



ANNO UNDECIMO

# GEORGIIV. REGIS.

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## *Cap. lii.*

An Act for draining, flooding, and improving certain low Lands and Grounds within the several Parishes of *Othery*, *Middlezoy*, and *Weston Zoyland*, in the County of *Somerset*. [29th May 1830.]

WHEREAS there are divers low Lands and Grounds in the several Parishes of *Othery*, *Middlezoy*, and *Weston Zoyland*, in the County of *Somerset*, lying between the Banks or Walls called *Burrow Wall* and *Lake Wall*, and between certain high Lands adjoining the Western Side of the Road leading from *Othery* to *Weston Zoyland*, and certain high Lands adjoining the Eastern Bank of the River *Parrett*; and also there are divers other low Lands and Grounds called *Southlake Level*, in the said Parish of *Othery*, lying within *Burrow Wall* aforesaid and a Bank or Wall called *Callice Wall* and the said River, and all which Lands lie near to and drain into the same River; and such Lands are frequently overflowed and greatly injured in consequence of the Insufficiency of the Drains leading through and along the said Lands towards and unto the same River, and in consequence of the Surface of the Water in such River being at certain Periods of the Year considerably higher than the Surface of the said low Lands and Grounds: And whereas the Waters which at present flood the said low Lands and Grounds (being chiefly occasioned by the Rains which fall on the same and on the high Lands adjacent thereto) are of a poor Nature, and highly prejudicial; but if the Course of the present Flood Waters towards the said River were sufficiently accelerated,

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by deepening, widening, and straightening the existing Drains, by making new Drains where necessary, and by lifting and throwing such Flood Waters into the said River by means of proper Engines, when the Water in the River is too deep to allow of a proper Passage for such Flood Water by Clices in the River Bank, and also if rich Water were introduced from the said River, for the Purpose of manuring some of the said low Lands and Grounds with Deposits of alluvial Soil, at proper Periods in the Winter Season, great Benefit would accrue to the Owners and Proprietors thereof, and to the Public: 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 the Limits of this Act shall be deemed to extend to all the Lands and Grounds in the several Parishes of *Othery, Middlezoy, and Weston Zoyland*, in the County of *Somerset*.

Limits of  
the Act.

Commis-  
sioner ap-  
pointed.

II. And be it further enacted, That *John Easton* of *Taunton* in the County of *Somerset*, Gentleman, and his Successor for the Time being, to be elected and appointed in manner herein-after mentioned, shall be and he is hereby appointed the Commissioner for putting and carrying this Act and all the Powers and Authorities herein-after contained into execution.

Appointment  
of new Com-  
missioner in  
case of  
Illness, &c.

III. And be it further enacted, That in case the said *John Easton*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall by Illness or otherwise become incapable of acting as a Commissioner in the Execution of this Act for the Space of Two Calendar Months at any One Time, then and in such Case and as often as it shall so happen, the major Part in Value of the Proprietors or Persons interested in the said intended Improvements, (the Rate herein-after directed to be made for paying the Expences of passing and executing this Act, or if such Rate be not made, then the Number of computed Acres of the said respective low Lands and Grounds being deemed the Measure of Value,) who shall be assembled at any Meeting convened for that Purpose by Notice signed by any Two or more of such Proprietors, and inserted in One or more Newspaper or Newspapers printed or circulated in the said County, and also affixed on the Church Door of each and every of the said Parishes, at least Fourteen Days previous to such Meeting, shall and may appoint some fit and proper Person, not interested in the said low Lands and Grounds, to act as a Commissioner in the Room and Place of the said *John Easton*, or of such Successor, during such his Incapacity only; and that in case the said *John Easton*, or any Commissioner who shall be elected as herein-after mentioned, shall die, or refuse or neglect to act in the Execution of this Act, then and in such Case the major Part in Value of the said Proprietors or Persons interested in the said intended Improvements (such Value to be ascertained as aforesaid), at a Meeting convened as lastly herein-before directed, shall and may appoint some proper Person, not interested in the said low Lands and Grounds, to act as a Commissioner in the Room and Stead of the said Com-  
missioner

missioner so dying, refusing or neglecting to act as aforesaid; and every Person appointed in Manner and upon any of the Occasions aforesaid shall be the Commissioner for the Execution of this Act, and shall, after taking the Oath or Affirmation herein-after mentioned, have, and he is hereby invested with, the like Power and Authority for carrying this Act into execution, or so much thereof as shall then remain to be carried into execution, as the Person in whose Stead such Person shall be appointed would have had if he had continued to act, or as if the said newly appointed Commissioner had been originally nominated and appointed a Commissioner in and by this Act.

IV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to appoint a Clerk or Clerks to assist him in the Execution of this Act, and such Clerk or Clerks from Time to Time to remove, and another or others to appoint, as to him shall seem meet.

Commis-  
sioner to  
appoint a  
Clerk or  
Clerks.

V. And be it further enacted, That the Commissioner and Clerk or Clerks acting from Time to Time in the Execution of this Act shall be paid the Sum of Three Pounds and Three Shillings each, and no more, for each and every Day they shall respectively be employed in travelling to, returning from, and attending at the Sittings to be holden for the Execution of this Act; and the said Commissioner shall be paid the like Sum of Three Pounds and Three Shillings, and no more, for each and every Day that he shall be necessarily employed in the Execution of this Act without the Attendance of his Clerk or Clerks, which said several Payments shall be in full Satisfaction for their Time and Trouble, and for the several Expences they may incur during their several Journies and Attendances in the Execution of this Act; such Sum of Three Pounds and Three Shillings to be allowed and paid during the first Three Years next after the passing of this Act; and after the Expiration of the said Three Years, until the Powers and Provisions of this Act shall be fully executed and performed, the Sum of One Pound Eleven Shillings and Sixpence each, and no more, for each and every Day they respectively shall actually attend and be employed as a Commissioner or Clerk as aforesaid.

Allowance  
to Commis-  
sioner and  
Clerk.

VI. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and that any Meetings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and his Clerk or Clerks shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk or Clerks, in which shall be entered the several Days in which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk or Clerks were respectively present

For regulat-  
ing the  
Duration of  
Meetings.

at

at such Meeting, and at what Hour they respectively left the same, and such Book shall be signed by such Commissioner and his Clerk or Clerks at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the said Improvements by this Act authorized, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or to pay himself or such Clerk or Clerks, out of any Monies to be received by him or over which he may have any Controul in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk or Clerks respectively, beyond Two Thirds of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided; provided nevertheless, that in case of the Decease of the said Commissioner or his Clerk or Clerks previous to the Execution of the Award herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner, or of such deceased Clerk or Clerks, such Sum of Money as shall appear by the said Accounts to be due to them.

Commis-  
sioner to be  
sworn.

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

Form of the  
Oath or  
Affirmation.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will faithfully, truly, impartially, and honestly, according to the best of my Skill and Knowledge, execute and perform all such Matters and Things as, according to the Nature and Duty of my Office and Employment of Commissioner for carrying into execution an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], ought to be done, executed, and performed by me, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.’  
[*Or being one of the People called Quakers, omitting the Words ‘ So help me God.’*]

By whom  
to be ad-  
ministered.

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

VIII. And

VIII. And be it further enacted, That the said Commissioner shall and he is hereby required, within Two Calendar Months after the passing of this Act, to cause Notice to be given in One or more Newspaper or Newspapers printed or circulated in the said County of *Somerset*, and also to be affixed on One of the Church Doors of each of the said Parishes, of the Time and Place of his first Meeting for executing the Powers of this Act, at least Fourteen Days before such Meeting, and shall give the like Notice of Meetings held for the Purpose of electing a Treasurer, in whose Hands Money raised under the Authority of this Act shall be deposited, and shall cause at least Ten Days Notice to be given in One or more of the Newspapers printed or circulated in the said County of *Somerset* of every other Meeting held for the Purposes of this Act (Meetings by Adjournment only excepted).

Notice of Meetings.

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

Proceedings of Commissioner to be entered in a Book.

X. And be it further enacted, That all Monies to be raised under and by virtue of the Powers contained in this Act shall, from Time to Time, be paid to and deposited in the Hands of such Treasurer as may be appointed by a Majority of the Proprietors who may be present at a Meeting of the Commissioner, of which such Notice as is herein-before mentioned for holding his first Meeting shall have been given, and in which Notice shall have been expressed the Intention of his appointing such Treasurer; and no such Monies deposited or paid into the Hands of such Treasurer shall be issued or paid by him without an Order in Writing under the Hand of the said Commissioner for the Time being, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due, and the Balance, if any, upon the final Settlement of Account.

Money to be paid into the Hands of a Treasurer.

XI. And be it further enacted, That it shall be lawful for the several Owners and Proprietors of the major Part in Value of the said low Lands and Grounds in each of the said several Parishes of *Othery*, *Middlezoy*, and *Weston Zoyland*, lying between the Banks or Walls called *Burrow Wall* and *Lake Wall*, and between the Road leading from *Othery* to *Weston Zoyland* aforesaid and the said River *Parrett*, (the Value to be estimated according to the Number of computed Acres thereof,) who may attend the first Meeting of the said Commissioner (of which Notice shall be given as herein-after directed) or some Adjournment thereof, to nominate, by Writing under their Hands, Three Persons resident in each Parish respectively, or within Five Miles thereof, to act as Committee-men for each such Parish in respect of the same low Lands and Grounds for the Pur-

Committee to be appointed for the Parishes of Othery, &c. for inspecting Accounts, &c.

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poses

poses herein-after mentioned; and the Nine Persons so appointed shall form a Committee for the Purpose of inspecting the Accounts of the said Commissioner, and objecting (if they shall think fit) to the Allowance thereof by the Justices as herein-after mentioned, and for inspecting the Plans and Estimates for the Steam and other Engines, Banks, Rhines, and other Works, which may be erected, altered, or made under this Act in respect of such low Lands and Grounds, with Power of approving or rejecting the same, and for rendering him any other Aid or Advice whenever he may apply to them for the same, and also for the Purpose of effecting the future Repairs, according to the Provisions herein-after contained; and in case the Members of the said Committee or any One or more of them shall die, or refuse or neglect to act in discharge of the Duties hereby imposed on such Committee, it shall be lawful for the Owners or Proprietors of the major Part in Value of such of the said low Lands and Grounds as lie in the Parish for which the Persons so dying, refusing or neglecting to act were originally appointed, (such Value of the Land in all Cases to be estimated according to the Number of computed Acres thereof,) to nominate, by Writing under their respective Hands, some proper Person or Persons resident in the said Parishes respectively, or within Five Miles thereof, to act as a Committee-man or Committee-men on behalf of the Parish for which he or they shall be appointed, in the Room and Stead of the Committee-man or Committee-men so dying, refusing or neglecting to act as aforesaid, and from Time to Time to remove such Persons so newly appointed, and (by the Ways and Means aforesaid) appoint others in their Stead; and in all Cases, until the Execution of the Award of the said Commissioner, such respective Appointments shall be forthwith notified to the said Commissioner, and the same Appointments, or Duplicates thereof signed by the same Persons as subscribed the original Appointments, shall be deposited with the Clerk or Clerks of the said Commissioner, and, after the Execution of such Award, in the Parish Church of each of the said Parishes; and the Person or Persons who shall be so appointed by the said Owners or Proprietors shall, from Time to Time, form such Committee for the Purposes aforesaid, and also for all other Matters and Things which a Committee shall be empowered to do by virtue of this Act, for and in respect of the said low Lands and Grounds; and it shall be no Objection to such Committee that they may happen to be interested in the Matters which may come under their Jurisdiction or Controul; and the major Part of the said Committee who may attend any Meeting of the said Commissioner to which such Committee shall be summoned by the said Commissioner, as herein-after mentioned, shall be deemed to represent the whole of the said Committee; and in case of an equal Division in the said Committee attending, the said Commissioner shall act as he may think proper with reference to the Point under Discussion.

