



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 1.

An Act for draining and improving Lands in the Parishes of *Bray, White Waltham, Shottesbrook, Lawrence Waltham, Binfield, Ruscomb, Wargrave, Remenham, and Hurley*, in the County of *Berks*, and the Liberties of *Whistley* and *Broad Hinton*, in the Parish of *Hurst*, in the Counties of *Berks* and *Wilts*.  
[8th May 1818.]

**W**HEREAS there are within the several Parishes of *Bray, White Waltham, Shottesbrook, Lawrence Waltham, Binfield, Ruscombe, Wargrave, Remenham, and Hurley*, and the Liberties of *Whistley* and *Broad Hinton*, in the Parish of *Hurst*, or some of them, in the Counties of *Berks* and *Wilts*, certain Lands which are exceedingly subject to Inundations, and which suffer great Injury from the Accumulation and Settlement of Water; and it will be of great Advantage to all the Parties interested therein if the said Lands were properly and sufficiently drained, and Provision made for supporting and keeping open such Drainings in future, and the same would likewise be a great Advantage to the Public; but forasmuch as such Objects cannot be obtained or effectually carried into Execution without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Nathaniel*

Commissioners.

[Local.]

13 B

*Dukinfield*

*Dukinfield of Stanlake Baronet, Arthur Vansittart of Shottesbrooke, John Sawyer of Heywood Lodge, Strickland Freeman of Fawley Court, George Henry Elliott of Binfield, Charles Fuller of Philberds, John Mangles of Hurley, Thomas Deane of Lawrence Waltham, Thomas Richard Walker of Oxford, Edward Green of Wargrave, Esquires; and Samuel Nicholls of Hinton House M. D., and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed the Commissioners for draining and improving the said Lands, and for putting this Act into Execution, in the Manner and subject to the Provisoes, Rules, Orders, and Restrictions herein-after contained.*

Election of  
new Commis-  
sioners.

II. And be it further enacted, That in case any of the said Commis-  
sioners herein-before named, or to be appointed in Manner herein-after  
mentioned, shall die, neglect, or refuse to act, or become incapable of  
acting for the Purposes of this Act, then and in every such Case it shall  
be lawful for the major Part in Value of the several Persons interested in  
the said Drainage and Improvement, in the Parish or Liberty wherein such  
Vacancy shall occur, (such Value to be ascertained by the then last  
Land Tax Assessment to be made for the said Parish or Liberty) who  
shall attend by themselves or their Agents, duly authorized, at a Meeting  
to be held for that Purpose at the *Sun Inn at Maidenhead*, of which Notice  
shall be given by Five or more of the remaining or surviving Commis-  
sioners, or their Clerk, in some one or more Newspapers circulating in the  
Neighbourhood, Fourteen Days at the least before the Time appointed  
for such Meeting, to nominate, elect, and appoint some fit and proper  
Person or Persons to be a Commissioner or Commissioners in the Room or  
Stead of such Commissioner or Commissioners so dying, neglecting or  
refusing to act, or becoming incapable of acting as aforesaid; and that every  
such new Commissioner, when nominated, elected, and appointed in Manner  
aforesaid, shall have the like Powers and Authorities in all respects, for  
carrying the Purposes of this Act into Execution, and shall be subject and  
liable to the same Rules, Orders, and Regulations, as if he had been  
originally named and appointed by this Act.

Commission-  
er's Oath.

III. And be it further enacted, That no Person shall be capable of acting  
in the Execution of this Act (except in administering the Oath herein-  
after directed), until he shall have previously taken and subscribed the fol-  
lowing Oath; that is to say,

‘ I do swear, That I will faithfully, honestly,  
and impartially, according to the best of my Skill and Judgment,  
execute the Trusts reposed in me as a Commissioner by virtue of an  
Act passed in the Fifty-eighth Year of the Reign of King George the  
Third, intituled *An Act [here set forth the Title of this Act.]*’

Which Oath any One of His Majesty's Justices of the Peace for the said  
County of *Berks* shall and may administer.

At any Meet-  
ings Five  
Commission-  
ers may exe-  
cute the Act.

IV. And be it further enacted, That at any Meetings of the said Com-  
missioners to be holden by virtue of this Act, it shall be lawful for any  
Five or more of the said Commissioners to proceed and execute the  
Powers given to them by this Act, and also to adjourn from Time to Time  
and Place to Place, as they shall think necessary, the first of such Adjourn-  
ments to be advertised in some One or more public Newspapers usually  
circulated

circulated in the Neighbourhood; but in case it shall happen that Five of the said Commissioners shall not be present at the First or any such General or adjourned Meeting, then, and in such Case, the Clerk to the said Commissioners shall and may adjourn the Meeting to the same Place, and to any Time not exceeding One Month next after the Day when the said Meeting ought to have been held, and shall cause public Notice to be given of such Adjournment, by advertising the same in Manner aforesaid, and so adjourn from Time to Time, until Five or more of the said Commissioners shall meet and be present at one Time; and the said Commissioners, or any Five or more of them, although not assembled at a Meeting, are hereby empowered and authorized, at any Time or Times, to appoint Special Meetings of the said Commissioners for putting in Execution all or any of the Powers hereby in them vested, at such Time as they shall think proper, by Writing under their Hands, of the Time and Place which shall be appointed for such Special Meeting, in which Advertisement the Business intended to be considered shall be stated, and at which Meeting any Five or more of the said Commissioners are hereby empowered to adjourn to such Time as they shall think proper; and all Orders and Proceedings of the said Commissioners at every Meeting, shall be entered in a proper Book to be kept for the Purposes thereof, and shall be signed by the Clerk, and such Entries shall be deemed original Orders and Proceedings, and may be read in Evidence in all Courts whatsoever; and the Commissioners present at every Meeting shall and may choose a President or Chairman, who, in case of an Equality of Votes on any Question (including the Vote of the Chairman), shall have another and a casting Vote.

