



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 2.

An Act for amending and enlarging the Powers of an Act of His present Majesty, for paving, cleansing, lighting, and watching the Streets and public Passages in the City of *Winchester*, and several Parishes in the Suburbs thereof; and for removing and preventing Nuisances therein. [11th March 1808.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His present Majesty, intituled, *An Act for the better paving, repairing, cleansing, lighting, and watching the Streets and other public Passages within the City of Winchester, and also within the several Parishes of Saint Bartholomew Hide, Saint John's in the Soke, Saint Peters Cheeshill, Saint Swithin, and Saint Michael in the West Soke, in the Suburbs of the said City; and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious: And whereas such Part only of the Parish of Saint Thomas as is situate within the Liberties of the said City is comprized in the said recited Act, and it is expedient that the Powers of the said Act and this Act should be extended over the Whole of the said Parish: And whereas the Powers and Provisions of the said recited Act have been found in some respects insufficient, and it is necessary that the same should be altered and amended, and further Powers granted: 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*

[Loc. & Per.] D Temporal,

Act 11 G. 3. c. 9.

Former Act to
remain in
force.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; That the said recited Act, and all and every the Matters, Powers, Authorities, Privileges, Provisions, Articles, Rules, Penalties, and Clauses therein contained (except so much thereof as relates to Exemptions from Stamp Duties, and except so far as the same are not hereby varied, altered, or repealed) shall be and continue in full Force and Effect, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; and shall, together with the Powers and Authorities hereby granted, extend to that Part of the Parish of *Saint Thomas* situated beyond the Liberties of the said City, in such and the like Manner, to all Intents and Purposes, as if the same had been included in the said recited Act.

Commission-
ers.

II. And be it further enacted, That the Mayor, Recorder, and Aldermen of the City of *Winchester* for the Time being, *George Anderson*, *William Fleetwood Bury*, *Joshua Brookman*, *James Brookman*, *Thomas Woolstoncroft Bower*, *John Blake*, *Robert Bayespole*, *James Bale*, *Joseph Charker*, *John Compton*, *Matthew Cape*, *James Coates*, *William Cave*, *William Cave the younger*, *John Cave*, *George William Chard*, *John Downes*, *John Dowling*, *Thomas Dowling*, *Thomas Deane*, *William Druitt*, *Daniel Dipnall*, *Joseph Dewell*, *Samuel Deverell*, *John Dofwell*, *Henry Doller*, *John Earle*, *William Earle*, *George Earle*, *John Navajore Earle*, *George Feachem*, *William Faithfull*, *John Faithfull*, *William Goater*, *Harry Green*, Reverend Doctor *Goddard*, *William Gauntlett*, *Christopher Gauntlett*, *George Hollis*, *William Haskoll*, *John Hughes*, *Richard Hopkins*, *Thomas Hayes*, *George Hayes*, *William Hutchinson*, *Charles Hill*, *Bryant Wickham Holloway*, Reverend *John Hopkins*, *Henry Rowland Harley*, *Peter Jones*, *Robert Joffett*, *William Jacob*, *William Knapp*, *Peter Kerby*, *William Kernot*, *Henry Lucas*, Reverend *Harry Lee*, *John Littlehales* Doctor of Medicine, *Giles King Lyford*, *George Malkin*, *Thomas Muspratt*, *John Meure*, *Gabriel Mundy*, *Robert Moody*, Reverend *William Hill Newbolt*, *Thomas Newlyn*, *John Paul*, *Robert Peaty*, *Timothy Denham Pinnock*, *Nicholas Pyle*, *Robert Pickering*, *George Rogers*, *William Rogers*, *Robert Rogers*, Reverend *Charles Richards*, *James Robbins*, *John Sbenton*, *William Sbenton*, *Thomas Walter Smith*, *John Smith*, *Robert Searle*, Reverend *Henry Siffmore*, *John Stubington*, *Thomas Stokes*, *Richard Hall Tombs*, *Anthony Todd*, *Thomas Vinn*, *John White*, *William Nicholas Wickham*, *Richard Wooldridge*, *Thomas Wooldridge*, *Charles Wooldridge*, *James Watkins*, *James Woolls*, *Edward Woolls*, Reverend *Nicholas Westcombe*, *Charles Wright*, *Nicholas Waller*, *Charles Wells*, Reverend *John Washington*, *Henry Woodward*, *John Woodward*, Reverend *Thomas Watkins*, *John Willis*, *William Young*, *John Young*, *James Young*, and their Successors, shall be and they are hereby appointed Commissioners for carrying this Act and the said recited Act into Execution; such Commissioners being respectively duly qualified, and taking and subscribing the Oath or Affirmation, in the Words or to the Purport herein-after mentioned and required; and in case of the Death of any of the above Commissioners, or some or one of them, or of removing their Residence from the said City and Parishes aforesaid, or of their Refusal or Neglect to act for the Space of One whole Year, or in case either of them shall be chosen Mayor or Alderman for the said City, it shall and may be lawful for the surviving Commissioners, or any Nine or more of them, from Time to Time, by Writing under their Hands and Seals, to elect some other Person qualified in the Manner after-mentioned, in the Place or Stead of the Commissioner so dying, removing, neglecting, or refusing

to

to act, or being chosen Mayor or Alderman, Ten Days Notice of the Time and Place of Meeting for every such Election being given in Writing, signed by the Clerk to the said Commissioners for the Time being, and affixed to some public Place within the said City; and every Person so elected, shall from the Time of his Election have the same Power and Authority for putting this Act into Execution, as if he had been expressly named and appointed a Commissioner by this Act.

III. And be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of the said Act or this Act, who shall not in his own Right, or in the Right of his Wife, be in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situate within the said City, or the Suburbs thereof, of the clear yearly Value of Twenty Pounds (above Reprises and Incumbrances), or possessed of such Estate or Estates as last mentioned, and a Personal Estate jointly, or a Personal Estate alone, to the Amount or Value of One thousand Pounds over and above the Amount of his Debts; nor shall any Person be capable of acting as a Commissioner in the Execution of the said Act or this Act, except in administering the Oath or Affirmation to the President of the First Meeting, until he shall have taken and subscribed, before One or more of the said Commissioners, (who is and are hereby empowered to administer the same), an Oath or Affirmation in the Words or to the Effect following:

Qualification
of Commis-
sioners.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do* Oath:
solemnly declare and affirm], That I am really and *bonâ fide*, in my
own Right, [*or, in the Right of my Wife, as the Case may be*], now in
the actual Possession, Enjoyment, and Receipt of the Rents and Profits
of Messuages, Lands, Tenements, or Hereditaments, situate within
the City of *Winchester*, or the Suburbs thereof, [*as the Case may be*]
of the clear yearly Value of Twenty Pounds above Reprises and Incum-
brances; or possessed of such Estate or Estates as last mentioned, and
a Personal Estate jointly, or a Personal Estate alone, to the Amount or
Value of One thousand Pounds over and above what will pay all my
just Debts; and that I will truly and impartially, according to the best
of my Skill and Judgement, execute and perform all and every the
Powers and Authorities reposed in me as a Commissioner by virtue of
Two Acts, passed in the Eleventh and Forty-eighth Years of the
Reign of His Majesty King George the Third, intituled, [*here set forth*
the Titles of the Acts.]

‘ So help me GOD.’

