

“An Act for Encouragement of Building Water Mills,” An Abridgement of the Public Laws of Virginia in Force and Use, June 10. 1720” (London: F. Fayram and J. Clarke, 1728), pp. 73-75.

If any Person, willing to build a Water Mill, hath Land only on one side the Run, and the Owner of the Land on the other side, shall refuse to let him have an Acre of Land on the other side at a reasonable Rate, the Court of the County, upon Petition, are hereby empowered and required to order two Commissioners, or such other credible Persons as they shall think fit, to view the said Land, and if it takes not away Housing, Orchards, or other immediate Conveniencies,¹ to value the same, and put the Party, who desires to build a Mill, in Possession thereof, which way of Possession shall create a Fee Simple in the Acre.

Provided, The Party so being put into Possession, forthwith pay down the Money to the Owner, upon Such Valuation.

Provided, Also that the said Party, within one Year do begin to build a Water Mill, and furnish the same within three Years, and thereafter keep up the same for the Use of the Customers, otherways, the said Land to revert.

Proviso, If any Water Mill, belonging to a Person under the Age of twenty one Years, *feme Covert*,² *Non compos mentis*,³ or imprisoned, be let to fall, burnt, or destroyed, such Person and their Heirs, shall have three Years to rebuild and repair such Mill, after such Disability removed or Death.

When there shall be a Public Mill standing on any Run, there shall not be another Mill, or Dam, built on the same Run below such Mill within a Mile, nor above such Mill, without the particular Leave of the General Court, or County-Court.

Proviso, This Act not to prohibit the carrying on any Mill now begun, but that the same may be finished, in the same manner as it might have been before this Act.

¹ *Conveniencies* are necessary structures or man-made features, like orchards or gardens.

² A legal term for a married woman (from the French meaning “covered woman”).

³ The legal term for a person deemed mentally incompetent (Latin for “not in control of one’s mind”).

Proviso, Where any Owner of a Mill, now built, or to be built, shall conceive himself injured, by Building another Mill on the same Run, he may have his Action on the Case against the Owners of such latter built Mill, in the same manner, as he might have had before the making of this same Act.

Millers shall grind according to turn, and shall sufficiently grind the Grain, and take no more Toll than one eighth Part of Wheat, and one sixth Part of Indian Corn, on Penalty of fifteen Shillings to the Party injured, for Default of any of the Premises with Costs.

Proviso, The Owner not held to turn for his own Grain.

All Millers shall keep in their Mills English sealed Measures, or sealed by the County-Court (viz.) Bushel, half Bushel, Peck,⁴ and shall strike the Measures, and Use no Toll Dish, but what shall be Sealed by the County-Court (who are at the County Charge to provide an Iron Brand for these Uses) on Penalty of fifteen Shillings to the Informer, with Costs; and if the Owner by himself, or Servant keep the Mill, he to pay the Fine, and if the Miller be a Servant, or Slave, his Owner shall be answerable for his Default, and if such Owner lives out of the County, and have no known Attorney therein for that Use, the Appearance of the Miller shall be sufficient for the Justice to proceed against the Matter, and if the Owner shall live in the County or have a known Attorney therein, then his Appearance shall be required.

Proviso, Where a Mill is kept by a Slave, or imported Servant, that shall refuse to grind according to turn, or grind sufficiently, or exact upon the Toll, such Servant or Slave for such first Offence, shall have thirty Lashes, and for the second forty, in Lieu of the Forfeiture, and for every Offence afterwards, the Matter to pay as aforesaid.

⁴ A *bushel* is 4 pecks (35.2 litres) and a *peck* is 8 quarts (8.81 litres).