V. Provided always, and be it enacted, That no Order or Proceeding made or had by the said Commissioners, shall be revoked or altered, unless at some Meeting to be holden as aforesaid, nor unless a Notice, signed by Five or more of the said Commissioners, stating their Intention to move at the then next Meeting that such Order or Proceeding may be revoked or altered, shall be given in Manner aforesaid, at least Fourteen Days before such Meeting.

Directions as to revoking Orders.

VI. And be it further enacted, That the said Commissioners shall and may also, at their First or any of their General Meetings to be holden under this Act, appoint a Treasurer, Clerk, Surveyors, Collectors, and other Officers, as they shall think necessary for the better Execution of this Act, and allow them or any of them such Salary or Salaries, or other Remuneration, out of the Monies to be raised by virtue of this Act, as they the said Commissioners shall think proper; and that all Treasurers, Collectors, and other Officers who shall be entrusted with the Receipt or Collection of any Monies to be raised by virtue of this Act, shall respectively give Security for the due Execution of their respective Offices, to the Satisfaction of the said Commissioners.

Commissioners may appoint Treasurers, Clerks, Surveyors, &c.

VII. And be it further enacted, That the said Commissioners shall receive no Fee, Salary, Reward, or Gratuity whatsoever, excepting only an Allowance for the Use of the Room wherein their Sittings shall be held.

Commissioners to receive no Allowance.

VIII. And

Commissioners may sue and be sued in the Name of their Treasurer or Clerk.

VIII. And be it further enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of their Treasurer or Clerk, and that no Action, Suit, or Information which may be brought, commenced, or filed, or Indictment which may be preferred or prosecuted by or against the said Commissioners, or any of them respectively, by virtue or on account of this Act, in the Name of their Treasurer or Clerk shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, or by the Act of any such Treasurer or Clerk, without the Consent of the said Commissioners; but the Treasurer or Clerk for the Time being to the said Commissioners shall always be deemed Plaintiff, Prosecutor, or Defendant, in such Action, Suit, Information, or Indictment, as the Case may be: Provided always, that every such Treasurer or Clerk, in whose Name any Action, Suit, Information, or Indictment shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to, or become chargeable with, by reason of his being made Plaintiff, Prosecutor, or Defendant therein.

Commissioners to make a Survey of Works.

IX. And be it further enacted, That it shall and may be lawful for the said Commissioners, or such Person or Persons as they shall appoint, without any previous Payment or Tender as Recompence, to enter upon any of the said Lands and Grounds, and to take a Survey and Level thereof, and to mark out such Parts thereof as shall be necessary for the more effectually draining and improving the same, and after Payment or Tender of the Purchase Money in Manner herein-after mentioned, to cause such Works to be done in or upon the same, or upon any of the Roads connected therewith, as shall be necessary for making a more free and ready Communication with the River *Thames*, at such Place as shall be deemed most suitable for that Purpose.

Bridges to be made.

X. And be it further enacted, That where the said Commissioners shall make or cut any Drains or Watercourses across any Road, Drove-way, or other public Highway, they the said Commissioners shall cause proper Bridges or Tunnels to be put down and placed over all such Cuts or Drains, and from Time to Time keep the same in good and proper Repair, until their Powers in the Execution of this Act shall cease.

Works vested in Commissioners until Trustees appointed.

XI. And be it further enacted, That all the Cuts, Drains, Ditches, Bridges, and other Works, which shall be made or erected or making and erecting by virtue of this Act, for the Purpose of effecting such Drainage and Improvement, shall be and they are hereby vested in the said Commissioners until their Power and Authority in executing this Act shall cease, and until the Trustees hereinafter directed to be chosen shall be appointed, but nevertheless for the Purpose only of supporting, maintaining, and preserving the same, and of commencing and supporting Actions or Prosecutions for any Injury or Damage done thereto, and that after such Appointment of Trustees shall be made and completed as hereafter mentioned, the said several Matters and Things so vested in the said Commissioners as aforesaid, shall be and are hereby vested in the said Trustees and their Successors; and the said Commissioners and Trustees respectively are hereby authorized and empowered to bring and maintain any Action

or

or Actions, in their own Names, or in the Name of their Treasurer or Clerk, and to prefer Indictments or other Prosecutions against any Person or Persons who shall break up, cut through, spoil, or injure any such Work or Works, or the Materials of which the same shall be composed.

XII. And be it further enacted, That in order to carry this Act into Execution, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to purchase such Part or Parts of the said Lands or Grounds as shall be necessary, at or for such Price or Prices respectively as shall be agreed upon between the said Commissioners and the Owners or Proprietors of such Lands, or as shall be awarded by Verdict of a Jury, and to use and employ the Lands so to be purchased for the Purposes of this Act. Commissioners may purchase Lands.

XIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or for Years, or in Tail, Husbands, Guardians, Feoffees in Trust, Committees, Executors, and Administrators, and all other Bodies or Persons whomsoever, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Cestuique Trusts, whether Infants, Issue unborn, or Lunatic, Idiots, Feme Covert, or other Persons, and to and for all Femes Covert who are or shall be seized or possessed of or interested in their own Right, and for any other Person or Persons whomsoever who is, are, or shall be seized or possessed of or interested in any such Lands, Grounds, and Premises as aforesaid, to contract and agree for the Sale of the same to the said Commissioners, and all such Contracts shall be valid in the Law to all Intents and Purposes whatsoever, any Law or Usage to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever so treating as aforesaid, are hereby indemnified for or in respect of such Contracts which he, she, they, or any of them, shall make by virtue of this Act; and all such Contracts shall be made at the Expence of such Commissioners, and all such Lands, Grounds, and Premises so agreed to be purchased as aforesaid shall, upon Tender or Payment in Manner herein-after mentioned of the Sum or Sums of Money agreed to be paid for the same, be vested in the said Commissioners and their Successors, or in the Trustees to be hereafter appointed in pursuance of this Act, who shall thenceforth be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, freed and discharged from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, and the same shall be employed and made use of for the Purposes of this Act, under the Regulations and Provisions herein expressed and contained. Tenants for Life, &c. may sell.

