



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. lxxvi.

An Act for draining, preserving from Water, and improving certain low Lands and Grounds, lying in the several Parishes of *Congresbury, Puxton, Winscombe, Banwell, Churchill, Kewstoke, Week Saint Lawrence*, and *Yatton*, in the County of *Somerset*.
[14th June 1819.]

WHEREAS there are divers low Lands and Grounds in the several Parishes of *Congresbury, Puxton, Winscomb, Banwell, Churchill, Kewstoke, Week Saint Lawrence*, and *Yatton*, in the County of *Somerset*, which from their low and flat Situation, and by reason of Inundations from the Water flowing up the River *Yeo*, and by divers Obstructions, Impediments and Annoyances, in the Ditches and Drains communicating with the said River, are frequently overflowed and greatly injured, and are thereby rendered, in a considerable Degree, unprofitable to the Owners, Proprietors and Occupiers thereof respectively: And whereas if proper and sufficient Cuts, Rhines, Drains, Outlets, Floodgates, Clices, Dams or Sluices, and other Works and Contrivances were made for draining and preserving from future Floods the said low Lands and Grounds, great Benefit would accrue to the Owners and Proprietors thereof, and all other Persons interested therein, and the same would be of public Utility: And whereas the said River *Yeo*

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is partly bounded by the Parish of *Kingston Seymour* in the said County, and it may be necessary that some of the said Works and Contrivances herein-before mentioned should be made in the said last mentioned Parish; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 *Edward Sampson* of the Parish of *Henbury*, in the County of *Gloucester*, Esquire, and his Successors, to be elected and appointed in manner herein-after mentioned, shall be and he is hereby appointed the Commissioner for putting and carrying this Act and all the Powers and Authorities herein-after contained into Execution.

Appointment
of new Com-
missioner in
case of
Vacancy.

II. And be it further enacted, That in case the said *Edward Sampson*, or any other Commissioner to be appointed in manner herein-after mentioned, shall die, or shall refuse, neglect, or become incapable of acting as a Commissioner in the Execution of this Act, then and in such case, and as often as it shall so happen, the major Part in Value of the Proprietors or Persons interested in the said intended Improvements, or rated and assessed to the Rates or Assessments herein-after mentioned, who shall be assembled at any Meeting of the said Proprietors or Persons rated, convened for that Purpose by Notice signed by any Two or more of such Proprietors, and inserted in one of the *Bristol* Newspapers at least Ten Days previous to such Meeting, shall and may appoint some other fit and proper Person not interested in the said low Lands and Grounds, to be a Commissioner in the Room and Place of the said *Edward Sampson*, or any other Commissioner to be so appointed in his Stead, respectively, who may die, refuse or neglect to act, or become incapable of acting as aforesaid; and every Person appointed in manner aforesaid shall be a Commissioner for the Execution of this Act, and shall, after taking the Oath or Affirmation herein-after mentioned, have and is hereby invested with the like Power and Authority for carrying this Act into Execution, or so much thereof, as shall then remain to be carried into Execution, as if he had been originally nominated and appointed a Commissioner in and by this Act.

Commis-
sioner's Al-
lowance.

III. And be it further enacted, That the said Commissioner shall be allowed to retain in his Hands, out of the Monies to be raised by virtue of this Act, the Sum of Four Pounds and Four Shillings, and no more, for his Trouble and Expences for each and every Day he shall attend in the Execution of this Act.

Commis-
sioner to be
sworn.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers given by this Act, until he shall have taken and subscribed the Oath, or being one of the People called *Quakers*, the Affirmation following; (that is to say),

Form of the
Oath or
Affirmation.

‘ I *A. B.* do swear [or, being one of the People called *Quakers*, do
‘ solemnly affirm] That I will faithfully, truly, impartially and ho-
‘ nestly, according to the best of my Skill and Knowledge, execute and
‘ perform

perform all such Matters and Things, which according to the Nature and duty of my Office and Employment of a Commissioner for carrying into Execution an Act passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled *An Act, &c.* [here insert the Title of this Act] ought to be done, executed, and performed by me, without Favour or Affection, Prejudice or Partiality; to any Person or Persons whomsoever. So help me GOD; [of, being one of the People called Quakers], omitting the Words, So help me GOD.

Which Oath or Affirmation, it shall be lawful for any Justice of the Peace acting in and for the said County of *Somerset* to administer, and he is hereby required to administer the same; and the said Oath or Affirmation so taken and subscribed shall be annexed to and deposited with that Part of the Award herein-after directed to be deposited with the Clerk of the Peace for the said County of *Somerset*.

By whom to be administered.

V. And be it further enacted, That the said Commissioner shall and he is hereby required, within Three Calendar Months next after the passing of this Act, to cause Notice to be given in one of the *Bristol* Newspapers, and also to be affixed on the Church Doors of each of the said Parishes, of the Time and Place of his First Meeting for executing the Powers of this Act vested in him, at least Fourteen Days before such Meeting; and that the said Commissioner shall and may at such Meeting, and from Time to Time afterwards adjourn, to meet at such Time and Place in one of the said Parishes, or within Eight Miles of the Boundary of one of them, as he shall think most convenient for the Purposes of this Act; and shall cause Ten Days Notice at least to be given in one of the *Bristol* Newspapers of every subsequent Meeting (Meetings by Adjournment, which it shall and may be lawful for the said Commissioner from Time to Time to make, only excepted).

First Meeting.

VI. And be it further enacted, That all Orders, Proceedings and Determinations of the said Commissioner, at any of his Meetings to be held in pursuance of this Act, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioner, and being so signed, shall be deemed and taken for Originals; and all such Books shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this Act.

Proceedings of Commissioner to be entered in a Book.

VII. And be it further enacted, That the said Commissioner shall, and he is hereby required to order and direct a Book or Books to be provided and kept by the Clerk for the Time being to the said Commissioner, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters and Things, for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioner, or any Creditor or Creditors on the Rates hereby granted, without Fee or Reward; and the said Commissioner and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

refuse to permit or shall not permit the said Commissioner or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid; such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Officers to be appointed.

Officers to give Security.

Officers to account;

or be punished.

VIII. And be it further enacted, That it shall be lawful for the said Commissioner from Time to Time to appoint a Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors of the Rates and Taxes hereby granted, and such other Officers as the said Commissioner shall think necessary, and from Time to Time to remove all or any of such Officers as he the said Commissioner shall think fit, and appoint others in the Room of such as shall be so removed, or shall die, or resign their Office, or be incapable of performing it; and shall take such Security for the due Execution of such respective Offices as he the said Commissioner shall think proper; and may by and out of the Monies to arise by virtue of this Act, allow and pay to such Clerks, Surveyors, Assessors, Receivers, Collectors, and to such other Person or Persons as shall be aiding or assisting to him in their respective Offices; or that shall in any way be employed in the Execution of this Act, such Salaries, Rewards and Allowances for their respective Attendance, Care and Service, as to the said Commissioner shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Commissioner, deliver to such Commissioner or to such Person or Persons as he shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected or received, and how, and to whom, and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and all such Officers and Persons shall and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Commissioner shall appoint to receive the same; and if such Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands, when thereunto required in manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Commissioner, or to such Person or Persons as he shall appoint, within Ten Days after being thereunto required by the said Commissioner, all Books, Accounts, Papers and Writings in their respective Custody or Power, any way relating to the Execution of this Act, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to be paid to the said Commissioner, and be by him applied towards the general Purposes of this Act; and if Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live and reside, such Justice may and he is hereby authorized and required, by a Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not appearing, to hear and determine the Matter of such Complaint in a summary way, and to settle the said Account or Accounts (if produced) in such Manner as the said Commissioner might have done; and if upon the Confession of the Officer

or

or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Affirmation, or Oaths or Affirmations of any credible Witness or Witnesses, which Oath or Affirmation the said Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice shall, and he is hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money, and also such Penalties as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and Penalty, and the Charges of distraining, keeping and selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except for some sufficient Excuse), or if appearing shall refuse or neglect to give or deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers and Writings in their Custody or Power relating to the Execution of this Act, then and in either of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or Bridewell of the County where he, she, or they shall live or reside, there to remain without Bail or Mainprize, until he, she, or they shall have delivered in and settled his, her, or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her, or their respective Hands, and such Penalty as aforesaid, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she, or they shall have compounded with the said Commissioner for the same, and paid the Composition Money to the said Commissioner or to such Person or Persons as he shall appoint to receive the same (and which Composition the said Commissioner is hereby empowered to make), or until he, she, or they shall deliver up such Books, Accounts, Papers and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioner: Provided always, that no Person who shall by virtue of this Act be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Six Calendar Months.

