



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 58.

An Act for draining, preserving from Water, and improving, certain Low Lands and Grounds, lying within the several Parishes or Chapelries of *Wookey, Westbury, Rodney-Stoke, Wedmore, Mear, Weare, Nyland, Badgworth, Biddisham, East Brent, South Brent, Cheddar, Axbridge, Compton Bishop, Loxton, Bleadon, Brean, Berrow, and Lympsham*, all in the County of *Somerset*; and for altering and improving the Navigation of the River *Axe*, within the said Parishes of *Bleadon, Lympsham, Loxton, East Brent, Compton Bishop, Biddisham, Badgworth, Weare, and Axbridge*, some or One of them, above and from a certain Place called *Southern Mead Barrs*, situate within the said Parish of *Bleadon*.

[24th May 1802.]

[*Loc. & Per.*]

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WHEREAS

WHEREAS there are several Low Lands and Grounds in the several Parishes, Chapelries, Villages, or Hamlets of *Wookey, Westbury, Rodney-Stoke, Wedmore, Mear, Weare, Nyland, Badgworth, Biddisbam, East Brent, South Brent, Cheddar, Axbridge, Compton Bishop, Loxton, Bleadon, Brean, Berrow, and Lympham*, all in the County of *Somerset*, lying on or near, and draining into the River *Axe*; which, from their low and flat Situation, and by reason of there not being any Dam, Sluice, Lock, or Stophatches, in, upon, or across the said River *Axe*, in order to prevent the Water from the *Bristol* Channel at High Tides from running up the said River, and by the circuitous Course of the said River *Axe*, and by the Narrowness of the same, and by divers other Obstructions, Impediments, and Annoyances, in Bridges and otherwise, in, over, upon, and near to the said River *Axe*, are very liable to be flooded, 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, Locks, Dams, or Sluices, and other Works and Conveyances, were made for draining and preserving from future Floods the said Low Lands and Grounds, great Benefit would accrue to the Owners and Proprietors thereof, and to the Publick, and the Navigation of the said River *Axe* would be improved; 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 *James Stephens* of *Camerton House*, *Francis Edwards Whalley* of *Winscombe*, both in the County of *Somerset*, Esquires, and *Wyndham Goodden* Esquire, Barrister at Law, 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 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

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.

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

Commissioners Allow-
ance.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as 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 *A. B.* 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; 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 of the *Bath* Newspapers respectively, and also to be affixed in some publick Place in the City of *Wells*, and in the Town of *Axbridge*, in the said County, of the Time and Place of their First Meeting for executing the Powers of 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 to cause Ten Days Notice at least to be given in some or One of the *Bristol* and of the *Bath* Newspapers respectively, of every subsequent Meeting (Meetings by Adjournment, which it shall and may be lawful for the said Commissioners, or any One of them, from Time to Time to make, only excepted).

First Meeting.

VII. And

Proceedings
of Commis-
sioners to be
entered in a
Book.

VII. And be it 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, and other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this Act.

Officers.

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 to 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 the Monies to arise by virtue of this Act, allow and pay to such Clerks, Surveyors, Assessors, Receivers, Collectors, and to such other Person or Persons as shall be aiding or assisting to them in their respective Offices, or that shall in any Way be employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said 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 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 upon 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

Officers to
give Security.

Officers to ac-
count,

or be punish-
ed.

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 under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not appearing, or not alledging a sufficient Excuse, 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 Witness or Witnesses (which Oath the said Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Person, such Justice shall and he is hereby required and authorized 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, and be it further enacted, That every Clerk, 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),

Clerk, Surveyors, and Assessors Oath.

‘ 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 Trust 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.*’]

One Commissioner empowered to administer 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 ; and which Oath or Affirmation so taken and subscribed, shall be deposited as the Commissioners Oath is herein-before directed to be deposited.

Commissioners to view Rivers, Drains, etc. and employ an Engineer or Engineers.

X. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to view the River *Axe*, and the several Drains, Rhines, Clices, and Shuttles communicating or connected therewith, and the Bridges upon and over the same, and to employ a Surveyor or Surveyors, Engineer or Engineers, or other Person or Persons whom they shall think proper, for the same Purpose ; and which said Surveyor or Surveyors, Engineer or Engineers, are hereby required forthwith to make and deliver to the said Commissioners a Report in Writing, under their respective Hands, and also, if required, a Plan or Plans of the best and most effectual Means of widening, deepening, and improving the said River, and the several Drains, Rhines, Clices, and Shuttles communicating or connected therewith, and of improving the Bridges upon and over the same, and for erecting and building proper and necessary Dams, Sluices, and Floodgates thereon respectively, and for making such other Improvements for perfecting the intended Drainage of the said Low Lands and Grounds as shall appear proper and necessary, and also for improving the Navigation thereof within the said Parishes of *Bleadon, Lympsham, Loxton, East Brent, Compton Bishop, Biddisham, Badgworth, Weare, and Axbridge*, some or One of them, above and from a certain Place called *Southern Mead Barrs* aforesaid, situate within the said Parish of *Bleadon*, and of the probable Costs, Charges, and Expences of carrying the same into complete Effect.

Plan and Book of Reference to remain with the Clerk of the Peace.

XI. And whereas the making of a Lock, with a proper and convenient Side Cut thereto, as intended hereby, at or near the said Place called *Southern Mead Barrs* aforesaid, will improve the Navigation aforesaid, and be productive of great Advantage to the Publick : And whereas a Map or Plan describing the Line of the said intended Alteration of the said River, now subject to such Navigation, and the Lands through which the same is intended to be made, together with the Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Somerset* ; be it therefore enacted, That such Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the

the Peace for the said County, and that all Persons shall at any reasonable Time or Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts; and that the said Commissioners in making the said intended Alteration as aforesaid, shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Map or Plan, nor shall any such Deviation, so far as relates to the Navigation aforesaid, be made into or carried through the Lands of any Person not named in the said Book of Reference, without the Consent in Writing of such Person: Provided nevertheless, that no Advantage shall be taken, nor any Interruption be given in making the said intended Alteration, on Account of any Error or Omission in the said Book of Reference, in Case it shall appear to the said Commissioners, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

XII. And be it further enacted, That all Persons whomsoever shall have free Liberty to navigate upon the said River, with such Boats and Vessels as they have usually employed or may hereafter employ, without any Interruption from the said Commissioners or any other Person or Persons whomsoever, and without paying any Sum or Sums of Money for passing or repassing any Lock or Locks that may be intended by virtue hereof, to be erected thereon, or to any Charge whatsoever.

That Navigation shall be free.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to drain, in the best and most effectual Manner, according to the best of their Skill and Judgement, the said Low Lands and Grounds; and for that Purpose it shall be lawful for the said Commissioners, and their Agents, Workmen, and all other Persons by them employed, and they are hereby authorized and empowered from Time to Time and at all Times hereafter, at their Will and Pleasure, to enter into and upon any Lands or Grounds whatsoever, of or belonging to any Person or Persons, Bodies Politick, Corporate, or Collegiate, within the Parishes and Chapelries aforesaid, or within any or either of them, and to straighten or alter the Course or Direction of the said River *Axe*, or any of the Drains leading towards or into the same, and to make, open, and cut in or upon such Lands or Grounds, or any Part thereof, any new Banks, Bays, Rivers, Yeos, Channels, Rhines, Roads, Ditches, Cuts, Passages, Culverts, or Trenches; and maintain and cleanse all such Rivers, Yeos, Channels, Rhines, Ditches, Cuts, Passages, Culverts, Banks, or Trenches, leading to, or communicating or connected with the said River *Axe* as now or hereafter shall be made, opened, or cut therein; and to alter, remove, rebuild, and repair any Banks, Engines, Sluices, Floodgates, Drains, Clices, Bridges, Culverts, Roads, and other Works already made and erected, and also to erect and build, and from Time to Time to alter any new Banks, Engines, Sluices, Flood Gates, Locks, Dams, Clices, Bridges, Culverts, and other Works on the said River *Axe*; and also to dam, bay, and stop up any ancient Brooks, Rhines, Pills, and Watercourses, and remove any Clice or Clices erected thereon; and also to make any Embankment or Embankments against any Lands adjoining the said River *Axe*, within the said Parishes, any or either of them, in, upon, and through the Lands