XIV. Provided always, and be it further enacted, That the said Commissioners shall make such reasonable Recompence and Satisfaction to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who shall sustain any Damage by reason of any of the Works to be made or done in or upon any of the said Lands or Grounds, in the Execution of any of the Powers of this Act, for or in respect of such Damage so to be sustained by him or them as aforesaid, as shall be agreed upon between the said Commissioners and such Person or Persons, Bodies Politic, Corporate, or Collegiate respectively; having regard, in estimating the Amount of Recompence for Damage.

[Local.]

such

Such Damage, to the actual Benefit and Advantage which such Person or Persons shall derive from such Drainage and Improvement; provided that in case any Dispute or Difference shall arise between the said Commissioners and such Party or Parties receiving such Damage, or between the said Commissioners and the Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom any of such Lands, Grounds, or Obstructions which it may be necessary to purchase shall belong, either touching the Quantum of Recompence and Satisfaction to be made for or in respect of such Damage, or regarding the Price or Consideration for the Premises so to be purchased as aforesaid, the same shall be assessed, adjudged, and determined by the Justices of the Peace who shall be assembled at the First or next General Quarter Sessions of the Peace which shall be held for the said County of *Berks* or *Wilts*, as the Case may be, (and who shall not be interested in the Matter in Dispute), after One Month's Notice shall have been given to the said Commissioners by the Person or Persons, Bodies Politic, Corporate, or Collegiate, complaining of such Damage, or of the Price or Consideration offered for such Purchase, that an Application for that Purpose will be made to the said Quarter Sessions; and such Justices shall and they are hereby authorized and required to charge the Jury which shall attend at any such Sessions, or some other Jury of honest and indifferent Men, (to be then and there impannelled and returned by the Sheriff of the said County of *Berks* or *Wilts*, as the Case may be, without Fee or Reward), and cause them to be sworn on their Oaths, well and truly to assess the Recompence and Satisfaction to be made for any such Damage, and the Price or Consideration for the Premises to be purchased, (which Oath the said Justices are hereby empowered and required to administer to the said Jury), to which Jurymen the said Commissioners, and the Party or Parties claiming, shall respectively have their lawful Challenges; and the said Jury being so charged and sworn as aforesaid, and after Evidence upon Oath then given of the Nature of such Damage, and of the Value of the Premises to be so proposed to be purchased, shall by their Verdict assess the Recompence or Satisfaction to be made for such Damage, and the Price or Value to be paid for the Premises so to be purchased; and the Judgment of the said Justices, and the Verdict of the said Jury thereupon, shall be final and conclusive to, upon, and between all Parties, provided that such Justices shall and may adjourn such Appeal to the next Sessions, if they shall see Occasion so to do; and upon Payment and Satisfaction of the Damages so to be assessed, or legal Tender thereof, to the Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom the same shall be awarded, or depositing the same in the Bank of *England*, as the Case may be, the said Commissioners, and their Officers and Servants, shall not be impleaded for any Act or Acts by or on account of which such Damages or Injury shall be occasioned; and that upon Payment of the Price or Consideration for the Purchase of any such Lands or Grounds as shall be mutually agreed upon, or on Payment or legal Tender of the Price or Consideration to be paid as aforesaid, or on depositing the same in the Bank of *England*, for the Use of the Person or Persons, Bodies Politic, Corporate, or Collegiate, entitled thereto, the Premises so to be purchased as aforesaid shall be absolutely vested in the said Commissioners for the Purposes of this Act.

Expences  
of Jury.

XV. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as a Recompence or Satisfaction for any Lands, Tenements,

Tenements, or Hereditaments, or for any Damages done to any Lands, Tenements, or Hereditaments, than had been previously offered by or on the Behalf of the said Commissioners as aforesaid, then all the Expences of taking such Inquest, and of the Witnesses attending thereon, and of recording and entering the Verdict and Judgment thereupon, shall be settled by the said Justices, and shall be defrayed by the said Commissioners out of the Monies to arise by virtue of this Act; but if a Verdict shall be given or made for the same or a less Sum than had been previously offered by or on the Behalf of the said Commissioners as aforesaid, or in case no Damage shall be given by the Verdict, where the Dispute is for Damages only, then and in every such Case the Costs and Expences of taking such Inquest, and of the Witnesses attending thereupon, and of recording and entering the Verdict and Judgment thereupon, shall be settled in like Manner by the said Justices, and shall be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands, Tenements, or Hereditaments in question; and whenever any Costs and Expences shall or may be payable to the said Commissioners, such Costs and Expences shall and may be deducted by the said Commissioners out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person and Persons; and the Payment or Tender of the Remainder of such Monies, or in depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case may be, shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and 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 hereinafter provided for Recovery of the Rates and Taxes to be raised and levied by virtue of this Act: Provided always, that whenever any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating, the whole of such Costs, Charges, and Expences shall be borne and defrayed by the said Commissioners.

XVI. 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, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall

Application  
of Compen-  
sation if  
amounting  
to 200l.

shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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 Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold, and shall be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application  
of Compen-  
sation if less  
than 200l.  
and exceeding  
20l.

XVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, 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 by Five or more of 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 principal Money, and the Dividends arising thereon, may be applied in Manner hereinbefore 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  
of Compen-  
sation where  
less than 20l.

XVIII. Provided also, and be it 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 applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments



ments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners for Drainage shall think fit, or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

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

In case of not making out Titles, or if Owner cannot be found, Purchase Money to be paid into the Bank.

XX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall

Where any Question shall arise touching the Title to Money, the Person who shall be in Possession of the Lands at the Time of such Purchase shall be deemed entitled thereto, according to such Possession.

be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

For defraying the Expences of obtaining and executing this Act.

