



ANNO QUADRAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 72.

An Act for draining, preserving from Water, and improving certain low Lands and Grounds, lying within the several Parishes or Chapelries of *North Wooton, Pilton, West Pennard, Baltonsborough, Barton Saint David, Butleigh, Street, Glaston Saint John, Glaston Saint Benedict, Walton, Ashcot, Shapwick, Moorlinch, Catcott, Chilton, Edington, Cossington, Woolavington, Huntspill, East Brent, South Brent, Mark, Wedmore, Meare, Burnham, Badgworth, Baddisham, Chapel Allerton, Were, Puriton, Pawlet, Wookey*, and the Outparish of *Saint Cuthbert in Wells*, all in the County of *Somerset*. [20th June 1801.]

WHEREAS there are several Low Lands and Grounds in the Preamble.
several Parishes or Chapelries of *North Wooton, Pilton, West Pennard, Baltonsborough, Barton Saint David, Butleigh, Street, Glaston Saint John, Glaston Saint Benedict, Walton, Ashcot, Shapwick, Moorlinch, Catcott, Chilton, Edington, Cossington, Woolavington, Huntspill, East Brent, South Brent, Mark, Wedmore, Meare, Burnham, Badgworth, Biddisham, Chapel Allerton, Were, Puriton, Pawlet, Wookey*, and the Outparish of *Saint Cuthbert in Wells*, in the County of *Somerset*, lying on or
[Loc. & Per.] 14 U near

near to and draining into the River *Brue*; and which Lands and Grounds, from their low and flat Situation, are frequently overflowed, and greatly injured by the Waters not having a proper Passage into and along the said River *Brue* to the River *Parrett*, and so to the *Bristol Channel*, occasioned by Obstructions at a Bridge called *Highbridge*, over the said River *Brue*, the Outlets at which Bridge are too insufficient for the Discharge of such Water, and by the circuitous Course of the said River *Brue* as well above as below *Highbridge*, and by the Narrowness of a Bridge called *Newbridge*, and by other Obstructions and Impediments; and the said Low Lands and Grounds are thereby rendered in a considerable Degree unprofitable to the Owners and Proprietors thereof; but if proper and sufficient Cuts, Rhines, Drains, Outlets, Floodgates, and other Works and Conveyances were made, for draining and preserving the said Low Lands and Grounds, great Benefit would accrue to the Owners and Proprietors thereof, and to the Publick; yet the same 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 Sir *Abraham Elton*, of *Clevedon Court*, Baronet, *Richard Thomas Combe* of *Earnsbill*, and *Henry Tripp*, of *Orchard Wyndham*, Esquires, all in the County of *Somerset*, and their Successors, to be appointed in Manner herein-after mentioned, shall be and are hereby appointed Commissioners for putting and carrying this Act, and all the Powers and Authorities herein-after contained, into Execution.

Commissioners.

Power vested in Two Commissioners.

II. Provided always, and be it further enacted, That all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to or vested in or directed to be done and executed by or before the said Commissioners, may be done and executed by or before any Two of them, and the same shall be of as full Force and Effect as if done and executed by or before all the said Commissioners; any Thing herein contained to the contrary notwithstanding.

Power to elect Commissioners in the Place of any dying or refusing to act.

III. And be it further enacted, That when and so often as any One or more of the Commissioners appointed by this Act, or to be appointed in Manner herein-after mentioned, shall die, or refuse or become incapable to act, then and in such Case the surviving or remaining Commissioners or Commissioner shall, from Time to Time, at some Meeting to be held for that Purpose, within One Calendar Month next after the Death, Refusal or Incapacity of any such Commissioner, or as soon after as Occasion shall require, by Writing under their Hands or his Hand, appoint some other Person, not interested in the Premises, to be a Commissioner in the Place and Stead of every such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every such Commissioner so to be appointed, shall have the same Power and Authority, by virtue of this Act, as the Commissioner in whose Place he shall succeed was vested with, provided that Notice be given in the same Newspapers as are herein-after mentioned, at least Ten Days before every such Meeting.

Commissioners Allowance.

IV. And be it further enacted, That the said Commissioners shall be allowed to retain in their Hands, out of the Monies to be raised by virtue of

of this Act, the Sum of Three Guineas each, and no more, for their Trouble and Expences for each and every Day they shall necessarily attend in the Execution of this Act.

V. 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 (unless it be the Powers hereby given of administering the Oath or Affirmation herein-after mentioned, or of giving Notice of the First Meeting of the Commissioners), until he shall have taken and subscribed the Oath, or, being One of the People called Quakers, the Affirmation following; (that is to say),

Commissioners to take an Oath.

‘ I do swear, [*or, being One of the People called Quakers, do solemnly affirm*] That I will faithfully, truly, impartially, and honestly, according to the best of my Skill and Knowledge, execute and 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 [*here insert the Title of this Act*] ought to be done, executed, and performed by me, without Favour or Affection 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.*’]

Form of the Oath.

Which Oath or Affirmation it shall be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the Commissioners; 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*.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required, within Two Calendar Months next after the passing of this Act, to cause Notice to be given in some or One of the *Bristol* and *Bath* Newspapers respectively, and in One of the *Sherborne* Newspapers, and also to be affixed on some publick Place in the City of *Wells*, and in the Towns of *Bridgewater*, *Axbridge*, and *Glastonbury*, in the said County, of the Time and Place of their First Meeting for executing the Powers by this Act vested in them, at least Fourteen Days before such Meeting; and that the said Commissioners shall and may at such Meeting, and from Time to Time afterwards, adjourn themselves to meet at such Time and Place, in the said County of *Somerset*, as they shall think most convenient for the Purposes of this Act, and shall cause Ten Days Notice at least to be given in some or One of the *Bristol* and of the *Bath* Newspapers respectively, and in One of the *Sherborne* Newspapers, of every subsequent Meeting, except Meetings which shall be held by Adjournment.