Commissioners empowered to make new Drains and Outlets, etc.

and Grounds aforesaid, for the more effectual carrying the Purposes of this Act into Execution, and for the better conveying the Waters from the same Lands and Grounds into the said River *Axe* and *Bristol* Channel, as shall be thought fit, necessary, and convenient by the said Commissioners.

Commissioners may agree for the Purchase of Lands, etc.

XIV. 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 Grounds, 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, Femmes 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 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

rized and required, Fourteen Days at least before they shall make the Application to the Justices of the Peace as 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 empanel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required to empanel, 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, or before any Two Justices who may attend, all such Persons who shall be thought necessary to be examined as Witnesses, touching the Matter in Question, as well upon the Application of the Parties interested as otherwise, and also to examine such Witnesses upon Oath (which Oath the said Justices of the Peace are hereby empowered to administer), touching the Matters in Controversy; and the said Justices may, by Order in Writing, direct the said Jury, or any Six or more of them, to view the Place or Places and Matter in Question; and the said Jury shall 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

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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 the Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Two-pence for every Seventy-two Words and no more.

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

XV. Provided always, and be it further enacted, That if such Sheriff or Coroner, or his Under Sheriff or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Pounds nor less than Ten Pounds; and if any such 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 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.

Expences of the Jury.

XVI. 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, together with all such Charges as shall be incurred by the Person or Persons entitled to such Recompence or Satisfaction, in ascertaining the Recompence and Satisfaction to be made, shall be settled by the said Justices, and be defrayed by the said 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 the Damages only, then and in every such Case the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands 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 the Recovery of the Rates and Taxes.

XVII. Provided

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

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

XVIII. And be it further enacted, That if in making any new River or Cut, or altering the Channel of the River *Axe*, or 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, delivered 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 hereinbefore 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:

Commissioners required to purchase Lands cut through of certain Dimensions.

‘ I, _____ of _____ in Consideration of
 ‘ I, _____ to me paid by
 ‘ Commissioners appointed in and by virtue of an Act passed in the Forty-
 ‘ second Year of the Reign of King *George* the Third; intituled [*Here set*
 ‘ *forth the Title of this Act*] do hereby grant, sell, release, and convey
 ‘ [*or, if Leasehold or Copyhold, sell, or, assign*] unto the said Commis-
 ‘ sioners, all, &c. [*describing the Premises to be conveyed*] and all my Estate,
 ‘ Right, Title, and Interest, to and in the same; to hold to the said Commis-
 ‘ sioners

‘ sioners, their Successors, and Assigns, for ever [or, if Leasehold or Copy-
 ‘ hold, or for a particular Estate, state the Term or Interest intended to be
 ‘ granted or assigned] by virtue of 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 ; (that is to say),

‘ WE Commissioners appointed
 ‘ in or by virtue of an Act passed in the Forty-second Year of the
 ‘ Reign of King George the Third, intituled, [Here set forth the Title of
 ‘ this Act] in Consideration of the Sum of
 ‘ to us paid by of do hereby
 ‘ severally grant, sell, release, and convey [or, if Leasehold or Copyhold,
 ‘ sell, or, assign] unto the said all [describing the Premises
 ‘ to be conveyed] and all our Estate, Right, Title, and Interest to and in
 ‘ the same ; to hold to the said Heirs and Assigns for
 ‘ ever [or, if Leasehold or Copyhold, or for a particular Estate, state the
 ‘ Term or Interest intended to be granted or assigned] by virtue of and ac-
 ‘ cording to the true Intent and Meaning of the said Act. In Wit-
 ‘ nefs, &c.