And if any Person not qualified in Manner herein-before mentioned to act as a Commissioner, shall presume to act as such in the Execution of the Powers hereby and by the said Act given, or any of them, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than One Impar lance shall be allowed, and every Person so sued or prosecuted shall prove that he was, at the Time of acting, qualified as aforesaid, or otherwise shall pay the said Penalty, without any other

Penalty on
Persons not
qualified act-
ing as Com-
missioners.

other Proof or Evidence being given, on the Part of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of the said Act and this Act, and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid as follows (that is to say), One Moiety thereof to the Informer or Prosecutor, and the other Moiety thereof to the Treasurer to be appointed by virtue of the said Act and this Act, to be by him applied to the Purposes thereof, and in case any Commissioner for the Time being (except the Mayor, Recorder, and Aldermen of the said City for the Time being) shall refuse or neglect to act in the Execution of the said recited Act and this Act, at any Time for the Space of One whole Year, then the Office of such Commissioner so refusing or neglecting to act shall become void to all Intents and Purposes whatsoever, as if he were actually dead.

Repeal of
Clause in
11 Geo. 3. c. 9.

IV. And whereas it is by the said recited Act enacted, that the Commissioners, or any Seven or more of them, should at any Meeting make, vary, alter, or make void, any Orders, Rules, or Regulations, provided that no Order, Rule, or Regulation, should be revoked, altered, or made void, unless the Commissioners present to revoke, vary, alter, or make void the same, should exceed in Number the Commissioners who were present and concurred in making such Order, Rule, or Regulation: And whereas the said Provision has been found inconvenient; be it therefore enacted; That so much of the said recited Act shall be, and the same is hereby repealed.

No Order to
be revoked
unless the
Number of
Commission-
ers that made
the Order be
present.

V. And be it further enacted, That no Order made by the said Commissioners shall be revoked or altered at any subsequent Meeting, unless at some Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, signed by the Commissioners desiring such Revocation or Alteration, be inserted in some public Newspaper usually circulated in the said City, and also affixed on the Door of the Guildhall within the said City, Ten Days at the least previous to the Day of holding such Meeting, (exclusive of the Day of giving such Notice, and the Day of such intended Meeting,) nor unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter such Order than were present when the same was made, nor unless Four Fifths of the Commissioners present shall concur in such Revocation or Alteration.

Repeal of Part
of Act
11 Geo. 3.

VI. And whereas by the said recited Act Power is given to the Commissioners, or any Nine or more of them, to appoint Treasurers and other Officers, and displace them and appoint others in their Room, to take Security from such Treasurers and Officers, and make them Allowances for their Trouble; and the said Treasurers and Officers are directed to account to the said Commissioners, or any Nine of them; and the said Commissioners, or any Eleven of them, are authorized to displace any Treasurer or other Officer, and appoint others in their Stead; and certain Provisions are thereby made for accounting for Money received by such Treasurers and Officers, for recovering the Balances in their Hands, and delivering up Books and Papers belonging to the Commissioners: And whereas no Period is thereby fixed at which the Treasurers or other Officers should deliver in their Accounts to the said Commissioners: And whereas it has been found impracticable to obtain the Attendance of a sufficient
Number

Number of Commissioners to carry the said recited Clause into Execution; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

VII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time to elect and appoint a Treasurer and a Clerk, and also One or more Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Rates or Assessments, to be raised and levied by virtue of the said Act and this Act, and also a Surveyor or Surveyors, and such or so many other Officers as they shall find necessary for the Execution of the said Act and this Act; and the said Commissioners, or any Seven or more of them, shall take from every such Treasurer, Collector, and Receiver, such Security as they shall think proper, for the due Execution of his Office; and it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from Time to Time to remove, suspend, or displace all or any of such Officers as they shall see Occasion, and appoint another or others in the Room or Place of such of them, as shall be so removed, suspended, or displaced, and also in the Room of such as shall die or resign their respective Offices, and also from Time to Time by and out of the Monies to be raised by virtue of the said Act and of this Act, to appoint and pay such Salaries, Gratuities, and Allowances, to the respective Officers and to all other Persons who shall be employed by them the said Commissioners in the Execution of the said Act and this Act as they shall judge reasonable or proper; and all such Officers so to be appointed as aforesaid, shall, under their Hands at such Time and Times and in such Manner as the said Commissioners or any Seven or more of them shall direct, deliver to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of the said Act and this Act; and also of all Monies which shall have been by such Officers and Persons respectively received by virtue or for the Purposes of the said Act and this Act, and how much thereof hath or have been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments and Disbursements, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and all the said Officers and Persons respectively, shall at the first General Meeting of the Commissioners in the Month of *February* yearly (although not thereunto required by the said Commissioners) lay their respective Accounts before the said Commissioners, or any Seven or more of them, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers and Persons respectively, so accounting as aforesaid, shall upon Oath (which Oath any Two or more of the said Commissioners are hereby empowered to administer) verify their said respective Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Receipts or Vouchers relating to the same, or to make such Payment as aforesaid, or shall not deliver to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they shall appoint within Eight Days after being thereunto required by such Commissioners, all Books, Papers, and Writings in his or their Custody or Power relating to the

For Appointment of Officers.

Act [Leg & Per.]

E

Execution

Execution of the said Act and this Act, or give Satisfaction to the said Commissioners, or any Seven or more of them, respecting the same, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or any Seven or more of them, or as they shall direct or appoint, then and in any of the Cases aforesaid, such Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of such Books, Papers, and Writings, and also of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively, or if Complaint shall be made by the said Commissioners, or any Seven or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid to any Justice of the Peace for the said City or County of *Southampton*, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting to be apprehended, and upon his or their appearing, or having been summoned and not appearing, or not being found, to hear and determine the Matter of Complaint in a summary Way; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses, upon Oath, it shall appear to such Justice that any of the Monies which shall have been collected or raised by virtue of the said Act and this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon the Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons, respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the Goods or Chattels distrained, or if it shall, in Manner aforesaid, appear to such Justice that such Officer or Officers, Person or Persons, shall have refused or neglected to render or give such Account or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings as aforesaid, shall be in the Custody or Power of such Officer or Officers, Person or Persons, and that he or they shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then, and in any of the Cases aforesaid, such Justice shall commit every such Offender so appearing, or when found, to the common Gaol or House of Correction, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners, or any Seven or more of them, and shall have paid such Composition, in such Manner as they shall appoint, (which Composition the said Commissioners, or any Seven or more of them, are hereby empowered to make), and until he shall deliver up such Vouchers, Books, Papers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Commissioners, or any Seven or more of them: Provided always, that no such Officer or Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

VIII. And whereas it is by the said recited Act enacted, that the Scavenger appointed by the Commissioners acting under the said Act should, as often as the said Commissioners should direct, cause the Footways and Carriage Ways of the Streets, Squares, Lanes, and public Passages, to be raked, scraped, swept, and cleansed, in such Manner as the said Commissioners should think proper; and the Dirt, Soil, and Rubbish then and there found, to take and carry away: And whereas the said Provision, so far as relates to the Footways, has been found inconvenient; be it therefore enacted, That so much of the said recited Act as relates to the Footways shall be and the same is hereby repealed.

Repeal of
Clause in
Act 11 Geo. 3.

IX. And be it further enacted, That the respective Occupiers of Houses or other Buildings in the said several Streets, Lanes, public Passages and Places, shall, and they are hereby required to cause to be well and sufficiently swept and cleansed the Footways or Footpavements before, behind, and at the Sides of their respective Houses or other Buildings, (as the Situation thereof shall require), every Morning in the Year, between the Hours of Six and Nine of the Clock, upon Pain of forfeiting and paying for every Neglect therein any Sum not exceeding Five Shillings.