IX. Provided always, That every Clerk or Clerks, Surveyor, Assessor and Collector, to be appointed as aforesaid, shall, before he shall proceed to do and execute any thing under this Act, take and subscribe the following Oath, or being one of the People called *Quakers*, the Affirmation following; (that is to say),

Surveyor, &c.
to take an
Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do*
‘ I affirm], That I will, according to the best of my Skill and Know-
‘ ledge, faithfully discharge the Trust reposed in me by virtue of my
‘ Office of Clerk or Clerks, Surveyor [*or, Assessor or Collector, as the*
‘ *Case may be*], by virtue of an Act, passed in the Fifty-ninth Year of
‘ the Reign of His Majesty King *George* the Third, intituled *An*
‘ [Local.] 22 I Act,

Surveyor and
Assessor's
Oath or
Affirmation.

‘ *Act, &c.* [here insert the Title of this Act] without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD, [or being one of the People called Quakers omitting the Words So help me GOD.]’

by whom to be administered.

Which Oath or Affirmation it shall be lawful for the said Commissioner, or for any One of His Majesty's Justices of the Peace for the said County of *Somerset*, to administer, and he is hereby required to administer the same; and which Oath or Affirmation, so taken and subscribed, shall be deposited as the Commissioner's Oath is herein-before directed to be deposited.

Commissioner to view Drains, &c. and to employ an Engineer or Engineers.

X. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to view the River *Teo*, and the several Drains, Rhines, Clices and Shuttles communicating or connecting therewith, or with any of the said low Lands and Grounds, and the Bridges upon and over the same, and to employ a Surveyor or Surveyors, Engineer or Engineers, or other Person or Persons whom he shall think proper for the same Purpose; and which said Surveyor or Surveyors, Engineer or Engineers, is and are hereby required forthwith to make and deliver to the said Commissioner a Report in Writing under their respective Hands; and also, if required, a Plan or Plans of the best and most effectual Means of widening, deepening, and improving the said River within the Parishes aforesaid, or any or either of them, and the several Drains, Rhines, Clices and Shuttles communicating or connecting therewith, and of improving the Bridges upon and over the same, and for erecting and building proper and necessary Dams, Sluices, Clices, and Floodgates thereon respectively, and for making such other Improvements for perfecting the intended Drainage of and preserving from Water the said low Lands and Grounds, as shall appear proper and necessary, and of the probable Costs, Charges, and Expences of carrying the same into complete Effect.

Commissioner empowered to make new Drains and Outlets, and for that Purpose to enter into any Lands of any Person, Bodies Politic, &c.

XI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered, to drain in the best and most effectual Manner, according to the best of his Skill and Judgment, the said low Lands and Grounds; and for that Purpose it shall be lawful for the said Commissioner, and his Agents, Workmen, and all other Persons by him employed, and he is hereby authorized and empowered, from Time to Time, and at all Times hereafter, at his Will and Pleasure, to enter into and upon any Lands or Grounds whatsoever of or belonging to any Person or Persons, Bodies Politic, Corporate or Collegiate, within the Parishes aforesaid, or within any or either of them, and to straighten, widen, deepen, or alter the Course or Direction of the said River *Teo*, or any of the Drains leading towards or into the same, and to make, open, and cut in or upon such Lands or Grounds, or any Part thereof, any new Banks, Bays, Rivers, Yeos, Channels, Rhines, Roads, Ditches, Cuts, Passages, Culverts; or Trenches, and maintain and cleanse all such Rivers, Yeos, Channels, Rhines, Ditches, Cuts, Passages, Culverts, Banks or Trenches leading to or communicating or connected with the said River *Teo*, as now or hereafter shall be made, opened, or cut therein, and to alter, remove, rebuild and repair any Banks, Engines, Sluices, Floodgates,

gates, Drains, Clices, Bridges, Culverts, Roads and other Works, already made and erected; and also to erect and build, and from Time to Time to alter any new Banks, Engines, Sluices, Floodgates, Locks, Dams, Clices, Bridges, Culverts, and other Works on the said River *Teo*, within the Parishes aforesaid, or any or either of them; and also to dam, bay, and stop up any ancient Brooks, Rhines, Pills and Watercourses, and remove any Clice or Clices erected thereon; and also to make any Embankment or Embankments against any Lands adjoining the said River *Teo*, within the said Parishes, or any or either of them, in, upon, and through the Lands and Grounds aforesaid, for the more effectual carrying the Purposes of this Act into Execution, and for the better conveying the Waters from the said Lands and Grounds into the said River *Teo*, as shall be thought fit, necessary, and convenient by the said Commissioner.

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required, to make and erect proper and sufficient Sluices or Hatches in such Parts or Places within the Parishes aforesaid, or any or either of them, as he may think proper, for the Purpose of retaining an adequate Supply of Water in dry Seasons for such of the said low Lands and Grounds as in the Judgment of the said Commissioner shall need the same.

Power to erect Sluices and Hatches to retain a Supply of Water in dry Seasons.

XIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to authorize the said Commissioner to interfere, in any Way or Manner whatever, with the Watercourse called *Banwell* River, nor with the Sluice thereon called *New Bow*.

Commissioner not to interfere with the River *Banwell*.

XIV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to affect or interfere with any Rights which the Owners and Proprietors of certain Lands within the Tything of *Huish* in the said Parish of *Tatton* now possess and enjoy, or claim to possess and enjoy, of retaining the Water by means of the present Sluices standing on the said Lands, to the accustomed Height in dry Seasons, in and over the said Lands within the said Tything.

Not to affect the Rights of the Owners of Lands in the Tything of *Huish*.

XV. And be it further enacted, That the said Commissioner shall have full Power and Authority to do all or any of the Matters and Things aforesaid, and to make and erect all or any of the several Works hereby authorized to be done, made, or erected, in, over, or upon any Common or Waste Grounds, and also in, over, or upon any private Lands or Grounds of any Person or Persons, Bodies Politic, Corporate or Collegiate whatsoever, within the Parishes aforesaid, or any or either of them, making Satisfaction as herein-after mentioned; and it shall be lawful for the said Commissioner to agree with the Proprietors of and Persons interested in any Lands, Tenements or Hereditaments, within the Parishes aforesaid, or any or either of them, which the said Commissioner shall judge necessary to be cut, taken, or used for the Purposes of this Act, for the Purchase of such Lands, Tenements and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain thereby, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for

Commissioner may agree for the Purchase of Lands or Satisfaction of Damages.

Bodies Politic, &c. may contract for Sale of Land or Compensation for Damages.

Persons refusing or neglecting to treat;

Commissioner may apply to a Jury to ascertain Value of Land and Amount of Damage.

for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or others having a partial or qualified Interest or Estate in any Lands, Tenements, or Hereditaments, Husbands, Guardians, Trustees and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, who are or shall be seized or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioner, by such Form of Conveyance as is herein-after directed, or by such other Form of Conveyance as the said Commissioner shall appoint, or to such Person or Persons as he shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioner for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, and Hereditaments, by the Means aforesaid; and all such Contracts, Sales, Conveyances and Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever therein declared, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whatsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Twenty Days after Notice in Writing given to the Principal Officer or Officers of such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioner, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioner may, and he is hereby authorized and required, Fourteen Days at least before he shall make the Application to the Justices of the Peace, as herein-after mentioned, and within Twelve Calendar Months after the Lands, Tenements or Hereditaments shall have been taken, cut, or used, or such Damage done, to give or cause to be given to the Party or Parties whose Lands, Tenements, or Hereditaments shall have been taken, cut or used, or who shall have sustained such Damage or Injury, or leave, or cause to be left at his or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Land, Tenement or Hereditament, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury, and thereupon the said Commissioner shall and he is hereby empowered and required forthwith to apply to any Two or more Justices of the Peace for the said County of *Somerset* (not being interested), which said Justices are hereby authorized and required to issue out their Warrant or Warrants under their

