

Special matter, as the case may require, in evidence; and if the plaintiff or prosecutor become nonsuit, or suffer discontinuance, or if a verdict pass against him, her, or them, the defendant or defendants shall recover treble costs, for which they shall have the like remedy as in any case where costs by law are given to defendants.

V. And it is also enacted, That this act, and the said recited acts, shall be deemed and taken for publick acts.

C A P. X.

An act for rendering more effectual the laws concerning commissions of sewers.

All the said acts to be taken as publick acts.
19 Car. 2. c. 3.
22 & 23 Car. 2. c. 17.

WHEREAS by the laws now in force concerning commissions of sewers it is provided, That if any person or persons being assessed or taxed to any lot or charge for any lands, tenements, or hereditaments within the limits of any such commission, do not pay the said lot and charge, according to the order and assignment of the commissioners, having power of the execution of the said commission, that then the said commissioners for lack of payment of such lot and charge, may decree and ordain the said lands and tenements from the owner or owners thereof, and their heirs, and the heirs of every of them, to any person or persons, for term of years, term of life, fee-simple, or fee-tail, for payment of the same lot and charge, the said decrees and ordinances to be executed in such manner, as by the said laws now in force is directed and appointed: and it is thereby provided, That the same decrees and ordinances shall bind all and every person and persons, that at the making of the same decree had any interest in such lands, tenements, and hereditaments, in use, possession, reversion, or remainder, their heirs and feoffees, and every of them; and shall also bind as well the lands, tenements, and hereditaments of the King of England, as all and every other person and persons and their heirs, and such their interest, as they shall fortune to have in any lands, tenements, and hereditaments, or other casual profit, advantage, or commodity whatsoever they be, whereunto the said laws, ordinances, and decrees shall in any wise extend, according to the true purport, meaning, and intent of the said laws; but the said laws of sewers now in force, have been found defective, in that sufficient power and authority is not thereby given to commissioners of sewers, to make sale of copyhold or customary lands within the limits of their commission for the causes aforesaid; for remedy whereof, be it enacted by the Queen'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 from and after the five and twentieth day of March, in the year of our Lord one thousand seven hundred and nine, it shall and may be lawful to and for the commissioners authorized by commission from her Majesty, her heirs and successors, or any six or more of them, to put in execution the laws now in force concerning sewers, for non-payment of any lot or charge assessed or charged upon any copyhold or customary lands within the limits of their commission, and by

Preamble reciting the laws in force concerning commissions of sewers.

After 25 March, 1709. commissioners of sewers may for non-payment of any lot assessed on copyhold lands, decree the same from the owners, &c.

The said decrees to be executed as decrees concerning freeholds.

the power and authority of the said commission of sewers, to decree and ordain the said copyhold or customary lands so charged from the owner or owners, and their heirs, and the heirs of every of them, to any person or persons, for such estate and interest therein, as the said owner or owners thereof, or any claiming in remainder under them, at the time of such decree made, had in the same copyhold lands, tenements, and hereditaments; the said decrees to be made and executed, as decrees concerning freehold lands are, by the said laws now in force, to be made and executed.

The buyers of such copyhold lands to agree with the lords of whom holden, for the accustomed fines, and the lords to admit them tenants.

II. Provided always, That all and every person or persons, to whom any such sale of copyhold or customary lands or tenements shall be made, shall before such time as they or any of them shall enter, or take any profit of the same lands or tenements, agree and compound with the lords of the manors, of whom the same shall be holden, for such fines or incomes, as heretofore hath been most usual and accustomed to be yielded or paid therefore; and that upon every such agreement or composition, the said lords for the time being, at the next court to be holden at or for the said manors, shall not only grant to such vendee or vendees upon request, the same copyhold or customary lands or tenements by copy of court roll of the said manors, for such estate or interest as to them shall be so decreed or sold, and reserving the ancient rents, customs, and services, but also shall in the same court admit them tenants of the same copyhold or customary lands, as other copyholders of the same manors have been wont to be admitted, and to receive their fealty accordingly.

Six of the commissioners may by warrant empower any person to levy the assessments by distress and sale. The overplus to be restored to the owner.

III. And be it further enacted and declared, That it shall and may be lawful to and for the commissioners of sewers, or any six or more of them, by warrant under their hands and seals, to give authority to any person or persons, to levy the sums of money by them, from time to time, to be assessed or taxed upon the lands, meadows, marishes, or grounds, liable or chargeable with any sasses, taxes, impositions, or charges, by authority of their said commission, by distress and sale of the goods of such person or persons that shall not pay, or refuse to pay the same; and the overplus of the money arising upon such sale, after deduction of the reasonable charges of making such distress and sale, shall be restored to the owner or owners of the goods so distrained.