XXII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized, from Time to Time, until the said intended Drainage and Improvement, and all the Works necessary or proper for that Purpose shall be perfected, to assess, tax, and charge all and singular the Lands, Tenements, and Hereditaments, within the said Parishes of *Bray, White Waltham, Shottesbrook, Lawrence Waltham, Binfield, Ruscombe, Wargrave, Remenham, and Hurley*, and the Liberties of *Whistley and Broad Hinton in Hurst*, according and in proportion to the actual Benefit and Advantage which in the Judgment of the said Commissioners they shall respectively derive from such Drainage and Improvement, with such Sum and Sums of Money, not exceeding in the Whole or in any Case the Sum of Forty Shillings per Acre of such Land, or Ten Shillings in the Pound upon the Annual Value of such Tenements and Hereditaments as they the said Commissioners shall from Time to Time find necessary and requisite for defraying the Charges and Expences incident to and attending the obtaining and passing of this Act, and also for defraying the Expences of carrying this Act into Execution, and to assess, rate, and charge every Occupier of such Lands, Tenements, and Hereditaments, with such Share and Part of the same Expences, according and in proportion to the actual Benefit and Advantage which the Lands, Tenements, and Hereditaments in Possession of such Occupier shall respectively derive from such Drainage and Improvement, and the Share, Part, and Portion of such Sum which shall be so charged and assessed upon every such Occupier in Manner aforesaid shall be paid to such Person or Persons and at such Time and Times as the said Commissioners shall order, direct, or appoint, they the said Commissioners causing Twenty-one Days Notice in Writing under their Hand of such Tax or Assessment, and the Time and Times so to be ordered, directed, and appointed for Payment thereof, to be given to or left at the usual Place of Abode of every such Occupier; and in case any such Occupier shall refuse or neglect to pay his, her, or their Part, Share, or Proportion of such Sum or Sums of Money so to be charged and assessed upon him, her, or them as aforesaid, on the Day and at the Time so to be ordered, directed, and appointed for Payment thereof, after such Notice shall have been given as aforesaid, it shall be lawful for any

Justice of the Peace for the said County of *Berks*, on the Application of the said Commissioners, by Warrant under his Hand and Seal, to levy the Sum or Sums of Money so charged and assessed, by Distress and Sale of the Goods and Chattels of the Person or Persons making such Default, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted: Provided always nevertheless, that nothing in this Act contained shall empower the said Commissioners to assess and levy at one and the same Time and by one and the same Rate more than Ten Shillings per Acre, Part of the said Total Sum of Forty Shillings per Acre, or Four Shillings, Part of the said Total Sum of Ten Shillings in the Pound on such Annual Value, nor to repeal such Rate or Assessment within the Space of Three Months from the Time of making and levying the former Rate or Assessment.

XXIII. And be it further enacted, That all Tenants and Occupiers of Lands, Tenements, and Hereditaments within the said several Parishes or Liberties, shall pay and discharge the said Rates or Assessments, and shall and may deduct the same out of his or her Rent, and the several Owners are hereby required to allow such Deductions accordingly (subject to the Conditions hereinafter mentioned); and every such Tenant or Occupier paying such Rate or Assessment shall be respectively discharged of so much Money as such Rate or Assessment shall amount unto, in Manner aforesaid, as fully as if the same had been paid to such Landlord.

Tenants to pay the Rates and deduct the same from their Rent.

XXIV. And be it further enacted, That it shall and may be lawful to and for all Owners and Proprietors of Lands, Tenements, and Hereditaments to be rated and assessed by virtue of this Act, to charge all and every their respective Tenants and Occupiers of such Lands, Tenements, and Hereditaments, with such Annual Sum and Sums of Money as shall not exceed in the Whole the Sum of Seven Pounds Ten Shillings for each and every One hundred Pounds advanced and paid or allowed by such Owner or Proprietor by virtue of any such Rate or Assessment; and such Sum or Sums of Money shall be added to the Rent charged upon and payable by such Tenant or Occupier, and shall be at all Times hereafter recoverable by such Ways and Means as the Rent due from Time to Time from such Tenant or Occupier shall or may be recovered.

Owners may charge their Tenants with annual Sums in proportion to Rates which have been paid.

XXV. Provided always, and be it further enacted, That no Assessment to be made by the said Commissioners, or the Trustees herein mentioned, shall extend to any Lands or Grounds lying in the late Common Fields of the said Parish of *Bray*, Eastward of the Road leading from *Holyport* to *Braywick*, nor to any Lands or Grounds lying Northward of the Road leading from *Bray* by *Sheppenhangers* to *Maidenhead Thicket*, nor to any Lands or Grounds belonging to the Wardens and Commonalty of the Mystery of Fishmongers of the City of *London*, except the Fields called *Ley Plat*, and the Wood adjoining thereto, situate near *Paley Street*, and the Two Meadows at *Holyport* called *Great Brook Croft* and *Little Brook Croft*, in the Occupation of *Edward Bovingdon*, nor to any Lands or Grounds in the said Parish of *Bray*, except such Lands and Grounds as shall lie contiguous to or within a Quarter of a Mile from the Streams called *Shaffield Moor Brook*, *Chawridge Bourne*, *Oakley Bourne*, or the Brook running from *Paley Street* into *Shaffield Moor* aforesaid.

Exempting Lands in *Bray* from the Assessment.

XXVI. And

Ascertaining  
Lands to be  
exempt from  
Rates.

XXVI. And whereas there are Lands, Tenements, and Hereditaments, within each of the said Parishes and Liberties hereinbefore mentioned, which will not derive any Benefit from the said intended Drainage, and therefore ought not to be contributory to the Expence thereof; be it further enacted, That if any Person or Persons, being Owners, Lessees, or Occupiers of any Lands, Tenements, or Hereditaments within the said Parishes or Liberties, or any of them which shall be included in any such Rate or Assessment, shall be of Opinion that any of such Lands, Tenements, and Hereditaments will not derive any Benefit from the said intended Drainage, and ought therefore to be exempted from any Assessment or Contribution thereto, such Person or Persons shall deliver to the said Commissioners, at one of their Meetings for the Execution of this Act, an Account in Writing of all such Lands, Tenements, and Hereditaments as he or they require to be exempted from such Assessment or Contribution; and thereupon, in case the said Commissioners shall dissent from such Requisition and Statement, Three Persons not interested in the Premises shall be nominated and appointed at some Sitting of the said Commissioners to view the said Lands, Tenements, and Hereditaments, and to inquire into the State and Condition thereof, One of which Persons shall be nominated and appointed by the said Commissioners, One other by the Person claiming such Exemptions, and the Third Person by such Two Persons to be chosen as aforesaid, all of whom shall be sworn well and truly to view, examine into, report, and determine, by an Award or Instrument in Writing under their Hands, within Two Months next after such Reference, whether such Lands, Tenements, and Hereditaments, or any and what Part thereof, ought or ought not to be rated by virtue of this Act (which Oath any Justice of the Peace for the said County of *Berks* shall have Power to administer); and the Judgment and Determination of such Referees upon the Matter of such Reference, shall, in all Cases, be final and conclusive to all Parties, and the Costs and Charges of such Reference shall be borne and paid by the said Commissioners and the Persons claiming the Exemptions in such Proportions as such Referees shall award.