Power of  
Committee-  
men as to  
each District.

XII. And be it further enacted, That if any Matter upon which the said Committee may have to advise, direct, or adjudicate, shall relate exclusively to the Lands above *Shide's Wall*, then the Committee-men for *Othery* and *Middlezoy* only shall be entitled to vote thereon; and if the same relate to the Lands below *Shide's Wall*, then

then the Committee-men for *Middlezoy* and *Weston Zoyland* only shall be entitled to vote thereon.

XIII. And be it further enacted, That it shall be lawful for the several Owners and Proprietors of the major Part in Value of the said low Lands and Grounds in the Parish of *Othery* called *Southlake*, (the Value to be estimated according to the Number of computed Acres thereof,) who may attend the first Meeting of the said Commissioner, (of which Notice shall be given as herein-after directed,) or some Adjournment thereof, to nominate, by Writing under their Hands, Three Persons residing in the said Parish of *Othery* or within Five Miles thereof to act as Committee-men for and in respect of the said low Lands and Grounds called *Southlake* alone, and the Three last referred to Persons so appointed shall form a Committee for and in respect of the said low Lands and Grounds called *Southlake*, with the like Powers and for the like Purposes in all respects as herein-before enacted respecting the said first-mentioned Committee; and in case the Members of the said Committee for *Southlake* or any One or more of them shall die, or refuse or neglect to act in discharge of the Duties hereby imposed on such last-mentioned Committee, it shall and may be lawful for the Owners or Proprietors of the major Part in Value of the said low Lands and Grounds called *Southlake*, (such Value in all Cases to be estimated according to the Number of computed Acres thereof,) to nominate, by Writing under their Hands, some proper Person or Persons resident in the said Parish of *Othery* or within Five Miles thereof to act as a Committee-man or Committee-men in the Room and Stead of the Committee-man or Committee-men so dying, refusing or neglecting to act as aforesaid, and from Time to Time to remove such Person or Persons so newly appointed, and by the Ways and Means aforesaid appoint another or others in his or their Stead; and in all Cases, until the Execution of the Award of the said Commissioner, such respective Appointments shall be forthwith notified to the said Commissioner; and the same Appointments, or Duplicates thereof signed by the same Persons as subscribed the original Appointments, shall be deposited with the Clerk or Clerks of the said Commissioner, and, after the Execution of his Award, in the said Parish Church of *Othery*; and the Person or Persons who shall be so appointed by the said Owners or Proprietors of the said low Lands and Grounds called *Southlake*, shall from Time to Time form such Committee for the Purposes aforesaid, and also for all other Matters and Things which a Committee shall be empowered to do by virtue of this Act, for and in respect of the said last-mentioned low Lands and Grounds; and it shall be no Objection to such last-mentioned Committee that they may happen to be interested in the Matters which may come under their Jurisdiction or Controul; and a major Part of the said last-mentioned Committee who may attend any Meeting of the said Commissioner to which such last-mentioned Committee shall be summoned by the said Commissioner, as herein-after mentioned, shall be deemed to represent the whole of the said last-mentioned Committee; and in case of an equal Division in the said last-mentioned Committee, the said Commissioner shall act as he may think proper with reference to the Point under Discussion.

Committee to  
be appointed  
for South-  
lake.

XIV. And

Commis-  
sioner may  
order  
Engines, &c.

XIV. And be it further enacted, That the said Commissioner may, without consulting the said Committees respectively, or either of them, give Orders for Engines, Banks, Rhines, Clices, and other Works of small Expence, so that the total Expenditure on account of such Engines, Banks, Rhines, Clices, and other Works ordered without the previous Sanction of the Committees shall not amount together to Two hundred Pounds during the Operation of this Act; and in case the said respective Committees shall neglect to attend any Meeting of the said Commissioner to determine on any such Engines or other Works to be erected, or the Acceptance of any Estimates, or otherwise to assist him in the Execution of this Act, (of which Meeting the said Commissioner shall have given them such Notice as herein-after provided,) it shall be lawful for the said Commissioner to act alone as he may think fit.

Accounts to  
be kept.

XV. And be it further enacted, That the said Commissioner shall and he is hereby required to keep or cause to be kept a just and true Statement and Account of all Sums of Money which shall be raised or received and laid out or expended by him, or by his Order, under or by virtue or in execution of this Act, and of what shall be due and owing to him for his own Trouble and Expences, and shall truly and regularly enter all the Particulars of such Statement and Accounts in a Book to be kept for that Purpose; and such Accounts shall in the Month of *June* or *July* in every Year from the passing of this Act (till such Accounts shall be finally closed), together with the Vouchers relating to the same, be examined and settled by any Two Justices of the Peace for the County of *Somerset*, at some Meeting or Meetings to be held by the said Commissioner and Justices, and such Members of the said Committees respectively, to be appointed as aforesaid, as may attend; which Justices shall from Time to Time state, in Writing under their Hands, the Balance of the said Accounts in such Book as aforesaid; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justices as aforesaid; and also that such Book of Accounts shall be kept at the Office of the Clerk or Clerks of the said Commissioner, and shall be open to the Inspection of the Owners or Proprietors of the said low Lands and Grounds respectively, and also of the said respective Committees, at all reasonable Times during the Progress of the several Improvements to be effected under this Act, and until the Accounts shall be finally settled as aforesaid; and in case the said Commissioner or his Clerk or Clerks shall refuse or neglect so to do, he and they so refusing or neglecting shall for every such Refusal or Neglect forfeit and pay unto any Person who shall sue for the same the Sum of Five Pounds, to be recovered and applied in the same Manner as any other Penalties are herein-after directed to be recovered and applied: Provided always, and the said Commissioner is hereby required and directed to keep one separate and distinct Account for and in respect of the said low Lands and Grounds lying between *Burrow Wall* and *Lake Wall* aforesaid, and another separate and distinct Account for and in respect of the said low Lands and Grounds called *Southlake*.

XVI. And



XVI. And be it further enacted, That the said Commissioner shall cause a Notice to the said respective Committees of all his Meetings to be given by personal Service of a Notice in Writing, or leaving the Notice at the last most usual Place of Abode of each of the said respective Committee-men to be appointed respectively as aforesaid, or such of them as shall have been so appointed and notified to the said Commissioner as aforesaid, and who shall continue to act under such Appointment, of the Time and Place of the Meeting or Meetings of the said Commissioner, which shall be held in One of the said Parishes of *Othery*, *Middlezoy*, and *Western Zoyland*, or within Seven Miles of the said Parish of *Middlezoy*, at least One clear Day before such Meeting or Meetings, (Meetings by Adjournment only excepted,) in order that such respective Committees, or any Members thereof, may attend such Meeting or Meetings for the several Purposes of this Act; and every Member of the said Committees respectively, who may attend the Meetings of the said Commissioner as aforesaid, shall be allowed Five Shillings for every Meeting which he shall so attend, which shall be paid by the said Commissioner, and raised by him as Part of the general Expences of executing this Act.

Commis-  
sioner to give  
Notice of his  
Meetings to  
Committees

XVII. And be it further enacted, That the said Commissioner shall and may, if he shall find it necessary, appoint some fit and proper Person, not interested in the said low Lands and Grounds, to be Surveyor for the Purposes of this Act; and in case of the Death, Incapacity, Neglect, or Refusal to act of the Person so to be appointed, then the said Commissioner shall and he is hereby authorized and empowered to appoint some other Person, (not interested in the said low Lands and Grounds,) as he shall think proper, to be Surveyor for the Purposes aforesaid, and so from Time to Time as often as Occasion shall require.

Surveyor to  
be appointed.

XVIII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act and executing the same, the Surveyor to be appointed for the Purposes of this Act shall be paid and allowed, for his Time and Trouble in surveying, measuring, mapping, or planning the Lands and Grounds necessary to be surveyed for the Purposes of this Act, Nine-pence *per Acre*, or One Pound Eleven Shillings and Sixpence for each and every Day he shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise as a Surveyor for the Purposes of this Act; which said Sums of Nine-pence *per Acre*, or One Pound Eleven Shillings and Sixpence *per Day*, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences (except Labourers Wages) of every Description to be incurred by him as such Surveyor in and about the Execution of this Act.

Allowance to  
Surveyor.

XIX. And be it further enacted, That it shall be lawful for the said Commissioner from Time to Time to appoint an Assessor or Assessors, Collector or Collectors of the Rates and Taxes hereby granted, and such other Officers as the said Commissioner shall think necessary for any general or special Purpose, as to the same

Officers to be  
appointed.

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Commissioner

Officers to  
give Security.

Officers to  
account, or  
be punished.

