ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 79.

An Act for draining and improving certain Lands in the Manors, Parishes, and Places of *North Weston*, *Walton*, and other Places in the County of *Somerset*. [18th *May* 1810.]

WHEREAS there are in the several Manors, Parishes, Hamlets, and Places of *North Weston*, *Walton*, *Clapton Wick*, *Weston in Gordano*, *Clapton*, *Portishead*, and *Portbury*, several Low Lands and Grounds which are subject to be overflowed and greatly injured by the Waters not having a proper Passage into and along a certain Rhine called *Portishead Rhine*, which empties itself into the *Bristol Channel* at *Portishead Bay*, and has no other Outlet than through the Hatches of a certain Mill called *Portishead Mill*, and which takes in Water from the Tide for the Head of the said Mill, whereby the Occupiers of the said Mill pen back the said Waters of the said Rhine for the Purpose of working the said Mill, by which Impediment and Obstruction to the Passage of the said Waters the said Low Lands and Grounds are rendered unprofitable to the Owners and Occupiers thereof and unproductive to the Publick: And whereas it is expedient that proper and sufficient Cuts, Rhines, Drains, Outlets, Flood Gates, Sluices, and other Works and Passages should be made for the said Waters, and it is also expedient that the said Rhine should be straightened and deepened, whereby the said Low Lands and Grounds would be drained and improved, and great Benefit would accrue to the Owners and Occupiers thereof, and to the Publick; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be

enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Young Sturge* of *Weſtbury upon Trym* in the County of *Glouceſter*, and *James Staples* of the City of *Briſtol*, Gentlemen, and their Succeſſors, to be elected and appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for putting and carrying this Act, and all the Powers and Authorities herein-after contained, into Execution.

Commiſſioners.

New Commiſſioners.

II. And be it further enacted, That if the ſaid Commiſſioners, or any Commiſſioner or Commiſſioners who ſhall be elected in Manner herein-after mentioned, ſhall die, refuſe, or become incapable to act in the Powers hereby veſted in him or them before this Act ſhall be fully carried into Execution, it ſhall be lawful for the ſurviving or acting Commiſſioner or Commiſſioners, by Writing under his or their Hand or Hands, to appoint one other Commiſſioner (not intereſted in the ſaid intended Drainage) in the Place and Stead of the Commiſſioner or Commiſſioners ſo dying, refuſing, or becoming incapable to act, and ſo from Time to Time as often as any Commiſſioner ſhall die, refuſe, or become incapable to act; and every Commiſſioner appointed in Manner aforeſaid ſhall, after taking the Oath or Affirmation herein-after mentioned, have the like Power and Authority for carrying this Act into Execution as if he had been originally nominated and appointed a Commiſſioner in and by this Act.

Power veſted in One Commiſſioner.

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

Commiſſioners Allowance.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall be allowed to retain in their Hands, out of the Monies to be raiſed by virtue of this Act, the Sum of Three Pounds and Three Shillings each, and no more, for their Trouble and Expences for each and every Day they ſhall reſpectively attend in the Execution of this Act.

Commiſſioners to be ſworn.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of any of the Powers given by this Act, (unleſs it be the Powers hereby given of adminiſtering the Oath or Affirmation herein-after mentioned, or of giving Notice of the Firſt Meeting of the Commiſſioners,) until he ſhall have taken and ſubſcribed the Oath, or, being one of the People called *Quakers*, the Affirmation following; (that is to ſay,)

Form of the Oath.

'I *A. B.* do ſwear, [*or, being one of the People called Quakers*, do 'ſolemnly affirm,] That I will faithfully, truly, impartially, and 'honeſtly, according to the beſt of my Skill and Knowledge, execute 'and perform all ſuch Matters and Things which according to the Nature 'and Duty of my Office and Employment of a Commiſſioner for carrying into Execution an Act paſſed in the Fiftieth Year of the Reign of 'King *George* the Third, intituled, [*here inſert the Title of this Act,*]

'ought

ought to be done, executed, and performed by me, without Favour or Affection to any Person or Persons whomsoever.

So help me GOD.

[*Or, being one of the People called Quakers, omitting the Words,* So help me GOD.]

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

First Meeting.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required, within Two Calendar Months next after the passing of this Act, to cause Notice to be given in one of the *Bristol* Newspapers, and also to be affixed on the Church Doors of each of the said Parishes and Places having Churches, of the Time and Place of their First Meeting for executing the Powers by this Act vested in them, at least Fourteen Days before such Meeting; and that the said Commissioners shall and may at such Meeting, and from Time to Time afterwards, adjourn themselves to meet at such Time and Place in the said County of *Somerset*, not being more than Eight Miles distant from either of the said Parishes and Places, as they shall think most convenient for the Purposes of this Act, and shall cause Ten Days Notice at least to be given in one of the *Bristol* Newspapers of every subsequent Meeting, except Meetings which shall be held by Adjournment.

Proceedings of Commissioners to be entered in a Book.