their Hands and Seals, to the Sheriff of the said County for the Time being; or if such Sheriff shall be immediately interested in the Matter in question, then to One of the Coroners (not immediately interested in the Matter in question) of the said County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required to impanel, summon, and return a sufficient Jury, qualified according to the Laws of this Realm to serve on Juries in the Trial of Issues, to appear before the said Justices of the Peace at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Justices of the Peace are hereby empowered out of the said Jury to swear Twelve, who shall be a Jury to inquire touching the Matter in question; and in case a sufficient Number of Jurymen shall not appear at such Time or Place as aforesaid, the said Sheriff or Coroner shall return other qualified and indifferent Men, who may speedily be procured to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Justices of the Peace are hereby also empowered and required, by Warrant or Warrants under their Hands and Seals, from Time to Time to summon before them, or before any Two Justices who may attend, all such Persons who shall be thought necessary to be examined as Witnesses touching the Matter in question, as well upon the Application of the Parties interested as otherwise, and also to examine such Witnesses upon Oath (which Oath the said Justices of the Peace are hereby empowered to administer) touching the Matters in controversy; and the said Justices may, by Order in Writing, direct the said Jury, or any Six or more of them, to view the Place or Places and Matter in question; and the said Jury shall inquire of and assess the Sum or Sums of Money to be paid for Satisfaction or Damages as aforesaid, and shall ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested, and the said Justices of the Peace shall give Judgment for such Sum or Sums of Money accordingly; which said Verdict, and the Judgment thereupon pronounced, shall be conclusive upon all Parties interested, and being put into Writing, under the Hands and Seals of the said Justices, shall be delivered to the Clerk of the Peace for the said County, to be by him kept among the Records of the Quarter Sessions of the Peace for the said County, and a true Copy thereof shall be admitted as Evidence in all Courts of Justice; and the said Clerk of the Peace shall be paid Five Shillings, and no more, for the depositing and keeping of every such Verdict and Judgment, which said Copy the said Clerk of the Peace, or his Deputy, is hereby required to make and deliver to the Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Two-pence for every Seventy-two Words, and no more.

XVI. Provided always, and be it further enacted, That if such Sheriff or Coroner, or his Under Sheriff or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and if any such Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any Manner wilfully neglect his Duty, contrary to the

Penalty on
Sheriff, Co-
roner, Under
Sheriff,
Juror, or
Witnesses
making De-
fault.

[Local.]

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true

true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear after having been paid or tendered a reasonable Sum for his or her Costs, Charges and Expences, or appearing, shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Justices of the Peace, shall for every such Offence forfeit and pay such Sum as the said Justices shall adjudge, not exceeding Five Pounds for any One Offence.

Expences of
the Jury.

XVII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands, Tenements, or Hereditaments of any Person or Persons, than had been previously offered by or on behalf of the said Commissioner as aforesaid, then all the Expences of taking such Inquest, together with all such Charges as shall be incurred by the Person or Persons entitled to such Recompence or Satisfaction in ascertaining the Recompence and Satisfaction to be made, shall be settled by the said Justices, and be defrayed by the said Commissioner out of the Monies to be raised by virtue of this Act; but if any Verdict shall be given or made for the same or a less Sum than had been previously offered by or on behalf of the said Commissioner as aforesaid, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands, Tenements or Hereditaments in question, which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Commissioner in and by such Ways and Means as are herein-after provided for the Recovery of the Rates and Taxes: Provided always, that whenever any Person or Persons shall by reason of Absence have been prevented from treating, such Costs, Charges and Expences shall be borne and paid by the said Commissioner, out of any Money to be raised or received under or by virtue of this Act.

Application
of Compensation where
exceeding
200l.

XVIII. And be it further enacted, That if any Money shall be paid, and agreed or awarded to be paid, for the Purchase of any Lands, Tenements or Hereditaments, purchased and sold, taken or used by virtue of the Powers of this Act, or for any Damages done to such Lands, Tenements or Hereditaments, as herein particularly mentioned, and the said Money shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of

the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioner, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Hereditaments, which shall be so purchased, taken, or used, or damaged as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, on the Request of the said Commissioner in Writing signed by him, and without any Order of the said Court of Chancery, be invested by the Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or damaged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioner (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Money may be applied in such manner herein-before directed, so far as the Case may be applicable,
without

Application where the Compensation does not exceed 200l. nor less than 20l.

without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20l.

XX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles;

or if the Person cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioner; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case, it shall and may be lawful to and for the said Commissioner to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to their respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands,

Lands, Tenements or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

Time of such Purchase, shall be deemed entitled thereto according to such Possession, unless, &c.

XXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioner, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioner.

XXIV. Provided always, and be it further enacted, That this Act shall not extend to the taking down of any Dwelling House, Building or other Erection standing at the Time of passing this Act, (except Bridges, Culverts, Sluices, Clices, Shuttles or Dams,) without the Consent of the Owners or Proprietors, and Occupier or Occupiers thereof respectively, in Writing under their Hands.

Act not to extend to taking down Houses, &c. without Consent.

XXV. And be it further enacted, That if in making any new Cut or other Works authorized and directed by this Act to be made, any Piece or Parcel of Land shall be cut through and divided, so that what shall be left on either Side of such Cut shall be less than One Acre in Quantity, or less than Two hundred Yards in Breadth through the whole Length thereof, and the Owner or Owners, Proprietor or Proprietors of any such Piece or Parcel of Land, shall not have any other Land adjoining thereto, then the said Commissioner shall, and he is hereby authorized and required, to take and purchase such Pieces or Parcels of Land, and shall pay for the same to the Owner or Owners, Proprietor or Proprietors thereof, after the same Rate and in the same Manner as he shall pay or be adjudged to pay for the Land adjoining thereto, which shall be taken and used by him for the Purposes aforesaid; provided the Owner or Owners, Proprietor or Proprietors, or the Person or Persons entitled to the Possession or to the Rents and Profits of such Lands respectively, shall by Writing under his, her, or their Hand or Hands, delivered to the said Commissioner, within One Calendar Month next after Payment and Satisfaction shall be made for the other Land so taken and used by the said Commissioner for the Purposes aforesaid, require the said Commissioner to take and purchase the same, and for that Purpose it shall be lawful for

Commissioner required to purchase Lands cut through of certain Dimensions.

all such Owners of, or Persons interested in such Pieces or Parcels of Land, to sell and convey the same to the said Commissioner, or to such Person or Persons as he shall appoint, notwithstanding they may be under Disability or Incapacity as herein-before mentioned, with respect to the Lands to be taken or used for executing the several Powers of this Act; and the said Commissioner is hereby authorized and empowered to sell and convey such Lands, which he shall be so required to take and purchase as aforesaid, to any Person or Persons whomsoever, who shall be willing to purchase the same, and the Monies arising from such Sale shall be appropriated, from Time to Time, for the Purposes of this Act; and that every such Conveyance may be made and effected by a Deed in Writing, according to the following Forms, or as near thereto as the Case will admit of; (that is to say), where the said Conveyance shall be made to the said Commissioner (which said Conveyance or Conveyances the said Commissioner is hereby authorized and empowered to accept and take), it may be made in the following Form, or as near thereto as the Nature of the Case will admit:

Form of
Conveyance
of Land to
the Com-
missioner.

I of _____ of _____ in consideration
to me paid by _____
the Commissioner appointed in and by virtue of an Act passed in the
Fifty-ninth Year of the Reign of King George the Third, intituled
An Act, &c. [here set forth the Title of this Act,] do hereby grant,
sell, release, and convey [or, if Leasehold or Copyhold, sell or assign,]
unto the said Commissioner all, &c. [describing the Premises to be con-
veyed,] and all my Estate, Right, Title and Interest to and in the same,
to hold to the said Commissioner, his Successors and Assigns, for ever
[or, if Leasehold or Copyhold, or, for a particular Estate, state the Term
or Interest intended to be granted or assigned,] by virtue of and accord-
ing to the true Intent and Meaning of the said Act.

Or that the said Conveyance or Conveyances may be made in such other
Manner and Form, or to such other Person or Persons as the said Com-
missioner shall appoint; and if such Conveyance shall be from the said
Commissioner to any Purchaser or Purchasers, it may be made in the
following Form, or as near thereto as the Nature of the Case will admit;
(that is to say),

Form of
Conveyance
by the Com-
missioner.