First Meeting.

VII. And it is hereby further enacted, That all Orders, Proceedings, and Determinations of the said Commissioners, at any of their 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 Commissioners present at such Meetings, 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, or other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this Act.

Proceedings of Commissioners to be entered in a Book.

VIII. And

Officers.

Officers to
give Security.Officers to ac-
count;

or be punished.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint a Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors of the Rates and Taxes, and such other Officers as the said Commissioners shall think necessary, and from Time to Time remove all or any of such Officers as they shall think fit, and appoint others in the room of such as shall be so removed, or as 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 they the said Commissioners shall think proper; and may, by and out of 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 them in their respective Offices, or that shall anyways be employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Commissioners shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Commissioners, deliver to such Commissioners or to such Person or Persons as they 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 shall verify the Accounts upon Oath (which Oath the said Commissioners, or any One of them, are and is hereby empowered to administer) 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 Commissioners shall appoint to receive the same; and if any 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 verify the Articles thereof on Oath, 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 Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anyways relating to the Execution of this Act, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Fifty Pounds nor less than Twenty Pounds, to be paid to the said Commissioners, and 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 Commissioners might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witnesses or Witnesses, which Oath the said Justice is hereby empowered to administer, it shall appear to such Justice that

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 may, and he is hereby authorized and required, upon Non-payment 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 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 verify the Truth of such Accounts, and of the Articles thereof, on Oath (which Oath the said Justice is hereby also empowered to administer) 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 have verified the same on Oath, 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 Commissioners for the same, and paid the Composition Money to the Commissioners, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Commissioners are 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 Commissioners: Provided always, That no Person who shall be committed for Want of sufficient Distress only, shall be detained in Prison for any longer Time than Three Calendar Months.

IX. Provided always, That every 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),

‘ I, *A. B.* do swear [*or, being One of the People called Quakers, do affirm*] That I will, according to the best of my Skill and Knowledge, faithfully discharge the Trusts reposed in me by virtue of my Office of Surveyor [*or, Assessor, or, Collector, as the Case may be*] by virtue of an Act [*here insert the Title of this Act*] without Favour or Affection 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.*]

Surveyor's
and Assessor's
Oath;

[*Loc. & Per.*]

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Which

One Commif-
fioner empow-
ered to admi-
niffter the Oath.

Which Oath or Affirmation it fhall be lawful for any One of the faid Commissioners to adminifter, and he is hereby required to adminifter the fame; and which Oath or Affirmation fo taken and fubfcribed, fhall be deposited as the Commiffioner's Oath is herein-before directed to be deposited.

Commiffion-
ers to view
Rivers,
Drains, etc.
and employ
an Engineer
or Engineers.

X. And be it further enacted, That the faid Commiffioners fhall and they are hereby authorized and required to view the River *Brue*, and the feveral Drains, Rhines, Clies, and Shuttles communicating or connected therewith; and the Bridges upon and over the fame, and alfo the Outlet or Outlets at or near the faid Bridge called *Highbridge*, and to employ a Surveyor or Surveyors, Engineer or Engineers, or other Perfon or Perfons whom they fhall think proper for the fame Purpofe; and which faid Surveyor or Surveyors, Engineer or Engineers are hereby required forthwith to make and deliver to the faid Commiffioners a Report in Writing, under their refpective Hands, and alfo, if required, a Plan or Plans of the beft and moft effectual Means of widening, deepening, and improving the faid River, and the feveral Drains, Rhines, Clies, and Shuttles communicating or connected therewith, and the Bridges upon and over the fame, and the Floodgates thereof refpectively, and alfo the Outlet or Outlets into the River *Parrett* and the *Bristol* Channel, and fuch other Improvements for perfecting the intended Drainage of the faid Low Lands and Grounds as fhall appear proper and neceffary, and of the probable Cofts, Charges, and Expences of carrying the fame into complete Effect.

Commiffion-
ers empower-
ed to make
new Drains
and Outlets,
and for that
Purpofe to
enter into any
Lands of any
Perfons, Bo-
dies Politick,
etc.

XI. And be it further enacted, That the faid Commiffioners fhall, and they are hereby authorized and empowered to drain, in the beft and moft effectual Manner, according to the beft of their Skill and Judgement, the faid Low Lands and Grounds; and for that Purpofe it fhall be lawful for the faid Commiffioners, and their Agents, Workmen, and all other Perfons by them employed, and they are hereby authorized and empowered from Time to Time, and at all Times hereafter, at their Will and Pleafure, to enter into and upon any Lands or Grounds whatfoever, of or belonging to any Perfon or Perfons, Bodies Politick, Corporate, or Collegiate, within the Parifhes and Chapelries aforefaid, or within any or either of them, and to ftraighten or alter the Courfe or Direction of the faid River *Brue*, or any of the Drains leading towards or into the fame, and to make, and cut in or upon fuch Lands or Grounds, or any Part thereof, any new Banks, Rivers, Yeos, Channels, Rhines, Roads, Ditches, Cuts, Paffages, Culverts, or Trenches, and alfo to open, maintain, and cleanse all fuch Rivers, Yeos, Channels, Rhines, Ditches, Cuts, Paffages, Culverts, Banks, or Trenches leading to or communicating or connected with the faid River *Brue*, as now are or hereafter fhall be made, opened, or cut therein, and to alter, remove, rebuild, and repair any Banks, Engines, Sluices, Floodgates, Drains, Clies, Bridges, Culverts, Roads, and other Works already made and erected, and to make and erect, or caufe to be made and erected, any new Banks, Engines, Sluices, Floodgates, Clies, Bridges, Culverts, and other Works, in, upon, and through the Lands and Grounds aforefaid, for the better conveying the Waters from the fame Lands and Grounds into the River *Parrett* and *Bristol* Channel, as fhall be thought fit, neceffary, and convenient by the faid Commiffioners.