Proprietors  
may raise  
Money.

XXVII. And be it further enacted, That it shall and may be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies, or any of the Owners or Proprietors of any Lands, Tenements, or Hereditaments assessed under the Provisions of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any Disability or Incapacity whatsoever, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable upon any Life or Lives, or on any other Contingency, to charge such Lands, Tenements, and Hereditaments, with such Sum or Sums of Money as the said Commissioners shall by any Writing under their Hands adjudge necessary to pay and defray the Charges and Expences attendant upon the obtaining, passing, and executing this Act, so that the same shall not exceed Forty Shillings for every Acre of such Land, or Ten Shillings in the Pound upon the Annual Value of such Tenements and Hereditaments, and to grant, mortgage, surrender, lease, or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged, unto any Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns, for any Term or Number of Years, so that every such Grant, Mortgage, Surrender, Lease, or Demise be made with a Proviso or Condition

Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Lands, Tenements, or Hereditaments, shall be liable to pay any further or larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

XXVIII. And be it further enacted, That where any Person or Persons, being Tenant or Tenants for Life or Lives, or in Tail, of any Part of the said Lands, Tenements, and Hereditaments, who shall have paid the Rates to be assessed, rated, or charged by virtue of this Act, in respect of such Lands, Tenements, and Hereditaments, shall die before the Expiration of Six Years from the passing of this Act, it shall be lawful for him, her, or them so dying, by his, her, or their last Will and Testament, or last Wills and Testaments respectively, to charge such Lands, Tenements, and Hereditaments with the Payment of the Amount of such Rates and Taxes, and to direct and appoint the same to be paid to such Person or Persons as he, she, or they shall think fit, and in default thereof the same shall be a Charge upon the said Lands, Tenements, and Hereditaments, and shall, within Twelve Calendar Months after the Death of such Tenant or Tenants for Life or Lives, or in Tail, be paid by the Person or Persons entitled to the Reversion or Remainder immediately expectant on the Death of such Tenant or Tenants for Life or Lives, or in Tail, together with lawful Interest for the same from the Death of such Tenant or Tenants for Life or Lives, or in Tail respectively, and shall and may be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Tenants for Life may charge Estates with Rates.

XXIX. And whereas the Rectors or Vicars of many of the said Parishes, or their Successors, may have Occasion to borrow Money to pay and defray the several Rates hereby directed to be imposed upon the Land and Premises belonging to their respective Advowsons, and cannot make an effectual Security for the Money which shall be advanced and lent for that Purpose; be it therefore enacted, That it shall and may be lawful for the said Rectors and Vicars or their Successors, by and with the Consent and Approbation of the Lord Bishop or Peculiar of the Diocese, to charge all and every the Lands and Premises lying within the respective Parishes and liable to be taxed by virtue of this Act, with any Sum or Sums not exceeding Forty Shillings *per Acre*, in order to be applied and disposed of for and towards the Payment of the said Rates and Taxes hereby directed to be imposed upon the several Lands and Premises lying within and belonging to their respective Advowsons, and for securing the Payment of such Sums and Interest not exceeding Five Pounds *per Centum per Annum*, to grant, mortgage, lease, or demise the Lands and Premises so to be charged, unto any Person or Persons who shall advance and lend the same, for any Term or Number of Years; so as every such Grant or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be lawfully satisfied and paid; and

Enabling Rectors and Vicars to raise Money.

[Local.]

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so as in every such Grant or Demise there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby secured, in such Manner that no Person afterwards becoming possessed of such Lands and Premises shall be subject or liable to pay any further or larger Arrear of Interest than from the Time when the Title of such Possession shall accrue and commence; and so that in every such Grant or Demise there is also contained a Covenant to pay off and discharge annually the Sum of Five Pounds *per Centum*, Part of the Principal Money so to be raised as aforesaid, until the whole of such Principal Money shall, by such Annual Payment or Instalments, be paid off and discharged.

Money advanced to be repaid with Interest.

XXX. And be it further enacted, That if any Person shall advance and pay any Money in discharge of the Expences of obtaining and executing this Act, the Money so paid and advanced shall be paid and satisfied by the Direction of the said Commissioners, together with Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time of the Payment or Advancement thereof.

Commissioners to account.

XXXI. And be it further enacted, That once at least in each and every Year, during the Execution of this Act by the said Commissioners, (such Year to be computed from the passing of this Act) the said Commissioners shall and they are hereby required to make a true and just Statement of all Sums of Money by them received and expended in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be laid before Two or more Justices of the Peace for the said County of *Berks*, not interested in the Premises, to be by them examined and balanced, and such Balance shall be by such Justices stated in a Book or Books of Account to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioners may purchase small Pieces of Land.