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

Commissioners to appoint Officers, and take Security, &c.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint a Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors of the Rates and Taxes, and such other Officers as the said Commissioners shall think necessary, and from Time to Time remove all or any of such Officers as they shall think fit, and appoint others in the Room of such as shall be so removed, or shall die or resign their Office, or be incapable of performing it; and shall take such Security for the due Execution of such respective Offices as they the said Commissioners shall think proper, and may by and out of the Monies to arise by virtue of this Act allow and pay to such Clerks, Surveyors, Assessors, Receivers, Collectors, and to such other Person or Persons as shall be aiding or assisting to them in their respective Offices, or that shall anyways be employed in the Execution of this Act, such Salaries, Rewards, and Allowances for their respective Attendance, Care, and Service, as to the said Commissioners shall seem

ſeem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time when thereunto required by the ſaid Commiſſioners deliver to ſuch Commiſſioners, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands of all Monies which ſhall have been by them reſpectively had, collected, or received, and how and to whom and for what Purpoſes the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify the Accounts upon Oath or Affirmation, (which Oath or Affirmation the ſaid Commiſſioners, or any One of them, are and is hereby empowered to adminiſter,) and all ſuch Officers and Perſons ſhall and they are hereby required to pay all ſuch Monies, as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to receive the ſame; and if any ſuch Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof on Oath or Affirmation, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid, or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by the ſaid Commiſſioners, all Books, Accounts, Papers, and Writings in their reſpective Cuſtody or Power anyway relating to the Execution of this Act, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Fifty Pounds, to be paid to the ſaid Commiſſioners, and applied towards the general Purpoſes of this Act; and if Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall live and reſide, ſuch Juſtice may and he is hereby authorized and required, by a Warrant or Warrants, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his or their appearing or not appearing to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts if produced in ſuch Manner as the ſaid Commiſſioners might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or 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 may and he is hereby authorized and required upon Non-payment thereof, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money, and alſo ſuch Penalties as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money and Penalty, and the Charges of diſtraining and ſelling the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe, (except for ſome ſufficient Excuſe,) or if appearing ſhall refuſe or neglect to give or deliver to ſuch Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts and of the Articles thereof on Oath or Affirmation, (which Oath

Oath or Affirmation the ſaid Juſtice is hereby alſo empowered to adminiſter,) or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in their Cuſtody or Power relating to the Execution of this Act, then and in either of the Caſes aforeſaid the ſaid Juſtice may and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Goal or Bridewell of the County where he, ſhe, or they ſhall live or reſide, there to remain without Bail or Mainprize until he, ſhe, or they ſhall have delivered in and ſettled his, her, or their Accounts, and have verified the ſame on Oath or Affirmation, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in his, her, or their reſpective Hands, and ſuch Penalty as aforeſaid, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that Reſpect have been made, or until he, ſhe, or they ſhall have compounded with the ſaid Commiſſioners for the ſame, and paid the Compoſition Money to the Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Commiſſioners are hereby empowered to make,) or until he, ſhe, or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Commiſſioners: Provided always, that no Perſon who ſhall be committed for Want of ſufficient Diſtreſs only ſhall be detained in Priſon for any longer Time than Six Calendar Months.

Surveyor, &c. to take an Oath.

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

Oath.

'I *A. B.* do ſwear, [*or, being one of the People called Quakers*, do affirm,] That I will, according to the beſt of my Skill and Knowledge, faithfully diſcharge the Truſt repoſed in me by virtue of my Office of Surveyor [*or*, Aſſeſſor *or* Collector, *as the Caſe may be*], by virtue of an Act paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act*, &c. [*here inſert the Title of this Act*] without Favour or Affection to any Perſon or Perſons whomſoever.

'So help me GOD.

'[*Or, being one of the People called Quakers, omitting the Words*, So help me GOD.]'

One Commiſſioner empowered to adminiſter the Oath.

Which Oath or Affirmation it ſhall be lawful for any One of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame; and which Oath or Affirmation ſo taken and ſubſcribed ſhall be depoſited as the Commiſſioners Oath is herein-before directed to be depoſited.

Commiſſioners to view the Rhines, Drains, and Outlets, and employ an Engineer.

X. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to view the Rhines, Drains, and Outlets and Bridges upon and over the ſame, which exiſt at preſent, and to employ a ſkilful Surveyor or Surveyors, Engineer or Engineers, and which ſaid Surveyor or Surveyors, Engineer or Engineers, are hereby required

required forthwith to make and deliver to the ſaid Commiſſioners a Report in Writing under their reſpective Hands, and alſo if required a Plan or Plans of the beſt and moſt effectual Means of widening, deepening, and improving the ſaid Rhines, Drains, and Outlets, and ſuch other Improvements for perfecting the intended Drainage of the ſaid Low Lands and Grounds as ſhall appear proper and neceſſary, and of the probable Coſts, Charges, and Expences of carrying the ſame into complete Effect.

Commiſſioners empowered to make new Drains, &c.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to drain in the beſt and moſt effectual Manner, according to the beſt of their Skill and Judgement, the ſaid Low Lands and Grounds, and for that Purpoſe it ſhall be lawful for the ſaid Commiſſioners and their Agents, Workmen, and all other Perſons by them employed, and they are hereby authorized and empowered from Time to Time, and at all Times hereafter at their Will and Pleaſure, to enter into and upon any Lands or Grounds whatſoever of or belonging to any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, within the Manors, Pariſhes, Hamlets, and Places aforeſaid, or within any or either of them, and to ſtraighten or alter the Courſe or Direction of the ſaid Rhines, Drains, and Outlets, or any of them, and to make open and cut in or upon ſuch Lands or Grounds, or any Part thereof, any new Banks, Rivers, Yeos, Channels, Rhines, Roads, Ditches, Cuts, Paſſages, Culverts, and Trenches, and alſo to open, maintain, and cleanſe all ſuch Rivers, Yeos, Channels, Rhines, Ditches, Cuts, Paſſages, Culverts, Banks, and Trenches leading to or communicating with ſuch Rhines, Drains, and Outlets as now are or hereafter ſhall be made, opened, or cut in any of them, and to alter, remove, rebuild, and repair any Banks, Engines, Sluices, Flood Gates, Drains, Clies, Bridges, Culverts, Roads, and other Works already made and erected, and to make and erect or cauſe to be made and erected any new Banks, Engines, Sluices, Flood Gates, Clies, Bridges, Culverts, and other Works in, upon, and through the Lands and Grounds aforeſaid, for the better conveying the Waters from the ſame Lands and Grounds ſo to be drained into the *Briſtol Channel* at *Portiſhead Bay*, as ſhall be thought fit, neceſſary, and convenient by the ſaid Commiſſioners: Provided always, that no Drain ſhall be made either for the Purpoſe of a Catchwater or other Drain to intercept any Water from the High Lands on each Side of the ſaid Moors, Low Lands, and Grounds, where the Ground is on a higher Level than that of the Average of the Moors, Low Lands, and Grounds ſo to be drained.