Directions for
sweeping
Footways.

X. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Fifteen or more of them, and they are hereby authorized and required, once or oftener in every Year, as they shall see Occasion, to cause such Sum and Sums of Money to be raised by a Rate or Assessment on the several Owners or Proprietors of all Houses, Lands, Tenements, and Hereditaments, situate, lying, and being within the Limits of the said Act and this Act, not exceeding in the Whole, in any One Year, the Sum of Two Shillings and Sixpence in the Pound of the annual Value of such Houses, Lands, Tenements, and Hereditaments, respectively, such annual Value to be from Time to Time ascertained by the respective Sums such Houses, Lands, Tenements, and Hereditaments shall be respectively rated at for the Relief of the Poor of the several Parishes, Liberties, or Places, in which the same shall respectively stand or be, or in such other Manner as the said Commissioners shall think proper; and the first Year for which such Rate or Assessment shall be made shall commence on the Feast of Saint *Thomas* the Apostle now next ensuing, and the Money thereby to arise shall be paid by equal quarterly Payments to the respective Collectors of the Rates to be appointed as afore-said, and shall be collected, levied, paid, accounted for, and applied, (except where otherwise directed by this Act), in such and the like Manner as the Rates authorized to be from henceforth levied by the said recited Act on the Tenants or Occupiers of Houses, Lands, Tenements, and Hereditaments, are to be collected, levied, paid, accounted for, and applied: Provided always, that such Rate or Assessment shall not be construed nor deemed nor taken to extend to any Place exempted by the said recited Act and this Act, or either of them.

Rates.

XI. And be it further enacted, That the said Rates or Assessments shall be paid to the Collector for the Time being appointed by the said Commissioners, or any Seven or more of them, by the Tenants or Occupiers of the said Houses, Lands, Tenements, and Hereditaments; and such Tenants or Occupiers shall be at Liberty, and are hereby authorized to deduct

Occupiers to
deduct Rates
out of Rent.

deduct and detain out of their Rent, the Proportion of such Rates or Assessments as they shall respectively pay on Account of the several Owners or Proprietors of such Houses, Lands, Tenements, or Hereditaments.

Contracts not
to affect Pay-
ment of
Rates.

XII. Provided always, and be it further enacted, That no Contract, Covenant, or Agreement between Landlord and Tenant, or any other Persons, (touching the Payment of Rates, Taxes, and Assessments to be charged on their respective Premises), made or entered into since the First Day of *January* One thousand eight hundred and eight, and before the passing of this Act, shall be deemed or construed to extend to the Rates or Assessments by virtue of this Act to be charged thereon as aforesaid, nor to be binding contrary to the Intent and Meaning of this Act, but all such Rates or Assessments shall be charged upon and paid by the respective Occupiers, subject to such Deductions and Repayments as are by this Act authorized and allowed; and all such Deductions and Repayments shall be made and allowed accordingly, notwithstanding such Contracts, Covenants, or Agreements: Provided nevertheless, that nothing in this Act contained shall be construed to alter, change, determine or make void any Contracts, Covenants, or Agreements whatsoever, between Landlord and Tenant, or any other Persons, to be made or entered into after the passing of this Act, touching the Payment of Rates, Taxes, or Assessments, any Thing herein contained to the contrary notwithstanding.

Rating Houses
of small Rents,
or let in Lodg-
ings.

XIII. And whereas divers Houses, Tenements, and Hereditaments within the said City and Suburbs thereof are let at small Rents, or to Weekly or Monthly Tenants, or entirely let out in Lodgings or separate Apartments, or let Ready-furnished, and the Collection of the Rates charged by virtue of this Act from such Houses, Tenements, and Hereditaments, is attended with much Difficulty, and has frequently been evaded, so that much Loss has on that Account been sustained; for remedy whereof, be it enacted, That where the Yearly Rent or Value of any such House, Tenement, or Hereditament shall not exceed Twelve Pounds, or where the Houses, Tenements, or Hereditaments shall be let to Weekly or Monthly Tenants, and the Rents thereof shall become payable and collected at any shorter Periods than Quarterly, it shall be lawful for the said Commissioners (if they shall think proper) to compound with the Landlord or Landlords, Owner or Owners of all and every and any such House and Houses, Tenement or Tenements, and Hereditaments, for Payment of any Rate or Rates, Assessment or Assessments, to be made by virtue of this Act, at such a reduced yearly Rental or Rate as the said Commissioners shall think reasonable, so that such Houses, Tenements, or Hereditaments be not rated at less than Two Thirds, nor more than Four Fifths of the Rack Rent at which the same shall then be let, or of the annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners of such Houses, Tenements, or Hereditaments as shall not exceed the yearly Rent of Twelve Pounds, or as shall be let to Weekly or Monthly Tenants, and from whence the Rents shall become due and be collected at any shorter Periods than Quarterly, is and are hereby enabled to enter into such Composition with the said Commissioners; and in case such Landlord or Landlords, Owner or Owners, shall refuse or object to enter

into such Composition, such Landlord or Landlords, Owner, and Owners; shall from thenceforth be deemed and taken to be the Occupier or Occupiers of such Premises, and shall thereupon be rated to and from Time to Time shall pay or cause to be paid the several Rates or Assessments charged upon their respective Premises by virtue of this Act, unto the Collectors of the Rates for the Time being, who is and are hereby authorized and empowered to collect and receive the same, and upon Non-payment thereof to levy the same by Distress and Sale of the Goods and Chattels of the Landlord or Landlords, Owner or Owners of the respective Premises aforesaid, wheresoever they shall be found, in like Manner as any Rate or Assessment may be raised, levied, or collected by virtue of the said recited Act or this Act; Provided always, that no such Landlord or Owner shall be charged with or liable to pay for any increased Rent reserved or made payable to him for or on Account of such Landlord or Owner having agreed to pay the several Rates and Assessments heretofore chargeable upon the Occupier; and where any House, Tenement, or Hereditament shall be let out in Lodgings or separate Apartments, or Ready-furnished, the Landlord or Landlords, Owner or Owners of all such Premises, shall be deemed or taken to be the Occupier or Occupiers thereof, and shall be rated to and pay the Rates or Assessments made by virtue of this Act, in respect of all such Houses, Tenements, and Hereditaments.

XIV. And be it further enacted, That nothing in the said recited Act or this Act contained shall extend, or be construed to extend to authorize the said Commissioners to rate or assess any Arable, Meadow, or Pasture Lands, unless the same are situate within the Walls of the said City, nor to rate or assess the Common Gaol of the said County of *Southampton*, or any House, Building, Court, or Yard thereunto belonging, for and during so long a Time as the Foot Pavement at the Front of the said Gaol shall be sufficiently maintained and repaired by and at the Expence of the Inhabitants of the said County, but not longer or otherwise.

Lands without
the Walls of
the City not
to be assessed.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Fifteen or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary, not exceeding in the Whole the Sum of Five Thousand Pounds, for the Purpose of defraying the Expences of obtaining and passing this Act, and of discharging the Debts now due and owing by the said Commissioners, and of repairing and relaying the Pavements of the several Streets, Lanes, and other public Passages and Places, within the Limits of the said recited Act and this Act, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act, and the Tolls granted by the said recited Act, and by Writing under their Hands and Seals to assign all or any Part of the said Rates or Assessments and Tolls, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the principal Money to be advanced with legal Interest for the same, and the Costs and Expences of such Assignment thereof, to be made as herein-after mentioned, shall be from Time to Time defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to be so borrowed, and every such Assignment shall be on Parchment in the Words or to the Effect following:

Power to borrow Money.