I the Commissioner appointed in or by virtue
of an Act passed in the Fifty-ninth Year of the Reign of King
George the Third, intituled *An Act, &c.* [here set forth the Title of this
Act,] in consideration of the Sum of _____ to me
paid by _____ of _____ do hereby grant,
sell, release and convey, [or, if Leasehold or Copyhold, sell or assign,]
unto the said _____ all [describing the Premises to be
conveyed,] and all my Estate, Right, Title and Interest to and in the
same, to hold to the said _____ his Heirs and Assigns for ever
[or, if Leasehold or Copyhold, or, for a particular Estate, state the
Term or Interest intended to be granted or assigned,] by virtue of or ac-
cording to the true Intent and Meaning of the said Act. In Witness,
&c.

Or that the said last-mentioned Conveyance or Conveyances may be made
in such other Manner and Form, and to such other Person or Persons as
the respective Purchaser or Purchasers shall direct.

XXVI. And be it further enacted, That where any new Cut or new Cuts, new Bank or new Banks, Entrenchments or other Works, shall be made by virtue of this Act, for the Purpose of straightening the said River or draining and preserving the said low Lands and Grounds, and in consequence thereof, Parts of the old or ancient Channel of the said River *Yeo* be choaked or filled up, and the same, together with the Banks thereof, become useless as to any beneficial Purpose for draining and preserving the said low Lands and Grounds, that then and in every such Case the Owners or Occupiers of the several Lands, who have from Time to Time, heretofore been charged and burthened with the cleansing, throwing, and repairing such Parts of the said last-mentioned River and Banks, shall from Time to Time, cleanse, throw, and repair such new Cut or Cuts, Bank or Banks, which shall be made in the Place of such Part of the said River which shall be so rendered useless as aforesaid, in such Quantities and Proportions, and in such Places and Manner, as the said Commissioner shall in and by his Award to be made as herein-after is mentioned, order and direct, and such Person and Persons shall be at liberty from Time to Time, and at all proper and seasonable Times, to enter into such Lands through which any such new Cut or Cuts shall be made as aforesaid, for the Purpose of repairing, throwing, and cleansing such new Cut or Cuts, Bank or Banks, as aforesaid, doing as little Damage thereby as may be; provided that no such Person or Persons be obliged under such Order or Award, to cleanse, throw or repair any greater Quantity or Proportion of the said River or Banks, than he, she, or they hath or have been accustomed to cleanse, throw or repair.

Where new Cut shall be made, and in consequence thereof any of the old River shall be rendered useless as a Drain, the Person who used to cleanse such useless Part shall do their Work in the new Cut, in such Proportion as the Commissioner shall appoint.

XXVII. And be it further enacted, That such Part and Parts of the said River *Yeo* which shall so become useless as aforesaid, immediately after such new Cut or new Cuts shall be made, by or under the Direction of the said Commissioner as aforesaid, together with the Ground and Soil of the same, and the Fee Simple and Inheritance thereof, shall be vested in the said Commissioner and his Successors, who is hereby authorized and required to offer the same for Sale to such Person or Persons, whose Lands shall be adjoining thereto; and in case such Person or Persons shall not agree with the said Commissioner, or shall refuse to purchase the same, the said Commissioner shall sell and dispose of the same by Public Auction or otherwise, as to him shall seem meet, and shall and may convey the same to any Purchaser or Purchasers thereof respectively in Fee Simple, by such Form of Conveyance as herein-before mentioned and set forth as the Form of Conveyance from the said Commissioner to any Purchaser or Purchasers of Land separated into small Parcels as aforesaid, or as near thereto as the Nature of the Case will admit of, or by such other Forms of Conveyance, and to such Person or Persons as the respective Purchaser or Purchasers shall require; and that the Money arising from such Sale or Sales shall be appropriated and applied to the Purposes of this Act.

Where any Part of the River be rendered useless, in consequence of any new Cut made by the Commissioner, Parts of the old River so rendered useless, to vest in the Commissioner, who is to sell the same, and apply the Money to the Purposes of this Act.

XXVIII. Provided always, and be it further enacted, That the said Commissioner, before he shall sell and dispose of any old or ancient Channel as aforesaid, or any Piece or Pieces of Ground, shall offer the same to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to purchase the same respectively, any Affidavit to be made and

sworn Power to sell Lands not wanted for the Purposes of this Act, and directing the first Offer to be made to

the Owners
of Lands
adjoining.

sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County (who are and is hereby empowered and required to take the same,) by some Person or Persons no way interested in the said old or ancient Channel as aforesaid, or any Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Commissioner, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Commissioner shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner in this Act directed, with respect to the disputed Value of Premises to be purchased by the said Commissioner in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like manner as herein-before directed with respect to such Purchases made by the said Commissioner, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such old or ancient Channel as aforesaid, or Piece or Parcel of Ground, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Nothing in
this Act con-
tained to
exonerate
Persons from
doing their
ancient
Works, ex-
cept in cases
provided for.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall discharge and exonerate, or be construed to discharge and exonerate any Person or Persons, Lands, Tenements and Hereditaments, from the repairing, maintaining, and cleansing the old Channel of the River *Teo* and the Banks thereof, or any Ditches, Drains, or Rhines leading thereto or emptying therein, or any ancient Sluices, Clices or Bridges, notwithstanding the same or any or either of them may have been rebuilt or altered under the Provisions of this Act, within the Parishes aforesaid, or any or either of them, in such Quantities and Proportions, Manner and Form, as such Person or Persons, Lands, Tenements and Hereditaments, have been hitherto respectively bound to do, by Tenure, Prescription or otherwise howsoever, except in such Cases as are herein-before immediately provided for.

Bridges to be
made over
the Drains
where
Passage to
Land is
obstructed.

XXX. And be it further enacted, That if by the making of any Cut, Drain or other Work, by virtue and in pursuance of this Act, the Roads, Ways, Paths or Passages of any Person or Persons to or from his, her, or their Grounds or Premises, or otherwise howsoever, on Foot or with Cattle or Carriages, shall or may be obstructed or interrupted, the said Commissioner shall and he is hereby required before or immediately after such Works shall be completed, to cause all such necessary Bridges as the Cases may require to be properly built, for the convenient Use and Passage of any such Person or Persons, on Foot or with Cattle or Carriages, and to defray the Expences of erecting and making such Bridges out of the Monies to be raised by virtue of this Act.

XXXI. And

XXXI. And be it further enacted, That the Expence of repairing and keeping in repair all and every the new Banks, Cuts, Rhines, Ditches, Passages, Trenches, Engines, Sluices, Floodgates, Culverts, Bridges, Sea Walls, and new Banks, and other new Works which may be made by the said Commissioner by virtue of this Act, shall from Time to Time and at all Times hereafter be borne and defrayed by the several Owners and Occupiers of Land which shall be benefited or affected thereby, in such manner and in such Shares and Proportions as the said Commissioner shall in and by his Award direct and appoint.

New Works to be kept in repair by the Owners of Lands benefited, in such Proportions as the Commissioner by his Award shall direct.

XXXII. And be it further enacted, That the said Commissioner shall and he is hereby required at such Time or Times after the passing of this Act as he shall think proper so to do, to cause a proper Survey, Map, Admeasurement and Valuation to be made of all such low Lands and Grounds within the Parishes aforesaid, except the said Parish of *Kingston Seymour*, as in his Opinion shall or may receive Benefit by such intended Drainage, and shall assess and lay on the same a Tax by a Pound Rate according to the yearly Value of such Lands and Grounds, in proportion to the Benefit and Advantage such Lands and Grounds shall or may respectively receive in his Judgment by such intended Drainage, and from Time to Time, as he may see occasion, to alter, vary, or extend the said Rate or Assessment, and shall deliver or cause to be delivered to the Churchwarden or Churchwardens, or Overseers or Overseer of the Poor of each and every Parish where any Lands are to be so assessed, or unto some or one of them, a fair Copy or fair Copies of the Assessments made on the several Lands lying within such Parish, together with a Notice at the end of such Assessment of the Time and Place the said Commissioner intends to meet, to hear and take into consideration any Objection which may be made thereto by any Party or Parties, Person or Persons interested; and the said Commissioner is hereby also required to cause Notice to be given on the Two ensuing *Sundays* in the Church of such respective Parish, immediately after Divine Service (if Divine Service shall be performed in such Church on such said *Sundays*) or by Writing to be affixed on the principal outer Door of such Church, and where the same can be done by both such ways or means, and also to insert, or cause to be inserted, Notices in the Newspaper or Newspapers as herein-before mentioned, that such Assessments are made and left with the Churchwardens or Churchwarden, Overseers or Overseer as aforesaid, and of the Times and Places when the said Commissioner will meet to hear and take into consideration any Objections which may be made to the said Rates as aforesaid; and the said Commissioner is hereby required to hear all and every Objections and Objection which shall or may be made by any Person or Persons, Party or Parties to such Assessments, or to any Matter or Thing in any or either of them contained, and shall determine the same according to the best of his Skill and Judgment, and shall alter the Rate and Assessment accordingly, if he shall think proper so to do; and if any Bodies Politic, Corporate or Collegiate, Person or Persons, shall in consequence of any such Determination of the said Commissioner, find themselves, himself, or herself aggrieved, either in the Whole or in Part, or as to the Quantum of the said Assessment, it shall be lawful for such Bodies Politic, Corporate or Collegiate, Person or Persons, to appeal against such Rate or Assessment and Determination of the said Com-