Commissioner shall seem expedient, and from Time to Time to remove all or any of such Officers as the said Commissioner shall think fit, and appoint others in the Room of such as shall be so removed, or shall die, or resign their Office, or be incapable of performing it, and shall take such Security for the due Execution of such respective Offices as the said Commissioner shall think proper, and may, by and out of the Monies to arise by virtue of this Act, allow and pay to such Surveyors, Assessors, Receivers, and Collectors, and to such other Person or Persons as shall be aiding or assisting him or 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 Commissioner shall seem reasonable; and all such Officers and Persons, and their respective Executors and Administrators, shall from Time to Time, when thereunto required by the said Commissioner, deliver to such Commissioner, or such Person or Persons as he shall for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how and to whom and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments; and all such Officers and Persons shall and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands to such Person or Persons as the said Commissioner shall appoint to receive the same; and if such Officers or Persons so required to account shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands, when thereunto required in manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Commissioner, or to such Person or Persons as he shall appoint, within Ten Days after being thereunto required, all Books, Accounts, Papers, and Writings in their respective Custody or Power any way relating to the Execution of this Act, then and in every such Case, Complaint being 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 to summon such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts (if produced) in such Manner as the said Commissioner might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Affirmation or Oaths or Affirmations of any credible Witness or Witnesses, which Oath or Affirmation the said Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice shall and he is hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants

Warrants under his Hand and Seal, to cause such Money 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 the Charges of distraining, keeping, and selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, (except for some sufficient Excuse to be allowed by the said Justice,) or if appearing shall refuse or neglect to give or deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in their Custody or Power relating to the Execution of this Act, then and in either of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where he, she, or they shall live or reside, there to remain without Bail or Mainprize until he, she, or they shall have delivered in and settled his, her, or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she, or they shall have compounded with the said Commissioner for the same, and paid the Composition Money to the said Commissioner, or to such Person or Persons as he shall appoint to receive the same, (and which Composition the said Commissioner is hereby empowered to make,) or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioner: Provided always, that no Person who shall by virtue of this Act be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months: Provided always, that every Surveyor, Assessor, Collector, and other Officer to be appointed as aforesaid, and also every Member of the said respective Committees who may act as herein-after mentioned, 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,)

Officers to  
take an 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 the Office of Clerk, Surveyor, [*or Assessor, Collector, or otherwise as the Case may be,*] by virtue of an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

Officers Oath  
or Affirma-  
tion.

‘ So help me GOD.’

[*Or, being one of the Persons called Quakers, omitting the Words*  
‘ So help me God.’]

Which

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

Commis-  
sioner to  
view Drains,  
&c.

XX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to view the several Drains, Rhines, Clices, and Shuttels leading from, through, or near the said low Lands and Grounds into, unto, or towards the said River *Parrett*, and the Bridges, Roads, and Banks upon and over the same, and to employ a Surveyor or Surveyors, Engineer or Engineers, or other Person or Persons whom he shall think proper for the same Purpose; and which said Surveyor or Surveyors, Engineer or Engineers shall, if the said Commissioner shall require the same, forthwith make and deliver to the said Commissioner a Report in Writing under his or 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 several Drains, Rhines, Clices, and Shuttels, and of improving the Bridges, Roads, Banks, and Sluices upon and over the same, and for altering, erecting, and building proper and necessary Dams, Sluices, Clices, and Flood Gates thereon respectively, and for erecting a proper Steam Engine or Steam Engines, or other Engine or Engines, with sufficient Roads thereto, for the Purposes of this Act, and for making proper and sufficient Clices in the Banks of the said River for introducing the rich Waters thereof into some of the said low Lands and Grounds in the Winter Season, and for conveying the same Waters back to the said River as soon as the Soil or Manure contained therein shall have been deposited on the said last-mentioned low Lands and Grounds, and for making such other Improvements for perfecting the said intended Drainage and flooding of the said low Lands and Grounds, and preventing such Floods from extending farther than shall be necessary, and further, for preserving for the Cattle feeding on the said low Lands and Grounds proper Supplies of Water, and of the probable Costs, Charges, and Expences of carrying the same into complete Effect.

For draining  
and flooding  
the Lands.

XXI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to drain in the best and most effectual Manner, according to the best of his Skill and Judgment, all the said low Lands and Grounds respectively comprised in this Act, and likewise to make due Provision for flooding such of the same low Lands and Grounds as can in his Judgment be conveniently and beneficially flooded, between the Fifteenth Day of *December* in every Year and the First Day of *March* following, and for carrying a sufficient Portion of the Water in the same State as it comes from the River across to the most distant Parts of such of the said low Lands and Grounds intended to be flooded under the Authority of this Act, in order that the same may be equally benefited with Lands near the River, and for erecting Clices, Banks, or Dams at or near *Shide's Wall* aforesaid and other proper Places in the said upper and lower Levels, for retaining Water in the  
Ditches

Ditches and Drains of the said low Lands and Grounds for the Supply of Cattle feeding thereon in Summer; and for those several Purposes it shall be lawful for the said Commissioner, and his Agents, Workmen, and all other Persons by him employed, and he is hereby authorized and empowered, from Time to Time and at all Times hereafter, at his Will and Pleasure, to enter into and upon any Lands or Grounds whatsoever of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, or any public Road, or other public Property whatsoever; and to enlarge, maintain, and cleanse, divert, and turn all Yeos, Channels, Rhines, Ditches, Cuts, Clices, Passages, Culverts, Banks, and Trenches in or near the aforesaid low Lands and Grounds, leading to or communicating or connected with the said River, as now are or hereafter shall be made, opened, or cut therein; and to alter, remove, rebuild, and repair, divert, and turn any Banks, Engines, Sluices, Flood Gates, Drains, Clices, Bridges, Culverts, Roads, Drove, and other Works already made and erected; and also to erect, build, and make, and from Time to Time to alter, any new Banks, Bays, Yeos, Channels, Rhines, Ditches, Cuts, Passages, Culverts, Engines, Sluices, Flood Gates, Locks, Dams, Clices, Bridges, Roads, Drove, and other Works, in, upon, or through the Lands and Grounds aforesaid, and to erect any Steam Engine or Engines, or any other Engine or Engines, for the Purposes of this Act; and also to dam, bay, and stop up any ancient Brooks, Rhines, Clices, and Watercourses, and remove any Clice or Clices erected thereon; and also to do and execute all other Works, Matters, and Things for the better conveying the Waters from the said low Lands and Grounds into the said River, and for flooding such of the same low Lands and Grounds as are intended to be flooded under the Authority of this Act, or any of them, in the Winter Season, between the Days before specified, and for dividing and separating the low Lands and Grounds intended to be flooded from those which the said Commissioner may deem it inexpedient to flood, and for preventing such Floods from extending farther than shall be necessary, and for supplying such low Lands and Grounds at all Times with Water for Cattle, as shall be thought fit, necessary, and convenient by the said Commissioner; provided nevertheless, that nothing herein contained shall extend or be construed to extend to authorize the flooding of any of the low Lands or Grounds lying in the Level between the Turnpike Road leading from *Burrow Bridge* to *Othery* aforesaid and *Lake Wall*, until the Expiration of Three Years next after the passing of this Act; nor at any Time after that Period the flooding of any of the low Lands and Grounds lying in the Level between *Lake Wall* and *Shide's Wall*, without the previous Consent of the Proprietors of the major Part in Value of the same low Lands and Grounds, testified by Writing under their Hands; nor the flooding of any of the said low Lands and Grounds lying in the Level between *Shide's Wall* and *Cut Drove* and a Line extended from *Cut Drove* to the high Lands of *Othery* aforesaid, without the previous Consent of the Proprietors of the major Part in Value of the said low Lands and Grounds in that Level, to be testified in like Manner; nor the flooding of any of the said low Lands and Grounds lying between *Cut Drove* and the Line extended therefrom and the said Turnpike Road leading from *Burrow Bridge* to *Othery* aforesaid, without the previous

[*Local.*]

15 L

Consent

Consent of the Proprietors of the major Part in Value of such last-mentioned low Lands and Grounds, testified as aforesaid; and in case any or either of the said last-mentioned several Levels shall at any Time be flooded under the Authority of this Act, the said Commissioners shall make embanked Rhines from the Southern and Western Sides of the Level or respective Levels which shall be so flooded to the Steam Engine to be erected under the Authority of this Act between *Shide's Wall* and *Lake Wall*, or shall make due Provision for the same in and by his Award, in case such flooding shall not take place until after the Execution thereof, which embanked Rhines shall be sufficient to prevent the Flood Waters on the Level or respective Levels so flooded from obstructing the Passage of the upper Waters in their Course to such Engine, and also to prevent such Flood Waters from flooding the said Turnpike Road leading from *Burrow Bridge* to *Othery* aforesaid, and all Lands now used as Arable, and all other Lands, except those which may lie within the embanked Rhines to be made under the Provisions of this Act, and which are intended to be flooded as aforesaid; and all the Expences of flooding all and every the low Lands and Grounds intended to be flooded under the Authority of this Act, together with the Expence of any embanked Rhine or Rhines, Wall or Walls, Embankments, Sluices, Arches, or other Works, and all other Expences consequent thereon, shall be charged solely on the said respective Lands to be flooded under this Act, in the several Assessments herein-after directed to be made by the said Commissioner; provided nevertheless, that nothing herein contained shall extend or be construed to extend to authorize the said Commissioner to make any Cut or Cuts in the said Banks or Walls called *Burrow Wall* and *Callice Wall*, or either of them, or to do any other Act whereby the same may be in anywise damaged, weakened, or injured.

Earth may be deposited in adjoining Lands.

XXII. And be it further enacted, That for the better carrying into effect the several Improvements aforesaid, it shall be lawful for the said Commissioner to carry any Soil, Earth, Stones, Bricks, Materials, or Rubbish on any Lands within the Limits of this Act, near to the said River, Rhines, Drains, Ditches, Cuts, Passages, Culverts, Roads, Engines, Sluices, Flood Gates, Locks, Dams, Clices, Bridges, and other Works, widened, altered, improved, or newly made or erected by the said Commissioner for the several Purposes aforesaid, or any of them, and also to take off the Turf or Sward of any such Lands or Grounds lying near or adjoining, and deposit any Earth thereon, and again properly turf over the same; and also to make any temporary Roads, Bridges, or other Erections thereon, and to do any other Act, Matter, or Thing whatsoever which shall be necessary for carrying into effect the Purposes of this Act, nevertheless making Satisfaction for the several Matters aforesaid as herein-after mentioned.

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

XXIII. And be it further enacted, That the said Commissioner shall have full Power and Authority to do all or any of the Matters and Things aforesaid, and to make and erect all or any of the several Works hereby authorized to be done, made, or erected in, over, or upon any common or waste Grounds, and also in, over, or upon any private

private Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, within the Limits of this Act, making Satisfaction as herein-after mentioned, and in, through, or under a certain public Road leading from *Burrow Bridge* to *Lake Wall* aforesaid, within the Limits of this Act; and it shall be lawful for the said Commissioner to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said Commissioner shall judge necessary to be cut, taken, or used for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damages they may sustain thereby, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or other Person or Persons having a partial or qualified Interest or Estate in any Lands, Tenements, or Hereditaments, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, and other Persons interested, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, 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, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioner, by such Form of Conveyance as is herein-after directed, or by such other Form of Conveyance as the said Commissioner shall appoint, or to such Person or Persons as he shall direct, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioner for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, or 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, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Twenty Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective then present or last usual Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioner, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioner may and he is hereby authorized and required, Fourteen Days at least before he shall make the Application to the Justices of the Peace as herein-after mentioned, and within Twelve Calendar Months

Com-  
missioner may  
apply for a  
Jury to ascer-  
tain the Value  
of Lands and  
the Amount  
of Damage.