[*Loc. & Per.*]

F

WE,

Form of Assignment.

WE, of the Commissioners appointed by or in pursuance of Two Acts, made in the Eleventh and Forty-eighth Years of the Reign of King George the Third, intituled, [*here set forth the Titles of the Acts*] in Consideration of the Sum of advanced and lent by A. B. for the Purposes of the said Acts, Do hereby grant and assign unto the said A. B. [*or, to his Trustee or Trustees as the Case may require*] his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said last-mentioned Act, and of the Tolls granted by the said first recited Act, as the said Sum of doth or shall bear to the whole Sum, which may at any Time be borrowed or become due and owing or be charged upon the Credit of the said Act, passed in the Forty-eighth Year of His present Majesty to be had and holden from this Day of until the said Sum of with Interest at *per Centum per Annum* for the same shall be repaid and satisfied. In Witness whereof, we the said Commissioners have hereunto set our Hands and Seals the Day of in the Year of our Lord

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be one, and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

Commissioners empowered to raise Money by Annuities.

XVI. And be it further enacted, That in case the said Commissioners, or any Fifteen or more of them, shall think it adviseable or more advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for the said Commissioners, or any Fifteen or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money, as to the said Commissioners, or any Fifteen or more of them, shall seem right and proper for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on Behalf of such Contributor at the Time of Payment of his or her Contribution or Purchase Money, so that no such Annuity do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, except in such Cases where the Person for whose Life any Annuity shall be paid be of the Age of Sixty-three Years or upwards, and the Expence of every such Grant shall be defrayed by the said Commissioners, or any Seven or more of them; and the Grant of every such Annuity shall be on Parchment, in the Words or to the Effect following:

Form of Grant of Annuity.

WE of the Commissioners appointed by or in pursuance of Two Acts made in the Eleventh and Forty-eighth Years of the Reign of King George the Third, intituled, [*here set forth the Titles of the Acts*] in Consideration of the Sum of paid by

by *A. B.* to *C. D.* the Treasurer appointed in pursuance thereof, do hereby grant unto the said *A. B.* an Annuity or Yearly Sum of out of the Rates or Assessments arising by virtue of the said last-mentioned Act, and of the Tolls granted by the said first recited Act, which Annuity or Yearly Sum of shall be paid to the said *A. B.* or his Assigns, during the Term of his natural Life [or, to the said *A. B.* his Executors, Administrators, or Assigns, during the natural Life of *C. D. as the Case may be*] upon the Day of in every Year during the natural Life of him the said at the Guildhall of the said City; the First Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we the said Commissioners have hereunto set our Hands and Seals the Day of in the Year of our Lord

And every such Grant shall be good, valid, and effectual in the Law, without any Emolument or Registry of the Memorial thereof, and every Annuity so granted as aforesaid, shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates or Assessments and Tolls, according to the Grant of such Annuity.

XVII. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be) at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, which Transfer shall be on Parchment, in the Words, or to the Effect following;

Power of transferring Mortgages and Annuities in a prescribed Form.

I *A. B.* being entitled to the Sum of [or, an Annuity of secured to *C. D.* and his Assigns, or his Executors, Administrators, and Assigns, *as the Case may be*] by virtue of an Assignment [or, Grant of an Annuity] bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of Two Acts of Parliament made in the Eleventh and Forty-eighth Years of the Reign of King George the Third, intituled, [*here set forth the Titles of the Acts*] upon the Credit of the Rates or Assessments and Tolls payable by the said Acts, do hereby transfer all my Right and Title in and to the same Sum [or, Annuity], and all Interest and other Money now due and owing thereon, unto *E. F.* his Executors, Administrators, and Assigns. Dated the Day of in the Year of Our Lord

And a Copy of every Security or Assignment, and of every Grant or Annuity, which shall have been made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof, respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall signify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall, at all reasonable Times, have Access, and have free Liberty to inspect the same, without Fee or Reward; and

and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrollment whatsoever.

Provisions for
the Payment
of Creditors
by Lot.

XVIII. And, in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the said Rates or Assessments and Tolls, be it further enacted, That the said Commissioners, or any Nine or more of them, (if there shall be more Creditors than One), shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments and Tolls, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper, of an equal Size, and all such Papers shall be rolled up in the same Form as nearly as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners, and after every such Ballot the said Commissioners, or any Nine or more of them, shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor, to give Notice to such Creditor of the said Commissioners' Intention to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money to be paid off shall from and after the Day to be so specified cease and be no longer paid or payable, unless such Money shall be demanded, pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

Power to borrow Money at a lower Interest, to discharge Securities at a higher Rate.

XIX. And be it further enacted, That in case the said Commissioners, or any Fifteen or more of them, can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners, or any Fifteen or more of them, from Time to Time to charge the said Rates or Assessments in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Power to raise Money for Improvements.

XX. And be it also enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time to borrow and raise by both or either of the Modes herein-before mentioned, any Sum or Sums of Money not exceeding Four thousand Pounds in the Whole, over
8 and

and above the said Sum of Five thousand Pounds, upon the Credit of the said Rates or Assessments and Tolls, which Sum or Sums shall be applied in widening the Streets and other public Passages situate within the Limits of the said Act and this Act; and in making such permanent Improvements as the said Commissioners, or any Fifteen or more of them, shall think proper: Provided always, that neither the said Sum of Four thousand Pounds nor any Part thereof, shall be borrowed or raised but at a Meeting of the said Commissioners, to be called for that Purpose, of which Fourteen Days Notice at least shall be given in Manner directed by the said Act, at which Meeting Twenty-one Commissioners rated and assessed in the Rates or Assessments to be raised and levied under the Authorities of the said recited Act and this Act for Property at or above Fifteen Pounds *per Annum*, shall be present, Three-Fourths of whom shall concur in raising the said Sum or any Part thereof.

XXI. And whereas it is by the said recited Act enacted, that no Bulk, Bow Window on the Ground Floor, projecting Window, Porch, Rails, or Pent-houses, should be permitted in any Part of the said Streets, Squares, Lanes, or other public Passages, which should not be of Twenty-four Feet in Width: And whereas the said Provision has not been found effectual; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed:

Repealing
Provisions in
11 Geo. 3.

XXII. And be it further enacted, That no Bulk, Bow Window, projecting Window, Porch, Rails, or Pent-house, shall be permitted in any Part of the said Streets, Squares, Lanes, or other public Passages or Places, which shall not be Twenty-four Feet in Width, and the said Commissioners, or any Nine or more of them, are hereby empowered to order any Bulk, Bow Window, projecting Window, Porch, Rails, or Pent-house, which shall be set up, erected, or built contrary to the Provisions hereof, to be taken down and removed, and to inflict the like Penalties as are directed by the said recited Act for erecting any Spout or Sign; and no Bulk, Bow Window, projecting Window, Porch, Rails, or Pent-house, shall be erected elsewhere within the Limits aforesaid, but with the Consent and Approbation of Eighteen Commissioners present at any Meeting which shall consist of Twenty-one Members at least; but in no case whatsoever shall the said Commissioners permit any such Bulk, Bow Window, projecting Window, Porch, Rails, or Pent-house, to be set up, erected, or built, unless the Foot Pavement will wholly remain of the Width of Four Feet at least beyond such Erection or Building.