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

XIX. Provided always 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.

Application of
 Compensation
 where exceed-
 ing 200 l.

XX. 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 Disability or Incapacity as herein mentioned, such Money shall, in case the same exceeds the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said 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

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 which shall be so purchased, taken, or used, or damaged as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the 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, and without any Order of the Court of Chancery, be invested by the said Accountant General, in his Name, in 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.

XXI. 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 such 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.

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

XXII. 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 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 Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20^l.

Where any new Cut shall be made for the Purpose of straightening the River *Axe*, &c. Commissioners shall appoint Proportions, etc.

XXIII. And be it further enacted, That where any new Cut or new Cuts, or new Bank or new Banks, shall be made by virtue of this Act, for the Purpose of straightening the said River *Axe*, 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 or Banks, which shall be made in the Place of such Part of the said River as 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.

Sea Wall to be kept in Repair.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to make such Alterations and Amendments as they shall think necessary in the present Sea Wall or Sea Bank, or make such new or other Sea Wall or Sea Bank, completely to defend and secure the said Lands and Grounds from the Inundation of the Sea, and for the more effectually doing thereof, to erect any Dam or Clice, Dams or Clices, at or near *Welsham Pill*, within the said Parish of *Lympsham*, and remove any such Dam or Clice, Dams or Clices, now being in, through, or under such Sea Wall or Sea Bank, as to the said Commissioners shall seem meet and proper, and the Expence of doing thereof, and keeping the same in Repair, shall from Time to Time be borne and paid in the like Manner as the said Commissioners shall in and by their said Award direct and appoint.

Nothing in this Act contained to exonerate Persons from doing their ancient Works, etc.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall discharge and exonerate, or be construed to discharge and exonerate any Person or Persons, Lands, Tenements, and Hereditaments from the repairing, maintaining, and cleansing the old Channel of the River *Axe*, and the Banks thereof, within the Parishes aforesaid, 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 especially provided for.

Where any Part of the River shall be rendered useless, &c. Commissioners to sell the same, etc.

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

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 shall convey the same to any Purchaser or Purchasers thereof respectively in Fee Simple, by such Form of Conveyance as herein-before mentioned and set forth as the Form of Conveyance from the said 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 and applied to the Purposes of this Act.

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 Roads, Ways, Paths, or Passages of any Person or Persons to or from his, her, or their Grounds or Premises, or otherwise howsoever, on Foot, or with Cattle or Carriages, 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 Cases may require to be properly built; for the convenient Use and Passage of any such Person or Persons on Foot, or with Cattle or Carriages, and to defray the Expence of erecting and making such Bridges out of the Monies to be raised by virtue of this Act.

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

XXVIII. And whereas, by Means of making the said new Cuts or Drains, and other Works, and the proper Embankments for the same, the Lands of several of the Proprietors may be thereby severed and divided, so as to render the future Occupation thereof very inconvenient, unless Bridges of Communication were to be made and supported over such new Cuts or Drains, which Bridges, from the large Dimensions of the said Cuts or Drains, cannot be erected and supported but at a very considerable Expence, which may be avoided by Exchange of the same Lands so severed and divided; be it therefore further enacted, That it shall and may be lawful for any of the Proprietors or Owners of any Lands or Hereditaments within any of the respective Parishes or Chapelries aforesaid, or for the Guardians of Infants, Husbonds, or Trustees of Femes Covert, Committees or Trustees of Idiots, Lunatics, and Persons beyond the Sea, or the Attornies of any Persons beyond the Sea respectively, and for all Trustees for any charitable Use or Purpose, and all Tenants for Life or Lives, or in Tail, of any such Lands or Hereditaments, or the Guardians, Husbonds, Trustees, or Committees of such Tenants for Life or Lives, or in Tail respectively, who shall be disabled or incapacitated to act for themselves, to exchange all or any such Lands or Hereditaments so severed or divided, within any such Parishes or Chapelries as aforesaid, for any other Lands or Hereditaments of equal Value, within any of the said Parishes, Chapelries, or Places, and to convey the Fee Simple of the Lands or Hereditaments to be granted by them on such Exchanges, in such Manner as if the Grantor or Grantors was or were absolutely entitled thereto in his, her, or their own Right or Rights, and under no Disability or Incapacity to convey; so that all such