Months next after the Lands, Tenements, or Hereditaments shall have been taken, cut, or used, or such Damage done, to give or cause to be given to the Party or Parties whose Lands, Tenements, or Hereditaments shall have been taken, cut, or used, or who shall have sustained such Damage or Injury, or leave or cause to be left at his or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in possession of the Premises, a Notice in Writing purporting that the Value of such Lands, Tenements, or Hereditaments, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury; and thereupon the said Commissioner shall and he is hereby empowered and required forthwith to apply to any Two or more Justices of the Peace for the said County of *Somerset*, (not being interested,) which said Justices are hereby authorized and required to issue out their Warrant or Warrants, under their 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 of the said County not immediately interested in the Matter in question, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required to impanel, summon, and return a sufficient Jury, qualified according to the Laws of this Realm to serve on Juries on the Trial of Issues, to appear before the Justices of the Peace for the said County at their General or Quarter Sessions, at such Time and Place as in such Warrant or Warrants shall be named, and by such Warrant or Warrants to direct the said Sheriff or Coroner, on some Day or Days previous to the said General or Quarter Sessions of the Peace to be therein specified, to proceed with the said Jury or any Six or more of them to view the Place or Places and Matters in question; and the said Justices of the Peace in Sessions assembled are hereby empowered out of the said Jury to swear Twelve, who shall be a Jury to inquire touching the Matter in question; and in case a sufficient Number of Jurymen shall not appear at such Time or Place as aforesaid, the said Sheriff or Coroner shall return other qualified and indifferent Men who may be speedily 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 Court of General or Quarter Sessions is hereby also empowered and required, by Subpœna or other usual Process, from Time to Time to summon or cause to appear at the said Court all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question, as well upon the Application of the Parties interested as otherwise, and also to examine such Witnesses upon Oath (which Oath the said Court of General or Quarter Sessions is hereby empowered to administer) touching the Matters in controversy; and the said Court may in like Manner order and direct the said Jury, or any Six or more of them, to view the Place or Places and Matter in question; and the said Jury shall inquire of and assess the Sum or Sums of Money to be paid for Satisfaction or Damages as aforesaid, and shall ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested, and the said Court shall give Judgment for such Sum and Sums of Money accordingly; which said Verdict, and the  
Judgment



Judgment thereupon pronounced, shall be conclusive upon all Parties interested, and a true Copy of such Judgment shall be admitted as Evidence in all Courts of Justice; and the Clerk of the Peace for the said County shall be paid Five Shillings, and no more, for the recording of every such Verdict and Judgment, and the said Clerk of the Peace or his Deputy is hereby required to make and deliver to the Person or Persons requiring the same a Copy thereof, he, she, or they paying for such Copy after the Rate of Three-pence for every Seventy-two Words, and no more.

XXIV. Provided always, and be it further enacted, That if such Sheriff or Coroner, or his Under Sheriff or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any such Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or appearing shall refuse to be sworn or examined or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Court, shall for every such Offence forfeit and pay such Sum as the said Court shall adjudge, not exceeding Twenty Pounds for any one Offence.

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

XXV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury as aforesaid for more Money than shall have been previously offered by the said Commissioner as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damage, Loss, or Injury that may have been sustained by any Person or Persons as aforesaid, all the Costs and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioner out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days after Demand made thereof from the said Commissioner, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioner, or of any Goods or Chattels of the Treasurer appointed under this Act, (unless such Treasurer shall pay such Costs and Expences out of the Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, which Warrant such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioner as such Recompence or Satisfaction

By whom Expences of Juries shall be paid.

as aforesaid, all the Costs and Expences incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat and agree as before mentioned, and by the said Commissioner; but in all Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioner, the Costs and Expences so incurred shall be borne by the said Commissioner in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Expences, the same shall be settled and ascertained by any Justice of the Peace acting within his Jurisdiction, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where any Costs and Expences shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Commissioner as aforesaid, the Amount thereof, having been first paid by the said Commissioner, may be deducted by him out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Expences be not paid upon Demand after being so ascertained as aforesaid, the same may be recovered by the said Commissioner from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with the full Costs of Suit.

Application  
of Compensation, when  
exceeding  
200*l.*

1 G. 4. c. 35.

XXVI. 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, sold, taken, or used by virtue of the Powers of this Act, and for any Damages done to such Lands, Tenements, or Hereditaments as herein particularly mentioned, or for both such Purposes, and the said Money shall belong to any Corporation, Feme Covert, Idiot, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or having only a limited Interest as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioner, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same

Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled 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 to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used, or damaged as aforesaid stood settled or limited, or unto 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 may, 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 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 hereby directed to be purchased, in case such Purchase or Settlement had been made.

XXVII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity, or having only a limited Interest as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or damaged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioner, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Money may be applied in such Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court touching the Application thereof.

When less than 200*l.* and amounting to 20*l.*

XXVIII. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in such Case the same shall

When less than 20*l.*

shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or damaged, 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 thereto.

In case of  
not making  
out Titles,  
&c.

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

Where any  
Questions shall  
arise touch-  
ing the Title,  
&c.

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

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

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

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

XXXII. And be it further enacted, That all and every Pieces and Parcels or Piece and Parcel of Land or Ground which shall be purchased by the said Commissioner for the Purposes of this Act, together with all Engines, and other Works, Matters, and Things which shall be purchased or provided by the said Commissioner as aforesaid, shall be and the same are hereby vested in the said Commissioner until the Execution of the Award herein directed to be made, and until the Powers of the said Commissioner shall become vested in the General Commissioners herein-after appointed, and when and so soon as the Powers of the said Commissioner shall become vested in the said General Commissioners as aforesaid, then and in that Case all and every the said Pieces and Parcels or Piece and Parcel of Land or Ground which shall be purchased by the said Commissioner as aforesaid, together with all Engines and other Works, Matters, and Things which shall be purchased or provided by the same Commissioner as aforesaid, shall be and the same are hereby vested in the said General Commissioners for the Uses and Purposes of this Act for ever.

In whom the Lands, &c. purchased are to be vested.

XXXIII. And be it further enacted, That if in making any new Cut or other Works authorized and directed by this Act to be made, any Piece or Parcel of Land shall be cut through and divided, so that what shall be left on either Side of such Cut shall be less than One Acre in Quantity, or less than Two hundred Yards in Breadth through the whole Length thereof, and the Owner or Owners, Proprietor or Proprietors of any such Piece or Parcel of Land shall not have any other Land adjoining thereto, then the said Commissioner

Commissioner required to purchase small Parcels of Lands cut through.

[*Local.*]

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shall

shall and he is hereby authorized and required to take and purchase such Pieces or Parcels of Land, and shall pay for the same to the Owner or Owners, Proprietor or Proprietors thereof after the same Rate and in the same Manner as he shall pay or be adjudged to pay for the Land adjoining thereto which shall be taken and used by him for the Purposes aforesaid, provided the Owner or Owners, Proprietor or Proprietors, or the Person or Persons entitled to the Possession or to the Rents and Profits of such Lands respectively shall by Writing under his, her, or their Hand or Hands, delivered to the said Commissioner within One Calendar Month next after Payment and Satisfaction shall be made for the other Land so taken and used by the said Commissioner for the Purposes aforesaid, require the said Commissioner to take and purchase the same; and for that Purpose it shall be lawful for all such Owners of or Persons interested in such Pieces or Parcels of Land to sell and convey the same to the said Commissioner, or to such Person or Persons as he shall appoint, notwithstanding they may be under Disability or Incapacity, as herein-before mentioned with respect to the Lands to be taken or used for executing the several Powers of this Act; and the said Commissioner is hereby authorized and empowered to sell and convey such Lands, which he shall be so required to take and purchase as aforesaid, to any Person or Persons whomsoever who shall be willing to purchase the same, and the Monies arising from such Sale shall be appropriated from Time to Time for the Purposes of this Act; and every such Conveyance may be made and effected by a Deed in Writing according to the following Forms, or as near thereto as the Case will admit of; (that is to say,) where the said Conveyance shall be made to the said Commissioner, (which said Conveyance or Conveyances the said Commissioner is hereby authorized and empowered to accept and take,) it may be made in the following Form, or as near thereto as the Nature of the Case will admit;

Form of  
Conveyance  
of Land to  
the Com-  
missioner.

‘ I of \_\_\_\_\_ in consideration  
‘ of \_\_\_\_\_ to me paid by \_\_\_\_\_ the Com-  
‘ missioner appointed in and by virtue of an Act passed in the  
‘ Eleventh Year of the Reign of King George the Fourth, 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 Commissioner, all [*describing the Premises to be conveyed*], and  
‘ all my Estate, Right, Title, and Interest to and in the same, to  
‘ hold to the said Commissioner, his Successors and Assigns, for ever,  
‘ [*or if Leasehold or Copyhold, or for a particular Estate, state the*  
‘ *Term or Interest intended to be granted or assigned,*] by virtue of  
‘ and according to the true Intent and Meaning of the said Act.’

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

Form of  
Conveyance  
by the Com-  
missioner.

‘ I \_\_\_\_\_ the Commissioner appointed in or by  
‘ virtue of an Act passed in the Eleventh Year of the Reign of  
‘ King George the Fourth, intituled [*here insert the Title of this Act*],  
‘ \_\_\_\_\_ in

' in consideration of the Sum of \_\_\_\_\_ to me paid by  
 ' \_\_\_\_\_ of \_\_\_\_\_ do hereby grant, sell,  
 ' release and convey [*or if Leasehold or Copyhold, sell or assign*]  
 ' unto the said \_\_\_\_\_ all [*describing the Premises to be*  
 ' *conveyed*], and all my Estate, Right, Title, and Interest to and in  
 ' the same, to hold to the said \_\_\_\_\_ his Heirs and  
 ' Assigns, for ever, [*or if Leasehold or Copyhold, or for a particular*  
 ' *Estate, state the Term or Interest intended to be granted or assigned,*]  
 ' by virtue of or according to the true Intent and Meaning of the  
 ' said Act. In witness \_\_\_\_\_

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

XXXIV. Provided always, and be it further enacted, That the said  
 Commissioner, before he shall sell or dispose of any Piece or Pieces  
 of Ground by virtue of this Act, shall first offer the same to the  
 Person or Persons whose Lands shall adjoin thereto; and in case  
 such Person or Persons shall not then and thereupon agree, or shall  
 refuse to purchase the same respectively, any Affidavit to be made  
 and sworn before a Master Ordinary or Extraordinary in the High  
 Court of Chancery, or before One of His Majesty's Justices of the  
 Peace for the said County (who are and is hereby empowered and  
 required to take the same), by some Person or Persons no way  
 interested in the said Piece or Pieces of Ground, stating that such  
 Offer was made by or on behalf of the said Commissioner, and that  
 such Offer was not then and thereupon agreed to, or was refused by  
 the Person or Persons to whom the same was so offered, shall in all  
 Courts whatsoever be sufficient Evidence and Proof that such Offer was  
 made, and was not agreed to, or was refused by the Person or Persons  
 to whom such Offer was made (as the Case may be); and in case such  
 Person or Persons shall be desirous of purchasing the same, and he,  
 she, or they and the said Commissioner shall differ and not agree with  
 respect to the Price thereof, then the Price or Prices thereof shall  
 be ascertained by a Jury, in manner in this Act directed with respect  
 to the disputed Value of Premises to be purchased by the said  
 Commissioner in pursuance of this Act, and the Expence of hearing  
 and determining such Difference shall be borne and paid in like  
 Manner as herein-before directed with respect to such Purchases  
 made by the said Commissioner, *mutatis mutandis*, and the Money  
 to arise by the Sale or Sales of such Piece or Pieces of Ground shall  
 be applied to the Purposes of this Act; but the Purchaser or Pur-  
 chasers thereof shall not be answerable or accountable for any Mis-  
 application or Nonapplication of such Money.