XXXII. And be it further enacted, That if in any of the Works to be performed in the Execution of this Act, any Piece or Parcel of Land shall be cut through and divided, so that what shall be left on each or either Side of the said Works shall be less than One Acre in Quantity, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to what shall be so left on each or either Side of the said Drain, then and in every such Case the said Commissioners shall, if required by the Owner or Owners thereof, take and purchase the said Piece or Parcel or Pieces or Parcels of Ground so to be left on each or either Side of the said Drain, being less than One Acre in Quantity, and shall pay for the same after the same Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto which shall be taken and used for making the said Works, provided the Owner or Owners, or the Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Ground respectively, shall require the said Commissioners to take and purchase the same, but not otherwise; and the said Pieces or Parcels of Ground shall be vested in the said Commissioners until the Appointment of Trustees as herein-after mentioned, and then the same shall by virtue of this Act be deemed and taken to be vested in the said Trustees; and any of such Pieces or Parcels of Ground may be sold and conveyed by the

the said Commissioners or Trustees, as the Case may be, and the Money arising therefrom shall be applied to the Purposes of this Act.

XXXIII. And be it further enacted, That in all Cases wherein Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person for his or their more certain Information in the Matter then depending; and that any Justice of the Peace may act as such in the Execution of this Act, notwithstanding his being a Commissioner; and that in all Cases where any Parties, Witnesses, or other Persons are to be heard or examined by or before or in the Presence of the said Commissioners, in any Matter or Thing relating to this Act, it shall be lawful for any One of the said Commissioners, being a Justice of the Peace, to administer an Oath to, or take the Affirmation of such Parties, Witnesses, or Persons: Provided always, that no Person shall act either as a Justice of the Peace or as a Commissioner, in any Case where he shall be personally interested.

Commis-  
sioners being  
Justices may  
act as such.

XXXIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Person or Persons shall be prevented from giving his, her, or their Evidence, or be deemed or taken to be an incompetent Witness or Witnesses, on account of he, she, or they being Owner or Owners, Occupier or Occupiers, or otherwise interested in any Lands or Hereditaments taxed or to be taxed by virtue of this Act.

Land Owners  
may give  
Evidence.

XXXV. And be it further enacted, That if any Person or Persons shall, upon his, her, or their Examination upon Oath before any Justice or Justices of the Peace, touching or concerning any Matter or Thing relating to the Execution of this Act, wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in Force and Effect Persons guilty of Perjury are subject and liable to.

Persons giv-  
ing false  
Evidence to  
be deemed  
guilty of  
Perjury.

XXXVI. And in order that the several Banks, Drains, and other Works necessary for draining and preserving the said Lands or Grounds may be maintained, supported, and kept in Repair, be it further enacted, That at such Time (being within Two Years from the passing of this Act) as the said Commissioners shall, by Writing under their Hands, to be affixed on the principal Doors of the several Parish Churches aforesaid, declare the said Works of Drainage and Improvement to be completed, they the said Commissioners shall cause public Notice to be given in the said Parish Churches respectively, on some *Sunday* during or immediately after Divine Service, and in One or more of the Newspapers circulated in the Neighbourhood of the said Parishes, that the Proprietors, or their Deputies or Agents, to be appointed in Writing under their Hands, will meet at the *Sun Inn* at *Maidenhead*, on some Day to be named therein, at the Expiration of Twenty-eight Days from the Date of such Notice, then and there to make Choice of Ten Trustees, being One for each of the said Parishes and Liberties respectively, and being respectively possessed of One hundred Acres of Land in the Parish or Liberty for which such Person shall be chosen, for the further putting this Act into Execution; and

For Appoint-  
ment of  
Trustees.

and that it shall and may be lawful for every Owner or Proprietor, or his or their Deputy or Agent appointed as aforesaid, and present at such Meeting, to vote in the Choice and Election of such Ten Trustees respectively; and that such Trustees as shall then and from Time to Time be chosen by a Majority in Value of such Proprietors as aforesaid (such Value to be ascertained as hereinbefore is mentioned), and certified by Writing under the Hands of the Persons so electing them, in a Book to be kept for that Purpose, shall be and are hereby declared to be Trustees for putting in Execution the Powers and Authorities hereby given to and vested in them, and they, or any Five or more of them, are hereby fully authorized and empowered to make, support, erect, alter, and maintain, or cause to be made, supported, erected, altered, and maintained, all such Cuts, Drains, Banks, Sluices, Tunnels, Bridges, and other Works, in, through, and over the said Lands, as they shall think necessary for draining and preserving the same; and that when any of the said Trustees shall die, or refuse to act, or become incapable of acting in the Execution of this Act, it shall and may be lawful for the Majority in Value of the said Proprietors, who shall be assembled together at a Vestry to be convened as aforesaid, upon the like Notice as aforesaid, to choose a Trustee or Trustees, qualified as aforesaid, in the Room and Stead of such Trustee or Trustees so dying, or refusing to act, or becoming incapable of acting, in the same Manner in all Respects as Trustees are directed to be chosen in the first Instance; and that such Trustee or Trustees, being so chosen and certified, shall have the like Powers and Authorities whatsoever, to all Intents and Purposes, as the Trustee or Trustees in the Room or Stead of whom he or they shall be so chosen, would have had by virtue of this Act, if in being, and continuing to act in the Execution of the Trusts and Purposes hereinbefore mentioned.

Trustees to  
be sworn.

XXXVII. And be it further enacted, That no Person shall be capable of acting as a Trustee (except it be in administering the Oath or Affirmation hereinafter mentioned to any of the said Trustees) until he shall have taken the Oath following, (or being One of the People called *Quakers* make Affirmation); *widelicet*,

‘ I, *Quakers*, do swear [*or*, being One of the People called  
‘ *Quakers*, do solemnly affirm,] That I will, without Favour or Affec-  
‘ tion, Hatred or Malice, truly and impartially, according to the best of my  
‘ Skill and Knowledge, execute and perform all and every the Powers and  
‘ Authorities in the Execution whereof I shall at any Time act as a Trustee  
‘ appointed in and by an Act made in the Fifty-eighth Year of the Reign  
‘ of His Majesty King *George* the Third, intituled [*here set forth the Title*  
‘ *of this Act*]. So help me GOD.’

Which Oath or Affirmation it shall and may be lawful to and for any One of the said Trustees to administer, and such Trustee is hereby required to administer the same to the other Trustees.

Meetings of  
Trustees.

XXXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees for the Time being, and they are hereby authorized and required, to meet within One Month after they shall be so chosen as aforesaid, and also on the *Thursday* after *Michaelmas* in every succeeding Year, or oftener, as they shall see Occasion, and which Meeting any One or more of the said Trustees is and are hereby authorized to summon and appoint;



appoint; and the said Trustees or the major Part of them shall and may, at any of their Meetings, rate, tax, and assess all and every the Lands, Tenements, and Hereditaments which shall be included in the several Rates or Assessments to be made by the said Commissioners as hereinbefore mentioned, and not otherwise, by such an equal proportionable Pound Rate or Tax, not exceeding Sixpence in the Pound of the improved yearly Value of such Lands, Tenements, and Hereditaments respectively, as shall be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the said Lands, and the reasonable Expences only of the said Trustees at their Meeting, and the Salary and Salaries to be allowed to the Officer or Officers who shall be by them appointed for superintending, managing, and taking care of the said Works, and for collecting the said Rates or Assessments, which said Rates or Assessments the said Trustees are hereby authorized and required to apply accordingly, and to appoint under their Hands such Days and Places for the Payment of such Rates or Assessments to the Collectors or Receivers thereof, as the said Trustees or the major Part of them shall think fit.

XXXIX. And be it further enacted, That all and every the Tenants and Occupiers of the said Lands, Tenements, and Hereditaments which shall be assessed or rated by virtue of this Act from and after the Payment of the first mentioned Rates or Assessments, and the said several Works of Drainage herein directed shall be fully completed and effected, shall pay, and they are hereby authorized and required to pay, all and every such Sum and Sums of Money as shall be assessed or rated by the said Trustees on their respective Lands and Hereditaments in their several Occupations (not exceeding Sixpence in the Pound as aforesaid), and to deduct and retain out of his, her, or their Rent all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands, Tenements, and Hereditaments, are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and that every such Tenant or Occupier, paying such Rate, shall be acquitted and discharged of so much Money as the said Rate so paid by him, her, or them, shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

Tenants to pay the Taxes, and deduct the same out of their Rents.

XI. Provided nevertheless, and be it further enacted, That no Lessee or Tenant of any Lands, Tenements, or Hereditaments, charged with the last-mentioned Rates or Assessments, who shall hold the same by virtue of or under any Lease from any Bishop, or Collegiate Church or College, or any Ecclesiastical Corporation, Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which, at the Time of passing this Act, there shall be more than Three Years to come and unexpired, shall be entitled to deduct the said Rates, Taxes, or Assessments, or any of them, or any Part thereof, so to be imposed by the said Trustees after the several Works of Drainage herein directed shall be fully completed and effected, out of the Rent received or payable by any such Lease or Agreement, but the said subsequent Rates and Taxes shall be charged upon and paid by the Lessee or Tenants so holding such Lands, Tenements, or Hereditaments as aforesaid.

No beneficial Lessee or Lessees having a Term of Three Years to be allowed to deduct Rates.

[Local.]

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XLI. And

Recovering  
Payment of  
Rates.

XLII. And be it further enacted, That if any Person or Persons so rated as aforesaid, shall refuse or neglect to pay the Amount of such Rate or Assessment so made upon him, her, or them respectively, within Twenty-one Days after the respective Times of Payment thereof to be appointed as aforesaid (public Notice of such Times of Payment having been published as aforesaid), it shall be lawful for such Collector or Receiver, or other Person or Persons authorized by Warrant or Precept under the Hands and Seals of the said Trustees, or any Five of them, (which Warrant or Precept such Trustees, or any Five of them, are hereby empowered and required from Time to Time, as Occasion shall require, to grant) to levy such Sum or Sums so rated or assessed, or any Part thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress.

Protecting  
Thames  
Navigation.

XLII. And whereas Doubts have arisen regarding the Operation of such Drainage in reducing the Supply of Water, or otherwise injuring the Navigation of the River *Thames*; be it therefore further enacted, That if at any Time hereafter it shall appear to the Commissioners of the *Thames* Navigation, that such Navigation is injured or inconvenienced by the Operation of such Drainage, the Commissioners for the Execution of this Act shall and they are hereby required, upon receiving a Requisition to that Effect from the Commissioners of the *Thames* Navigation, or their Clerk or Surveyor, forthwith to erect One or more Gauge, Weirs, Engines, or other Devices, at such Place or Places, and to the Satisfaction of the said Commissioners of the *Thames* Navigation; such Gauge, Weirs, Engines, or other Devices to be made and erected, and for ever afterwards kept in Repair, by and at the Expence of the Commissioners and Trustees appointed and to be appointed for the Execution of this Act.

Protection  
for Stanlake  
River.

XLIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required to construct and erect such Tunnel, Gauge, Wier, or other Engine, as shall ensure a Continuance of the present Supply of Water, during the Summer Months, which now flows through the *Stanlake* River.

Protecting  
Mrs. Law's  
Lands.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners or Trustees, or their Officers or Servants, to destroy, deface, or injure any of the Walks, Bridges, Lawns, or Plantations, or to widen the Canal, within the old Inclosures of *Mistress Elizabeth Law*, at *Cannon Hill*, in the said Parish of *Bray*,

Draining Sir  
Francis John  
Wilder's  
Lands.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby required to drain such Part and Parts of the Lands of Major-General Sir *Francis John Wilder*, his Heirs or Assigns, situate in the said Parish of *Binfield*, as he or they shall at any Time or Times during the Continuance of this Act, by Writing under his or their Hand or Hands, require them to drain, he the said Sir *Francis John Wilder*, his Heirs or Assigns, paying for such Drainage after the Rate which shall be charged to the Proprietors of the Lands similarly circumstanced: Provided always nevertheless, that nothing in this Act contained shall extend, or be construed

strued to extend to enable the said Commissioners, or their Successors, or their Officers, Agents, or Servants, to make or cause to be made any Cut, Drain, Channel, or other Work whatsoever, in, upon, or through any Part of the Lands, Grounds, or Premises of the said Major-General Sir Francis John Wilder, his Heirs or Assigns, situate at *Binfield* aforesaid, excepting only upon such Request, to be made in Writing as aforesaid for that Purpose; nor in any way to interfere with or injure the Water of the said Major-General Sir Francis John Wilder, his Heirs or Assigns, there, at any Place lying between the Place called *Jock's Lane*, near to the Bridge called *Frampton Bridge*, and the North End of *Marten's Mead*.