Allowing Exchanges to be made.

such Exchanges be made by and with the Consent and Approbation of the said Commissioners, and be ascertained and declared by some Instrument in Writing under their Hands and Seals; and that the Lands or Hereditaments so to be taken in Exchange shall enure to such and the like Uses, and be subject to such and the like Tenures, Trusts, Rents, Payments, Conditions, and Charges, as the Lands or Hereditaments for which the same shall be so taken in Exchange shall be limited, subject, or liable to at or immediately before the Time of making such Exchanges respectively; and every such Exchange so to be made as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, notwithstanding any legal or natural Incapacity of any Proprietor or Owner respectively making any such Exchange: Provided, that no Exchange shall be made of any Lands or Hereditaments held in Right of any Church or Chapel, without the Consent of the Lord Bishop of the Diocese for the Time being, signified by Writing under his Hand and Seal, and the Patron of such Church or Chapel for the Time being, signified in Manner as aforesaid.

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

XXIX. 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 for the Purpose of straightening the said River *Axe*, as are herein-before last mentioned), Rhines, Ditches, Passages, Trenches, Engines, Sluices, Flood Gates, Culverts, Bridges, Sea Walls, and new Banks, 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 and by their said Award direct and appoint.

Commissioners to make a Rate or Assessment on Lands affected, etc.

XXX. 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 make or 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 yearly Value of such Lands and Grounds, in Proportion to the Benefit and Advantage such Lands and Grounds shall or may respectively receive in their Judgment 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 to be so assessed, or unto some or One of them, a fair Copy or fair Copies of the Assessments made on the several Lands lying within such Parish 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

and they are hereby required to cause Notice to be given on the Two ensuing *Sundays* after receiving the same, in the Church or Chapel of such respective Parish or Chapelry, immediately after Divine Service (if Divine Service shall be performed in such Church or Chapel on such said *Sunday*), or by Writing to be affixed on the principal outward Door of such Church or Chapel, and where the same can be done then 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-before 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 shall 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 Objection and Objections 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 and 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 Determination of the said Commissioners, to the next General Quarter Sessions of the Peace to be held in and for the said County of *Somerset*; and the Justices of the Peace assembled at such 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 award 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.

[*Loc. & Per.*]

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XXXI. And

Commission-
ers to make
Rates to raise
the Money to
defray the
Expences.

XXXI. 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 wrongfully 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 as have been incurred by the Commissioners of Sewers of the said County, as those which shall be incurred in the soliciting and passing of 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, Clice or Clices, and of making any new Cuts, and of purchasing Lands for that Purpose, and of building, scouring, digging, widening, pulling down, deepening, altering, and repairing all such Bridges, Banks, Dams, Sluices, Culverts, Rhines, Ditches, Watercourses, and Drains, as shall be deemed necessary for the Purposes of this Act, and of preparing and depositing the Award or Instrument herein-after mentioned, and all other necessary Allowances, Charges, and Expences relative to the putting this Act in 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 Rates 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 outward 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 and Place, or the Times and Places, and to the Person or Persons to be appointed as aforesaid, that then the said Commissioners shall and 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 be levied by Distress and Sale as aforesaid by any Want of Tenant, or Insufficiency of Stock, or otherwise, then the said Commissioners shall and may, and they are hereby authorized and empowered, by War-

rant

rant 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 hath or have so neglected or refused to pay as aforesaid, and to let the same, and to receive the Rents and Profits thereof respectively, until thereby or therewith such Rate so neglected or refused to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by such Entry, and the Receipts 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.