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

XII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to do all or any of the Matters and Things, and to make and erect all or any of the ſeveral Works hereby authorized to be done, made, or erected in, over, or upon any Common or Waſte Ground, and alſo in, over, or upon any private Lands or Grounds of any Perſon or Perſons, Bodies Politick, or Corporate or Collegiate whatſoever, within the Manors, Pariſhes, and Hamlets aforeſaid, making Satisfaction as herein-after mentioned; and it ſhall be lawful for the ſaid Commiſſioners to agree with the Proprietors of and Perſons intereſted in a certain Mill called *Portiſhead Mill*, and alſo the Proprietors of and Perſons intereſted in any Lands or Hereditaments within the Manors, Pariſhes, and Hamlets aforeſaid, which the ſaid Commiſſioners ſhall judge neceſſary

to

to be cut, taken, or used for the Purposes of this Act, for the Purchase of such Lands and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damages they may sustain thereby, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and the said Commissioners shall have full Power and Authority to make such Compensation to the Lessees and Occupiers of the said Mill called *Portishead Mill* as shall be fixed and ascertained (in case of any Difference about the same) by a Jury as herein-after mentioned; and the said Commissioners or Jury (as the Case may be) shall, in estimating the Compensation to be paid to such Lessees and Occupiers of the said Mill, have regard to the Trade or Business carried on therein and dependant thereon; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Femes Covert, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any such Lands or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands and Hereditaments by the Means aforesaid; and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever therein declared, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate or Collegiate, and all Persons 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 Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Twenty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may and they are hereby authorized and required, Fourteen Days at least before they shall make the Application to the Justices of the Peace as is herein-after mentioned, and within Twelve Calendar Months after the Lands or Grounds shall have been taken, cut, or used, or who shall have sustained such Damage or Injury, leave or cause to be left at his or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing purporting that the Value of such Land or Ground, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury; and thereupon the said Commissioners shall and they are hereby empowered and required forthwith to

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

Commissioners may apply to a Jury to ascertain Value of Lands, and Amount of Damages.

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

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

XIII. Provided always, and be it further enacted, That if ſuch Sheriff or Coroner, or his Under Sheriff or Agent, ſhall make Default in the Premiſes, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Twenty Pounds; and if any 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 other Manner wilfully neglect his Duty, contrary to the true Intent and

Meaning

Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Justices of the Peace, shall for every such Offence forfeit and pay such Sum as the said Justices shall adjudge, not exceeding Ten Pounds for any One Offence.

Commissioners not to take Land in the Parish of Portbury, without Permission of James Gordon Esquire.

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners, or any Engineers, Surveyor, or Agent, or other Persons on their Behalf, to take or use for any of the Purposes of this Act any Land or Ground within the said Parish of *Portbury* belonging to *James Gordon* Esquire, without his previous Consent in Writing thereto first had and obtained.

Expences of the Jury.

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

Application of Compensation where exceeding 200*l.*

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

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

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

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

XVIII. Provided

Application where the Money is less than 20*l.*

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

In caſe of not making out Titles; or if Perſons cannot be found, Purchaſe Money to be paid into the Bank; ſubject to the Order of the Court of Chancery on Motion or Petition.

XIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to any ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the 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 of *England*.

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

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

to such Poſſeſſion, unleſs, &c.

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

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

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

Where any new Cut ſhall be made for the Purpoſe of ſtraightening the preſent Rhine, and in conſequence thereof any of the old Rhines ſhall be rendered uſeleſs as a Drain, the Perſons who uſed to cleanſe ſuch uſeleſs Part ſhall do their Works in the new Cut, in ſuch Proportions as the Commiſſioners ſhall appoint.

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

Earth dug out of the Rivers, &c. in the Lands of James Gordon, to be ſo embanked as to prevent the Water injuring the ſame.

XXIII. Provided always, and be it further enacted, That ſuch Earth and Soil that ſhall be dug out of the ſaid Rivers, Yeos, Channels, Rhines, Ditches, Cuts, Paſſages, and Trenches within the Lands of the ſaid *James Gordon* in the ſaid Pariſh of *Portbury*, ſhall be laid up and embanked in ſuch Manner as to prevent the Water in the ſaid Rivers, Yeos, Channels, Rhines, Ditches, Cuts, Paſſages, or Trenches from overflowing or injuring at any Time the Lands of the ſaid *James Gordon* within the ſaid Pariſh.

XXIV. Provided

XXIV. Provided always, and be it further enacted, That nothing herein contained shall discharge and exonerate, or be construed to discharge and exonerate any Person or Persons, Lands, Tenements, and Hereditaments from the repairing, maintaining, and cleansing the old Channel of the Rhine, and the Banks thereof, in such Quantities and Proportions, Manner and Form, as such Person or Persons, Lands, Tenements, and Hereditaments have been hitherto respectively bound to do by Tenure, Prescription, or otherwise howsoever, except in such Cases as are herein-before immediately provided for.

Nothing in this Act contained to exonerate Persons from doing their ancient Works except in Cases provided for.