Commissioner to make a Rate or Assessment on all the Lands affected, to defray Expences.

missioner, to the next General Quarter Sessions of the Peace, to be held in and for the said County of *Somerset*; and the Justices of the Peace assembled at such Sessions shall, and they are hereby authorized, empowered, and required to settle such Rate or Assessment, and to alter the same if they shall think proper: Provided always, that if the first Day of such next General Quarter Sessions be within Thirty Days inclusive from the Day of Meeting of the said Commissioner to determine such Objections to the said Rates, then such Appeal or Appeals may be made at the said First or at the Second General Quarter Sessions of the Peace to be held for the same County, on giving Ten Days Notice to the said Commissioner; and the Determination of the Court of Quarter Sessions in the Premises shall be binding and conclusive upon all Parties; and the said Court of Quarter Sessions shall be at liberty to award Costs on such Appeals, to be paid by the said Commissioner, if the Court shall determine against him, out of the Monies to be raised by virtue of this Act, or to be paid to the said Commissioner by the Appellant or Appellants, in case the Court shall confirm the Determination of the said Commissioner; and if the Appellant or Appellants shall not pay such Costs as aforesaid, the same shall and may be recovered in such and the same Manner as herein-after provided with respect to the Recovery of Penalties and Forfeitures.

Commissioner
to make
Rates to raise
the Money to
defray the
Expences.

XXXIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized, empowered and required, from Time to Time, after the said Assessment shall have been so settled and determined, and subject to such Alterations and Variations as may be made therein by the said Commissioner, and to the Relief hereby directed to be given to any Parties or Persons who may be over or wrongfully charged, either by the said Commissioner or the said Court of Quarter Sessions as aforesaid, to make a Rate or Rates, on the Owners and Proprietors of the said Lands and Grounds, in the Proportions and conformably to such Assessment so determined and settled as aforesaid, and shall thereby, from Time to Time, raise and levy such Sum and Sums of Money as shall be sufficient to pay and defray all the Costs, Charges and Expences as have been incurred, and which shall be incurred in soliciting and passing this Act, and in every thing relating thereto, and of defending any Appeal, or any other Litigation or Controversy arising out of the Duties imposed on the said Commissioner by virtue of this Act, and also of surveying, measuring, planning, and valuing the said Lands and Grounds, and of purchasing Lands and Hereditaments, and of building any new Outlet or Outlets, Bridge or Bridges, Clice or Clices, and of making any new Cuts, and of purchasing Lands for that Purpose, and of building, scouring, digging, widening, pulling down, deepening, altering and repairing all such Bridges, Banks, Dams, Sluices, Culverts, Rhines, Ditches, Watercourses and Drains, as shall be deemed necessary for the Purposes of this Act, and of preparing and depositing the Award or Instrument herein-after mentioned, and all other the necessary Allowances, Charges and Expences, relative to the putting this Act into Execution, and executing and completing the several Works, Matters, and Things hereby required to be done and executed; and the said Commissioner shall cause a Notice or Notices of the Time and Place, or Times and Places, when and where such Rate shall respectively be directed to be paid, and of the Person or Persons appointed to receive the same, to be published in

the Church wherein the Lands so assessed shall respectively lie, on some *Sunday* immediately after Divine Service, and also cause the like Notice to be fixed on the principal outer Door of the said Church, Ten Days at least before such Time of Payment; and in case any Person or Persons, Bodies Politic, Corporate or Collegiate, who shall be so rated or assessed, shall neglect or refuse to pay his, her, or their Share or Shares, Proportion or Proportions of such Rate, at the Time or Place, and Times or Places, and to the Person or Persons to be appointed as aforesaid, that then the said Commissioner shall and may, and he is hereby required and empowered, by Warrant under his Hand and Seal, directed to any Person or Persons, whom he shall think proper for that Purpose, from Time to Time to levy such Rates by Distress and Sale of the Goods and Chattels of such Person or Persons, Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, or by Distress and Sale of the Goods and Chattels of any Tenant or Occupier, Tenants or Occupiers, of any of the Lands on which such Rate or Assessment shall be made or laid as aforesaid, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after paying all the Costs and Charges of such Distress and Sale; and in case the same, or any Part thereof, cannot be levied by Distress and Sale as aforesaid, by any want of a Tenant, or Insufficiency of Stock, or otherwise, then the said Commissioner shall and may, and he is hereby authorized and empowered, by Warrant under his Hand and Seal, to authorize any Person or Persons whom he shall think proper for that Purpose to appoint, to enter into and upon and take Possession of the Lands on which said Tax and Assessment shall be so laid, and which the Owner or Owners thereof hath or have so neglected or refused to pay as aforesaid, and to let the same, and to receive the Rents and Profits thereof respectively, until thereby or therewith such Rate so neglected or refused to be paid as aforesaid, and all Costs, Charges and Expences occasioned by such Entry, and the Receipt of the Rents and Profits of the said Premises shall be respectively fully paid and satisfied; and the said Commissioner is hereby directed and required from Time to Time to appropriate and apply all and every such Sum and Sums of Money, as shall from Time to Time be so raised and received by virtue of this Act, towards the several Costs, Charges and Expences aforesaid; Provided always, that the said Commissioner shall not be at liberty to raise, or cause to be raised, more than One Half Part of the whole of such Costs, Charges and Expences, within the Space of Fifteen Calendar Months.

XXXIV. Provided always, and be it further enacted, That in case any of the said Lands and Grounds so to be rated and assessed as aforesaid, shall at any Time be untenanted or unoccupied, so that sufficient Distress cannot be found whereon to levy the said Taxes or Assessments, and the said Commissioner shall not think proper to enter upon and let the same as aforesaid, then the Lands and Grounds to be charged with such Taxes and Assessments shall remain a Security for Payment thereof; and all Corn, Hay and other Goods, and Chattels and Stock, which shall at any Time thereafter be found thereon, shall and may be distrained, appraised and sold in Manner aforesaid, until all Arrears of such Taxes and Assessments, and the Charges of such Distress, and detaining, keeping and selling the same, shall be fully paid and satisfied.

Method of recovering the Assessments for Lands untenanted;

XXXV. And

Tenants to pay the Assessment, and to deduct it out of the Rent.

XXXV. And to the End that the said Rates may be more easily and effectually collected, be it further enacted, That where any of the Lands and Grounds which shall be so rated or assessed as aforesaid shall be in the Occupation of any Tenant or Tenants at Rack Rent, such Tenant or Tenants (except as next herein-after mentioned) shall, and he, she, and they is and are hereby authorized and required to pay all and every Sum and Sums of Money as shall be so rated or assessed on the respective Lands and Grounds, in his, her, or their Occupation, and to deduct and retain out of the Rent which shall be then due, or which shall thereafter become due, for such respective Lands and Grounds, all such Sum and Sums of Money which he, she, or they shall have so respectively paid as aforesaid, and the several and respective Landlords and Owners of such Lands and Grounds are hereby required to allow such Deductions out of such Rent.

Where there are Leases at Rack Rent, the Commissioner is to apportion the Assessment between Lessor and Lessee.

XXXVI. Provided always, and be it further enacted, That where any Lands or Grounds shall be demised to any such Tenant or Tenants at Rack Rent, for any Term or Terms of Years, that then the said Commissioner shall and he is hereby authorized and required to apportion such Rate and Assessment between the Lessor and Lessors, and the Lessee and Lessees, in such Manner as to him shall seem just and reasonable; and such Lessee or Lessees, shall only be authorized and empowered to deduct the Portion or Portions which shall by the said Commissioner be charged on the Lessor or Lessors as aforesaid.