XXXII. Provided always nevertheless, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to abridge, alter, or suspend any of the Powers or Authorities given, reposed, and vested in the Commissioners appointed in and by virtue of an Act, passed in the Forty-first Year of the Reign of His present Majesty, for draining, preserving from Water, and improving certain Low Lands and Grounds lying within the several Parishes or Chapelries of *North Wootton, Pilton, West Pennard*, and the several other Parishes in the said Act mentioned, all in the County of *Somerset*, so far as relates to all such Lands or Grounds which can be most effectually drained into the River *Brue*, in the said County of *Somerset*.

For preserving the Rights of Commissioners under the *Brue Drainage Act*.

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 that the said Rates may be more easily and effectually collected, be it further enacted, That where any of the Lands and Grounds which shall be so rated or assessed as aforesaid, shall be in the Occupation of any Tenant or Tenants at Rack Rent, such Tenant or Tenants, except as 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 respective

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

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

spective 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: Provided always, that where any Lands or Grounds shall be demised to any such Tenant or Tenants at Rack Rent, for any Term or Terms of Years, that then the said Commissioners shall, and they are hereby authorized and required, to apportion such Rate and Assessment between the Lessor and Lessors, and the Lessee and Lessees, in such Manner as to 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, etc. enabled to raise the Assessment by Mortgage.

XXXV. 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 seized only in Right of his Wife, and for all Persons being or acting as Guardians, Committees, Trustees, or Attorneys 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 when paid by the Landlord, 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 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

Tenants for Life may charge by Will.

nant 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.

XXXVI. And be it further enacted, That it shall and may 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 for securing the Re-payment of the same, with Interest, to demise and grant, for a Term not exceeding Twenty-five Years, the several Lands or Grounds which shall be so rated or assessed, or any Part thereof, to the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns; so 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 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 transferrable and assignable in like Manner as any other Mortgages are transferrable 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 Commissioners of Sewers.

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.

[Loc. & Per]

II G

XXXVII. And

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

XXXVII. 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 or lend the same, such Sum and Sums of Money (not exceeding in the Whole the Sum of Fifteen thousand Pounds), as the said Commissioners shall think expedient, towards defraying the Charges and Expences of passing and executing the Powers of this Act, and the Interest thereof, until the same can conveniently be 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 or 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 Money so borrowed shall be repaid, with 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, with Interest, by and out of the first Money that shall, after the Date and Execution of such Charge, be levied and raised by the said Rates and Assessments, or any of them, by virtue of this Act.

Assessments to be chargeable with Money borrowed, and Interest:

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

XXXVIII. And it is hereby further enacted and declared, That the Taxes and Assessments to be raised and levied by virtue of 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 and 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.

Commissioners to lodge Monies at a Banking House, etc.

XXXIX. 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, with the Consent of the Parties, there to be placed to the Credit of the said Commissioners (who shall, if they see Cause or Occasion for so doing, 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

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 of *Somerset* next after the passing of this Act, to deliver in open Court an Account signed by them of all Monies which at that Time shall 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: 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 to be answerable for any Loss occasioned by the Failure of any Banking House.

XL. 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 or 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.

Power to summon Witnesses

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

Witnesses giving false Evidence, to be guilty of Perjury.

XLII. And be it further enacted, That the said Commissioners, as soon as conveniently may be after they have completed the several Works directed to be made and done by this Act, and within Four Years and Six Calendar Months 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

Award.

together with all proper Orders and Directions by whom and at whose Expense 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 *Axbridge*, both in the said County of *Somerset* (such Notice to be given at least Twenty Days before the First Day of producing the same as aforesaid, and at least Forty Days before the next General Quarter Sessions of the Peace to be held in and for the said County), and of the Times and Places where the said 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 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 Three Calendar Months next after such Second General Quarter Sessions of the Peace, be signed and sealed by the said Commissioners, and shall, within Two Calendar Months next after the same shall be so signed and sealed, be delivered to the said 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

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 of 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 his Deputy, or by the said Clerk to the said Commissioners of Sewers, shall from Time to Time and at all Times hereafter be admitted and allowed in all Courts as legal Evidence; which said Copy the said Clerk of the Peace or his Deputy, or the said Clerk of Commissioners of Sewers, is hereby ordered and required to make and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy Eightpence 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.