XXV. And be it further enacted, That such Parts of the old or ancient Channel of the said Rhine which shall so become useless as aforesaid, immediately after such new Cut or new Cuts shall be made by or under the Direction of the said Commissioners as aforesaid, together with the Ground and Soil of the same, and the Fee Simple and Inheritance thereof shall be vested in the said Commissioners, and their Successors, who are hereby authorized and required to offer the same for Sale to such Person or Persons whose Lands shall lie adjoining thereto; and in case such Person or Persons shall not agree with the said Commissioners, or shall refuse to purchase the same, the said Commissioners shall sell and dispose of the same by publick Auction or otherwise, as to them shall seem meet, and to convey the same to any Purchaser or Purchasers thereof respectively in Fee Simple, and that the Money arising from such Sale or Sales shall be appropriated to the Purposes of this Act.

Where any Part of the River shall be rendered useless in consequence of any new Cut made by the Commissioners, Parts of the old River so rendered useless to vest in the Commissioners who are to sell the same, &c.

XXVI. Provided always, and be it further enacted, That the said Commissioners, before they shall sell and dispose of any old or ancient Channel as aforesaid, or any Piece or Pieces of Ground, shall offer the same to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to purchase the same respectively, any Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County, (who are and is hereby empowered and required to take the same,) by some Person or Persons no way interested in the said old or ancient Channel as aforesaid, or any Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Commissioners, 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 Commissioners, 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 Commissioners 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 Commissioners, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such old or ancient Channel as aforesaid, or Piece or Parcel of Ground, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answer-

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

able or accountable for any Misapplication or Non-application of such Money.

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

XXVII. And be it further enacted, That if by the making of any Cut, Drain, or other Work by virtue and in pursuance of this Act, the Passage of any Person or Persons to or from his, her, or their Grounds or Premises, on Foot, or with Cattle or Carriages, will be obstructed or interrupted, the said Commissioners shall and they are hereby required, before such Passage shall be wholly interrupted, to make a temporary Bridge or Way over the same; and before or immediately after such Works shall be completed, to cause all such necessary Bridges as the Case may require to be properly built for the convenient Passage of the Occupier or Occupiers of such Grounds or Premises respectively to and from the same, on Foot, or with Cattle and Carriages, and to defray the Expence of erecting and making such Bridges, and of keeping the same in Repair, out of the Monies and Rates to be raised and levied by virtue of this Act.

New Works to be kept in Repair by the Owners of Lands benefited, in such Proportions as the Commissioners shall by their Award direct.

XXVIII. And be it further enacted, That the Expence of repairing and keeping in Repair all and every the new Banks, Rhines, Cuts, Ditches, Passages, Trenches, Engines, Sluices, Flood Gates, Culverts, Bridges, and other new Works which may be made by the said Commissioners by virtue of this Act, shall from Time to Time, and at all Times hereafter be borne and defrayed by the several Owners and Occupiers of Lands which shall be benefited or affected thereby, according to the yearly Value of such Lands, and in such Proportion to the Benefit and Advantage such Lands shall receive by the said intended Drainage.

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

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

ing to be affixed on the principal outer Door of such Church or Chapel, and where the same can be done by both Ways or Means that such Assessment is so left with them or him, and fix a Day and Time for a Meeting of the Persons interested therein, to be held within Twenty-eight Days after the Receipt of such Assessment at the Place where Vestries or Parish Meetings are usually held, or at some other convenient Place in the said Parish or Chapelry for the Purpose of taking the same into Consideration, and shall produce such Assessment at such Meeting for the Purpose aforesaid, and shall in the mean Time suffer the same to be inspected and copied at all reasonable Times by any Person or Persons interested therein, under a Penalty not exceeding Twenty Pounds for each Default in any one of the Duties hereby imposed on them respectively; and the said Commissioners are hereby also required to insert Notices in the Newspapers as herein mentioned, that such Assessments are made and left with the Churchwardens or Churchwarden, Chapelwardens or Chapelwarden, Overseers or Overseer as aforesaid, and of the Times and Places when the said Commissioners will meet to hear and take into Consideration any Objections which may be made to the said Rates as aforesaid; and the said Commissioners are hereby required to hear all and every Objections and Objection which shall or may be made by any Person or Persons to any such Assessments, or to any Matter or Thing in any or either of them contained, and shall determine the same according to their best Skill and Judgement, and shall alter the Rate or Assessment accordingly, if they think proper; and if any Person or Persons shall in consequence of any such Determination of the said Commissioners (but not otherwise) find themselves, himself, or herself aggrieved, either in the Whole or in Part, or as to the Quantum of the said Assessment, it shall be lawful for such Person or Persons to appeal against such Rate or Assessment, and Determination of the said Commissioners, to the next General Quarter Sessions of the Peace to be held in and for the said County, and the Justices of the Peace assembled at such Session shall and they are hereby authorized, empowered, and required to settle such Rate or Assessment, and to alter the same if they think proper: Provided always, that if the First Day of such General Quarter Session be within Thirty Days inclusive from the Day and Notice of such Determination of the said Commissioners, then such Appeal or Appeals may be had at the First or at the Second General Quarter Sessions of the Peace to be held for the same County, on giving Ten Days Notice to the said Commissioners, and the Determination of the Court of Quarter Sessions shall be binding and conclusive upon all Parties; and the said Court of Quarter Sessions shall be at Liberty to give Costs on such Appeals, to be paid by the said Commissioners, if the Court shall determine against them, out of the Monies to be raised by virtue of this Act, or to be paid to the said Commissioners by the Appellant or Appellants in case the Court shall confirm the Determination of the said Commissioners; and if the Appellant or Appellants shall not pay such Costs as aforesaid, the same shall and may be recovered as herein-after provided with respect to the Recovery of Penalties and Forfeitures.

