

The Inconveniencies which insue by these Nufances, and especially by the new levying, or inhancing of Wears, Mills, Stanks, Fish-garths, Locks, Stakes, Kidles and Flood-gates, are these, *scilicet*, The common passage of Ships and Boats in the great Rivers; as also Meadows, Pastures, and Arable Grounds adjoyning to the Rivers, be greatly disturbed, drowned, wasted and destroyed, many people perished, and the young Fry of Fish destroyed. See 1 H. 4. c. 12. 4 H. 4. c. 11. & 12. E. 4. c. 7. See *tit. Wears*.

The Form of the Commission of Sewers; the Authority of the Commissioners, as also the Form of their Oath, you may see at large in the Statute 23 H. 8. c. 5. & P. 2. 4.

§. 4. Every Commissioner shall, before he execute that Office, before persons authorised by *ded' potestat'*, or before the Justice of Peace in their Quarter Sessions, take this Oath.

**Y**OU shall swear, That you, to your cunning, wit and power, shall truly and indifferently execute the Authority to you given by this Commission of Sewers, without any favor, affection, corruption, dread or malice to be born to any manner of person or persons. And as the case shall require, you shall consent and endeavour your self, for your part to the best of your knowledge and power, to the making of such wholesome, just, equal and indifferent Laws and Ordinances, as shall be made and devised by the most discreet and indifferent number of your Fellows, being in Commission with you, for the due Redress, Reformation and Amendment of all and every such things as are contained and specified in the said Commission. And the same Laws and Ordinances to your cunning, wit and power, cause to be put in due execution, without favor, meed, dread, malice or affection. As God you help, and all Saints. 23 H. 8. 5.

And shall also, as it seemeth, receive the Sacrament, and take the Oaths prescribed by 1 El. 1. & 3 Jac. 4. And make the Declaration prescribed by 25 Car. 2. which you shall find *hic c. 4.*

§. 5.  
Power.

Note; That the King by the Common Law, may award his Commission of Sewers, for the amending of the Sea-banks, and for the repairing, amending and scouring of other Banks, Sewers, Gutters, Ditches, Pits and Trenches, so as the Fresh-waters may have their direct course, *F. N. B. 113. a* And see there the Form of that Commission, and the proceedings thereupon.

These Commissioners cannot make any new great River, neither can they make new Inventions (as artificial Mills to cast out the Waters, or such like) but such new Rivers, and new Inventions (if they be for the publick good) ought to be made by Parliament: And yet the making new of an ancient Bank or a Sewer in a place more fit, and with some little alteration and distance, and upon necessity, seemeth to be warrantable. Co. 10.  
141.

These Commissioners cannot cast down any Mills, Causeys or Stanks, &c. erected before the time of *Edward* the First, but only may cause them to be abated, if they be raised above their ancient heights, *Co. 10. 138.*

§. 6.  
Tax.

These Commissioners ought to tax none towards these reparations, &c. but such as have prejudice or loss by the Nufances or Defaults, and which have benefit by the amending or removing of them, *Co. 10. 142.* See the Statute and Form of the Commission, 6 H. 6. c. 5.

Also these Commissioners ought to tax all that be in danger to be indamaged by the not repairing, &c. (and that according to their Land, &c.) Co. 5. 109  
Co. 10.  
141.

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