, at N. N. aforesaid, in the County aforesaid: And if it be to the Damage and Prejudice of us, or others, then to what Damage and Prejudice of us, and to what Damage and Prejudice of others, and of whom, and in what manner, and how, and of what Value they are by the Year, according to the true Value thereof now, before any further Improvement of the said Twenty Acres of Land, and who are the present Possessors of the said Twenty Acres of Land, and what Lands and Tenements remain to the present Possessor, over the said Twenty Acres: And if the said Land remaining to the present Possessors, over the said Twenty Acres, will suffice to uphold their Manor, *viz. the Sixth Part of their Manor allotted by the Conditions of Plantations, for the Demesne, as before the Alienation; so as the County, by the Alienation aforesaid, in Default of the present Possession, more than was wont, be not charged and grieved: And the Inquisition thereupon, openly and distinctly made to us, in our Chancery, under the Seal and the Seals of them by whom it was made, without Delay send, &c.”* 20 Acres of Land, *viz.* 10 Acres on one Side, and 10 Acres on the other Side of the Run of Water.*

Upon Return of which Writ, in case the Person or Persons, who by the said Inquest shall be found to be the true Owners and Possessors of the Land fit to build a Mill upon, shall refuse to build a Mill thereon within One Year, from In case the Owner of the Land refuse to build a Mill thereon