Commissioner to apportion Rate between the Governors of Queen Elizabeth's Hospital and their Copyholders or Lessees, for Years determinable on Lives, in such Proportion as to him shall seem just and reasonable.

XXXVII. Provided always, and be it further enacted, That where any Lands or Grounds belonging to the Governors of the Hospital of Queen Elizabeth, of Bristol, held by Copy of Court Roll, or demised to or held by any Lessee or Lessees, for any Term or Terms of Years, determinable with One or more Life or Lives, shall be rated or assessed for the Purposes of this Act, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required, to apportion such Rate and Assessment between the said Governors and such Lessee or Lessees, Copyholder or Copyholders, in such Shares and Proportions, and in such Manner, as to him shall seem just and reasonable; so that such Lessee or Lessees, Copyholder or Copyholders, shall only pay such Proportion of the said Rate and Assessment as the said Commissioner shall direct to be paid by him, her, or them, and that the said Governors shall pay the Proportion of the said Rate and Assessment which the said Commissioner shall direct to be paid by them.

Commissioner not to assess any Lands not benefited by the Drainage.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize and empower the said Commissioner to lay any Rate, Tax, or Assessment on any Lands or Grounds; situate on the South-west Side of the Watercourse called *Banwell River*, or on any Lands or Grounds situate in the said Parish of *Kingston Seymour*, or on any Lands or Grounds, which from the Quality or Situation thereof, or other Cause, will not be benefited by such intended Drainage.

Lessees and Copyholders for Lives, &c. to be at li-

XXXIX. And be it further enacted, That it shall be lawful for any Person or Persons, being Tenant or Tenants in Tail or for Life, or for any Vicar or Rector, or for any Bodies Politic, Corporate or Collegiate, or for

for the Husbands of any Feme Covert seized only in Right of his Wife, and for all Persons being or acting as Guardians, Committees, Trustees or Attornies, of, for, or to any Minors, Idiots, Lunatics or Persons beyond the Seas, or under any legal Incapacity or Disability whatsoever, and for all Trustees or Feoffees for Charitable Trusts or Uses, by and with the Consent of the said Commissioner, to be testified in Writing under his Hand and Seal, in and by any Deed or Instrument to be executed by him, either before or within Two Years after the Execution of his Award, to be made as herein-after is directed, and also for any Lessee or Lessees for Life or Lives, or Lessee or Lessees for any Term or Terms of Years determinable with One or more Life or Lives, or for any Lessee or Lessees for any Term or Terms of Years not exceeding Fifty Years, from the Commencement of such Term or Terms, such Lessee or Lessees not being Tenant or Tenants at Rack Rent, or for any Copyholder or Copyholders for One or more Life or Lives of any such Lands or Grounds which shall be so rated or assessed as aforesaid (except any Copyholder or Copyholders, Lessee or Lessees for any Term or Terms of Years determinable on One or more Life or Lives, of any Lands or Grounds held under the said Governors of Queen Elizabeth's Hospital, the Rates or Assessments for which Lands or Grounds, payable by the said Governors as the Reversioners having been duly paid) by and with the like Consent of the said Commissioner, to be testified as herein-before is mentioned, from Time to Time to charge the several Lands and Grounds which shall be so rated or assessed as aforesaid for the Purposes of this Act with the several Sum and Sums of Money which shall be rated or assessed thereon by virtue of this Act, and for securing the Re-payment of the same with Interest, to demise and grant for a Term not exceeding Twenty-five Years, the several Lands or Grounds which shall be so rated or assessed, or any Part thereof, to the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators or Assigns, so that such Grants or Demises respectively be made with a proviso or Condition to be void, or with an Agreement that such Term or Terms shall be surrendered when the Sum or Sums of Money thereby secured and the Interest thereof shall be fully paid and satisfied, and so that in every such Demise and Grant there be inserted a Covenant to pay and keep down Half-yearly the Interest, and pay off Yearly One Twentieth Part of the Principal Money thereby secured during the Estate or Interest for which the said Lands or Grounds so to be charged, demised or granted, shall be respectively held; such Payment to commence and begin from the Time of making such Assessment, and that every such Demise or Grant shall be good, valid and effectual in the Law, to all Intents and Purposes whatsoever, all which several Demises, Grants and Mortgages, so to be made in pursuance of this Act, shall be transferrable and assignable in like Manner as any other Mortgages are transferrable or assignable: Provided always, that no Person or Persons entitled to the Remainder or Reversion of the Lands so to be demised or granted, shall be liable to pay any greater or larger Arrear of Interest for the said Money so borrowed than for the Half Year preceding the Time that the Title of such last-mentioned Person or Persons shall have commenced, and that no such Lessee or Lessees, Copyholder or Copyholders, shall have Power to charge any such Leasehold or Copyhold Lands with any Sum or Sums of Money that may be rated or assessed thereon, for maintaining and keeping in repair any of the Works hereby directed to be made and per-

berly to charge the Lands with the Sum assessed, on paying off the Interest and a certain Part of the Principal yearly.

formed by the said Commissioner, or with any Sum or Sums of Money that may be rated or assessed thereon by the Commissioners of Sewers.

Commis-
sioner to bor-
row any Sum,
not exceed-
ing 4,000l.
on Mortgage
of the Rates.

XL. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized from Time to Time to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money not exceeding in the whole the Sum of Four thousand Pounds which the said Commissioner shall think expedient towards defraying the Charges and Expences of passing and executing the Powers of this Act, and the lawful Interest thereof, until the same can be conveniently raised and repaid by and out of the Monies to be collected and raised by the several Rates and Assessments as aforesaid, which Sum and Sums of Money so to be borrowed by the said Commissioner shall be a Charge on the Credit of the said Rates and Assessments, and the Money thereby intended to be raised and levied, until the said Money so borrowed shall be repaid, with lawful Interest for the same; and the said Commissioner is hereby authorized and empowered to raise the said Money upon Credit as aforesaid, and also to mortgage and charge the said Rates and Assessments, and the Money to be thereby raised to any Person or Persons who shall agree to advance and lend any Sum or Sums of Money thereon, with such Sum and Sums of Money as the said Commissioner shall so borrow as aforesaid, and which shall be repaid by and out of the first Money that shall, after the Date and Execution of such Charge, be raised and levied by the said Rates and Assessments, or any of them, by virtue of this Act.

Assessment
to be charge-
able with
Money bor-
rowed, and
Interest.

XLI. And be it further enacted and declared, That the Taxes and Assessments to be raised and levied under or by virtue of this Act shall be charged and chargeable with the Payment of the Principal Money so to be borrowed by the said Commissioner, and the Interest thereof, and shall vest in the respective Creditors upon default of Payment of such Principal and Interest at the Time and Times to be appointed for Payment thereof, until the same and every Part thereof shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof.

Power to
appoint a
Treasurer.

XLII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized, empowered, and required, to appoint such Person or Persons as he shall think proper to act as a Treasurer or Treasurers for the Purposes of this Act; and the said Commissioner shall and he is hereby authorized, directed and required to take such Security from such Treasurer or Treasurers for the due Execution of his and their Office and Offices as to him the said Commissioner shall seem meet.

Clerk re-
strained from
acting as
Treasurer,
and vice
versa.

XLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioner to appoint the Person who may be appointed to act as the Clerk in the Execution of this Act, or the Partner of any such Clerk the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioner for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall

shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Imparance shall be allowed.

XLIV. And be it further enacted, That it shall be lawful for the said Commissioner from Time to Time, as he shall see Occasion, by Writing under his Hand to summon and require any Person or Persons to appear before him, at a Day and Place in such Writing to be named, then and there to testify on Oath (which Oath the said Commissioner is hereby authorized to administer) the Truth touching any Matter relative to the Execution of this Act, and to cause a true Copy of such Writing to be served upon such Person or Persons, or left at his, her, or their last or usual Place of Abode; and every such Person so summoned who shall not appear before the said Commissioner pursuant to such Summons (except for some reasonable Cause), or shall refuse to be sworn or fully examined (the reasonable Charges of his or her Attendance being to him or her first paid or tendered), and being thereof convicted before any One of His Majesty's Justices of the Peace for the said County of *Somerset*, upon Information thereof on Oath made before any such Justice (which Oath the said Justice is hereby authorized and required to administer), shall forfeit and pay such Sum of Money not exceeding Five Pounds as such Justice shall think reasonable.