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

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners to lay any Rate, Tax, or Assessment on any Land or Ground belonging to the said *James Gordon* within the said Parish of *Portbury*, except such Parts as are immediately adjoining and contiguous to

to *Clapton Moor*, and contain Seventy-nine Acres or thereabouts, or even on such last mentioned Land or Gound, or on any other Lands or Grounds, which from the Quality or Situation thereof or other Cause, will not be benefited by such intended Drainage.

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

XXXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered and required from Time to Time, after the said Assessment shall have been so settled and determined, and subject to such Alterations and Variations as may be made therein by the said Commissioners, and to the Relief hereby directed to be given to Persons who may be over or wrongfully charged, either by the said Commissioners or the said Court of Quarter Sessions as aforesaid, to make a Rate or Rates on the Owners and Proprietors of the said Lands and Grounds, in the Proportion and conformably to such Assessment so determined and settled as aforesaid, and shall thereby from Time to Time raise and levy such Sum and Sums of Money as shall be sufficient to pay and defray all the Costs, Charges, and Expences which have been incurred, and which shall be incurred in the soliciting and obtaining this Act, and in every Thing relating thereto, and of defending any Appeal, or any other Litigation or Controversy arising out of the Duties imposed on the said Commissioners by virtue of this Act, and also of surveying, measuring, planning, and valuing the said Lands and Grounds, and of purchasing Lands and Hereditaments, and of building any new Outlets or Outlet, Bridge or Bridges, Cloughs or Clough, and of making any new Cuts and of purchasing Lands for that Purpose, and of building, scouring, digging, widening, pulling down, deepening, altering, and repairing all such Bridges, Banks, Dams, Sluices, Culverts, Rhines, Ditches, Clies, 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 relating to the putting this Act into Execution, and executing and completing the several Works, Matters, and Things hereby required to be done and executed; and the said Commissioners shall cause a Notice or Notices of the Time and Place or Times and Places when and where such Rates shall respectively be directed to be paid, and of the Person or Persons appointed to receive the same, to be published in the Church or Chapel wherein the Lands so assessed shall respectively lie, on some *Sunday* immediately after Divine Service, and also cause the like Notice to be affixed on the principal outer Door of the said Church or Chapel Ten Days at least before such Time of Payment; and in case any Person or Persons who shall be so rated or assessed shall neglect or refuse to pay his, her, or their Share or Shares, Proportion or Proportions of such Rate, at the Time and Place or the Times and Places, and to the Person or Persons to be appointed as aforesaid, that then the said Commissioners shall and may, and they are hereby authorized and empowered, by Warrant under their Hands and Seals directed to any Person or Persons whom they shall think proper for that Purpose, from Time to Time to levy such Rates by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same, or by Distress and Sale of the Goods and Chattels of any Tenant or Occupier, Tenants or Occupiers of any of the Lands on which such Rate or Assessment shall be made or laid as aforesaid, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after paying

all

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 Tenant or Insufficiency of Stock or otherwise, then the said Commissioners shall and may, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, to authorize any Person or Persons whom they shall think proper for that Purpose to appoint, to enter into and upon and take Possession of the Lands on which such Tax or Assessment shall be so laid, and which the Owner or Owners thereof have so neglected or refused to pay as aforesaid, and to let the same, and to receive the Rents and Profits thereof respectively, until thereby or therewith such Rate so neglected or refused to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by such Entry, and the Receipt of the Rents and Profits of the said Premises, shall be respectively fully paid and satisfied; and the said Commissioners are hereby directed and required from Time to Time to appropriate and apply all and every such Sum and Sums of Money as shall from Time to Time be so raised and received by virtue of this Act towards the several Costs, Charges, and Expences aforesaid: Provided, that the said Commissioners shall not be at Liberty to raise or cause to be raised more than One-half Part of the Whole of such Costs, Charges, and Expences, within the Space of Fifteen Calendar Months.

Method of recovering the Assessments for Lands untenanted.

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

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

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

Where there are Leases at Rack Rent, the Commissioners are to apportion the

XXXIV. 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 Commissioners shall and they are hereby authorized and required to apportion such Rate and

Aſſeſſment between Leſſor and Leſſees.

and Aſſeſſment between the Leſſor or Leſſors, and the Leſſee or Leſſees, in ſuch Manner as to them ſhall ſeem juſt and reaſonable; and ſuch Leſſee or Leſſees ſhall only be authorized and empowered to deduct the Portion or Portions which ſhall by the ſaid Commiſſioners be charged on the Leſſor or Leſſors as aforeſaid.