XII. Provided

XII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the said Commissioners to lay any Tax on or to alter the Drains of any Lands lying within the said Parish of *Pawlett*, which are now drained into the River *Parrett*:

Commissioners not to lay any Tax on Lands which are drained into the River *Parrett*.

XIII. Provided always, and be it further enacted, That if it shall appear to the said Commissioners hereby appointed, that any of the Low Lands or Grounds within any or either of the Parishes or Chapelries aforesaid, which are now drained into the said River *Brue*, or into the River *Axe*, could be more advantageously and conveniently drained into the other of the said Rivers, that it shall and may be lawful to and for the said Commissioners, and they are hereby required to alter such Drain or Drains accordingly.

Commissioners empowered to alter Drains for the convenient Drainage of certain Lands draining into the *Brue* or the *Axe*.

XIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to restrain or be construed to suspend or abridge the Power of the Commissioners of Sewers for the County of *Somerset* in, upon, or over any of the Lands or Grounds in the several Parishes or Chapelries aforesaid, now drained into the River *Axe*, except such of the said Lands or Grounds as shall appear to the Commissioners appointed by this Act can be more effectually drained in the River *Brue*, or in, upon, or over such Lands or Grounds now drained into the River *Brue*, as may hereafter appear to the Commissioners hereby appointed can be more advantageously and conveniently drained into the River *Axe*.

Not to abridge the Powers of the Commissioners of Sewers, etc.

XV. And be it further enacted, That the said Commissioners shall have full Power and Authority to do all or any of the Matters and Things, 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 Ground, and also in, over, or upon any private Lands or Grounds of any Person or Persons, Bodies Politick or Corporate whatsoever, making Satisfaction as herein-after mentioned; and it shall be lawful for the said Commissioners to agree with the Proprietors of and Persons interested in any Lands or Hereditaments, which the said Commissioners shall judge necessary to be cut, taken, or used for the Purposes of this Act, for the Purchase of such Lands 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 shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, 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 seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract for, sell, and convey unto the said Commissioners, by such Form of Conveyance as is herein-after directed, or by such other Form of Conveyance as they the said Commissioners shall appoint, or to such Person or Persons as they shall appoint, any Lands or Hereditaments, for the Purposes

Commissioners may agree for the Purchase of Lands, or Satisfaction for Damages.

Bodies Politick, etc. may contract for Sale of Lands, or Compensation for Damages.

Persons refusing or neglecting to treat;

Commissioners may apply to a Jury to ascertain the Value of Land and Amount of Damages.

Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands 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 Politick, 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 Politick, 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 Politick, 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 or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by Reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may, and they are hereby authorized and required, Fourteen Days at least before they shall make the Application to the Justices of the Peace as is herein-after mentioned, and within Twelve Calendar Months after the Lands or Grounds 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 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 or Ground, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury; and thereupon the said Commissioners shall, and they are 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 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 enquire touching the Matters 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

them, or before any Two Justices who may attend, all such Persons who shall be thought necessary to be examined as Witnesses touching the Matters 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 enquire 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 Judgement for such Sum or Sums of Money accordingly; which said Verdict, and the Judgement 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 kept among the Records of the 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 Judgement; which said Copy the said Clerk of the Peace or his Deputy is hereby required to make and deliver to any 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 Undersheriff or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds nor less than Ten Pounds; and if any Person so summoned and returned as aforesaid on such Jury, shall not appear, or shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, 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 Ten Pounds for any One Offence.

Penalty on Sheriff, Coroner, Under Sheriff, Jurors, or Witnesses, making Default.

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 or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered by or on Behalf of the said Commissioners as aforesaid, then all the Expences of taking such Inquest, shall be settled by the said Justices, and be defrayed by the said Commissioners out of the Monies to arise 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 Commissioners 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

Expences of the Jury.

[*Loc. & Per.*]

14 Y

Lands

Lands 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 Commissioners, in and by such Ways and Means as are herein-after provided for Recovery of the Rates and Taxes: Provided always, That whenever any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating, One Half of such Costs, Charges, and Expences, shall be borne and defrayed by the said Commissioners, and the other Half by such other Person or Persons as aforesaid.

Act not to extend to taking down Houses, etc. without Consent.

XVIII. Provided always, and be it further enacted, That this Act shall not extend to the taking down of any Dwelling House or other Building, (except Bridges, Culverts, Sluices, or Dams), without the Consent of the Owners or Proprietors and Occupier or Occupiers thereof respectively, to be signified by Writing under their Hands.

Commissioners required to purchase Lands cut through of certain Dimensions.