Power to
summon
Witnesses.

XLV. And be it further enacted, That if any Person or Persons who shall be examined as a Witness or Witnesses by or before the said Commissioner, or any Justice or Justices of the Peace under this Act, upon Oath, shall wilfully give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence, shall be subject to the Pains and Penalties inflicted on Persons guilty of wilful and corrupt Perjury.

Witnesses
giving false
Evidence,
guilty of
Perjury.

XLVI. Provided always, and be it further enacted, That no Person or Persons who shall be summoned to attend as a Witness or Witnesses before the said Commissioner, shall be compelled to travel above the Distance of Twenty Miles from the Place or Places of his, her, or their Abode or Abodes.

Witnesses
not compelled
to travel
above 20
Miles from
home.

XLVII. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the Day of passing this Act) the said Commissioner acting in the Execution of this Act shall, and he is hereby required to make a just and true Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by such Commissioner laid before One of His Majesty's Justices of the Peace in and for the said County of *Somerset* (not interested in the Rates to be made by virtue of this Act) to be by him examined and balanced, and the

Commissioner
to lay Ac-
counts before
Justices.

Balance

Balance shall be stated in the Books of Account to be kept in the Office of the Clerk or Clerks to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice.

Award.

XLVIII. And be it further enacted, That the said Commissioner, as soon as conveniently may be after he shall have completed the several Works directed to be made and done by this Act, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and specify the Quantity and Contents in Statute Measure of the Lands and Grounds interested in or affected by the said Works or Drainage, or which shall or may in any respect be benefited thereby, and the Names of the Owners or Occupiers thereof respectively, and which shall also express and specify an Account of all the Bridges, Sluices, Floodgates, Outlets, Cuts, Rivers, Drains, Clices, and other Works which are to be maintained and kept in repair in pursuance of this Act, together with all proper Orders and Directions, by whom and at whose Expence all and singular the said new Works which shall be made or directed to be done by the said Commissioner by virtue of this Act, as well as all other Bridges, Sluices, Outlets, Drains, Clices and other Works which shall come under the Cognizance of the said Commissioner by virtue of this Act, shall be thereafter kept and repaired, and shall contain such other Orders and Regulations touching and concerning the same, as he the said Commissioner shall think necessary and proper for the Maintenance and Preservation of the said intended Drainage, and shall make and annex thereto a Rate or Assessment on the said several Lands and Grounds so benefited by such Drainage, and shall give Notice in the Newspaper aforesaid, that the Draft of such Award or Instrument, and of the said Rate or Assessment to be annexed thereto, will be produced and open for the Inspection of all Persons or Parties interested therein, on Two successive Days in one Week, at *Congresbury*, in the said County of *Somerset* (such Notice to be given at least Twenty Days before the first Day of producing the same as aforesaid, and at least Forty Days before the next General Quarter Sessions of the Peace, to be held in and for the said County), and of the Times and Places where the said Commissioner will meet to hear and take into Consideration any Objection or Objections which may be made thereto, the last of such Meetings to be held at least Thirty Days before the said next General Quarter Sessions of the Peace; and the said Commissioner is hereby required to direct and appoint his Clerk, or some other proper Person or Persons, to attend at the Times and Places aforesaid, with such Draft of the said Award and Rate annexed thereto, and to permit and suffer the same to be inspected and examined by all Persons interested therein, or their Agents; and if any Person or Persons, Bodies Politic, Corporate or Collegiate, shall find himself, herself, or themselves aggrieved by any thing therein contained, he, she, or they may appeal against the same, at the next General Quarter Sessions of the Peace to be held in and for the said County, which said Court of Quarter Sessions is hereby authorized and empowered finally to settle and determine the same, and to order and direct Costs to be paid, as they shall think proper, in like Manner as is herein-before directed, as to the first herein-before mentioned Rate or Assessment, and no Appeal against any of the Matters or Things contained in the said Award shall

shall be brought after such next or the Second General Quarter Sessions of the Peace to be held after the said Draft of Award shall be left open for such Inspection and Examination as aforesaid, unless the said Commissioner shall consent thereto, and in that case no Appeal shall be brought after the Second General Quarter Sessions of the Peace, to be held in and for the said County, after such Draft shall be left for Inspection or Examination as aforesaid, which said Award or Instrument and Rate annexed thereto, when finally settled as aforesaid, shall be fairly ingrossed or written on Parchment, and be signed and sealed by the said Commissioner, and shall, within Three Calendar Months next after the same shall be so signed and sealed, be delivered to the Clerk of the Peace for the County aforesaid, or his Deputy, to be deposited and kept with the Rolls of the said County, and the said Commissioner shall cause a Copy thereof, fairly written in a Book or Books, to be delivered to the Clerk of the Commissioners of Sewers of the said County (for which they shall respectively give Receipts to the said Commissioner) to the end that recourse may be had thereto respectively by all Persons interested therein; and for receiving thereof, and for signing such said Receipt, the said Clerk of the Peace or his Deputy, and the said Clerk of the Commissioners of Sewers, shall receive Five Pounds and Five Shillings each; and the said Award or Instrument shall be binding and conclusive upon all Persons interested in the said Drainage, and a Copy thereof, or of any Part thereof, attested by the said Clerk of the Peace or his Deputy, or by the said Clerk to the said Commissioners of Sewers, shall from Time to Time, and at all Times hereafter, be admitted and allowed in all Courts as legal Evidence; which said Copy the said Clerk of the Peace or his Deputy, or the said Clerk of Commissioners of Sewers, is hereby ordered and required to make and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy, Eight-pence for every Two Hundred Words, and no more; and any Person or Persons interested therein shall be at liberty to inspect and peruse the same, paying to every such Officer for Inspection or Perusal One Shilling and no more.

XLIX. And be it further enacted, That immediately after the said Award or Instrument shall be so executed by the said Commissioner, and delivered to the said Clerk of the Peace or his Deputy, and a Copy to the said Clerk of the Commissioners of Sewers (of which the said Commissioner appointed in or by virtue of this Act is hereby required to give Notice in the Newspaper as aforesaid) all the Powers of the said Commissioner under or by virtue of this Act shall cease and determine, and the Commissioners of Sewers acting in and for the said County of *Somerset* shall be invested with and have the same and like Power and Authority over all and every the said Cuts, Drains, Yeos, Rhines, Banks, Sluices, Floodgates, Outlets, Engines, Bridges, Clices, Sluices, and Hatches for the Retention of Water, and other Works done, made, or executed by virtue of this Act, as they have in or over any of the Rivers, Cuts, Sewers and other Works appertaining or belonging to the Commissioners of Sewers of the said County by virtue of any Statute or Law whatsoever; and the said Commissioners of Sewers are hereby authorized and empowered from Time to Time to assess, tax, and charge according to the said final Rate or Assessment and Charge all and every the Person and Persons who shall from Time to Time be the Owners or Proprietors of the several Lands and Grounds charged in such final Rate or

After the Award shall be executed and delivered to the Clerk of the Peace, and a Copy thereof to the Clerk of the Commissioners of Sewers, the Powers vested in the Commissioner appointed by this Act shall cease, and the Commissioners of Sewers shall be vested with the Powers of this Act.

Affessment and Charge, towards the repairing, rebuilding, new making or otherwise altering or amending all and every the said Works, intended to be made, done, and executed by the said Commissioner appointed in or by virtue of this Act, and in pursuance thereof, when and as often as the same shall be needful and necessary; and shall and may, in default of Payment thereof, cause the same to be levied and recovered by such Ways and Means, and in such and the same Manner, to all Intents and Purposes, as is herein-before provided and directed with respect to the Recovery of Rates or Assessments by the said Commissioner appointed in and by virtue of this Act.

Commissioner
to account.

L. And be it further enacted, That the said Commissioner appointed or to be appointed by virtue of this Act, shall and he is hereby required, within Six Calendar Months next after the Execution of the said Award, to make up, settle, and finally close all his Accounts respecting the Execution of this Act; and thereupon to deliver such Accounts, signed by him, with all Books, Papers, Writings and other Matters and Things whatsoever in his Custody or Power relating to this Act, and the Works to be done by virtue thereof, to the said Commissioners of Sewers, at the Sessions of Sewers, or to their Clerk, or other proper Person or Officer appointed for that Purpose by the said Commissioners of Sewers, and from Time to Time to direct his Banker to pay all or any Part of the Balance remaining unapplied to such Person or Persons as the said Commissioners of Sewers shall from Time to Time, as the same may be wanted for the Purposes of this Act, at any Session or Sessions of Sewers, order the same to be paid, to be applied for the Purposes of this Act only; and which said Order or Orders of the Session of Sewers, shall be a proper Discharge to the Commissioner appointed or to be appointed by virtue of or under this Act, for any Sum or Sums of Money which shall be by him drawn for, or paid in pursuance of such Order or Orders as aforesaid.

