



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 101.

An Act to explain and amend an Act passed in the Thirty-eighth Year of His Majesty, for inclosing Lands in the Manor and Parish of *Portbury*, in the County of *Somerset*. [20th May 1809.]

WHEREAS an Act was passed in the Thirty-eighth Year of His present Majesty, intituled, *An Act for dividing, allotting, and inclosing certain Moors, Commons, or waste Lands, lying within the Manor and Parish of Portbury, in the County of Somerset*; and certain Persons were thereby named and appointed Commissioners for carrying the said Act into Execution: And whereas the said Commissioners immediately proceeded to the Discharge of their Office, in the Manner prescribed by the said Act; and under the Powers therein contained, certain Roads or Drive Ways were set out and have been made, and several Exchanges were effected, and certain Parts of the said Lands were sold by the said Commissioners, for discharging the Expences of carrying the said Act into Execution: And whereas a certain Common called *Portbury Wharf*, containing Two hundred and fifty-eight Acres, or thereabouts, and abounded by the *Bristol Channel* on the North, and by an ancient Sea-wall or Embankment, under the Care of the Commissioners of Sewers on the South, was One of the Commons by the said Act directed to be divided, allotted, and inclosed: And whereas the said Common called *Portbury Wharf* extends

[*Loc. & Per.*]

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about One Mile and a Quarter along the Side of the *Bristol* Channel, and before the passing of the said Act the whole of the same Common was occasionally overflowed by the Sea, and therefore of little Value: And whereas the said Commissioners, in order to comply with the Provisions of the said Act, so far as respected the said Common called *Portbury Wharf*, and to enable them to divide the same advantageously among the Persons interested therein, caused a Bank of Earth to be erected for the whole Length of the said Wharf, along the Side of the *Bristol* Channel, and also a Ditch with a Sluice or Floodgate: And whereas it is conceived, that if a Bank had not been erected it would have been impossible to divide or enclose the said Wharf, inasmuch as the Ditches to be made therein would have been filled with Mud, and the Fences carried away by every Spring Tide, and at Low Water the Cattle depastured thereon would have been able to pass from Field to Field: And whereas no Inundation has taken place since the said Bank was raised, and the Proprietors of the said Wharf Lands have held their respective Allotments without any Irruption or Inconvenience from the Sea: And whereas the said Commissioners made their Award in pursuance of the said Act on the Fourth Day of *March* One thousand eight hundred and six, and thereby (amongst other Things) ordered and awarded, that the Roads and Drove Ways appointed within the said Common called *Portbury Wharf*, and also the said Sea-wall or Sea-bank, and the Sluice thereunder, and the Tunnel by them built and erected, and a Ditch on the Southward Side of the said Sea-wall or Sea-bank, and also the Posts and Rails erected on the East or West End thereof, should be repaired, maintained, and made new, and in good Condition kept, by the Owners and Occupiers for the Time being of all and singular the several Allotments of Land, Part of the said Common called *Portbury Wharf*, sold by the said Commissioners in pursuance of the said Act, and the several other Divisions and Allotments of Land therein-after particularly mentioned, to be set out, allotted, and awarded on the said Common called *Portbury Wharf*, and the several and respective old inclosed Lands, in respect whereof such last-mentioned Divisions and Allotments were made, at their joint Expence, and in Proportion to the Quantity of Acres, Roods, and Perches of their said several and respective Lands, as the same were particularly adjudged and assessed in and by the Rate thereunto annexed, intituled, "The Rate for the Wharf Lands in pursuance of this Award:" And whereas, in order to obtain Purchasers for those Parts of the Lands sold for defraying the Expences of the said Act, which were situate on the said Common called *Portbury Wharf*, the said Commissioners found it expedient to declare, that the old inclosed Lands entitled to Allotments on the said Wharf, should be included and assessed in the said Rate, intituled, "A Rate for the Wharf Lands:" And whereas it has lately been found necessary to levy a Rate for the Purpose of repairing the Sea-bank so erected by the said Commissioners as aforesaid, and Doubts have been entertained whether the said Commissioners were authorized to erect the same, or to award a Rate for the Maintenance thereof, and if they had such Authorities, whether they were authorized to include the said inclosed Lands in the said Rate: And whereas the said Sea-bank was essential to the Inclosure of the said Wharf, and has been found fully to answer the Purposes intended, and it is necessary to the Preservation of the said Inclosures, that the same should be kept up; and it would be beneficial to the several Persons interested