First Offer to  
 be made to  
 the Owners  
 of Lands  
 adjoining.

XXXV. 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,  
 or Hereditaments, from the repairing, maintaining, and cleansing the  
 old Channel of the aforesaid River, or the Banks thereof, or any  
 Ditches, Drains, or Rhines leading thereto or emptying therein, or any  
 ancient Sluices, Clices, Bridges, or other Works, notwithstanding the  
 same

Nothing in  
 this Act to  
 exonerate  
 Persons from  
 Repair of  
 Works, ex-  
 cept in Cases  
 provided for.

same or any or either of them may have been rebuilt or altered under the Provisions of this Act, within the Parishes aforesaid, or any or either of them, in such Quantities, Proportions, Manner, and Form, and to the like Extent and Charge, 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 where the Expence of repairing, maintaining, and cleansing the same shall be otherwise provided for by the said Commissioner under the Powers herein-after contained; nevertheless the said Commissioner is hereby authorized and required to determine whether any and which of such ancient Sluices, Clices, Bridges, or other Works shall continue to be repaired by the Persons now liable to repair the same, and which of them shall be repaired under the Provisions of this Act, and shall specify the same in and by his Award.

Bridges to be made over Drains when the Passage to Lands is obstructed.

XXXVI. 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, any public Road or Path, or the Roads, Ways, Paths, or Passages of any Person or Persons to or from his, her, or their Grounds or Premises, or otherwise howsoever, on Foot or with Cattle or Carriages, shall or may be obstructed or interrupted, or whereby his, her, or their Hedges or Fences shall be broken down, damaged, or destroyed, the said Commissioner shall and he is hereby required, before the Commencement of such breaking down, Damage, or Destruction, to cause all such necessary Bridges, public and private Roads, Ways, Paths or Passages, Gates, Fences, and other Matters and Things, as the Cases may require, to be properly formed, raised, stoned, made, erected, and built for the Convenience of the Public, and the Use and Passage of any such Person or Persons on Foot or with Cattle or Carriages, and to defray the Expences of erecting and making such Bridges and other Works out of the Monies to be raised by virtue of this Act.

Commissioner to make a Valuation of the Lands, &c.;

XXXVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, at such Time or Times after the passing of this Act as he the said Commissioner shall think proper so to do, make or cause to be made a proper Survey and Valuation of all such low Lands and Grounds as shall or may in his Judgment receive Benefit by such intended Drainage, Flooding, or other Improvements carried into effect under or by virtue of the Provisions of this Act, or by the Exemption from the future Repairs of the Banks, Rhines, or other Matters, the Repairs of which may have heretofore been charged on such low Lands and Grounds, either alone or with any other Lands or Hereditaments, or the Owners or Occupiers thereof, and will hereafter be borne or partly borne by any other Person or Persons, or which will be affected in any other way under or by virtue of the Provisions contained in the Award of the said Commissioner.

and assess them according to such Valuation.

XXXVIII. And be it further enacted, That the said Commissioner shall, as soon as conveniently may be after such Survey and Valuation shall be completed, assess and lay on the same low Lands and Grounds respectively



respectively a Tax by a Pound Rate, in proportion to the Benefit and Advantage which such Lands and Grounds respectively shall, according to the Valuation made by the said Commissioner as aforesaid, respectively receive by such Drainage and other Improvements, inclusive of the Benefit of all such Exemptions from the future Repairs aforesaid, whether heretofore charged on the said low Lands and Grounds alone, or together with other Lands and Hereditaments; and the said Commissioner shall and he is hereby required to deposit with his Clerk or Clerks a fair Copy of such Assessment for the Inspection of all Parties interested, and shall also deliver or cause to be delivered to the Churchwarden or Churchwardens, or Overseer or Overseers of the Poor of each and every Parish where any Lands are to be so assessed, or unto some or one of them, a fair Copy or fair Copies of the Assessments made on the several Lands lying within such Parish, together with a Notice at the End of such Assessment of the Time and Place when and where the said Commissioner intends to meet (not sooner than Three Weeks from the Delivery of such Copy or Copies) to hear and take into Consideration any Objection which may be made thereto by any Party or Parties, Person or Persons interested; and the said Commissioner is hereby also required to cause Notice to be given on the Two ensuing *Sundays* in the Church of every such Parish, immediately after Divine Service, if Divine Service shall be performed in such Church on such said *Sundays*, or by Writing to be affixed on the principal outer Door of every such Church, and where the same can be done, by both such Ways and Means; and also to insert or cause to be inserted at least Three Weeks Notice in Two or more Newspapers printed or circulated in the said County, that such Assessments are made, and such Copies left with the Clerk or Clerks of the said Commissioner, and with the Churchwarden or Churchwardens, Overseer or Overseers as aforesaid, and of the Times and Places when and where the said Commissioner intends to meet to hear and take into Consideration any Objections which may be made to the said Rates as aforesaid; and the said Commissioner is hereby required to hear all and every such Objections and Objection which shall or may be made by any Person or Persons, Party or Parties to such Assessments, or to any Matter or Thing in any or either of them contained, and shall determine the same according to the best of his Skill and Judgment, and shall alter the Rate and Assessment accordingly, if he shall think proper so to do; and if any Bodies Politic, Corporate, or Collegiate, Person or Persons, shall, in consequence of any such Determination of the said Commissioner, find themselves, himself, or herself aggrieved, either in the whole or in part, as to the Quantum of the said Assessment, it shall be lawful for such Bodies Politic, Corporate, or Collegiate, Person or Persons, to appeal against such Rate or Assessment and Determination of the said Commissioner at the next General or Quarter Sessions of the Peace to be holden for the said County of *Somerset*, and the Justices of the Peace assembled at such Sessions shall and they are hereby authorized, empowered, and required to settle such Rate or Assessment, and to alter the same if they shall think proper: Provided always, that if the first Day of such next General or Quarter Sessions be within Thirty Days inclusive from the Day of Meeting of the said Commis-

Assessment  
may be  
appealed  
against.

sioner to determine such Objections to the said Rates, then such Appeal or Appeals may be made at the next or at the following General or Quarter Sessions of the Peace to be held for the said County, on giving Ten Days Notice to the said Commissioner, and the Determination of the Court of General or Quarter Sessions in the Premises shall be binding and conclusive upon all Parties; and the said Court of General or Quarter Sessions shall be at liberty to award Costs on such Appeals, to be paid by the said Commissioner, if the Court shall determine against him, out of the Monies to be raised by virtue of this Act, or to be paid to the said Commissioner by the Appellant or Appellants, in case the Court shall confirm the Determination of the said Commissioner; and if the Appellant or Appellants shall not pay such Costs as aforesaid, the same shall and may be recovered in such and the same Manner as herein-after provided with respect to the Recovery of Penalties and Forfeitures.

Old Survey  
may be used.

XXXIX. Provided always, and be it further enacted, That, notwithstanding any thing herein-before contained, the said Commissioner may, if he think proper, use any old Survey, Maps, Plans, or Admeasurements for any of the Purposes of this Act, instead of causing new ones to be made: Provided always, that nothing herein contained shall authorize the said Commissioner to rate or assess any Lands or Grounds whatsoever, except such as shall receive Benefit by virtue of the several Improvements intended to be carried into effect under the Provisions herein contained, or some of them, nor to rate any of the Lands which shall not be flooded under this Act, for or towards the Expences of or consequent upon the flooding of any other Lands which may be flooded under the Provisions herein contained.

Commis-  
sioner to  
make Rates  
for defraying  
the Expences.

XL. And be it further enacted, That the said Commissioner shall and he is hereby authorized, empowered, and required, from Time to Time after the said Valuation and Assessment shall have been so settled and determined, and subject to the Relief hereby directed to be given to any Parties or Persons who may be over or wrongfully charged, either by the said Commissioner or the said Court of General or Quarter Sessions as aforesaid, to make a Rate or Rates on the Owners and Proprietors of the said low Lands and Grounds respectively, in the Proportions and conformably to such Valuation and 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 such Costs, Charges, and Expences as have been incurred and which shall be incurred in soliciting and passing this Act, and in every thing relating thereto, and of defending and prosecuting any Appeal, or of any other Litigation or Controversy arising from any thing done by the said Commissioner under or by virtue of the Provisions of this Act, and also of surveying and measuring, planning and valuing the said Lands and Grounds, and of purchasing Lands and Hereditaments, and of erecting any Steam or other Engine or Engines, and of making any new Road or Roads, 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  
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down,

