

And not tax him only whose grounds lie next adjoining to the River, &c. For, *Qui sentit commodum, sentire debet & onus.*

Co. 5. 100. Note, that in all cases of taxing or rating by these Commissioners, it ought to be proportionable and according to the quality, and yearly value of the Lands, Tenements, Rents, Commons, and Fishings of the Persons chargeable, and not according to the quantity or content thereof.

Co. 9. 124.
Co. 10.
139.

And the yearly value shall be accounted as the Lands, &c. are of their own nature, without respect to the bettering or impairing thereof by the good or bad Husbandry of the owners or occupiers thereof (as it seemeth.) See *Co. L 171, & 179.* to such purpose.

Co. 5. 108.
& 10. 139.
140.

Again, if the owner of any Land be found by prescription; or otherwise, to repair the Bank of a River, Wall, or Sewer, &c. he ought to do it; yet if he be not able to repair it, or that there be other inevitable necessity, or that there was no default in the party, but that the Banks, or Wall, &c. are broken or overflowed by tempest or unusual overflowing of waters, or the like, (which be the acts and handy work of God, and which no providence or industry of him that is bound to the reparations, could prevent.) In these cases the Commissioners ought not to charge him, only, with the whole, but may, and in good discretion ought, to charge and tax all such as have any Lands (or other profits) there, in danger, or subject to loss, according to their Lands, &c.

But when one is bound by prescription, or otherwise, to repair a Bank, or Wall, &c. if there be any default in him, and the danger not inevitable, but that he alone may well repair it, the Commissioners may there charge him only to repair this: And if by his default the danger become inevitable, or that by his default he alone is not able to repair it, whereby others are charged as aforesaid, every of them may have the Action of the Case against him, &c. and shall recover their damages according to their loss.

Co. 10.
130.

Also, where a Man hath any Lands lying between the Sea, the River of *Thames*, or any other River, and his neighbours Grounds, and is bound by prescription, or otherwise, to make or keep certain Banks, or to scour certain Ditches or Sewers, between his said neighbour and the said River or Sea, and doth not make, keep, amend, and scour the same, as he ought to do, by reason whereof his neighbours Grounds are drowned; the party so damaged shall have his Action of the Case against the other so making default, &c. See *F. N. B. 93. g. & 7 H. 4 8, & 41.*

Co. 10.
139, &c.
143.

Also, these Taxations ought to be particular, *sc.* upon every several owner or occupier of Lands, Tenements, Rents, Commons, and Fishings, &c. And not to be a general sum in gross upon a whole Town. See more hereafter, *tit. Stock of the Shire.*

See Master Sergeant *Callis* reading upon the Statute of 23 *Hen. 8.* of Sewers.