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

XXXV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons being Tenants in Tail or for Life, or for any Vicar or Rector, or for any Bodies Politick or Corporate, or for the Huſband of any Feme Covert ſeiſed only in Right of his Wife, and for all Perſons being or acting as Guardians, Committees, Truſtees, or Attornies for, of, or to any Minors, Idiots, Lunaticks, or Perſons beyond the Seas, or under any legal Incapacity or Diſability whatſoever, and for all Truſtees or Feoffees for charitable Truſts or Uſes, by and with the Conſent of the ſaid Commiſſioners, to be teſtified in Writing under their Hands and Seals in and by any Deed or Inſtrument to be executed by them, either before or within Two Years after the Execution of their Award to be made as herein-after is directed, from Time to Time to charge the ſeveral Lands or Grounds which ſhall be ſo rated or aſſeſſed as aforeſaid for the Purpoſes of this Act, with the ſeveral Sum and Sums of Money which ſhall be ſo laid, rated, or aſſeſſed thereon by virtue of this Act; and for ſecuring the Repayment of the ſame with Intereſt, to demiſe or grant for any Term or Terms of Years the ſeveral Lands which ſhall be ſo rated or aſſeſſed unto the Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, ſo as ſuch Grants or Demiſes reſpectively ſhall be made with a Proviſo or Condition to ceaſe and be void, or with an Agreement therein contained that ſuch Term or Terms ſhall be ſurrendered when the Sum or Sums of Money thereby ſecured and the Intereſt thereof ſhall be fully paid and ſatisfied, and ſo that in every ſuch Demiſe and Grant there be inſerted a Covenant to pay and keep down Half-yearly the Intereſt of the Money thereby ſecured, and One-twentieth Part of the Principal, during the Life or Intereſt for which the ſaid Lands or Grounds ſo to be charged, demiſed, or granted, ſhall be reſpectively held: Provided, that no Perſon or Perſons entitled to the Remainder or Reverſion of the Lands ſo to be charged, demiſed, and granted, ſhall be liable to pay any greater Arrear of Intereſt for the ſaid Money ſo borrowed than for the Half-year preceding the Time that the Title of ſuch laſt-mentioned Perſon or Perſons ſhall have commenced; and that it ſhall be lawful for any ſuch Tenant in Tail or for Life, and all other Perſons as aforeſaid, by any Deed or Deeds in Writing, or by his, her, or their laſt Will and Teſtament in Writing duly executed according to Law, either before or after the ſigning of the ſaid Award of the ſaid Commiſſioners, to charge the ſaid Lands and Grounds with ſuch Sum or Sums of Money as ſhall be ſo laid, rated, or aſſeſſed thereon, and which ſhall have been accordingly paid by ſuch Tenant in Tail or for Life, or other Perſon as aforeſaid, and to direct ſuch Sum or Sums of Money to be paid to ſuch Perſon or Perſons, and in ſuch Manner, Share, and Proportion, as he, ſhe, or they ſhall think fit, with Intereſt for the ſame, to commence from the Day of the Death of ſuch Tenant in Tail or for Life, or other Perſon reſpectively; and that every ſuch Grant and Demiſe by Way of Charge or Mortgage, and every ſuch Deed or Will and Teſtament made in purſuance of this Act, ſhall be good, valid, and effectual in the Law.

Tenants for Life may charge by Will.

XXXVI. And

Mortgages may be assigned.

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

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

XXXVII. And be it further enacted, That it shall be lawful for any Lessee or Lessees for Life or Lives, or Lessee or Lessees for any Term or Terms of Years determinable with one or more Life or Lives, or for any Lessee or Lessees for any Term or Terms of Years not exceeding Fifty Years from the Commencement, such Lessee or Lessees not being Tenant or Tenants at Rack Rent, or for any Copyholder or Copyholders for one or more Life or Lives of any such Lands or Grounds which shall be so rated or assessed as aforesaid, by and with the like Consent of the said Commissioners, to be testified as herein-before is mentioned, from Time to Time to charge the several Leasehold or Copyhold Lands or Grounds, which shall be so rated or assessed as aforesaid for the Purposes of this Act, with the several Sum and Sums of Money which shall be so rated or assessed thereon by virtue of this Act, and for securing the Re-payment of the same with Interest, to demise and grant for a Term not exceeding Twenty-five Years the several Lands or Grounds which shall be so rated or assessed, or any Part thereof, to the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, or Assigns; so as such Grants or Demises respectively shall be made with the like Proviso or Condition to be void, or with the like Agreement to be surrendered as aforesaid, when the Sum or Sums of Money thereby secured and the Interest thereof shall be fully paid and satisfied; and so as in every such last-mentioned Demise and Grant there be inserted a Covenant to pay and keep down yearly the Interest, and pay off yearly One-twentieth Part of the Principal Money thereby secured during the Estate or Interest of such Lessee or Lessees, Copyholder or Copyholders, in such Lands or Grounds so to be charged, demised, or granted, such Payment to commence and begin from the Time of making such Assessment; and that every such last-mentioned Demise or Grant shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; all which several Demises, Grants, 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 such Lessee or Lessees, Copyholder or Copyholders, shall have Power to charge any such Leasehold or Copyhold Lands with any Sum or Sums of Money that may be rated or assessed thereon for maintaining and keeping in Repair any of the Works hereby

directed to be made and performed by the said Commissioners, or with any Sum or Sums of Money that may be rated or assessed thereon by the said Commissioners of Sewers.

Commissioners to borrow any Sum not exceeding 3,000*l.* on Mortgage of the Rates.

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

Assessments to be chargeable with Money borrowed, and Interest; and in Default of Payment to be levied by Creditors.

XXXIX. And be it further enacted and declared, That the Taxes and Assessments to be raised and levied by this Act shall be charged and chargeable with the Payment of the Principal Money so to be borrowed by the said Commissioners, and the Interest thereof, and shall vest in the respective Creditors upon Default of Payment of such Principal and Interest at the Time and Times to be appointed for Payment thereof, until the same and every Part thereof shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of receiving, levying, and recovering the said several Taxes and Assessments payable by the several and respective Owners or Occupiers of the said Lands and Grounds, for and in respect of such Principal Monies and Interest in case of Default of Payment thereof, as the said Commissioners, or their Collectors or other Officers, would or could have had by virtue and under the Authority of this Act, in case such Principal and Interest had been regularly and fully paid and satisfied.

Power to appoint a Treasurer or Treasurers.

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

XLI. And

Power to summons.

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

Witnesses giving false Evidence to be guilty of Perjury.

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

Witnesses not compelled to travel above Eight Miles from Home.

XLIII. Provided always, and be it further enacted, That no Witness or Witnesses who shall be summoned to attend the said Commissioners shall be obliged or compelled to travel above the Distance of Eight Miles from the Place or Places of his, her, or their Abode.

Commissioners to draw up an Award.