down, deepening, altering, and repairing all such Roads, Bridges, Banks, Dams, Sluices, Culverts, Rhines, Ditches, Watercourses, and Drains as shall be deemed necessary for the Purposes of this Act, and of preparing and depositing the Award or Instrument herein-after mentioned, and all other the necessary Allowances, Charges, and Expences relative to the putting this Act into execution, and executing and completing the several Works, Matters, and Things hereby required to be done and executed; and the said Commissioner shall cause at least Twenty Days Notice of the Time and Place or Times and Places when and where such Rate or 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 of every Parish wherein the Lands so assessed shall respectively lie, on some *Sunday* immediately after Divine Service, if the same be performed therein, and also cause the like Notice to be affixed on the principal outer Door of every of the said Churches, Ten Days at least before such Time of Payment; and in case any Person or Persons, Bodies Politic, Corporate, or Collegiate, who shall be so rated or assessed, shall neglect or refuse to pay his, her, or their Share or Shares, Proportion or Proportions of such Rate, at the Time or Place or Times or Places and to the Person or Persons to be appointed as aforesaid, that then the said Commissioner shall and may and he is hereby required and empowered, by Warrant under his Hand and Seal directed to any Person or Persons whom he shall think proper for that Purpose, from Time to Time to levy such Rates by Distress and Sale of the Goods and Chattels of such Person or Persons, Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, or by Distress and Sale of the Goods and Chattels of any Tenant or Occupier, Tenants or Occupiers of any of the Lands on which such Rate or Assessment shall be made or laid as aforesaid, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after paying all the Costs and Charges of such Distress and Sale; and in case the same or any Part thereof cannot be levied by Distress and Sale as aforesaid, by any Want of a Tenant, or Insufficiency of Stock, or otherwise, then the said Commissioner shall and may and he is hereby authorized and empowered, by Warrant under his Hand and Seal, to authorize any Person or Persons whom he shall think fit for that Purpose to appoint to enter into and upon and take Possession of the Lands on which the said Tax or Assessment shall be so laid, and which the Owner or Owners thereof hath or have so neglected or refused to pay as aforesaid, and to let the same, and to receive the Rents and Profits thereof respectively, until thereby or therewith such Rate so neglected or refused to be paid as aforesaid, and all Costs, Charges, and Expences occasioned by such Entry, and by the Receipt of the Rents and Profits of the said Premises, shall be respectively fully paid and satisfied; and the said Commissioner is hereby directed and required from Time to Time to appropriate and apply all and every such Sum or Sums of Money as shall from Time to Time be so raised and received by virtue of this Act towards the several Costs, Charges, and Expences aforesaid: Provided always, that the said Commissioner shall not be at liberty to raise or cause to be raised more than One Half Part of the whole of such Costs,  
Charges,

Charges, and Expences within the Space of Three Years after passing this Act.

For recovering Rates when Lands are untenanted.

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

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

XLII. 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 shall, and he, she, and they is and are hereby authorized and required to pay all and every Sum and Sums of Money which shall be so rated or assessed on the respective Lands and Grounds in his, her, or their Occupation, and to deduct and retain out of the Rent which shall be then due, or which shall thereafter become due for such respective Lands and Grounds, (except as next herein-after mentioned,) all such Sum and Sums of Money as he, she, or they shall have so respectively paid as aforesaid; and the several and respective Landlords and Owners of such Lands and Grounds are hereby required to allow such Deductions out of such Rent.

Where there are Leases at Rack Rent the Commissioner to apportion the Assessment.

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

Lessees, &c. may charge the Lands with the Sum assessed, on paying the Interest and One Twentieth Part of

XLIV. And be it further enacted, That it shall be lawful for any Person or Persons being Tenant or Tenants in Tail or for Life, or for any Rectors or Vicars, or for any Bodies Politic, Corporate, or Collegiate, or for the Husbands of any Femes Covert seised only in right of their Wives, and for all Persons being or acting as Guardians, Committees, Trustees, or Attornies, or for or to any Minors, Idiots, Lunatics, or Persons beyond the Seas, or under any legal Incapacity  
or

or Disability whatsoever, and for all Trustees or Feoffees for charitable Trusts or Uses, by and with the Consent of the said Commissioner, to be testified in Writing under his Hand and Seal, in and by any Deed or Instrument to be executed by him, either before or within Two Years after the Execution of his Award to be made as hereinafter is directed, and also for any Lessee or Lessees for Life or Lives, or Lessee or Lessees for any Term or Terms of Years determinable with One or more Life or Lives, or for any Lessee or Lessees for any Term or Terms of Years absolute, of which not more than Thirty-five Years shall be then unexpired, 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 Commissioner, to be testified as herein-before is mentioned, from Time to Time to charge the several Lands and Grounds which shall be so rated or assessed as aforesaid for the Purposes of this Act with the several Sum and Sums of Money which shall be rated or assessed thereon by virtue of this Act; and, for securing the Repayment of the same with Interest, to demise and grant, for a Term not exceeding Thirty-five Years, the several Lands or Grounds which shall be so rated or assessed, or any Part thereof, to the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns, so that such Grants or Demises respectively be made with a Proviso or Condition to be void, or with an Agreement that such Term or Terms shall be surrendered when the Sum or Sums of Money thereby secured and the Interest thereof shall be fully paid and satisfied, and so that in every such Demise and Grant there be inserted a Covenant to pay and keep down, half-yearly, the Interest, and pay off yearly One Twentieth Part of the Principal Money thereby secured, during the Estate or Interest for which the said Lands or Grounds so to be charged, demised, or granted shall be respectively held, such Payment to commence and begin from the Time of making such Assessment, and that every such Demise or Grant shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; all which several Demises, Grants, and Mortgages, so to be made in pursuance of this Act, shall be transferrable and assignable in like Manner as any other Mortgages are transferrable or assignable: Provided always, that no Person or Persons entitled to the Remainder or Reversion of the Lands so to be demised or granted shall be liable to pay any greater or larger Arrear of Interest for the said Money so borrowed than for the Half Year preceding the Time that the Title of such last-mentioned Person or Persons shall have commenced; and that no such Tenants in Tail or for Life, Rectors, Vicars, Bodies Politic, Corporate, or Collegiate, Husbands, Guardians, Committees, Trustees, Attornies, Feoffees, Lessees, or Copyholders, shall have Power to charge any such 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 Commissioner, or with any Sum or Sums of Money that may be rated or assessed thereon by the Commissioners of Sewers.

Commuta-  
tion to be  
made of Rate  
on Vicarage  
Lands.

XLV. And whereas about Eighteen Acres of the said low Lands and Grounds situate in the said Parish of *Weston Zoyland*, and which are intended to be drained and flooded under the Provisions of this Act, belong to the Vicarage of the Parish Church of *Weston Zoyland* aforesaid, and it is expedient that the Sum or Sums which may be rated on, for, or in respect of the said low Lands and Grounds belonging to the said Vicarage shall be commuted for an equivalent annual Payment for Twenty Years, such annual Payment to be applied as herein-after mentioned; be it therefore further enacted, That after the said Commissioner shall have ascertained, by the Survey and Valuation herein-before directed to be made, what Sum, Share, or Proportion of the Expences of passing this Act and carrying its Provisions into effect ought to be charged or assessed on or in respect of the said Vicarage Lands, he shall add that Sum or Sums to the Sum or Sums which ought to be rated on the other Lands comprised in the same Rate or Rates, and in lieu thereof the said Commissioner is hereby authorized and required to rate the same Vicarage Lands with such annual Payment or Payments, for the Term of Twenty Years from the Time of making such Rate or Rates, as shall, in the whole, be equivalent in Value to an immediate Payment or Payments of the Amount ascertained to be the proper Proportion to be charged on the aforesaid Vicarage Lands in such Rate or Rates, in case the same had been rated with the other Lands for the Purposes aforesaid; which annual Payment shall be recoverable from the said Vicarage Lands and the Owners and Occupiers thereof for the Time being (in addition to the Proportion of the general Rate for the future Repairs, which is to be charged on the same Vicarage Lands proportionably with the other low Lands and Grounds comprised in this Act,) by the same Ways and Means, in all respects, as the other Sum or Sums raised for future Repairs are herein-after directed to be raised; and the same shall be applied in aid of the Sums rated on the said other Lands which may be comprised in the same Rate or Rates, and the said Commissioner shall specify, in and by his Award, the Sum or Sums so commuted in respect of the aforesaid Vicarage Lands, as well as the equivalent annual Payment or Payments in lieu thereof.

Commis-  
sioner may  
borrow any  
Sum not  
exceeding  
4,000*l.* on  
Mortgage of  
the Rates.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized, from Time to Time, to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money, not exceeding in the whole the Sum of Four thousand Pounds, as the said Commissioner 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 be conveniently raised and repaid by and out of the Monies to be collected and raised by the several Rates and Assessments as aforesaid, which Sum and Sums of Money so to be borrowed by the said Commissioner shall be a Charge on the Credit of the said Rates and Assessments until the said Money so borrowed shall be repaid with Interest for the same; and the said Commissioner is hereby authorized and empowered to raise the said Money upon Credit as aforesaid, and also to mortgage and charge the said Rates and Assessments to any

Person

Person or Persons who shall agree to advance and lend any Sum or Sums of Money thereon with such Sum and Sums of Money as the said Commissioner shall so borrow as aforesaid, and which shall be repaid by and out of the Money that shall, after the Date and Execution of such Charge, be raised and levied by the said Rates and Assessments, or any of them, by virtue of this Act.

XLVII. And be it further enacted, That the Rates of the said several Districts, to be raised and levied under or by virtue of this Act, shall be charged and chargeable with the Payment of the Principal Money so to be borrowed by the said Commissioner, and the Interest thereof, and shall vest in the respective Creditors, upon Default of Payment of such Principal and Interest at the Time and Times to be appointed for Payment thereof, until the same and every Part thereof shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof.

Assessment to be chargeable with Money borrowed and Interest.

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

Power to summon Witnesses.

XLIX. And be it further enacted, That if any Person or Persons who shall be examined as a Witness or Witnesses by or before the said Commissioner, or any Justice or Justices of the Peace acting as such 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 wilful and corrupt Perjury.

L. And be it further enacted, That the said Commissioner, as soon as conveniently may be after he shall have completed the several Works directed to be made and done by this Act, and within Six Years after passing the same, 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 affected by the said Drainage, Flooding, and other Improvements, or which shall or may in any respect

Award.

respect be benefited thereby, and the Names of the Owners and Occupiers thereof respectively, and which shall also express and specify an Account of all the Bridges, Roads, Sluices, Flood Gates, Outlets, Cuts, Rivers, Drains, Clices, and other Works, which are to be maintained and kept in repair in pursuance of this Act, together with all proper Orders and Directions relative to the future Repairs thereof, and shall contain such other Orders and Regulations touching and concerning the same as the said Commissioner shall think necessary and proper for the Maintenance and Preservation of the said intended Drainage, Flooding, and other Improvements, and for the other Purposes intended to be effected by this Act, and shall make, and annex thereto, a Rate or Assessment or Rates or Assessments on the said several Lands and Grounds so benefited by such Drainage, Flooding, and other Improvements, or by the Exemption from such future Repairs, for raising sufficient Funds for maintaining the same, and shall give Notice in the Newspapers aforesaid that the Draft of such Award or Instrument, and of the said Rate or Assessment, Rates or Assessments to be annexed thereto, will be produced and open for the Inspection of all Persons and Parties interested therein on Two successive Days in One Week at the *King Alfred Inn, Burrow Bridge*, or at some other Place within Seven Miles thereof, (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 General or Quarter Sessions of the Peace to be holden in and for the said County next after such Production,) and of the Times and Places where the said Commissioner will meet to hear and take into Consideration any Objection or Objections which may be made thereto, the last of such Meetings to be held at least Thirty Days before the said then next General or Quarter Sessions of the Peace; and the said Commissioner is hereby required to direct and appoint his Clerk or Clerks, or some other proper Person or Persons, to attend at the Times and Places aforesaid, with such Draft of the said Award, and Rate or Rates annexed thereto, and to permit and suffer the same to be inspected and examined by all Persons interested therein, or their Agents; and the said Commissioner is hereby authorized and empowered to make such Alterations in such Draft of his said Award and Rate or Rates, and finally settle the same, as the Circumstances of the Case may appear to require; and if any Person or Persons, Bodies Politic, Corporate, or Collegiate, shall find himself, herself, or themselves aggrieved by any thing therein contained as finally settled by the said Commissioner, he, she, or they may appeal against the same at any General or Quarter Sessions of the Peace to be held in and for the said County within Four Calendar Months from the Time of the final Settlement of the Draft of such Award and Rate or Rates by the said Commissioner; which said Court of General or 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 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 General or Quarter Sessions of the Peace to be held within Four Calendar Months after the said Draft of Award and Rate or Rates shall be so finally settled by the said Commissioner