rested in the Premises, if the Proceedings of the said Commissioners were confirmed, (except as is herein-after excepted), and if further Provisions were made for the Maintenance of the said Works, and for the Payment and Application of the said Rates: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Acts and Proceedings of the said Commissioners, under or in Execution of the said recited Act, and the said Award so made and signed by them as herein-before is recited, and every Clause, Article, and Thing therein contained, and the Rate or Assessment subscribed or annexed thereto, and intituled, "A Rate for the Wharf Lands," shall be, and the same are hereby confirmed and declared to be as valid and effectual in all Respects, and to all Intents and Purposes whatsoever, as if express Provisions had been made in the said recited Act, for the Erection of the said Bank of Earth or Sea Wall, and for making the said Rate or Assessment, and charging the same upon the Lands and Hereditaments in the Manner in which the same have been erected, made, and charged by the said Commissioners and the said Award; save and except that the said several and respective old inclosed Lands in the several Parishes of *Portbury*, *Wraxhall*, *Clapton*, and elsewhere, and the several and respective Allotments and Lands on the Moors and Hills in the said Parishes of *Portbury*, *Wraxhall*, *Clapton*, and elsewhere, shall not be subject or liable to the Payment of the said Rate, or any Part thereof, and the same are therefore hereby expressly discharged therefrom; and that the said several Divisions and Allotments set out allotted and awarded on the said Common called *Portbury Wharf* as aforesaid, and the said several Allotments of Land, Part of the said Common called *Portbury Wharf*, so sold by the said Commissioners as aforesaid, shall alone continue liable to the Payment of the Whole of the said Rate, in the same Manner as if the whole Amount of the several Parts and Proportions of the said Rate, charged by the said Commissioners on each Proprietor in respect to his said old inclosed Lands and Allotments, and Lands on the Moors and Hills, and Allotments on the said Common called *Portbury Wharf*, had been exclusively charged by them on each Proprietor in respect to and upon his Allotment on the said Common called *Portbury Wharf*.

Acts of the Commissioners and Award confirmed.

II. And be it further enacted, That the Lord or Lords, Lady or Ladies of the Manor of *Portbury* aforesaid, and each and every Owner and Proprietor for the Time being of the Lands and Grounds included and assessed in and by the said Rate, called "A Rate for the Wharf Lands," shall be, and they are hereby appointed Commissioners for carrying this Act into Execution.

Commissioners for the Land Wharfs.

III. And be it further enacted, That it shall be lawful for every Commissioner under this Act, by Writing under his or her Hand, from Time to Time, and for such Time as he or she shall think fit, to nominate and appoint an Agent or Deputy to act in his or her Absence as a Commissioner under this Act; and every such Agent or Deputy shall and may in the Absence of the Person by whom he shall be so appointed, act as such Commissioner accordingly, and shall have the like Power and Authority as if the Person by whom he shall be appointed were present; but no such Agent or Deputy shall be capable of acting as Agent or Deputy for the Purposes

Commissioners may appoint a Deputy.

Purposes of this Act for any more than One Commissioner at any one Time.

Commissioners to take an Oath or Affirmation.

IV. And be it further enacted, That no Person shall be capable of acting as such Commissioner, or Agent, or Deputy, under this Act, (except it be in administering the Oath or Affirmation herein-after mentioned to any of the other Commissioners), until he or she shall have taken the Oath, or being of the People called *Quakers* made the Affirmation following; that is to say,

‘ I *A. B.* do swear, (or, being of the People called *Quakers*, do solemnly affirm), That I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities, in the Execution whereof I shall at any Time act as a Commissioner [Agent or Deputy, *as the Case may be*], appointed in and by an Act made in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act to explain and amend an Act passed in the Thirty-eighth Year of His present Majesty, for dividing and inclosing certain Lands lying within the Manor and Parish of Portbury, in the County of Somerset.*

‘ So help me GOD.’

Which Oath it shall be lawful for any One of the Commissioners under this Act to administer, and he or she is hereby required to administer the same to the other Commissioners accordingly.

Persons acting, not being qualified, to forfeit 20l.

V. And be it further enacted, That in case any Person shall presume to act as a Commissioner, Agent, or Deputy under this Act before he or she shall have taken or made the said Oath or Affirmation; or if any Person not being qualified as required by this Act, shall have acted or shall have appointed an Agent or Deputy who shall have acted as such Agent or Deputy in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit by Action of Debt, or on the Case, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, and the Person so prosecuted shall prove that he or she has taken such Oath or made such Affirmation, and is qualified as aforesaid, or otherwise shall pay the said Sum of Twenty Pounds without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as such Commissioner in the Execution of this Act, or has appointed such Agent or Deputy; One Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied to the Purposes of this Act, in the same Manner as if raised by way of Rate out of the Lands in respect of which such Penalty shall have been incurred.