XIX. And be it further enacted, That if in making any new River or Cut, or altering the Channel of the River *Brue*, or in making any of the Works relating thereto, any Piece or Parcel of Land shall be cut through and divided, so that what shall be left on either Side of such Cut or River 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 Commissioners shall, and they are 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 they shall pay or be adjudged to pay for the Land adjoining thereto, which shall be taken and used by them 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, deliver to the said Commissioners, within One Calendar Month next after Payment and Satisfaction shall be made for the other Land so taken and used by the said Commissioners for the Purposes aforesaid, require the said Commissioners to take and purchase the same; and for that Purpose it shall be lawful for all such Owners of or Persons interested in such Piece or Parcel of Land, to sell and convey the same to the said Commissioners, or to such Person or Persons as they shall appoint, notwithstanding they may be under Disability or Incapacity as herein-before mentioned, with respect to Lands to be taken or used for executing the several Powers of this Act; and the said Commissioners are hereby authorized and empowered to sell and convey such Lands which they 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 any 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 Commissioners, (which said Conveyance or Conveyances the said Commissioners are 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 of:

‘ I *A. B.* of _____ in Consideration of
 ‘ to me paid by *C. D. &c.* Commissioners appointed in or by virtue of
 ‘ an Act passed in the Forty-first Year of the Reign of King *George* the
 ‘ Third, intituled, *An Act [here set forth the Title of the Act]* do hereby
 ‘ grant, sell, releate and convey [or, if *Leasehold or Copyhold*, sell or as-
 ‘ sign] unto the said Commissioners, all, &c. [describing the Premises to be
 ‘ conveyed] and all my [or, our] Estate, Right, Title, and Interest to
 ‘ and in the same, to hold to the said Commissioners, their 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 and
 ‘ according to the true Intent and Meaning of the said Act.’

And in case such Conveyance shall be from the said Commissioners 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 of; (that is to say),

‘ WE _____ Commissioners, appointed in or by virtue of an Act
 ‘ passed in the Forty-first Year of the Reign of King *George* the
 ‘ Third, intituled, *An Act [here set forth the Title of this Act]* in Consider-
 ‘ ation of the Sum of _____ to us paid by *A. B.* of _____
 ‘ do hereby severally grant, sell, release, and convey, [or, if
 ‘ *Leasehold or Copyhold*, sell or assign] unto the said *A. B.* all [describing
 ‘ the Premises to be conveyed] and all our Estate, Right, Title, and Inte-
 ‘ rest, to and in the same, to hold to the said *A. B.* 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 and ac-
 ‘ cording to the true Intent and Meaning of the said Act.’
 In Witness, &c.’

XX. Provided nevertheless, That in case the Owners or Proprietors of and Persons interested in such Pieces or Parcels of Land as aforesaid, shall be minded and desirous of selling the same to any other Person or Persons, and not to the said Commissioners, then and in such Case it shall be lawful for them, and they are hereby authorized and empowered, to sell and dispose of the same to such other Person or Persons, upon giving Notice as aforesaid of such their Intention to the said Commissioners.

The Owners of such Lands may sell them to others, and not to the Commissioners, if they prefer it.

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

Application of Compensation where exceeding 200^l.

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 Commissioners, 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 or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands or Hereditaments, or affecting other Lands or 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 Messuages, Lands, 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 Messuages, Lands, and Hereditaments 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 mean Time and until such Purchase shall be made, the said Money shall, on the Request of any One of the said Commissioners in Writing signed by him or them, and without any Order of the Court of Chancery, be invested by the said 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 mean Time, and until the said Bank Annuities shall be ordered by the said Court of Chancery 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 and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 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 Commissioners (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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXIII. Pro-

XXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases 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 Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infaney 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.

Application where Money is less than 20^l.

XXIV. And be it further enacted, That where any new Cut or new Cuts, new Bank or new Banks, shall be made by virtue of this Act, for the Purpose of straightening the said River *Brue*, and in consequence thereof Parts of the old or ancient Channel of the said River be choaked or filled up, and the same together with the Banks thereof become useless as to any beneficial Purpose for draining 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 and 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 Commissioners shall, in and by their 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 throwing and cleansing such new Cut or Cuts, Bank or Banks as aforesaid, doing as little Damage thereby as may be.

Where, on Account of any new Cut any of the old River shall be rendered useless as a Drain, the Persons who used to cleanse such useless Part shall do their Works in the new Cut.

XXV. Provided always, and be it further enacted, That nothing herein 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 *Brue*, and the Banks thereof, 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.

Persons not exonerated from doing their ancient Works.

XXVI. And be it further enacted, That such Parts of the said old or ancient Channel of the said River, 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 Commissioners as aforesaid, together with the Ground and Soil of the same, and the Fee Simple and Inheritance thereof, shall be vested in the said Commissioners and their Successors, who are hereby authorized and required to offer the same for Sale to such Person or Persons whose Lands shall lie adjoining thereto; and in case such Person or Persons shall not agree with the said Commissioners, or shall refuse to purchase the same, the said Commissioners shall sell and dispose of the same by publick Auction, or otherwise as to them shall seem meet, and to convey the same to any Purchaser or Purchasers thereof

Parts of the River rendered useless to vest in the Commissioners.

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respectively, in Fee Simple, by such Form of Conveyance as herein-before mentioned and set forth as the Form of Conveyance from the said Commissioners, 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; and that the Money arising from such Sale or Sales shall be appropriated to the Purposes of this Act.

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

XXVII. 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 Passage of any Person or Persons to or from his, her, or their Grounds or Premises, on Foot, or with Cattle or Carriages, will be obstructed or interrupted, the said Commissioners shall and they are hereby required, before or immediately after such Works shall be completed, to cause all such necessary Bridges as the Case may require, to be properly built for the convenient Passage of the Occupier or Occupiers of such Grounds or Premises respectively, to and from the same, on Foot, or with Cattle and Carriages; and to defray the Expence of erecting and making such Bridges out of the Monies to be raised by virtue of this Act.

New Works to be kept in Repair by the Owners of Lands benefited.