For Prevention
of Projections.

XXIII. And whereas the Power and Authority given by the said recited Act to the said Commissioners, or their Surveyor, to dig for, take, and carry away any Gravel or other Materials fit and proper for the paving and covering the Pavements, and pitching of the said Streets, Squares, Lanes, and other public Passages; or which they should adjudge necessary or fitting to be used in or about the said Streets, Squares, Lanes, and other public Passages, or for any other Purposes in the Execution of the said Act, in, upon, out of, or from the Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found to be used or applied in or towards the raising, making, widening, or repairing the said Streets, Squares, and other public Passages (such Lands, Fields, and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood,

Repeal of
Provision in
11 Geo. 3.

[*Loc. & Per.*]

G

Coppice,

Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees for the Ornament of any House), has been found inconvenient; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

For getting
Materials for
Repairs.

XXIV. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Commissioners, and to and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the Highways within the said City and Suburbs thereof intended to be paved, amended, and repaired by the said Commissioners by virtue of the said recited Act or this Act, out of or from any Common or Waste Ground, River, or Brook, in any Parish, Township, Hamlet, Division, District, or Place, in the said City of *Winchester*, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Persons as aforesaid, may by Order of the said Commissioners, or any Seven or more of them (such Order to be made at some Meeting of the said Commissioners to be holden in pursuance of the said recited Act or this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Commissioners) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees at the Time of passing this Act,) making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Grounds where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Highways shall be carried according to their respective Rights and Interests in such Grounds as the said Commissioners, or any Seven or more of them shall judge reasonable; and in case of any Difference between the said Commissioners, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more of the Justices of the Peace of the County, City, or Place where such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, or over, on Fourteen Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices shall be final and conclusive to all Parties.

Notice to be
given to Oc-
cupiers of in-
closed Lands
before Mate-
rials are taken.

XXV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of the said recited Act or this Act, to dig, gather, get, take, or

or carry away any Materials, for repairing such Highways, out of or from any inclosed Lands or Grounds, until One Calendar Months Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken; or left for such Occupier at his usual Place of Residence; to appear before the said Commissioners, or any Two or more Justices of the Peace, acting for the County, City, or Place, where such Premises shall lie, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient cause to the contrary; then and in such Case the said Commissioners, or any Seven or more of them, or such Justices, shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times; as to the said Commissioners, or any Seven or more of them, or Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Commissioners, or any Seven or more of them, or such Justices, shall and may make such Order therein, as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

XXVI. And be it further enacted, That if any Person or Persons whomsoever, shall remove or take away any Stones or Gravel, or any Materials laid upon such Highways or any Part thereof, for the Repair thereof, without the Order of the said Commissioners, or any Seven or more of them, or of their Surveyor or Surveyors for that Purpose; or if any Person or Persons whomsoever, shall take away any Stones or Gravel, or any Materials which shall have been dug or gathered, by or by the Order of the said Commissioners, or any Seven or more of them, or their Surveyor or Surveyors, in any Lands, Fields, or Waste Grounds, River or Brook, for the Purpose of amending such Highways, or any Part or Parts thereof, or shall get or take away any Stones or Gravel, or Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials for amending the said Highways, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his, or their Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get the Materials therein, for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on
taking away
Materials.

XXVII. And be it further enacted, That during the Time any Street, Lane, Passage, or Place shall be new paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein, shall be altering or repairing, the said Commissioners, or any Seven or more of them, shall have Power to order the necessary Materials to be lodged in that or any adjoining Street, Lane, Passage, or Place, or Streets, Lanes, Passages, or Places, according to their Discretion; as also to stop the Way through that or any adjoining Highway, Street, Lane, Passage, or Place, so long as they shall judge necessary; and the said Commissioners and all Persons acting by or under their Direction as aforesaid, are hereby indemnified from any Prosecution or Action whatsoever respecting the same.

Where Ma-
terials for
paving may be
lodged.

XXVIII. And

Repeal of
Annoyance
Clause in Act
11 Geo. 3.

XXVIII. And whereas it is by the said recited Act enacted, that if any Person should set, place, or expose to sale, or cause, permit, or suffer to be set, placed, or exposed to sale, any Goods, Chattels, Wares, or Merchandize whatsoever, on any Flap, Window-shutter, or other Thing whatsoever, moveable or fixed, projecting into any of the said Streets, Squares, Lanes, or other public Passages, beyond the present Bulk, every Person so offending should for every such Offence forfeit and pay the Sum of Twenty Shillings: And whereas the said Clause has not been sufficient effectually to prevent Annoyances in the said Streets, Squares, Lanes, and public Passages; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

Preventing
Annoyances
in the Streets.

XXIX. And be it further enacted, That if any Person or Persons shall place, hang up, or expose to sale, or cause, permit, or suffer to be placed, hung up, or exposed to sale, any Goods, Wares, or Merchandize, or shall place or suffer to be placed any other Matter or Thing on or projecting against any of the Foot Ways or Carriage Ways of the Streets or other public Passages or Places within the said Limits, or upon, or under the Penthouse of the said City, or shall leave open any Cellar Window in the Evening or in the Night, without the same being sufficiently lighted to prevent Accidents, or shall make or assist in the making any Fire or Fires commonly called *Bonfires*, or set up or throw at any Cock or Fowl in the Manner called *Cock-throwing*, or shall set fire to, let off, or throw any Serpent, Squib, Cracker, or Firework, in any of the Streets or other public Passages or Places within the Limits aforesaid, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Repeal of
Clause in
11 Geo. 3.

XXX. And whereas it is by the said recited Act enacted, that if any Swine, should be found wandering about the said Streets, Squares, Lanes, or other public Passages, the Owner or Owners thereof should for every such Offence forfeit and pay the Sum of Ten Shillings; and it should be lawful for any Officer of the said Commissioners, or any other Person, to impound such Swine, and the same to detain until the said Sum and the Expences of impounding the said Swine should be paid; and in case such Penalty and Expences should not be paid within Six Days, it should be lawful for such Person as should be appointed for that Purpose by the said Commissioners to sell such Swine, and the Overplus to be paid to the Owners thereof; provided, that whether such Swine should be impounded or not, the Owner thereof should nevertheless forfeit and pay the Sum of Ten Shillings: And whereas it is expedient that Provision should be made for preventing Horses, Cows, or other Beasts from wandering in the Streets; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

Power to
impound
Beasts wander-
ing in the
Streets.

XXXI. And be it further enacted, That if any Horse, Cow, or other Beast, or any Sort of Swine, shall at any Time be found wandering about any of the Streets, Lanes, or other public Passages or Places, within the Limits aforesaid, it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners, to seize and impound such Horse, Cow, or other Beast, or such Swine, in one of the common Pounds of the said City or Suburbs, or in such other Place as the said Commissioners, or any Seven or more of them, shall appoint, and the same there

to detain until the Owner or Owners thereof shall for every such Horse, Cow, or other Beast, and for every such Head of Swine so impounded, pay any Sum not exceeding Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum, Charges, and Expences, shall not be paid within Five Days after such impounding, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to sell or cause to be sold the same, and the Money arising from such Sale after deducting the said Sum, and the Charges and Expences of impounding, keeping, and selling such Horse, Cow, or other Beast, and Swine, shall be paid on Demand to the Person whose Property the Horse, Cow, or other Beast, or Swine, so sold, shall appear to have been.