Times and Places of holding Meetings.

VI. And be it further enacted, That the Commissioners hereby appointed shall, and they are hereby required, to hold their First Meeting for carrying this Act into Execution, in the Parish of *Portbury* aforesaid, on the First *Monday* in the Month of *July* One thousand eight hundred and nine, between the Hours of Ten and Twelve in the Forenoon, and shall meet on the First *Monday* in the Month of *July* in each and every Year, between the Hours of Ten and Twelve in the Forenoon, in the Parish of *Portbury* aforesaid; which last-mentioned Meetings shall

shall be called, 'The General Annual Meeting of the Commissioners;' and the said Commissioners shall and may, from Time to Time, adjourn their Meetings to be holden at some convenient Place within the said Parish of *Portbury*, or within Six Miles thereof, as the major Part of the Commissioners present at any such Meeting shall appoint; and if it shall happen that there shall not appear a sufficient Number of the Commissioners at any such Meeting to act, or make such Adjournment, (Two Commissioners to be deemed sufficient for the Purpose of Adjournment,) or, if they shall refuse or neglect to adjourn; or, if any Two or more of them shall deem a Meeting of Commissioners to be necessary or proper, before the Time appointed for the then next General Annual Meeting, or Meeting by Adjournment, then and in every or any such Case, such Two or more Commissioners shall and may call a Meeting to be holden within the said Parish of *Portbury*, by Writing under their Hands affixed to the principal Door of the Parish Church of *Portbury* aforesaid, and by publishing the same in One of the Weekly Newspapers, Ten Days at the least previous to the Time of such Meeting; and no Act of the Commissioners under this Act shall be good or valid unless done at some public Meeting to be holden by virtue of this Act (except in the Cases herein otherwise provided for); and all the Powers and Authorities granted to or vested in the Commissioners under this Act, shall and may, from Time to Time, be exercised by the major Part of the Commissioners present at any Meeting; the whole Number present at such Meeting not being less than Three.

VII. Provided always, and be it further enacted, That all Questions relating to the Levying or Application of the Monies authorized to be raised by virtue of this Act, shall be determined by the Majority of Votes of the Commissioners present, either in Person or by Deputy, at the Meeting at which such Questions shall arise and be agitated; and if, upon any such Question, the Number of Votes shall be equal, the Chairman for the Time being shall have the casting Vote.

All Questions to be determined by the Majority of Votes.

VIII. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts and Proceedings of the Commissioners under this Act, and of the Names of the Commissioners present at the respective Meetings; and the same shall be signed with the Name of the Clerk of such Commissioners; and all such Entries, being so signed, shall be admitted as Evidence in all Courts whatsoever.

Entries of Proceedings, good Evidence.

IX. And be it further enacted, That the said Commissioners under this Act shall, at their First or any subsequent Meeting, appoint a Clerk or Clerks, Treasurer, Surveyor, and such other Officer or Officers, for the Execution of this Act, as they shall think proper, and from Time to Time remove them, or any of them, and appoint others as they shall find necessary or convenient, and by and out of the Monies to be raised by virtue of the said Act, or this Act, may and are hereby empowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by the said Commissioners employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid, as the same Commissioners shall think proper; and all such Officers and Persons, so to be appointed as

For appointing Officers.

aforesaid, shall, under their Hands, at such Time and Times, and in such Manner, as the Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge, and of all Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by them by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the Commissioners, or to such Person or Persons as such Commissioners shall appoint, and all the said Officers or Persons so accounting as aforesaid, shall verify the said Accounts upon Oath, (which Oath any of the Commissioners is hereby enabled to administer); and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not deliver to the Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by such Commissioners, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands, to the said Commissioners, or as they shall direct, then and in any of the Cases aforesaid such Commissioners may and are hereby authorized to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid; or if Complaint shall be made by such Commissioners, or by the Person or Persons they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, or other Person or Persons so refusing or neglecting to be brought before them, and upon his or their appearing, or not being found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justices are hereby empowered to administer) it shall appear to such Justices that any of the Money that shall have been collected or raised by virtue of this Act shall remain in the Hands of such Officer or Officers, or other Person or Persons, such Justices may and are hereby authorized and required, upon Non-payment thereof, or Refusal to pay the same, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, or other Person or Persons respectively; and that if no Goods or Chattels of such Officer or Officers, or Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justices, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath the said Justices are hereby empowered to administer) that any such Officer or Person shall not have made and rendered, or shall refuse to verify upon Oath any such Account or shall refuse to produce or deliver up the Receipts or Vouchers relating

relating to the same, or shall not have delivered to the said Commissioners, or to such Person or Persons as they shall have appointed, within Ten Days after being thereunto required by such Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then, or in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of *Somerset*, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, which Composition the same Commissioners are hereby empowered to make, and until he shall deliver up to them such Books, Papers, Vouchers, and Writings as aforesaid, or give them Satisfaction in respect thereof.

X. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk, and that no Action brought or commenced by or against the Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the Commissioners, but such Clerk for the Time being, shall always be deemed Plaintiff or Defendant in such Action, as the Case may be, except in such Action or Actions as shall be prosecuted between the Commissioners and their Clerk for the Time being, in which any One of such Commissioners shall or may be Plaintiff or Defendant as the Case shall be; and every such Clerk, or Commissioner, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed out of the Monies to arise by virtue of the said Act or this Act, all such Costs and Charges as by the Event of any such Proceedings he or she shall be put to, or become chargeable with, by reason of his or her being so made Plaintiff or Defendant.

Actions to be
in the Name
of the Clerk.

XI. And be it further enacted, That the said Commissioners under this Act shall be, and they are hereby fully empowered and required, from Time to Time, by such Agents or Persons as they shall think proper to employ, to support, maintain, repair, and improve the said Bank of Earth or Sea Wall, and all such Roads, Drove Ways, Drains, Banks, Ditches, Sluices, Bridges, and other Works, as have been made or erected by the said Commissioners appointed by the said Act of the Thirty-eighth Year of the Reign of His present Majesty, upon the said Common, called *Portbury Wharf*, and by them directed to be repaired and maintained out of the Monies to be raised by way of Rate, as herein-before and in the said Award is mentioned, and from Time to Time to renew, alter, and enlarge such of the said Works, as shall fall into decay, and become incapable of being repaired.

Works of
Drainage to
be kept in
Repair.

XII. And be it further enacted, That the said Commissioners under this Act shall and may from Time to Time, and at all Times hereafter, at any of their Meetings to be holden in pursuance of this Act, order and direct the Whole or any equal proportional Part of the Rate made by the said Commissioners, appointed by the said Act of the Thirty-eighth Year of the Reign of His present Majesty, and annexed to their said Award, to be levied and paid for the Purpose of raising such Sum and Sums, as they

Commissioners
may levy
Rates.

they the said Commissioners under this Act, shall from Time to Time judge necessary, for repairing and maintaining the said Bank of Earth or Sea Wall, Ditches, Sluices, Roads, Ways, and other Works herein-before mentioned, and for making any necessary Alterations or Enlargements therein or thereto; and all and every Sums and Sum of Money, so ordered and directed to be levied and paid, shall be collected by and paid to such Collector or Collectors, or other Person or Persons, and at such Times, as the said Commissioners under this Act shall appoint; and shall be applied by them in discharge of all such Expences as shall be incurred in the Execution of this Act.

Appeal to
Three
Justices.

XIII. Provided always and be it further enacted, That in case the said Commissioners, or any of them, or a Majority of them, present in Person or by Agent or Deputy, at any Public Meeting to be called for that Purpose, shall, at any Time hereafter, neglect or refuse to complete the several Acts and Proceedings of the said Commissioners under or in Execution of the said recited Act, and Award in pursuance thereof, so made as aforesaid, respecting the said Common called *Portbury Wharf*, or shall neglect or refuse to make and order a Rate for the Purpose of repairing the said Bank of Earth or Sea Wall, or the said Ditch, Sluice, or Flood Gate, and other Works herein-before mentioned, then and in every such Case it shall and may be lawful for any Two or more of the Commissioners under this Act, by Writing under their Hands stating for what Purpose, to appeal to any Three of His Majesty's Justices of the Peace in the County of *Somerset*, (not interested in the Premises,) who are hereby authorized and required forthwith upon every such Appeal to summon all Parties before them, and within Twenty Days after such Appeal being made to hear and determine, on the Evidence of such Person or Persons as shall appear before them in consequence of such Summons, the Matter of every such Appeal, and to make such Order, and award such Costs and Charges therein as to them shall seem meet; and such Order and Award shall be thereupon enforced under and by Means of the Provisoes and Powers of this Act, in the same Manner as if made by the Commissioners appointed thereby.