XXVIII. And be it further enacted, That the Expence of repairing and keeping in Repair all and every the new Banks, Rivers, Cuts, (except such new Cuts and Banks as are herein-before last mentioned) Rhines, Ditches, Passages, Trenches, Engines, Sluices, Floodgates, Culverts, Bridges, and other new Works, which may be made by the said Commissioners 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 the several Proportions as the said Commissioners shall in by their said Award direct and appoint.

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

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby required, at such Time or Times after the passing of this Act as they shall think proper so to do, to cause a proper Survey and Valuation to be made of all such Low Lands and Grounds within the Parishes and Chapelries aforesaid, as in their 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 Value of such Lands and Grounds, in Proportion to the Benefit and Advantage such Lands and Grounds shall or may respectively receive in their Judgement by such intended Drainage; and from Time to Time as they may see Occasion, to alter, vary, or extend the said Rate or Assessment, and shall deliver or cause to be delivered to the Churchwardens or Churchwarden, or Chapelwardens or Chapelwarden, or Overseers or Overseer of the Poor of each and every Parish and Chapelry where any Lands are so assessed, or unto some or One of them, a fair Copy or fair Copies of the Assessment made on the several Lands lying within such Parish or Chapelry, together with a Notice, at the End of such Assessment, of the Time and Place the said Commissioners intend to meet, to hear and take into Consideration any Objection which may be made thereto by any Person or Persons interested; and the said Churchwardens or Churchwarden, Chapelwardens or Chapelwarden, Overseers or Overseer, to whom such Copies or Copy of such Assessment shall be delivered as aforesaid, shall and they are hereby required to cause Notice to be given on the Two ensuing *Sundays* after receiving

receiving the same, in the Church or Chapel of such respective Parish or Chapelry immediately after Divine Service shall be performed in such Church or Chapel on such said *Sundays*, or by Writing to be affixed on the principal outer Door of such Church or Chapel, and where the same can be done by both such Ways or Means, that such Assessment is so left with them or him, and fix a Day and Time for a Meeting of the Persons interested therein, to be held within Twenty-eight Days after the Receipt of such Assessment, at the Place where Vestries or Parish Meetings are usually held, or at some other convenient Place in the said Parish or Chapelry, for the Purpose of taking the same into Consideration; and shall produce such Assessment at such Meeting for the Purpose aforesaid, and shall in the mean Time suffer the same to be inspected and copied at all reasonable Times by any Person or Persons interested therein, under a Penalty not exceeding Twenty Pounds, nor less than Ten Pounds, for each Default in any One of the Duties hereby imposed on them respectively; and the said Commissioners are hereby also required to insert Notices in the Newspapers as herein mentioned, that such Assessments are made and left with the Churchwardens or Churchwarden, Chapelwardens or Chapelwarden, Overseers or Overseer as aforesaid, and of the Times and Places when the said Commissioners will meet to hear and take into Consideration any Objections which may be made to the said Rates as aforesaid; and the said Commissioners are hereby required to hear all and every Objections and Objection which shall or may be made by any Person or Persons to any 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 their Skill and Judgement, and shall alter the Rate or Assessment accordingly if they think proper; and if any Person or Persons shall in consequence of any such Determination of the said Commissioners (but not otherwise) 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 Person or Persons to appeal against such Rate or Assessment, and Determinations of the said Commissioners, to the next General Quarter Sessions of the Peace to be held in and for the said County; and the Justices of the Peace assembled at such Session, shall and they are hereby authorized, empowered, and required to settle such Rate or Assessment, and to alter the same if they think proper: Provided, always, That if the First Day of such next General Quarter Sessions be within Thirty Days inclusive from the Day and Notice of such Determination of the said Commissioners, 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 Commissioners; and the Determination of the Court of Quarter Sessions shall be binding and conclusive upon all Parties; and the said Court of Quarter Sessions shall be at Liberty to give Costs on such Appeals, to be paid by the said Commissioners if the Court shall determine against them, out of the Monies to be raised by virtue of this Act, or to be paid to the said Commissioners by the Appellant or Appellants, in case the Court shall confirm the Determination of the said Commissioners; and if the Appellant or Appellants shall not pay such Costs as aforesaid, the same shall and may be recovered as herein-after provided with respect to the Recovery of Penalties and Forfeitures.

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

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to lay any Rate, Tax, or Assessment on any Lands or Grounds, which from the Quality or Situation thereof, or other Cause, will not be benefited by such intended Drainage.

Commissioners not to assess Lands which have not been flooded for Ten Years previous to June 1798.

XXXI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to make any such Rate or Assessment on any Lands which have not been flooded within the Space of Ten Years next before the Twenty-fourth Day of June, which was in the Year of our Lord One thousand seven hundred and ninety-eight, by means of any Impediments or Obstructions in the said River *Brue*, or the Outlets thereof.

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

XXXII. And be it further enacted, That the said Commissioners shall, and they are 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 Commissioners, and to the Relief hereby directed to be given to Persons who may be over or wrong charged, either by the said Commissioners 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, which have been incurred, and which shall be incurred in the soliciting 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 Commissioners 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, Clys or Clyses, 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 Commissioners 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 or Chapel 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 or Chapel Ten Days at least before such Time of Payment; and in case any Person or Persons 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 Commissioners shall and may,

may, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, directed to any Person or Persons whom they 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 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 Commissioners shall and may, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, to authorize any Person or Persons whom they shall think proper for that Purpose to appoint, to enter into and upon and take Possession of the Lands on which such Tax and Assessment shall be so laid, and which the Owner or Owners thereof 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 also 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 Commissioners are 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 that the said Commissioners 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.

XXXIII. 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 Commissioners 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.