XXXII. And whereas it is by the said recited Act enacted, That if any Person should throw, cast, or lay, any Ashes, Dust, Dirt, Dung, Soil, Filth, or Rubbish, or the Refuse of any Garden Stuff, or any Blood, Offal, or Carrion, or any other noisome or offensive Matter or Thing whatsoever, into or in any of the said Streets, Squares, Lanes, or other public Passages, every Person so offending should for the First Offence forfeit the Sum of Five Shillings; for the Second Offence the Sum of Ten Shillings; and for the Third and every other Offence the Sum of Twenty Shillings: And whereas the said Provision has not been found effectual to prevent Nuisances in the said City and Suburbs; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

Repeal of
another Clause
in 11 Geo. 3.

XXXIII. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or lay, or cause or permit or suffer to be thrown, cast, or laid, any Ashes, Dust, Dirt, Dung, Soil, Filth, or Rubbish, or the Refuse of any Garden Stuff, or any Blood, Offal, or Carrion, or any other noisome or offensive Matter or Thing whatsoever into or in any of the said Streets, Squares, or other public Passages or Places, or into any of the Brooks, Rivers, or Watercourses within the Limits aforesaid, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings.

Penalty on
throwing
Rubbish into
Streets.

XXXIV. And be it further enacted, That if the Owner, Rider, or Driver of any Horse, Waggon, Cart, Dray, or other Carriage, shall permit or suffer the same to stand in any Square, Street, or other public Passage or Place within the Limits aforesaid, upon any of the Foot Pavements, or upon or so near to any of the Crossings made for Foot Passengers as to obstruct the same, and shall refuse to remove any such Horse or Carriage, such Owner, Rider, or Driver, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, and it shall be lawful for any Person who shall see such Offence committed, to seize such Offender, and convey him before any Justice of the Peace of the County, City, or Place, where the same shall happen, to be dealt with according to Law.

Penalty on
leaving Carts,
&c.

XXXV. And whereas it is by the said recited Act enacted, That if any Person should wilfully break, throw down, or otherwise damage any of the Lamps which should be erected by the said Commissioners, or any of the Posts, Irons, or other Furniture thereof, or should extinguish any of the said Lamps, and should be lawfully convicted thereof, he should, for the First Offence, forfeit the Sum of Ten Shillings for each Lamp so broken, thrown,

Repeal of
Provision with
respect to
Lamps in
11 Geo. 3.

[Loc. & Per.]

H

thrown,

thrown down, damaged, or extinguished; and for the Second Offence the Sum of Fifteen Shillings for every such Lamp; and for the Third and every subsequent Offence, the Sum of Twenty Shillings, for every such Lamp; and full Satisfaction should also be made to the said Commissioners for the Damage done: And whereas the said Penalties are not sufficient to deter evil-minded Persons from breaking, damaging, or extinguishing the Lamps erected by the said Commissioners; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

Penalty for
wilful Damage
to Lamps.

XXXVI. And be it further enacted, That if any Person or Persons shall wilfully take away, break, throw down, displace, or damage any Lamp or Lamps already set up, or that shall be set up by virtue of the said Act or this Act, by Order of the said Commissioners, or any Seven or more of them, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Passages, or Places, or shall wilfully extinguish the Light or Lights within the same, or shall throw down or damage the Posts, Irons, Cover, or other Furniture of any such Lamp, it shall and may be lawful to and for any Person or Persons whomsoever, who shall see any such Offence committed, to seize, and also for any other Person or Persons whomsoever to assist in seizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Watchman, or of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said City, County, or Place, where such Offence shall be committed; and such Justice shall proceed to examine, upon Oath, any Witness or Witnesses who shall appear or be produced to give Information or Evidence touching such Offence; and if the Party or Parties accused shall be convicted either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, then, and in every such Case, he, she, and they shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay such Sum or Sums of Money as shall be deemed by such Justice to be a full Satisfaction for the Damage to by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture, and also such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time limited for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Repeal of
Provision in
15 Geo. 3.

XXXVII. And whereas it is by the said recited Act enacted, that in case the Commissioners for executing the said Act, and the Owner or Owners, Proprietor or Proprietors of any House, Shed, or other Building, or of any Piece or Parcel of Land or Ground, cannot agree, the said Commissioners are thereby empowered and required to issue a Summons, under the Hands and Seals of any Seven or more of them, requiring an indifferent Jury of Twenty-four Men to attend, at such Time and Place as shall be expressed in such Summons; and the said Commissioners shall swear or cause to be sworn Twelve of the
Twenty-

Twenty-four who shall be drawn by Ballot by the Clerk to the said Commissioners; which Twelve shall be a Jury for ascertaining the Value of such Premises, whose Valuation shall be binding and conclusive to all Parties and Persons whatever: And whereas the said Provision has been found defective; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

XXXVIII. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Corporation whether Aggregate or Sole, Spiritual or Lay, or any Femes Covert, or any Tenant for Life, or Tenant in Tail General or Special, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Lands, Buildings, Houses, Tenements, or other Hereditaments, which the said Commissioners are enabled by the said recited Act to purchase for the Purpose of widening or improving the said Streets, Lanes, Passages, or Places, or any of them, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein, or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests, in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purposes and according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in Possession of, or to the Interests they claim therein, to the Satisfaction of the said Commissioners, or any Seven or more of them; or if any Dispute or Difference shall arise touching such Purchase or Purchases, the said Commissioners, or any Seven or more of them, are hereby empowered and authorized, before any General or Quarter Session of the Peace, to be holden for the said County of *Southampton*, or any Adjournment thereof, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politic or Corporate, or to leave or cause to be left at the House of the Tenant in Possession Fourteen Days Notice in Writing, denoting and particularly describing the Lands, Buildings, Houses, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Session or Adjournment thereof, and the Justices at the said Session or any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Grand Jury at such Session assembled, or the Jury to try Prisoners at such Session, well and truly upon their Oath to assess the Value of the said Lands, Buildings, Houses, Tenements, or other Hereditaments comprized in the Notice so given, and the Damages and Recompence to be awarded or given for the same, to the respective Owner or Owners thereof, according to their respective Interests therein, and to such Jury the said Commissioners, or any Seven or more of them, and all Persons interested in the said Lands, Buildings, Houses, Tenements, or other Hereditaments, shall have their lawful Challenges, and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given, concerning the Nature, Quality, or Value of the Lands, Buildings, Houses, Tenements, or other Hereditaments so to be sold and conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same, to the

Provision in
Cases of Re-
fusal or Inabi-
lity to sell.

the respective Owner or Owners thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgement of the said Justices upon the same shall be final, binding, and conclusive to the said Commissioners, and to all Persons and Parties interested in the said Lands, Buildings, Houses, Tenements, and other Hereditaments, and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said County of *Southampton*, and the same, or true Copies thereof, shall be taken to good and effectual Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every Seventy-two Words, and so in Proportion for any greater or less Number of Words: Provided always, that in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, or left according to the true Intent and Meaning of this Act, within Six Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties; any Thing herein contained to the contrary thereof, in anywise notwithstanding.

Provision that Verdicts shall not be binding unless Money paid within Six Calendar Months.

Provision for Payment of Costs of Verdicts.