Tenants to
pay Taxes.

XIV. And be it further enacted, That all Tenants and Occupiers of the Lands and Grounds included and assessed in and by the said Rate shall, and are hereby authorized and required, to pay such Sums of Money, as shall be directed to be paid for the Lands in their respective Occupations, by the said Commissioners, to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners for the Purpose of receiving the same; and it shall be lawful for every such Tenant and Occupier to deduct and retain the same out of his or her Rent or Rents; and the several Owners are hereby required to allow such Deduction, and every such Tenant paying such Rate or Assessment shall be discharged of so much Money as the same shall amount to, as fully as if the same had been paid to his or her Landlord.

For Recovery
of Rates.

XV. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds included in the said Rate, shall make Default in Payment of the Whole or any Part of the Sum or Sums of Money directed to be paid by or levied upon him, her, or them, for or in respect of such Lands or
Grounds,

Grounds, or any Part thereof, and shall continue in such Default by the Space of Fourteen Days next after the Time appointed by the said Commissioners under this Act for such Payment, and after Demand of such Sum or Sums of Money made by the Collector or Collectors, or other Person or Persons authorised to collect the same, by Writing left at the usual Place or Places of Abode of such Owner or Owners, Tenant or Tenants, or Occupier or Occupiers; or in case such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, shall not have any Place of Abode within the said Parish of *Portbury* or within Two Miles of the same, then (after Demand made by the said Collector or Collectors or other Person or Persons authorised to collect such Sum or Sums of Money, by Notice in Writing affixed on some conspicuous Part of the Premises chargeable therewith) it shall and may be lawful to and for such Collector or Collectors or other Person or Persons authorised as aforesaid, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the said Commissioners, (which Warrant or Precept such Two or more Commissioners are hereby empowered and required to make and give as Occasion shall require, though not assembled at any Meeting in pursuance of this Act), to enter into and upon all or any Part of the Lands so rated and assessed as aforesaid, and into or upon all or any Messuages or Tenements thereupon standing, and to levy such Sum and Sums of Money by Distress and Sale of the Goods, Chattels, and Effects then and there found, in the same Manner as Landlords are by Law entitled to distrain and sell the Effects of their Tenants for Rent in Arrear under common Demises or Leases at Rack Rent; and the Overplus (if any) of the Money arising from such Distress and Sale, after Payment of the said Sum or Sums of Money, and the Costs and Expences attending the levying and Recovery thereof, shall be returned on Demand to the Owner or Owners of such Goods, Chattels, and Effects.

XVI. Provided always, and be it further enacted, That in case any of the Lands or Grounds included and assessed in and by the said Rate shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be made for levying the Sum or Sums of Money directed to be paid in respect thereof, then the Lands and Grounds chargeable with such Sum or Sums of Money shall remain a Security for Payment of the same, and all Goods, Chattels, and Effects, which shall at any Time thereafter be found thereon, shall and may from Time to Time be distrained and sold in the Manner aforesaid, until such Sum and Sums of Money, and all Arrears thereof, and the Charges incident to such Distress and Sale, shall be fully paid and satisfied.

Lands untenanted to remain as Security for Rates.

XVII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, demolish, or destroy any Bank, Dam, Floodgate, Sluice, or other Works already made, or which shall at any Time hereafter be made or erected, supported, maintained, or used, in pursuance of the said recited Act or of this Act, within the said Common, for protecting the said Lands called *Portbury Wharf* from the Sea, or for draining the same, every Person so offending, and being convicted, shall be guilty of Felony, and the Court before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for Seven Years, or in Mitigation of such Punishment may award such Sentence as the Law directs in Cases of Petty Larceny.

Punishment for destroying Works.

Appeal to the
Sessions.

XVIII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case, he, she, or they may appeal to the Justices of the Peace at the General Quarter Sessions of the Peace which shall be holden for the said County of *Somerset*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Clerk of the said Commissioners under this Act Ten Days Notice in Writing of the Intention to appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Charges, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and such Determination of the said Justices shall be final and conclusive to all Parties concerned; and in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, to be levied in Manner aforesaid.

Distress not
unlawful for
want of Form.

XIX. And be it further enacted, That where any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Rate or Order of Payment of the Sum to be levied, or in the Information, Summons, Conviction, Warrant, Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by him, her, or them; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

General
Saving.

XX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, and Interest, not intended to be by this Act barred, abridged, or affected, as they, every, or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds included and assessed in and by the said respective Rates in case this Act had not been passed.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others without being specially pleaded.