XXXIV. And to the End 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 they are hereby authorized and required to pay all and every such Sum, and Sums of Money as shall be so rated or assessed on the respective Lands and Grounds in their respective Occupation, and to deduct and retain, out of the Rent which shall be then due, or which shall thereafter become due for such

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

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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 Commissioners are to apportion the Assessment between Lessor and Lessee.

XXXV. Provided always, That where any Lands or Ground shall be demised to any such Tenant or Tenants at Rack Rent, for any Term or Terms of Years, that then the said Commissioners shall, and they are hereby authorized and required, to apportion such Rate and Assessment between the Lessor or Lessors and the Lessee or Lessees, in such Manner as to them 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 Commissioners be charged on the Lessor or Lessors as aforesaid.

Tenants in Tail for Life, &c. enabled to raise the Assessment by Mortgage.

XXXVI. And be it further enacted, That it shall be lawful for any Person or Persons being Tenants in Tail or for Life, or for any Vicar or Rector, or for any Bodies Politick or Corporate, or for the Husband of any Feme Covert, seised only in Right of his Wife, and for all Persons being or acting as Guardians, Committees, Trustees, or Attornies, for, of, 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 Commissioners, to be testified in Writing under their Hands and Seals, in and by any Deed or Instrument to be executed by them either before or within Two Years after the Execution of their Award to be made as herein-after is directed, from Time to Time to charge the several Lands or 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 so laid, rated, or assessed thereon by virtue of this Act; and also with any Sum or Sums of Money which shall be agreed to be and shall be paid by them, any or either of them, to the said Commissioners, in lieu of the Costs, Charges, and Expences of keeping *Highbridge*, or any other Bridge in Repair, as herein-after mentioned; and for securing the Re-payment of the same, with Interest, to demise or grant, for any Term or Terms of Years, the several Lands which shall be so rated or assessed, unto the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns; so, as such Grants or Demises respectively shall be made with a Proviso or Condition to cease and be void, or with an Agreement therein contained 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 as in every such Demise and Grant there be inserted a Covenant to pay and keep down Half-yearly the Interest of the Money thereby secured, and One Twentieth Part of the Principal, during the Life or Interest for which the said Lands or Grounds so to be charged, demised, or granted, shall be respectively held; provided that no Person or Persons entitled to the Remainder or Reversion of the Lands so to be charged, demised, and granted, shall be liable to pay any greater 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 it shall be lawful for any such Tenant in Tail or for Life, and all other Persons as aforesaid, by any Deed or Deeds

Tenants for Life may charge by Will.

Deeds in Writing, or by his, her, or their last Will and Testament in Writing, duly executed according to Law, either before or after the signing of the said Award of the said Commissioners, to charge the said Lands and Grounds with such Sum or Sums of Money as shall be so laid, rated, or assessed thereon, and which shall have been accordingly paid by such Tenant in Tail or for Life, or other Person as aforesaid, and to direct such Sum or Sums of Money to be paid to such Person or Persons, and in such Manner, Share, and Proportion, as he, she, or they shall think fit, with Interest for the same, to commence from the Day of the Death of such Tenant in Tail or for Life, or other Person respectively; and that every such Grant and Demise by way of Charge or Mortgage, and every such Deed or Will and Testament made in pursuance of this Act, shall be good, valid, and effectual in the Law, notwithstanding the Want of Title in such Tenants in Tail or for Life, Bodies Politick or Corporate, Husbands, Guardians, Committees, Trustees, or Attornies, or Persons acting as Guardians, Committees, Trustees, or Attornies, or any prior Settlement, Will, Trust, Remainder, Limitation, or other Impediment or Incumbrance whatsoever, of, on, or concerning the said Lands or Grounds, then in being or capable of taking Effect to the contrary.

XXXVII. And be it further enacted, That all and every Person and Persons to whom any such Grant, Mortgage, Lease, or Demise, shall be made by Authority of this Act, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings, by him, her, or them duly executed, assign or transfer the Security or Securities, or the Principal Money and Interest thereby secured, and all his, her, or their Right, Title, and Interest in and to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law or Equity, for the recovering and obtaining the Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued, in all Cases of the like Nature.

Mortgagees may be assigned.

XXXVIII. And be it further enacted, That it shall be lawful 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, 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, by and with the like Consent of the said Commissioners, to be testified as herein-before is mentioned, from Time to Time to charge the several Leasehold or Copyhold Lands or Grounds which shall be so rated or assessed as aforesaid for the Purposes of this Act, and also with any Sum or Sums of Money which shall be agreed to be and shall be paid by them, any or either of them, to the said Commissioners, in lieu of the Costs, Charges, and Expences of keeping High-
bridge,

Lessees and Copyholders for Lives, etc. to be at Liberty to charge the Lands with the Sum assessed, on paying off the Interest, and One Twentieth Part of the Principal yearly.

bridge or any other Bridge in Repair as herein-after mentioned, with the several Sum and Sums of Money which shall be so 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, of 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 as such Grants or Demises respectively shall be made with the like Proviso or Condition to be void, or with the like Agreement to be surrendered as aforesaid, when the Sum or Sums of Money thereby secured, and the Interest thereof, shall be fully paid and satisfied; and so as in every such last mentioned Demise and Grant there be inserted a Covenant to pay and keep down yearly the Interest, and to pay off yearly One Twentieth Part of the Principal Money thereby secured during the Estate or Interest of such Lessee or Lessees, Copyholder or Copyholders, in such Lands or Grounds so to be charged, demised, or granted, such Payment to commence and begin from the Time of making such Assessment; and that every such last mentioned Demise or Grant shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; all which several Demises, Grants, or Mortgages, so to be made in pursuance of this Act, shall be transferable and assignable, in like Manner as any other Mortgages are transferable or assignable: Provided always, 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 performed by the said Commissioners, or with any Sum or Sums of Money that may be rated or assessed thereon by the said Commissioners or Sewers.