XXXIX. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on the Behalf of the said Commissioners for any such Lands, Buildings, Houses, Tenements, or other Hereditaments, for Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgment thereupon, shall be paid by the said Commissioners, or any Seven or more of them, out of the Monies to arise by virtue of this Act; but if a Verdict shall be given for no greater or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Premises in question: Provided, that whenever by Absence any Person or Persons shall have been prevented from treating with the said Commissioners, the Whole of such Costs and Expences shall be borne and paid by the said Commissioners, or any Seven or more of them, and whenever any Costs or Charges shall or may be payable to the said Commissioners, such Costs and Charges shall and may be deducted out of the Sum to be paid by the said Commissioners to the said Owners or Persons respectively interested.

Provision for Application of Compensation where equal to 200 l.

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Femes Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in

the Name and with the Privy 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 may 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, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or 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 Lands, Tenements, 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 Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used 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, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant-General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, 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 Purpose aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or 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 of *England*, in the Name, and with the Privy of the 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 Five or more of 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 principal Money and Dividends arising there-

Provision for Application of Compensation where less than 200 l. and exceeding 20 l.

[*Loc. & Per.*]

I

from

from may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain the Direction or Approbation of the said Court of Chancery.

Provision for
the Applica-
tion of Money
where less
than 20l.

XLII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so purchased, taken, or used, for the Purposes of the said recited Act or this Act, in such Manner as the said Commissioners shall direct; or in case of Infancy or Lunacy, then such Money shall be paid 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, Pur-
chase Money
to be paid into
the Bank.

Subject to the
Order of Court
of Chancery
on Motion.

XLIII. 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 the said recited Act or 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 for the said Commissioners, or any Five or more of them, 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 Privy 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 such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to 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 as aforesaid.

Where any
Question shall
arise touching
the Title to
Money to be
paid, the Per-
son who shall
be in Posses-
sion of the

XLIV. 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 Privy of the Accountant General of the Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements,

Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act or this Act, or to any Bank Annuities to be purchased with any such Money, or 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, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends and 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.

Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession only, &c.

XLV. Provided also, and be it further enacted, That when 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 the said recited Act or 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 and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as the said Court shall deem reasonable to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

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

XLVI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Commissioners and their Successors, shall be made on Parchment, in the Form or to the Effect following; (*videlicet*),

Form of Conveyance.

‘ I *A. B.* of _____ in Consideration of the Sum of _____
 ‘ to me paid by the Commissioners for improving the City of *Winchester*,
 ‘ acting by virtue of Two Acts made in the Eleventh and Forty-eighth
 ‘ Years of the Reign of King *George* the Third, intituled, [*here set forth the*
 ‘ *Titles of the Act*] do hereby grant and convey to the said Commission-
 ‘ ers and their Successors, all [*here describe the Premises to be conveyed*]
 ‘ and all my Right, Title, and Interest to and in the same and every Part
 ‘ thereof, to hold to the said Commissioners and their Successors for ever.
 ‘ In Witness whereof I have hereunto set my Hand and Seal this
 ‘ Day of _____ in the Year of our Lord _____’

And every such Sale, Conveyance, and Assurance, so made, shall be good, valid, and effectual, to vest the Premises, so conveyed, in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding.

XLVII. And

Provision for
Payment of
Purchase Mo-
ney, &c. and
for vesting of
Property in
the Commis-
sioners.

XLVII. And be it further enacted, That every Sum of Money to be agreed for, awarded, or assessed as aforesaid; shall be paid out of the Monies to be received by virtue of this Act; to the Party or Parties respectively entitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, on placing the same in the Bank of *England*, in Manner by this Act directed (whether such Conveyance as aforesaid shall or shall not be made) all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively to whose Credit or Use the same shall have been paid in, to, and out of such Lands, Buildings, Houses, Tenements, or other Hereditaments, shall vest in the said Commissioners and their Successors, in Trust, for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever, and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid; but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy and Issue and Issues of such Person and Persons, and every Person claiming under them as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Power for de-
livery of Pos-
session of Pro-
perty pur-
chased.

XLVIII. And be it further enacted, That every Lessee or Tenant for Years or at Will, and every other Person in Possession of any Lands, Buildings, Houses, Tenements, or Hereditaments, which shall be purchased by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Commissioners, or any Seven or more of them, or the Person or Persons so appointed by them, to quit the same at such Time or Times as shall be required by such Notice, they, the said Commissioners, or any Seven or more of them, or such Person or Persons making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners, or any Seven or more of them, shall deem just and reasonable; and in case any Dispute or Difference shall arise, touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained, in case of any Difference or Dispute about the same; and such Person or Persons in Possession shall at such Time or Times as he, she, or they shall be required by the said Commissioners, or any Seven or more of them, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them, to take

take Possession thereof; and if any such Person or Persons so in Possession as aforesaid, shall refuse to deliver up such Possession, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to issue their Precept or Precepts to the Sheriff of the said County of *Southampton*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to sell, or otherwise dispose of such Part or Parts of any Houses, Buildings, Lands, Tenements, or Hereditaments, which may have been purchased under the Authority of the said recited Act and this Act, for the Purpose of making such Alterations or Improvements as aforesaid, as may afterwards be found unnecessary for the Purpose first intended, to any Person or Persons willing to purchase the same; and that all Monies to be raised by any Sale or Sales as aforesaid, shall be applicable to the Purposes of the said recited Act and this Act.

Power to resell the Land, and to sell useless Buildings and Land.

L. Provided always, and be it further enacted, That the said Commissioners, or any Seven or more of them, before they shall sell and dispose of such Lands, Tenements, or Hereditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said City of *Winchester*, by some Person or Persons no ways interested in the said Lands, Tenements, or Hereditaments, stating, that such Offer was made by or on 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 it was made (as the Case may be).

Directing that the Person from whom Lands shall have been purchased by the Commissioners, shall have the first Offer of the Repurchase thereof.

LI. And whereas several of the public Bridges within the City and Parishes aforesaid are dangerous, and in a very ruinous Condition, and Doubts have arisen whether the same ought to be repaired and maintained by the said Commissioners, be it therefore enacted, That from and after the passing of this Act the said Bridges (except as herein-after mentioned) shall be repaired, maintained, and kept in repair by the said Commissioners, out of the Monies to be rated, assessed, and levied under the Authority of the said recited Act or this Act, and that all the Powers, Authorities, Rules, and Regulations contained in the said recited Act and this Act, shall (as far as the same are applicable) extend to the repairing, maintaining,

Bridges.

[*Lot. & Per.*]

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maintaining, keeping up, altering, widening, or improving the said Bridges (except as herein-after mentioned): Provided always, that nothing herein contained shall extend or be construed to extend to authorize or oblige the said Commissioners to repair or maintain the Bridges at *Durngate* belonging to the Mill called *Durngate Mill*, or the Bridges adjoining to the North Side of the Mills called *Seagrim's Mills*, or to repair or maintain any Part or Parts of the Stalling of any Brook, River, or Watercourse, except the Part or Parts of such Stalling as shall next adjoin to a public Foot, Horse, or Carriage Way: Provided also, that nothing herein contained shall extend or be construed to extend to oblige the said Commissioners to repair or maintain any Part or Parts of the Stalling against the West Side of the River called *the Weirs*, running from the *Soke Bridge* to *Seagrim's Mills* aforesaid.

Recital of Act
41 G. 3. c. 132.