XLVI. And be it further enacted and declared, That from and immediately after such First Election of Trustees as hereinbefore mentioned, the several Powers and Authorities granted to the said Commissioners shall cease and determine, any Thing herein contained to the contrary notwithstanding.

Commissioners Power to cease on Election of Trustees.

XLVII. And be it further enacted, That the said Trustees shall and may appoint such Officers as they shall think necessary for the better Execution of this Act, and allow them, or any of them, such Salary or Salaries, or other Remuneration, out of the Monies to be raised by virtue of this Act, as they the said Trustees shall think proper, and from Time to Time to remove them, or any of them, as they the said Trustees shall see Occasion, and in like Manner to appoint others in their Stead; and that all Officers who shall be entrusted with the Receipt or Collection of any Monies to be raised by virtue of this Act, shall respectively give Security for the due Execution of their respective Offices, to the Satisfaction of the said Trustees.

Trustees to appoint Officers.

XLVIII. And be it further enacted, That it shall not be lawful for the said Commissioners or Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners or Trustees for executing the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Office of Clerk and Treasurer not to be held by the same Person.

XLIX. And be it further enacted, That the said Commissioners and the said Trustees shall respectively cause to be provided and kept proper Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Commissioners and Trustees as shall be present at their several Meetings; and all Entries in such Books, being signed by the respective Chairman then present, shall be deemed Originals, and shall be allowed to

Proceedings to be entered in Books.

be

be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings, touching or concerning any Thing done in pursuance of this Act; and that such Books shall, at all seasonable Times, be open and liable to the Inspection of all and every the said Commissioners and Trustees, and of the Creditors on the Rates hereby granted and made payable; and that any of the said Commissioners and Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding Seventy-two Words, the Sum of Sixpence, and so in proportion for any greater Number of Words.

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

L. And be it further enacted, That the said Commissioners and Trustees respectively shall and they are hereby required from Time to Time to order and direct Books to be provided and kept by their respective Clerks for the Time being, in which Books such Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Drainage, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall, at all seasonable Times, be open to the Inspection of the said Commissioners and Trustees, or any Creditor or Creditors on the Tolls thereby granted, without Fee or Reward; and the said Commissioners, Trustees, and Creditors, or any of them, shall and may take Copies of or Extracts from the said Books, or any Part or Parts thereof, without paying any Thing for the same; and in case either of the said Clerks shall refuse to permit, or shall not permit the said Commissioners, Trustees, or Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees not to be concerned in Contracts.

LI. And be it further enacted, That in case any Commissioner or Trustee shall, directly or indirectly, be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forfeit and pay the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Recovery of Penalties by Distress and Sale.

LII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (for the Recovery and Application whereof no particular Mode has been directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the Counties of *Berks* and *Wilts*, within their respective Jurisdictions (which Warrant such Justice is hereby empowered to grant), upon the Conviction of the Party or Parties on his, her, or their Confession, or upon the Evidence of One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and the Overplus (if any) after deducting the Costs and Charges of such Distress and Sale, shall be rendered to the Owner or Owners of such Goods and Chattels; and such Penalties and Forfeitures, when recovered, shall be paid to the Treasurer or Clerk  
of

of the said Commissioners or Trustees, and shall be applied for such of the Purposes of this Act as the said Commissioners or Trustees shall think fit; but nevertheless it shall and may be lawful to and for the said Commissioners or Trustees, at any of their Meetings, to pay or cause to be paid such Part of the said Penalties or Forfeitures, not exceeding One Moiety thereof, to the Informer or Informers, as the said Commissioners or Trustees shall think reasonable; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the Counties of *Berks* or *Wilts*, as the Case may be, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

LIII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or any Matter in pursuance thereof, the Form of the Conviction shall be in the Words or to the Effect following:

Form of Conviction.

County of } BE it remembered, That on this Day of  
 in the Year of our Lord is convicted  
 before of His Majesty's Justices of the Peace for the  
 County of , of having [as the Offence shall be], contrary to  
 an Act of Parliament made in the Fifty-eighth Year of the Reign of King  
 George the Third, intituled [here set forth the Title of this Act]; and I  
 [or we] the said do adjudge him, [her, or them], to  
 forfeit and pay for the same the Sum of Given under  
 my Hand and Seal, [or our Hands and Seals], the Day and Year  
 aforesaid.

LIV. And be it further enacted, That no Order, Determination, Judgment, Conviction, Warrant, or other Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order, Rate, or Assessment to be made, or any other Matter or Thing so to be done or transacted, in or relating to the Execution of this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for want of Form.

LV. And be it further enacted, That where any Distress shall be made for any Tax, Rate, or Sum of 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 a Trespasser or Trespassers, on account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant, 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 done by the Party or Parties distraining; but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for want of Form.

[Local.]

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LVI. And

Limitation  
of Actions.

LVI. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons, for any Thing done or to be done by virtue of or in pursuance of this Act, until after Thirty Days Notice thereof in Writing, signed by the Party or Parties aggrieved, shall be given to the Party or Parties complained of, or left at his, her, or their last or usual Place or Places of Abode, therein setting forth the Cause of such Action or Suit, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every Action commenced and prosecuted against any Person or Persons, for any Thing done in pursuance of this Act, shall be brought and laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead, at his or their Election, specially, or 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 upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall be brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict or Verdicts shall be found for any Defendant or Defendants in any such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such and the same Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Appeal.

LVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the Commissioners as are herein declared to be final or conclusive, and except in the Case of a Reference as herein-before mentioned), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Berks* or *Wilts*, as the Case may be, within Four Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners (or the said Trustees, as the Case may require), and the Party or Parties concerned, Twenty-eight Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and

and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, to be levied in Manner aforesaid.

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

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