Commissioners to borrow any Sum not exceeding 15,000 l. on Mortgage of the Rates.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are 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 Fifteen thousand Pounds) which the said Commissioners shall think expedient, towards defraying the Charges and Expenses 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 said several Rates and Assessments as aforesaid; which said Sum and Sums of Money, which shall be so borrowed by the said Commissioners, 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 Commissioners are 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 Commissioners 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.

XL. And

XL. And it is hereby further enacted and declared, That the Taxes and Assessments, to be raised and levied by this Act, shall be charged and chargeable with the Payment of the Principal Money so to be borrowed by the said Commissioners, 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; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of receiving, levying, and recovering the said several Taxes and Assessments, payable by the several and respective Owners or Occupiers of the said Lands and Grounds, for and in respect of such Principal Monies and Interest, in case of Default of Payment thereof, as the said Commissioners, or their Collectors or other Officers, would or could have had by virtue and under the Authority of this Act, in case such Principal and Interest had been regularly and fully paid and satisfied.

Assessments to be chargeable with Money borrowed, and Interest;

and in Default of Payment, to be levied by Creditors.

XLI. And be it further enacted, That when and so often as any Money so raised and received by virtue of this Act, shall amount to the Sum of Three hundred Pounds, either by way of Charge and Mortgage as aforesaid, or by Collection of the said Rates and Assessments, the same shall be by the said Commissioners transmitted to any respectable Banking House as the said Commissioners shall choose, there to be placed to the Credit of the said Commissioners, (who shall, if they see Cause or Occasion for so doing, from Time to Time choose any other Banking House); and that all Drafts to be drawn by the said Commissioners on such Bankers, shall specify the Name of the Person to whom such Draft is payable, and the Service or Purpose for which the same is paid; and the Commissioners are hereby also directed and required at the First Epiphany General Quarter Sessions of the Peace to be held in and for the said County next after passing this Act, to deliver in open Court an Account, signed by them, of all Monies which shall at that Time have been received and paid by them by virtue and in pursuance of this Act, and shall therein specify the exact Balance of such Account, and shall do the like at every ensuing Epiphany Sessions, during so long Time as the Powers of the said Commissioners, under and by virtue of this Act, shall last and continue.

Commissioners to lodge the Monies to be collected by virtue of this Act at a Banking House, and to produce their Accounts at every Epiphany Quarter Sessions.

XLII. Provided nevertheless, That the said Commissioners, or any or either of them, shall not be responsible or accountable for any Loss of such Monies, or any Part thereof, as shall arise or happen from the Failure of any such Bank in which such Money shall or may be kept or deposited.

Commissioners not answerable for Banking House.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit and proper so to do, to contract and agree with any Person or Persons whomsoever, who by reason of their, his, or her Tenure of any Manors, Lands, or Hereditaments, are bound to keep *Highbridge*, or any other Bridge now standing on or over the said River *Brue* in Repair, to release and discharge such Person or Persons from all future Costs, Charges, and Expences of keeping such Bridge or Bridges in Repair, on being paid by such Persons such Sum or Sums of Money to

Authorizing the Commissioners to agree for the Discharge of certain Persons from all future Costs, keeping of *Highbridge*, or any other Bridge, in Repair.

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be applied to the Purposes of this Act, in lieu of keeping such Bridge or Bridges in Repair, as they the said Commissioners shall in their Judgement consider to be a fair and *bonâ fide* Consideration or Satisfaction for releasing and discharging such Person or Persons, and such Manors, Lands, and Hereditaments, from the future Repairs of such Bridge or Bridges, having regard to the Average Expences of keeping such Bridge or Bridges in Repair for the last Twenty-five Years; and that after such Agreement made, and such Sum and Sums of Money paid, such Person or Persons, his, her, and their Manors, Lands, and Hereditaments, shall from thenceforth for ever after be exonerated, released, and discharged from all the Costs, Charges, and Expences of keeping such Bridge or Bridges in Repair, and such Bridge or Bridges shall from thenceforth for ever after be repaired, maintained, and kept in Repair, by and out of the Monies to be raised by virtue of this Act, and by and out of the Monies to be raised by the said Commissioners of Sewers, by virtue of the Rate or Assessment to be made by the said Commissioners to be appointed by virtue of and under this Act, and annexed to their Award as herein-after mentioned; and that it shall be lawful for the Owner or Owners of any such Manors, Lands, or Hereditaments, being Tenants in Tail or for Life, or for any Bodies Politick or Corporate, or for the Husbands of any Femes Covert, and for all Persons being or acting as Guardians, Committees, Trustees, or Attornies for, of, or to any Minors, Idiots, Lunaticks, or Persons beyond the Seas, or under any legal Incapacity or Disability whatsoever, and for all Trustees or Feoffees for charitable Trusts or Uses, and for all 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, or for any Copyholder or Copyholders for One or more Life or Lives, to agree with the said Commissioners accordingly, and to raise the Money in Manner herein-before expressed.

Power to
summon Wit-
nesses.

XLIV. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time as they shall see Occasion, by Writing under their Hands to summon and require any Person or Persons to appear before them, at a Day and Place in such Writing to be named, then and there to testify on Oath (which Oath the said Commissioners are 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 Place of Abode; and every such Person so summoned, who shall not appear before the said Commissioners pursuant to such Summons, (except for some reasonable Cause), or shall refuse to be sworn and fully examined, (the reasonable Charges of his or her Attendance to be settled by the said Commissioners, 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 nor less than Forty Shillings, as such Justice shall think reasonable.