Commissioner as aforesaid, unless the said Commissioner shall consent thereto, and in that case no Appeal shall be brought after the General or Quarter Sessions of the Peace to be held in and for the said County next following the Expiration of Four Calendar Months after such Draft and Rate or Rates shall be finally settled by the said Commissioner as aforesaid; which said Award or Instrument, and Rate or Rates annexed thereto, when finally settled by the said Commissioner, or in case of Appeal, by the said Court of General or Quarter Sessions as aforesaid, shall be fairly ingrossed or written on Vellum or Parchment, and be signed and sealed by the said Commissioner, and shall within Three Calendar Months next after the same shall be so signed and sealed be delivered to the Clerk of the Peace for the County aforesaid, or his Deputy, to be deposited and kept with the Rolls of the said County; and the said Commissioner shall cause a Copy thereof, fairly written in a Book or Books, to be delivered to the Churchwardens of the said Parish of *Middlezoy*, to be by them deposited in the Church Chest of the said Parish, for which they shall respectively give Receipts, to the End that recourse may be had thereto respectively by all Persons interested therein; and for receiving thereof, and for signing such said Receipts, the said Clerk of the Peace, or his Deputy, shall receive Five Pounds and Five Shillings, and no more; 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, 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 is hereby ordered and required to make and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy Eight-pence for every Two hundred Words, and no more, and any Person or Persons interested therein shall be at liberty to inspect and peruse the same, paying to every such Officer for Inspection or Perusal One Shilling, and no more: Provided nevertheless, that notwithstanding any thing herein contained, the said Commissioner shall not be at liberty to direct any of the said Lands to be flooded, except yearly between the Fifteenth Day of *December* and the First Day of *March* following, and that after the Execution of the said Award the flooding shall be under the Order and Direction of the said General Commissioners for the Time being.

LI. And be it further enacted, That immediately after the said Award or Instrument shall be executed by the said Commissioner, and delivered to the said Clerk of the Peace or his Deputy, (of which the said Commissioner appointed in or by virtue of this Act is hereby required to give Notice in the Newspapers as aforesaid,) all the Powers of the said Commissioner under or by virtue of this Act shall (except as to the Recovery of Rates) cease and determine, and the Lord or Lords, Lady or Ladies, of the Manors of *Othery*, *Middlezoy*, and *Weston Zoyland*, and the Vicars of the Vicarages of the said Parishes of *Othery*, *Middlezoy*, and *Weston Zoyland* for the Time being, and each and every Owner or Proprietor of Twenty Acres of Land to be drained, flooded, or improved by virtue of this Act, shall from thenceforth be and they are hereby appointed

After the Award shall be executed and delivered, the Powers of the Act vested in permanent Commissioners.

[*Local.*]

15 Q

General

General Commissioners for the Purpose of draining, flooding, and improving the Lands and Grounds directed to be drained, flooded, and improved by virtue of this Act, and are hereby invested with the Power and Authority herein-after mentioned over the Officer or Officers to be appointed in pursuance of the Provisions herein-after contained.

Appointment  
of Deputy  
Commis-  
sioners.

LII. And be it further enacted, That it shall be lawful for every such General Commissioner, by Writing under his or her Hand, from Time to Time and for such Time as he or she shall think fit, to nominate and appoint an Agent or Deputy to act in his or her Absence as a General Commissioner for the Purposes of this Act; and every such Agent or Deputy shall and may, in the Absence of the Person by whom he shall be so nominated and appointed, act as such General Commissioner in his or her Place and Stead, and shall have the like Power and Authority as the Person by whom such Agent or Deputy shall be appointed; but no such Agent or Deputy shall be capable of acting as Agent or Deputy for the Purposes of this Act for any more than One General Commissioner under this Act at any One Time.

General  
Commis-  
sioners to  
take an Oath  
or Affirma-  
tion.

LIII. And be it further enacted, That no Person shall be capable of acting as a General Commissioner as aforesaid for the Purposes of this Act (except in administering the Oath or Affirmation herein-after mentioned to any other of the said General Commissioners) until he or she shall have taken the Oath, or, being One of the People called *Quakers*, made the Affirmation following; (that is to say,)

Oath.

‘ I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I will, without Favour or Affection, 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 General Commissioner under or by virtue of an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled, [*here insert the Title of this Act.*]

‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

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

Persons  
acting not  
being quali-  
fied, to forfeit  
50*l.*

LIV. And be it further enacted, That in case any Person shall act as a General Commissioner before he or she shall have taken the said Oath or made Affirmation, or if any Person, not being duly qualified as required by this Act, shall have acted or shall have appointed an Agent or Deputy who shall have acted as such Agent or Deputy in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, Bill, Plaint,

Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he or she has taken such Oath, or made such Affirmation, and is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a General Commissioner in the Execution of this Act, or has appointed an Agent or Deputy who has acted in the Execution of this Act, one Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied towards the Purposes of this Act.

LV. And be it further enacted, That the said General Commissioners shall and they are hereby required to hold their First Meeting for carrying this Act into execution at the *King Alfred Inn* aforesaid, or within Seven Miles thereof, on the Second *Wednesday* in the Month of *April* which shall next happen after the Execution of the said Award by the said Commissioner, between the Hours of Ten and Twelve of the Clock in the Forenoon; and the said General Commissioners shall meet on the Second *Wednesday* in the Month of *April* in each and every succeeding Year, between the Hours of Ten and Twelve of the Clock in the Forenoon, at the *King Alfred Inn* aforesaid, or within Seven Miles thereof, which last-mentioned Meeting shall be called the General Annual Meeting of the said General Commissioners; and the said General Commissioners shall and may from Time to Time adjourn themselves to meet at any convenient Place within the said Parish, or within Seven Miles thereof, which they the said General Commissioners, or the major Part of them present at any such Meeting, shall appoint; and if it shall so happen that there shall not appear a sufficient Number of the said General Commissioners at any such Meeting to act, or to adjourn to another Day, Two General Commissioners to be deemed sufficient for the Purposes of Adjournment, or if they shall refuse or neglect to adjourn, or if any Two or more of the said General Commissioners shall deem a Meeting of the said General Commissioners to be necessary or proper before the Time appointed for the then next General Annual Meeting or Meeting by Adjournment of such General Commissioners, then and in every or any such Case any Two or more of the said General Commissioners shall and may call a Meeting, to be holden at the Place or Places aforesaid, by Writing under their Hands, affixed to the Doors of the several Parish Churches of each of the said Parishes, and by publishing the same in some Newspaper printed and circulated in the said County of *Somerset*, Ten Days at the least previous to the Time of such Meeting, and no Act of the said General Commissioners shall be good or valid, unless done at some public Meeting to be holden by virtue of this Act (save as may be herein-after excepted); and all Powers and Authorities granted to or vested in the said General Commissioners shall and may from Time to Time be exercised by the major Part of them present at any Meeting, the whole Number present at such Meeting not being less than Five; and the said General Commissioners shall at all their Meetings in pursuance of this Act be allowed Ten Shillings each

Times and  
Places of  
holding  
Meetings.

each *per* Day out of the Monies to arise by virtue of this Act, and no more, towards their Expences, so that such Allowance do not in the whole exceed the Sum of Four Pounds *per* Day at every such Meeting of the said General Commissioners.

Repairs of  
Banks,  
Flood Gates,  
&c.

LVI. And be it further enacted, That for the Purpose of repairing and keeping in repair any Steam or other Engine or Engines to be erected under the Powers and Provisions of this Act, and of working the same, and of erecting and working any other Engine or Engines which may at any Time hereafter be necessary for draining and flooding the said low Lands and Grounds, or any of them, or for otherwise perpetuating the Benefits of this Act; and also for the Purpose of keeping in repair all and every of the old and existing Banks, Cuts, Rhines, Ditches, Passages, Trenches, Engines, Sluices, Flood Gates, Culverts, Roads, Drovers, and Bridges, and other Works, in or adjoining the said low Lands and Grounds in the said several Parishes, or any or either of them, and which shall not be destroyed, removed, or altered by the said Commissioner, or declared in his Award to be unnecessary for the Purposes of this Act, and also all Banks, Cuts, Rhines, Ditches, Passages, Trenches, Engines, Sluices, Flood Gates, Culverts, Roads, Drovers, and Bridges, and all other Works which shall be newly made, erected, built, or altered, or improved by the said Commissioner for the Purposes of this Act; and likewise for the Purpose of collecting the Rates or Assessments to be charged on the said Lands pursuant to the Assessment or Assessments next herein-after mentioned, or for any or either of those Purposes, it shall be lawful for the said General Commissioners, appointed as herein-before expressed, from Time to Time to appoint some proper Person or Persons, with such Salary or Recompence (annual or otherwise) as to such General Commissioners shall seem meet; and from Time to Time to displace such Officer or Officers, and appoint another or others in his or their Stead; and it shall be lawful for such General Commissioners to specify in such Appointment, or at any subsequent Meeting of the said General Commissioners, by any subsequent Instrument, whether the said Person or Persons to be appointed as aforesaid shall give any Security, and to what Amount, for the due Execution of his or their Office or Offices respectively, and whether he or they shall be at liberty to use or to let such Engine or Engines when the same shall not be wanted for the Purposes of this Act.

Officers to be  
invested with  
full Powers.