XLIV. And be it further enacted, That the said Commissioners, as soon as conveniently may be after they have completed the several Works directed to be made and done by this Act, and within Three Years next after the said herein-before mentioned Rate or Assessment shall be determined and settled as aforesaid, shall form and draw up or cause to be formed and drawn up an Award or Instrument in Writing, which shall express and specify the Quantity and Contents in Statute Measure of the Lands and Grounds interested in or affected by the said Drainage, or which shall or may in any respect be benefited thereby, and the Names of the Owners or Occupiers thereof respectively; and which shall also express and specify an Account of all the Bridges, Sluices, Flood Gates, Outlets, Cuts, Rivers, Drains, and other Works which are to be maintained and kept in Repair in pursuance of this Act, together with all proper Orders and Directions by whom and at whose Expence all and singular the said new Works which shall be made or directed to be done by the said Commissioners by virtue of this Act, as well as all other Bridges, Sluices, Outlets, Drains, and other Works which shall come under the Cognizance of the said Commissioners by virtue of this Act, shall be thereafter kept and repaired, and shall contain such other Orders and Regulations touching and concerning the same, as they the said Commissioners shall think necessary and proper for the Maintenance and Preservation of the said intended Drainage,

and ſhall make and annex thereto a Rate or Aſſeſſment on the ſaid ſeveral Lands and Grounds ſo benefited by ſuch Drainage, and ſhall give Notice in the Newſpapers aforeſaid that the Draft of ſuch Award or Inſtrument, and of the ſaid final Rate or Aſſeſſment to be annexed thereto, will be produced and open for the Inſpection of all Perſons intereſted therein on Two ſucceſſive Days in one Week at *Portiſhead* aforeſaid in the ſaid County, (ſuch Notice to be given at leaſt Twenty Days before the Firſt Day of producing the ſame as aforeſaid, and at leaſt Eighty Days before the next General Quarter Seſſions of the Peace to be held in and for the ſaid County,) and of the Times and Places where the ſaid Commiſſioners will meet to hear and take into Conſideration any Objection or Objections which may be made thereto, the laſt of ſuch Meetings to be held at leaſt Thirty Days before the ſaid next General Quarter Seſſions of the Peace; and the ſaid Commiſſioners are hereby required to direct and appoint their Clerk, or ſome other proper Perſon or Perſons, to attend at the Times and Places aforeſaid with ſuch Draft of the ſaid Award and Rate annexed thereto, and to ſuffer the ſame to be inſpected and examined by all Perſons intereſted therein, or their Agents; and if any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, ſhall find himſelf, herſelf, or themſelves aggrieved by any Thing therein contained, he, ſhe, or they may appeal againſt the ſame at the next General Quarter Seſſions of the Peace to be held in and for the ſaid County, which ſaid Court of Quarter Seſſions is hereby authorized and empowered finally to ſettle and determine the ſame, and to order and direct Coſts to be paid as they ſhall think proper, in like Manner as is herein-before directed as to the firſt herein-before mentioned Rate or Aſſeſſment; and no Appeal againſt any of the Matters or Things contained in the ſaid Award ſhall be brought after ſuch next General Quarter Seſſions of the Peace, to be held after the ſaid Draft of Award ſhall be left open for ſuch Inſpection and Examination as aforeſaid, unleſs the ſaid Commiſſioners ſhall conſent thereto, and in that Caſe no Appeal ſhall be brought after the Second General Quarter Seſſions of the Peace to be held in and for the ſaid County after ſuch Draft ſhall be left for Inſpection or Examination as aforeſaid, which ſaid Award or Inſtrument and Rate annexed thereto when finally ſettled as aforeſaid, ſhall be fairly ingroſſed or written on Parchment, and within Two Calendar Months next after ſuch Second General Quarter Seſſions of the Peace be ſigned and ſealed by the ſaid Commiſſioners, and ſhall within Three Calendar Months next after the ſame ſhall be ſo ſigned and ſealed be delivered to the Clerk of the Peace for the County aforeſaid, or his Deputy, to be depoſited and kept with the Rolls of the ſaid County, and the ſaid Commiſſioners ſhall cauſe a Copy thereof fairly written in a Book or Books to be delivered to the Clerk of the Commiſſioners of Sewers of the ſaid County, (for which they ſhall reſpectively give Receipts to the ſaid Commiſſioners,) to the End that Recourſe may be had thereto reſpectively by all Perſons intereſted therein, and for receiving thereof, and for ſigning ſuch ſaid Receipt, the ſaid Clerk of the Peace or his Deputy, and the ſaid Clerk to the Commiſſioners of Sewers ſhall receive Five Pounds and Five Shillings each, and the ſaid Award or Inſtrument ſhall be binding and concluſive upon all Perſons intereſted in the ſaid Drainage, and a Copy thereof, or of any Part thereof atteſted by the ſaid Clerk of the Peace, or by the ſaid Clerk to the ſaid Commiſſioners of Sewers, ſhall from Time to Time and at all Times thereafter be admitted and allowed in all Courts as legal Evidence, which ſaid Copy the ſaid Clerk of the Peace,

Peace, or his Deputy, or the ſaid Clerk of the Commiſſioners of Sewers, is hereby ordered and required to make and deliver to any Perſon or Perſons requiring the ſame, he, ſhe, or they paying for ſuch Copy Eightpence for every Two hundred Words, and no more; and any Perſon or Perſons intereſted therein ſhall be at Liberty to inſpect and peruſe the ſame, paying to every ſuch Officer for Inſpection or Peruſal One Shilling, and no more.