Witnesses
giving false
Evidence; to

XLV. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before the said Commissioners or any Justice
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or

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. be guilty of Perjury.

XELVI. And be it further enacted, That the said Commissioners, as soon as conveniently may be after they have compleated the several Works directed to be made and done by this Act, and within Three Years next after the said herein-before mentioned Rate or Assessment shall be determined and settled as aforesaid, 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 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, 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 Commissioners by virtue of this Act, as well as all other Bridges, Sluices, Outlets, Drains, and other Works, which shall come under the Cognizance of the said Commissioners 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 they the said Commissioners 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 Newspapers aforesaid, that the Draft of such Award or Instrument, and of the said final Rate or Assessment to be annexed thereto, will be produced and open for the Inspection of all Persons interested therein, on Two successive Days in One Week, at the City of *Wells*, and on Two successive Days in the ensuing Week at *Bridgewater*, both in the said County (such Notice to be given at least Twenty Days before the First Day of producing the same as aforesaid, and at least Eighty 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 Commissioners 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 Commissioners are hereby required to direct and appoint their 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 suffer the same to be inspected and examined by all Persons interested therein, or their Agents; and if any Person or Persons, Bodies Politick, 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 said 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 be brought after such next General Quarter Sessions of

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 Commissioners 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 within Two Calendar Months next after such Second General Quarter Sessions of the Peace, be signed and sealed by the said Commissioners; 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 Commissioners 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 Commissioners) 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 to the Commissioners of Sewers, shall receive Five Guineas 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 by the said Clerk to the said Commissioners of Sewers, shall from Time to Time and at all Times thereafter 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.

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

XLVII. And be it further enacted, That immediately after the said Award or Instrument shall be so executed by the said Commissioners, and delivered to the said Clerk of the Peace or his Deputy, and to the said Clerk of the Commissioners of Sewers or either of them, as aforesaid, (of which the said Commissioners appointed in or by virtue of this Act are hereby directed to give Notice in the several Newspapers as aforesaid), all the Powers of the said Commissioners appointed 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, 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 Person or Persons who shall from Time to Time be the Owners or Proprietors of the several Lands and Grounds charged in such final Rate and Assessment, and Charge, towards the repairing, rebuilding,

new

new making, or otherwise altering and amending all and every the said Works intended to be made, done, and executed by the said Commissioners appointed in or by virtue of this Act and in pursuance thereto, 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, 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 Commissioners appointed in or by virtue of this Act.

XLVIII. And be it further enacted, That the said Commissioners appointed or to be appointed by virtue of this Act, shall and they are hereby empowered and required, within Six Calendar Months next after the Execution of the said Award, to make up, settle, and finally close all their Accounts respecting the Execution of this Act, and thereupon to deliver such Accounts, with all Books, Papers, Writings, and other Matters and Things whatever in their 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, and from Time to Time to give a Draft on their Bankers for 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 Sessions of Sewers, shall be a proper Discharge to the Commissioners appointed or to be appointed by virtue of or under this Act, for any Sum or Sums of Money which shall be by them drawn for or paid in pursuance of such Order or Orders as aforesaid.

Commissioners to account.

XLIX. 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 any Cut, Drain, or Watercourse, Floodgate, Outlet, Clyes, Sluice, Bridges, 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 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 case of Petit Larceny; and if any Person shall obstruct, hinder, or molest the said Commissioners 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, compleating, and finishing the several Works intended to be done, performed, and executed by virtue of this

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

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Act,

Act, every such Person so offending, and being thereof convicted, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

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

L. And be it further enacted, That in case any Damage or Injury whatsoever shall be done to the Warths, Lands, Buildings, Bridges, Sea Walls, or Water Works or Water Fences, or to any other Works or Property whatsoever, of any Person or Persons whomsoever, in consequence of making any such new Outlet or Outlets, Floodgate or Floodgates, Sluice or Sluices, Bridge or Bridges, or any new Cut or Cuts, or any Works below, at, or above such new Outlet or Outlets, Floodgate or Floodgates, on, below, above, at, or near *Highbridge*, or any of them, for the Purpose of more effectually discharging the Waters of the River *Brue*, and the several Drains connected therewith, into the River *Parrett* and *Bristol* Channel aforesaid, or in consequence of widening or deepening the said River *Brue*, the said Commissioners appointed in and by virtue of this Act, shall from Time to Time, as long as the Powers and Authorities hereby given to them shall exist and continue, repair and make good all such Damage and Injury which shall be so done to the Warths, Lands, Buildings, Bridges, Sea Walls, or Water Works or Water Fences, or to any other Works or Property whatsoever, of any Person or Persons as aforesaid, and from Time to Time make new and additional low Water Works and other Water Works, 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 last-mentioned Commissioners 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 Water Works, and other Water Works, 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 Commissioners 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 Land or Ground used or taken by the said Commissioners by virtue of this Act, and any Damages or Injury sustained thereby, is herein before directed to be settled and ascertained.

Recovery and
Application of
Penalties and
Forfeitures.

LI. 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 Witness, 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

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) 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 removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Limitation of
Actions.

LVI. And be it further enacted, That no Action, Suit, or Information, shall be brought, commenced, or prosecuted, against any Person or Persons, for any Thing done in pursuance of this Act, unless Thirty Days previous Notice in Writing shall be given by the Person or Persons intending 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 of *Somerset* 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 Information shall have been brought or commenced before or after the respective Times so limited for bringing 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 Nonsuit, or suffer a Discontinuance of his, her, 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, the Defendant or Defendants shall have treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

Publick Act.

LVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice of it as such, without specially pleading the same.

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