LII. And whereas, by an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for completing the common Gaol now building in and for the City of Winchester, and for purchasing certain Buildings within the said City for widening the Avenues thereto*, the Commissioners appointed for carrying the said Act into Execution were authorized to purchase, and cause to be pulled down, several Houses and Buildings therein described, and to sell the Materials thereof, and cause the same to be removed, and immediately after such Removal to cause the Ground on which the said Houses and Buildings stood, together with that on which the then late Gaol or Bridewell was erected, to be cleared, levelled, and laid open, and so to continue for ever: And whereas the said Commissioners have accordingly purchased and caused the said Houses and Buildings to be pulled down, and have sold the said Materials thereof, and caused the same to be removed; and the said Ground on which the said Houses and Buildings stood, with that on which the said Gaol or Bridewell was erected, to be cleared, levelled, and laid open, and the same now lies open, and is used for a public Carriage Way, but is in Want of Repair; be it therefore enacted, That from and after the passing of this Act, the said Ground so laid open as aforesaid, and used for a public Carriage Way, shall be paved, repaired, swept, cleansed, and lighted by the said Commissioners for carrying into Execution the said recited Act of the Eleventh Year of the Reign of His present Majesty, and this Act, in like Manner, and with the like Powers, and under the same Rules and Regulations, as the other Streets, Squares, Lanes, Alleys, Courts, Gateways, and other public Passages within the City and Parishes aforesaid, are authorized and directed to be paved, repaired, swept, cleansed, and lighted.

Ground used
as a Carriage
Way to be
paved.

Victuallers
not to suffer
Watchmen,
&c. to be in
their Houses
during the
Hours of
Duty.

LIII. And be it further enacted, That if any Victualler or Keeper of a Public House or Cellar, shall knowingly and willingly harbour or entertain any Watchman employed by the said Commissioners, or permit or suffer any such Watchman to remain in such his or her Public House or Cellar during any Part of the Time appointed for their being on Duty, every such Victualler or Keeper of a Public House or Cellar, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings.

LIV. And

LIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, to give such Rewards in Money to Watchmen as may be disabled, wounded, or hurt in the Execution of their Duty, as they the said Commissioners shall think reasonable; such Money to be paid out of any Money to be raised for the Purposes of this Act.

Commissioners may reward Watchmen.

LV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of the said first recited Act or this Act, such Person or Persons may apply to the said Commissioners, or any Seven or more of them, at any Meeting to be holden within Fourteen Days next after Demand of such Rate or Assessment; but if no Meeting shall be held within such Time, then at the next Meeting which shall be held then after; and the said Commissioners, or any Seven or more of them, are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem reasonable.

Persons aggrieved may apply to the Commissioners.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, if they shall think it expedient, to bring or cause to be brought any Action or Actions of Debt or special Action on the Case in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates or Assessments to be made by virtue of the said first recited Act or this Act, in which Action or Actions it shall be sufficient for the said Commissioners to declare that the Defendant is indebted to them in the Sum of Money they shall suppose to be due for Rates or Assessments under the said first recited Act or this Act; and in case the said Commissioners shall recover such Sum so declared for, or any Part thereof, they shall have and recover full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered, in which Action or Actions no Essoign, Protection, or Wager at Law, or more than One Imparance shall be allowed.

Commissioners may bring Actions for Rates.

LVII. And be it further enacted, That whenever any Action or Suit shall be brought by the Order of the said Commissioners, or any Nine or more of them, against any Person or Persons, by virtue or in pursuance of the said first recited Act or this Act, the same may be brought in the Name of their Treasurer or Clerk on Behalf of the said Commissioners, and no such Action or Suit shall abate or be discontinued by the Death or Removal of such Treasurer or Clerk, or by any Act or Default of such Treasurer or Clerk, done or suffered without the Consent or Direction of the Commissioners for the Time being, or any Nine or more of them, but the Treasurer or Clerk to the Commissioners for the Time being, shall always be deemed Plaintiff or Defendant in such Action or Suit (as the Case may be): Provided always, that all Costs and Expences to be incurred by or on Behalf of the said Commissioners, or any Person or Persons employed by them in prosecuting or defending any Action or Suit, touching the Execution of this Act, shall be defrayed out of the Money arising by virtue of the said first recited Act and this Act, unless such Action or Suit shall arise in consequence of the wilful Neglect or Default of such Treasurer or Clerk, or unless it shall have been brought, commenced,

Actions may be brought in the Name of the Treasurer or Clerk.

or

or defended, without the Order or Direction of the said Commissioners, or any Nine or more of them.

Repeal of
Appeal Clause
in 17 Geo. 3.

LVIII. And whereas it is by the said recited Act enacted, that if any Person or Persons should think himself, herself, or themselves aggrieved by any Thing done in pursuance thereof, such Person or Persons should and might, within Three Calendar Months next after the Cause of Complaint should arise, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the County of *Southampton*, such Appellant or Appellants first giving or causing to be given Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer of the said Commissioners, within Two Days next after such Notice entering into a Recognizance or Recognizances, before some Justice of the Peace in and for the said County, with Two sufficient Sureties conditioned to try such Appeal mentioned in such Notice, and abide the Order and pay such Costs as should be awarded by the Justices of the said County; and the Matter of such Appeal should be heard and determined by the said Justices for the said City and County at the next General Sessions of the Peace to be held in and for the said County, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said County, which of the three should first happen next after the Expiration of Twenty Days from the Day of giving such Notice, and the said Justices at such Sessions or Adjournments, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, should hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants or Respondent or Respondents, as they the said Justices should think proper, and the Determination of such Justices should be final, binding, and conclusive to all Parties concerned or interested therein: And whereas the said Provision has been found ineffectual; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

Appeal.

LIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made or be demanded in pursuance of the said first recited Act or this Act, after an Appeal made to the said Commissioners in Manner hereby directed, against such Rate or Assessment, or if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act (save and except in such Cases where any Order, Judgement, or Determination is therein or herein directed to be final or conclusive, and save and except in such Cases for which any particular Method of Relief is therein or herein appointed) such Person or Persons may appeal to the Justices of the Peace at any general Quarter Sessions of the Peace to be holden for the said County of *Southampton*, within Four Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Sessions, the Person or Persons appealing first giving or causing to be given to the Clerk to the

said

said Commissioners, Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and forthwith after such Notice, and before any Distress shall be taken in consequence of any such Conviction, entering into a Recognizance before some Justice of the Peace for the said County, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions or Adjournment thereof, and the Justices at the said Sessions or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and shall and may, at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing, and the Determination of the said Justices in their said general Quarter Sessions or Adjournment thereof, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

LX. And be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons, for any Thing done in pursuance of the said recited Act or this Act, unless Twenty-one Days' Notice thereof shall be first given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plaintiffs, or unless the same shall be commenced before the Expiration of Six Months next after the Fact committed, or unless Tender of reasonable Amends hath not, or shall not have been made by or on Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid or brought in the County of *Southampton*, and the Defendant or Defendants in any Action or Suit to be commenced for any Thing done in pursuance of the said recited Act or this Act, shall and may plead the General Issue, and give the said recited Act and this Act, and the special Matter in Evidence, at any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by the Authority of the said recited Act and this Act, and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days' Notice thereof was given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plaintiffs, or if it shall appear that such Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed, or if it shall appear that Tender of reasonable Amends was made by or on Behalf of the Defendant or Defendants in such Action or Suit before such Action or Suit was commenced or brought, or such Action or Suit shall be brought in any other County or Place, than in the County of *Southampton*, that then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases of Law.

Limitation of
Actions.

General Issue.

Public Act.

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

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