Penalty for
damaging
any Works,
or obstructing
the Execution
of this Act.

LI. And for preventing the breaking down or damaging any of the Works which shall be made or altered in pursuance of this Act, or otherwise obstructing the Execution of the same, be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, wilfully or designedly damage, injure, or destroy any Cut, Drain or Watercourse, Floodgate, Outlet, Clive, Sluice, Bridge or other Work or Works already made or erected, or which shall at any Time or Times hereafter be made or erected, for answering any of the Purposes of this Act, all and every Person and Persons so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in such Manner as Felons are directed to be punished by the Laws and Statutes of this Realm; or the Court may, if they shall think fit, in Mitigation of such Punishment, award such Sentence as the Law directs in Cases of Petit Larceny; and if any Person shall obstruct, hinder or molest the said Commissioner appointed in or by virtue of this Act, or the said Commissioners of Sewers, or any of them, or any Surveyor, Workman or other Person who shall be employed by or under them or any of them respectively, in the Execution of this Act, or do any wilful Hurt or Mischief, to prevent the carrying on, completing

completing and finishing the several Works intended to be done, performed, and executed by virtue of this Act, every such Person so offending, and being thereof convicted, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LII. And be it further enacted, That in case any Damage or Injury whatsoever shall be done to the Warths, Lands, Buildings, Bridges, Sea Walls, Waterworks or Water Fences, or to any other Works or Property whatsoever, of any Person or Persons, Bodies Politic, Corporate or Collegiate whatsoever, in consequence of making any Outlet or Outlets, Floodgate or Floodgates, Sluice or Sluices, Bridge or Bridges, or any new Cut or Cuts, for the Purpose of more effectually discharging the Waters of the River *Yeo*, or the several Drains connected therewith, or in consequence of putting or removing any Clice or Clices therein or therefrom, or of damming, baying or stopping up any ancient Brooks, Rhines, Pills or Watercourses, or of making any Embankment or Embankments against any Lands adjoining the said River *Yeo* or otherwise howsoever, the said Commissioner appointed in and by virtue of this Act shall from Time to Time, as long as the Powers and Authorities hereby given to him shall exist and continue, repair and make good, or cause to be repaired and made good, all such Damages, and Injury which shall be so done to the Warths, Lands, Buildings, Sea Walls, or Waterworks, or Water Fences, or to any other Works or Property whatsoever, of any Person or Persons, Bodies Politic, Corporate or Collegiate, as aforesaid, and from Time to Time make new and additional low Waterworks and other Waterworks where the same shall be necessary, and shall also make proper Satisfaction and Compensation for the same out of the said Monies to be raised and levied by virtue of this Act; and from and after the said Powers of the said Commissioner shall cease and determine by virtue of this Act, then such Damage and Injury shall from Time to Time thereafter be repaired and amended, and new and additional low Waterworks and other Waterworks shall from Time to Time be made where the same may be necessary by the said Commissioners of Sewers, and such Compensation and Satisfaction be made to the several Persons damaged or injured as aforesaid, by and out of the Money to be collected by virtue of the Rate annexed to the said Award or Instrument as aforesaid, and which the said Commissioners of Sewers are hereby authorized and required to raise, levy, apply and pay accordingly; and in case the said Commissioner appointed or to be appointed by virtue of or under this Act, or the said Commissioners of Sewers, and the said Party or Parties, Person or Persons, cannot agree about the Quantum of such Satisfaction and Compensation, then and in such Case the same shall be ascertained and settled by a Jury, and in like Manner as the Value of the Land or Ground used or taken by the said Commissioner by virtue of this Act, and any Damage or Injury sustained thereby, is herein-before directed to be settled and ascertained.

Indemnity to Persons whose Works or Lands may be injured by any new Cut, &c.

LIII. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Somerset*, or for the County or Place where the Offender shall be or reside, either by the Confession of the Party or Parties, or by the Oath of any credible Witnesses,

Recovery and Application of Penalties and Forfeitures.

ness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after any such Penalties or Forfeitures and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for such Time as the said Justice shall direct, not exceeding Two Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall be paid to the said Commissioner, or to the said Commissioners of Sewers [as the Case may be,] and be applied for the Purposes of this Act.

Persons aggrieved by Irregularity in Distress, to recover special Damages only.

LIV. And be it further enacted, That where any Distress shall be made for any Money to be levied 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 Summons, Conviction, Warrant of 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 committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

LV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

Form of Conviction.

County of } BE it remembered, That on the Day of
 to wit. } in the Year of our Lord
 A. B. of
 is convicted before me C. D. One of His Majesty's Justices of the Peace for the said County [or, Place, as the Case may be, specifying the Offence, and Time and Place when and where the same was committed]. Given under my Hand and Seal, the Day and Year afore-
 said.

Proceedings not to be quashed for want of Form.

LVI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at
 Westminster

Westminster or elsewhere; any Law or Statute to the contrary notwithstanding.

LVII. And be it further enacted, That if any Person or Persons, Bodies Appeal.
 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 (except where the Orders or Determinations of the said Com-
 missioner, or of the Commissioners of Sewers, or of any Justices, are
 directed to be final, binding or conclusive, or where any other Mode of
 Relief is appointed) such Person or Persons, Bodies Politic, Corporate, or
 Collegiate, may appeal to any General Quarter Sessions of the Peace to
 be holden for the County or Place, where such Cause of Appeal shall
 happen or arise, within Three Calendar Months after the Cause of Appeal
 shall have arisen, first giving Ten Days Notice at the least, in Writing, of
 such Intention to appeal, to the Parties interested therein; and the Justices
 at such Sessions are hereby required to hear and determine the Matter of
 every such Appeal, and to make such Order therein, and to award such
 Costs, as to them in their Discretion shall seem meet and reasonable, and
 by their Order or Warrant to levy the Costs and Charges which shall be
 so awarded, by Distress and Sale of the Goods and Chattels of the Party
 liable to pay the same, rendering the Overplus (if any) upon Demand, to
 the Owner or Owners of such Goods and Chattels, after deducting the
 reasonable Charges of such Distress and Sale; which Determination of
 the said Justices shall be binding and conclusive on all Parties, and shall
 not be removed or removable by Certiorari, or any other Writ or Process
 whatsoever, into any of His Majesty's Courts of Record at *Westminster* or
 elsewhere.

LVIII. And be it further enacted, That no Action, Suit, or Information Limitation
of Actions.
 shall be brought, commenced or prosecuted, against any Person or Per-
 sons for any thing done in pursuance of this Act, unless Thirty Days
 previous Notice in Writing shall be given by the Person or Persons in-
 tending to commence and prosecute such Action, Suit, or Information, to
 the Person or Persons against whom the same shall be brought, nor unless
 such Action, Suit, or Information, shall be brought or commenced within
 Six Calendar Months next after the Fact committed, and shall be laid or
 brought in the County where the Cause of Action shall have arisen, and
 not elsewhere; and the Defendant or Defendants in such Action, Suit, or
 Information, shall and may plead the General Issue, and give this Act and
 the Special Matter in Evidence at any Trial to be had thereupon, and that
 the same was done in pursuance and by the Authority of this Act; and
 if it shall appear to have been so done, or if such Action, Suit, or Infor-
 mation shall have been brought or commenced before or after the re-
 spective Times so limited for bringinig or commencing the same, or shall
 be brought in any other County or Place than as aforesaid, then and in
 every such Case the Jury shall find for the Defendant or Defendants; and
 upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited,
 or suffer a Discontinuance of his or their Action, Suit, or Information,
 after the Defendant or Defendants shall have appeared, or if a Verdict
 shall pass against the Plaintiff or Plaintiffs, or if on Demurrer or other-
 wise Judgment shall be given against the Plaintiff or Plaintiffs, the De-
 fendant or Defendants shall have Treble Costs, and shall have such Remedy
 [Local.] for

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for the same as any Defendant hath for Costs of Suit, in any other Case by Law.

Public Act.

LIX. 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.

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