LVII. And be it further enacted, That such Officer or Officers, Person or Persons to be nominated and appointed by the said General Commissioners, for all, any, or either of the Purposes herein-before expressed, shall be invested with and have the same and like Power and Authority as is and are given to the Commissioner hereby appointed over all and every the said Steam or other Engine or Engines, and also all Cuts, Drains, Yeos, Rhines, Banks, Sluices, Flood Gates, Outlets, Engines, Bridges, Roads, Drovers, Clices, Sluices, and Hatches, and other Works already existing in or adjoining the said low Lands and Grounds, or to be done, erected, made, or executed by virtue of this Act; and also (with the Consent of the Majority of the said General Commissioners for the Time being, to be testified

by

by Writing under their respective Hands,) the like Authority to erect or make any new Steam or other or additional Engine or Engines or other Works, in the Stead or in Aid of such Engine or Engines or other Works as may be worn out, or prove insufficient for effecting the Purposes of this Act; and for enabling such Officer or Officers to raise sufficient Funds for effecting the several Purposes aforesaid, or for repaying himself or any previous Officers all such Expences as may have been incurred by either of them within Two Years previously, in executing the Powers conferred by virtue of such Appointment, or in defending any Actions or Suits which may be commenced in consequence thereof, or for the Payment of the Salary or Salaries of such Officer or Officers respectively, the said General Commissioners, or any Two or more of them, are hereby authorized and empowered, on Proof to their Satisfaction of the Necessity for such Rate or Rates, to assess, tax, and charge, according to the said final Rate or Assessment and Charge contained in the Award of the said Commissioner, all and every the Person and Persons who shall from Time to Time be the Owners or Occupiers of the several Lands and Grounds in the said several Parishes charged in such final Rate or Assessment and Charge towards raising the Funds aforesaid, and in such Assessment to direct the Payment of the said several Sums to the said Officer or Officers, or such Persons as he or they shall appoint; and shall and may, in default of Payment thereof as herein-after mentioned, cause the same to be levied and recovered by such Ways and Means and in such and the same Manner to all Intents and Purposes as is herein-before provided and directed with respect to the Recovery of Rates or Assessments by or for the said Commissioner appointed in and by virtue of this Act.

LVIII. Provided always, and be it further enacted, That in case the said General Commissioners in the Appointment of the said Officer or Officers shall specify that he or they shall give Security for the due Performance of the Duties of his or their Office, then the said Officer or Officers (before he or they shall act under such Appointment) shall enter into a Bond or Obligation in Writing to any Three or more of the said General Commissioners for the Time being, with One or more Sureties, to the Satisfaction of the same General Commissioners.

To whom  
Officers are  
to give  
Security.

LIX. And be it further enacted, That the Rates or Sums of Money which shall by the said General Commissioners be rated according to the Award of the said Commissioner on the said low Lands and Grounds in the said several Parishes, for or towards such future Repairs of the said several Engines, Rhines, Yeos, Channels, Ditches, Cuts, Drains, Passages, Culverts, Trenches, Banks, Roads, Drovers, Erections, or Works in the same Parishes respectively, and for the other Purposes herein-before mentioned, shall be collected by the said Officer or Officers, Person or Persons so appointed by the said General Commissioners, or by such Person or Persons as he or they shall depute for that Purpose, of and from the Owners or Occupiers thereof, and be recoverable under the like Powers, and by the same Ways and Means, and to be deducted out of the Rents of the

Collection of  
future Rates.

[*Local.*]

15 R

Tenants

Tenants at Rack Rent, as the Rates hereby authorized to be levied by the said Commissioner under the Powers herein contained for paying the Expences of passing this Act and carrying its Provisions into effect.

In case of  
Death of  
Officers,  
Money to be  
paid over.

LX. And be it further enacted, That in case of the Death or Resignation of such Officer or Officers, or in case of his or their being displaced by the said General Commissioners at any such Meeting as aforesaid, such Officer or Officers, his or their Executors or Administrators, shall from Time to Time deliver to such General 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 such Officer or Officers respectively had, collected, or received, and how and to whom and for what Purposes the same and every Part thereof have been disposed of, together with proper Vouchers and Receipts for such Payments; and if such Officer or Officers, his or their Executors or Administrators, so required to account, 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, and all Books, Accounts, Papers, and Writings in their respective Custody or Power anywise material to the Execution of the Duties reposed in them, or if such Officer or Officers shall refuse or neglect to pay the Balance remaining in his Hand or their Hands, when thereunto required in manner aforesaid, or shall be guilty of any Breach whatsoever in his or their Duty in executing or omitting to execute the same, whether by neglecting the Repairs of such Engines, Rhines, Yeos, Channels, Ditches, Cuts, Drains, Passages, Culverts, Trenches, Banks, Roads, Drovers, or otherwise, then such Officer or Officers shall for every such Offence forfeit any Sum not exceeding One hundred Pounds, and such Accounts shall and may be inquired into by any Justice or Justices of the Peace for the County or Place wherein such Officer or Officers shall live or reside, and such Officer or Officers so offending in any of the Ways or Means aforesaid may be apprehended and proceeded against for the Recovery of such Penalty and the Balance of such Accounts by all the same Ways and Means as are hereinbefore directed with regard to the Officer or Officers making default to the Commissioner appointed by this Act, or as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be levied.

Settling the  
Commis-  
sioner's  
Accounts.

LXI. And be it further enacted, That once at least in every Three Months during the Execution of this Act (to be computed from the Day of the passing this Act) the said Commissioner shall and he is hereby required, by himself or by his Clerk or Clerks, to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him and any other Person or Persons to be employed by him in carrying this Act into execution, for their Trouble and Expences in the Execution of this Act; and in every such Account shall be particularly stated and specified the several Items and Articles for which each particular Sum shall have been paid and disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him

laid before One or more of His Majesty's Justices of the Peace for the said County of *Somerset*, (not interested in the Premises,) to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the said Commissioner, and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in some Newspaper printed and circulated within the said County of *Somerset*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

LXII. And be it further enacted, That the said Commissioner appointed or to be appointed by virtue of this Act shall and he is hereby required, within Six Calendar Months next after the Execution of his Award, make up, settle, and finally close all his Accounts respecting the Execution of this Act; and thereupon to deliver a Copy of such Accounts, respectively signed by him, to the said Justices of the Peace acting in and for the said Division in which the said Lands or any of them shall be situate, or any Two of them; and the said Commissioner appointed by or under this Act shall from Time to Time direct his or their Banker to pay all or any Part of the Balance remaining unapplied to such Person or Persons as shall be appointed by the said Proprietors for keeping the said several Works in repair as herein-before expressed, and the Receipt of the said Person or Persons shall be a proper Discharge to the Commissioner appointed or to be appointed by virtue of or under this Act, for any Sum or Sums of Money which shall be by him or them drawn for or paid as aforesaid.

Commis-  
sioner to  
account.

LXIII. And for preventing the breaking down or damaging any of the Works which shall be made or altered in pursuance of this Act, or otherwise obstructing the Execution of the same, be it further enacted; That if any Person or Persons shall at any Time or Times hereafter wilfully or designedly damage, injure, or destroy any Bank, Cut, Drain or Watercourse, Flood Gate, Outlet, Clive, Sluice, Bridge, Road, Drove, 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 the 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 wilfully and maliciously obstruct, hinder, or molest the said Commissioner appointed in or by virtue of this Act, or any future Officer or Officers, or the said Justices, or any of them, or any Valuer, Surveyor

Penalty for  
damaging  
any Works,  
&c.

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

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

LXIV. And be it further enacted, That in case any Damage or Injury whatsoever shall be done to the Wharfs, Lands, Buildings, Bridges, Seawalls, Waterworks, or Waterfences, or to any other Works or Property whatsoever of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, in consequence of making any Outlet or Outlets, Flood Gate or Flood Gates, Sluice or Sluices, Bridge or Bridges, Road or Roads, Drove or Drove, or any new Cut or Cuts, for the Purpose of more effectually discharging the Waters into the said River, or the several Drains connected therewith, or of flooding or supplying with Water the said low Lands and Grounds, or in consequence of putting or removing any Clive or Clives therein or therefrom, or of damming, baying, or stopping up any ancient Brooks, Rhines, Piles, or Watercourses, or of making any Embankment or Embankments against any Lands adjoining the said River, or the Drains, Rhines, Watercourses running or draining into the same, or from any other Act, Matter, or Thing whatsoever to be made, done, or executed by the said Commissioner in the Execution of the Powers and Provisions of this Act, the said Commissioner shall from Time to Time, as long as the Powers and Authorities hereby given to him shall exist and continue, repair and make good, or cause to be repaired and made good, all such Damages and Injury which shall be so done to the Wharfs, Lands, Buildings, Seawalls, or Waterworks, or Waterfences, or to any other Works or Property whatsoever, of any Person or Persons, Bodies Politic, Corporate, or Collegiate as aforesaid, out of the said Monies to be raised and levied by virtue of this Act, and from and after the said Powers of the said Commissioner shall cease and determine by virtue of this Act, then such Damage and Injury shall from Time to Time thereafter be repaired and amended by the said Officer or Officers to be appointed for future Repairs as aforesaid, and such Compensation and Satisfaction be made by him to the several Persons damaged or injured as aforesaid, by and out of the Money to be collected by virtue of the Rate herein-before authorized to be granted by such Justices of the Peace; and in case the said Commissioner appointed or to be appointed by virtue of or under this Act, or the said Officer or Officers, and the said Party or Parties, Person or Persons cannot agree about the Quantum of such Satisfaction or Compensation, then and in such Case the same shall be ascertained and settled by a Jury in like Manner as the Value of the Land or Ground used or taken by the said Commissioner by virtue of this Act, or any Damage or Injury sustained thereby, is herein-before directed to be settled and ascertained.

Justices may  
proceed by  
Summons for

LXV. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by this Act is made recoverable by Information



mation before a Justice of the Peace, it shall be lawful for any Justice of the Peace, to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

the Recovery  
of Penalties.

LXVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace acting within his Jurisdiction, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath, Affirmation, or Confession such Justice is hereby authorized to administer or receive;) and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted,) the Penalties and Forfeitures when recovered shall be paid and applied for the Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace within such Jurisdiction, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, City, Division, or Place wherein the Offence shall be committed, there to remain for any Time not exceeding Three

Recovery and  
Application  
of Penalties.

[*Local.*]

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Calendar



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, on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be binding and conclusive on all Parties, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LXXI. 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, and of the particular Nature and Cause of such Action, to the Person or Persons against whom the same shall be brought, nor after Tender of sufficient Amends shall be made to the Party aggrieved, 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 and brought in the County where the Cause of Action shall have arisen, and not elsewhere, and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give all Matters in Evidence under the said Issue at any Trial to be had thereupon; and if it shall appear to have been done in pursuance and by the Authority of this Act, and in execution of the Powers and Authorities herein contained, 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 without Notice given, or after Tender of sufficient Amends as aforesaid, 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 be nonsuited, or suffer a Discontinuance of his or her Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

Limitation  
of Actions.

LXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and a printed Copy thereof shall be received in Evidence, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