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

XLV. And be it further enacted, That immediately after the ſaid Award or Inſtrument ſhall be ſo executed by the ſaid Commiſſioners, and delivered to the ſaid Clerk of the Peace or his Deputy, and to the ſaid Clerk of the Commiſſioners of Sewers, or either of them as aforeſaid, (of which the ſaid Commiſſioners appointed in or by virtue of this Act are hereby directed to give Notice in the ſeveral Newſpapers as aforeſaid,) all the Powers of the ſaid Commiſſioners appointed under or by virtue of this Act ſhall ceaſe and determine, and the Commiſſioners of Sewers acting in and for the ſaid County of *Somerſet* ſhall be inveſted with and have the ſame and like Power and Authority over all and every the ſaid Cuts, Drains, Yeos, Rhines, Banks, Sluices, Flood Gates, Outlets, Engines, Bridges, and other Works done, made, or executed by virtue of this Act, as they have in or over any of the Rivers, Cuts, Sewers, and other Works appertaining or belonging to the Commiſſioners of Sewers of the ſaid County, by virtue of any Statute or Law whatſoever; and the ſaid Commiſſioners of Sewers are hereby authorized and empowered from Time to Time to aſſeſs, tax, and charge all and every the Perſon and Perſons who ſhall from Time to Time be the Owners or Proprietors of the ſeveral Lands and Grounds charged in ſuch final Rate and Aſſeſſment and Charge, towards the repairing, rebuilding, new-making, or otherwiſe altering and amending all and every the ſaid Works intended to be made, done, and executed by the ſaid Commiſſioners appointed in or by virtue of this Act, and in purſuance thereto, when and as often as the ſame ſhall be needful and neceſſary, and ſhall and may in Default of Payment thereof cauſe the ſame to be levied and recovered by ſuch Ways and Means, in ſuch and the ſame Manner to all Intents and Purpoſes as is herein-before provided and directed with reſpect to the Recovery of Rates or Aſſeſſments by the ſaid Commiſſioners appointed in or by virtue of this Act.

Commiſſioners to account.

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

to

to the Commissioners appointed or to be appointed by virtue of or under this Act, for any Sum or Sums of Money which shall be by them drawn for or paid in pursuance of such Order or Orders as aforesaid.

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

XLVII. And for preventing the breaking down or damaging any of the Works which shall from Time to Time 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 maliciously injure or destroy any Cut, Drain, or Watercourse, Flood Gate, Outlet, Clies, Sluice, Bridges, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be made or erected for answering any of the Purposes of this Act, all and every Person and Persons so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in such Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or the Court may, if they shall think fit, in Mitigation of such Punishment, award such Sentence as the Law directs in Cases of Petit Larceny; and if any Person shall obstruct, hinder, or molest the said Commissioners appointed in or by virtue of this Act, or the said Commissioners of Sewers, or any of them, or any Surveyor, Workman, or other Person who shall be employed by or under them, or any of them respectively in the Execution of this Act, or do any wilful Hurt or Mischief to prevent the carrying on, completing, and finishing the several Works intended to be done, performed, and executed by virtue of this Act, every such Person so offending, and being thereof convicted, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

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

XLVIII. And be it further enacted, That in case any Damage or Injury whatsoever shall be done to the Warths, Lands, Buildings, Bridges, Seawalls or Waterworks, or Water Fences, or to any other Works or Property whatsoever of any Person or Persons whomsoever, in consequence of enlarging the present Flood Gate or Flood Gates, Sluice or Sluices, Bridge or Bridges, or any new Cut or Cuts, for the Purpose of more effectually discharging the Waters of the said Drain, or the several Drains connected therewith, into the *Bristol Channel* at *Potisshead* Mill aforesaid, or in consequence of widening or deepening the said Rhine, the said Commissioners appointed in and by virtue of this Act shall from Time to Time, as long as the Powers and Authorities hereby given to them shall exist and continue, repair and make good, or cause to be repaired and made good, all such Damage and Injury which shall be so done to the Warths, Lands, Buildings, Bridges, Seawalls or Waterworks, or Water Fences, or to any other Works or Property whatsoever of any Person or Persons as aforesaid, and from Time to Time to make new and additional Low Waterworks, and other Waterworks where the same shall be necessary, and shall also make proper Satisfaction and Compensation for the same out of the said Monies to be raised and levied by virtue of this Act; and from and after the said Powers of the said last mentioned Commissioners shall cease and determine by virtue of this Act, then such Damage and Injury from Time to Time thereafter be repaired and amended, and new and additional Low Waterworks, and other Waterworks shall from Time to Time be made where the same may be necessary by the said Commis-

ſioners of Sewers, and ſuch Compenſation and Satisfaction be made to the ſeveral Perſons damaged or injured as aforeſaid, by and out of the Money to be collected by virtue of the Rate annexed to the ſaid Award or Inſtrument as aforeſaid, and which the ſaid Commiſſioners of Sewers are hereby authorized and required to raiſe, levy, apply, and pay accordingly; and in caſe the ſaid Commiſſioners appointed or to be appointed by virtue of or under this Act, or the ſaid Commiſſioners of Sewers, and the ſaid Party or Parties, Perſon or Perſons, cannot agree about the Quantum of ſuch Satisfaction and Compenſation, then and in ſuch Caſe the ſame ſhall be aſcertained and ſettled by a Jury, and in like Manner as the Value of the Land or Ground, uſed, or taken by the ſaid Commiſſioners by virtue of this Act, and any Damage or Injury ſuſtained thereby is herein-before directed to be ſettled and aſcertained.

Recovery and Application of Penalties and Forfeitures.

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

Perſons aggrieved by Irregularity in Diſtreſs to recover ſpecial Damages.

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

Conviction of Offenders.

LI. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn

up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say,)

Form of Conviction.

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

Proceedings not to be quashed for Want of Form.

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

Persons aggrieved may appeal.

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

Limitation of Actions.

LIV. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, unless Thirty Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information to the Person or Persons against whom the same shall be brought, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, and shall be laid or brought in the County of *Somerset*, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the

Authority of this Act; and if it shall appear to have been done, or if such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit or suffer a Discontinuance of his or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

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

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