XLIII. 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 a Copy 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, Yoes, 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 the Person and Persons who shall from Time to Time be the Owners or Proprietors of the several Lands and Grounds charged in such final Rate and Assessment and Charge, towards the repairing, rebuilding, 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 thereof, when and as often as the same shall be needful and necessary; and shall and may, in Default of Payment thereof, cause the same to be levied and recovered by such Ways and Means, 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.

After the Award shall be executed, the Powers vested in the Commissioners shall cease; and the Commissioners of Sewers shall be vested with the same.

[*Loc. & Per.*]

11 H

XLIV. And

Commissioners to account.

XLIV. And be it further enacted, That the said Commissioners appointed or to be appointed by virtue of this Act, shall, and they are hereby 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 signed by them, with all Books, Papers, Writings, and other Matters and Things whatsoever 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 by the said Commissioners of Sewers, 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.

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

XLV. 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, Clive, Sluice, Bridge, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be made or erected for answering any of the Purposes of this Act, all and every Person and Persons so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in such Manner as Felons are directed to be punished by the Laws and Statutes of this Realm; or the Court may, if they shall think fit, in Mitigation of such Punishment, award such Sentence as the Law directs in Cases of Petit Larceny; and if any Person shall obstruct, hinder, or molest the said 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, completing, and finishing the several Works intended to be done, performed, and executed by virtue of this Act, every such Person so offending, and being thereof convicted, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

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

XLVI. 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 Bodies Politick or Corporate, or any Person

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, for the Purpose of more effectually discharging the Waters of the River *Axe*, and the several Drains connected therewith, into the *Bristol* Channel aforesaid, or in consequence of widening or deepening the said River *Axe*, or in consequence of daming, baying, or stopping up any ancient Brooks, Rhines, Pills, or Watercourses, or removing any Clice or Clices erected thereon, or of making any Embankment or Embankments against any Lands adjoining to the said River *Axe*, or otherwise howsoever, 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 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 Damage or Injury sustained thereby, is herein-before directed to be settled and ascertained.

XLVII. 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 to grant), and the Overplus, after such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted,

Recovery and
Application of
Penalties and
Forfeitures.

ducted; shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Goal or House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall be paid to the said Commissioners, and be applied for the Purposes of this Act.

Persons ag-
grieved by
Irregularity
in Distress to
recover special
Damages only.

XLVIII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed as Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

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

Form of Con-
viction.

‘ To wit. } **BE** it remembered, That on the _____ Day of _____
‘ in the Year of our Lord _____
‘ is convicted before me, _____ One of His Majesty’s Justices
‘ of the Peace for the said County [*or, Place, as the Case may be, speci-*
‘ *fying the Offence, and Time and Place when and where the same was*
‘ *committed*]. Given under my Hand and Seal the Day and Year
‘ aforesaid.’

Proceedings
not to be
quashed for
Want of
Form.

L. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

LI. And

LI. And be it further enacted, That if any Person or Persons shall Appeal. think himself, herself, or themselves aggrieved, by any Thing done in pursuance of this Act, then, and in every such Case, (except where the Orders or Determinations of the said Commissioners, or of any Justices, are directed to be final, binding, or conclusive, or where any other Mode of Relief is appointed) such Person or Persons may appeal to any General Quarter Sessions of the Peace to be holden for the County or Place where such Cause of Appeal shall happen, or arise within Three Calendar Months after the Cause of Appeal shall have arisen, first giving Ten Days Notice at the least in Writing of such Intention to appeal to the Parties interested therein; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem meet and reasonable; and by their Order or Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus, (if any), 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.

LII. 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, or if on a Demurrer or otherwise, Judgement shall be given 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.

[*Loc. & Per.*]

II I

LIII. And

Publick Act.

LIII. 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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