



ANNO SEXTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. xxxv.*

An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of *Portsea* in the County of *Southampton*, and for removing and preventing Nuisances and Annoyances therein. [31st May 1843.]

**W**HEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better paving, cleansing, widening, and regulating the Streets, Courts, Roads, Lanes, Ways, Rows, Alleys, and public Passages and Places within the Town of Portsea in the County of Southampton, and for removing and preventing Nuisances, Annoyances, and Obstructions within the said Town*, whereby certain Powers and Authorities were given to Persons therein named, and from Time to Time to be appointed Trustees for the several Purposes contained in the said recited Act: And whereas another Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better lighting and watching the Town of Portsea in the County of Southampton, and for amending an Act passed in the Thirty-second Year of His late Majesty, for paving, cleansing, and regulating the Streets and public Places within the said Town, and removing and preventing Nuisances and Annoyances therein*:  
[Local.] 9 T



*therein* : And whereas the said Trustees have proceeded to carry into execution the several Powers and Authorities vested in them by the said recited Acts, and have raised and expended considerable Sums of Money in paving, lighting, and improving the different Thoroughfares within the said Town, and the same are capable of much further Improvement : And whereas there are many Provisions, Powers, and Authorities contained in the said recited Acts which in the Execution thereof have been found defective and insufficient for carrying into effect the Purposes for which they were respectively enacted, and it is expedient that the same should be altered and amended : And whereas the Purposes aforesaid might be more efficiently and conveniently effected if the said recited Acts were repealed, and other Powers and Provisions granted in lieu thereof : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Thirty-second Year of the Reign of His late Majesty King *George* the Third, and also the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, and all Matters and Things therein respectively contained, shall be and the same are hereby declared to be repealed from and after the Twenty-sixth Day of *June* One thousand eight hundred and forty-three ; and that from and after that Day this Act shall be put in execution for the Purposes hereinafter mentioned ; and this Act shall be and the same is hereby declared to be subject and liable to the Payment of all and every Sum and Sums of Money due upon the Credit of the said former Acts to Tradesmen, Artificers, Workmen, Officers, or otherwise.

The recited  
Acts of  
32 G. 3. &  
7 G. 4. re-  
pealed.

All Contracts  
made by or  
with the Trus-  
tees, and all  
Rates, Assess-  
ments, and  
Orders for  
Payment of  
Money, under  
repealed Acts  
to remain in  
force.

II. And be it enacted, That all Contracts heretofore made by or with the Trustees acting under and by virtue of the said recited Acts or either of them, in pursuance of the Powers therein respectively contained, and all Rates, Assessments, and Orders for the Payment of any Money by any Person whomsoever under and by virtue of the said recited Acts, for the Expences of paving, sweeping, cleansing, lighting, and repairing the several Streets within the Limits of this Act or any Part thereof, shall be in full Force and Effect in the same Manner as if the said recited Acts had not been repealed ; and that the Performance of such Contracts and the Payment of the said several Sums of Money may be enforced by the Commissioners for putting this Act into execution or any of them, or any other Person interested therein, in the same Manner as if such Contracts, Rates, or Assessments had been respectively made, and such several Sums of Money had respectively become due under and by virtue of this Act.

Officers un-  
der 32 G. 3.  
and 7 G. 4. to  
hold their Si-  
tuations until  
removed.

III. And be it enacted, That the Clerk, Treasurer, Surveyor, Collector, Beadle, and all other Servants and Officers appointed by the Trustees by virtue and in pursuance of the said recited Acts or either of them shall hold and enjoy their several and respective Offices and Employments, together with their several and respective Salaries, Gratuities, and Allowances thereto annexed, until he or they



they shall be removed therefrom respectively by the said Commissioners; and every such Clerk, Treasurer, Surveyor, Collector, Beadle, and other Servant and Officer shall, while he shall continue in Office, be subject to the like Pains and Penalties and Powers of Removal, and to the like Rules and Regulations, as if he had been appointed by virtue of this Act.

IV. And be it enacted, That all Persons acting or who have acted under the said recited Acts hereby repealed who shall have in their Custody, Power, or Possession any Money collected by virtue of the said recited Acts, or any Books, Papers, or Writings relating to the Execution of the said recited Acts, shall forthwith pay and deliver up the same to the said Commissioners or to such other Persons as they shall appoint to receive the same; and in case of Neglect or Refusal the Persons so neglecting or refusing shall not only forfeit and pay any Sum not exceeding Fifty Pounds, but also be liable to such Actions as the Commissioners may legally commence for the Recovery of Money, Books, Papers, or Writings so refused or neglected to be paid or delivered up as aforesaid.

Persons who have acted under recited Acts to account for Monies and deliver up Books.

V. And whereas certain Sums of Money, amounting in the whole to the Sum of One thousand Pounds, were heretofore borrowed and now remain due and owing on the Credit of the Rates or Assessments directed by the said recited Acts to be levied; be it therefore enacted, That the said Sum of One thousand Pounds shall be and the same is hereby charged on all the Rates or Assessments (other than and except the Paving Rates or Assessments) by this Act authorized or directed to be assessed or levied, and the Securities already given, on any or either of the said Rates or Assessments under or by virtue of the said recited Acts, for the said Sum of One thousand Pounds, or any Part thereof, shall be and they are hereby confirmed as Securities on such Rates or Assessments (except as aforesaid) so by this Act authorized or directed to be assessed or levied as aforesaid, for so much Money as in such Securities respectively are expressed to have been advanced, and shall be payable and paid to the Persons for the Time being entitled to such Securities.

The Sum of 1,000*l.* borrowed on the Credit of former Acts charged on the Rates authorized by this Act.

VI. And be it enacted, That the Commanding Royal Engineer at *Portsmouth* for the Time being, the Storekeeper of Her Majesty's Ordnance at *Portsmouth* for the Time being, the Deputy Storekeeper of Her Majesty's Ordnance for the Time being, the Admiral Superintendent of Her Majesty's Dockyard at *Portsea* for the Time being, the Master Shipwright of Her Majesty's said Dockyard for the Time being, the Storekeeper of Her Majesty's said Dockyard for the Time being, the Store Receiver of Her Majesty's said Dockyard for the Time being, the Master Attendant of Her Majesty's said Dockyard for the Time being, *George Absalom, Samuel Allnutt, Samuel Ford Allnutt, Thomas Aylen, Charles Holloway Bailey, George Baker, William Besant, Samuel Blackler, William Blake, Thomas Burt, William Chamberlain, George Clements, John Collins, Charles Crassweller, Ezekiel Emanuel, Henry Ford the elder, Edward Gain, William Hawkins Garrington, Henry Francis Gauntlett, James Greetham, George Haynes, Samuel Horsey the younger, Daniel Howard,*

Appointment of Commissioners.



*Howard, Thomas Jackson, Erasmus Jackson, William Jones, John Keet, George Kemp, Benjamin Lara, John Ledicott, William Lemmon, Thomas Lipscomb, Archibald Low, Thomas Toft Mallory, Edward Marvin the elder, Henry Massy, Thomas M'Cheane, David Miall the elder, William Oliver the younger, John Orange, Thomas Ellis Owen, Edmund Ives Palmer, James Paul the younger, William Pearce the elder, Alexander Poulden the elder, George Pratt, John Friend Pratt, James Redward, Stephen Reeves, Richard Henry Rogers, Henry Silverlock, Charles Edward Smithers, George Cornelius Stigant, Edmund Stokes, William Stroud, John Burton Timmings, John Totterdell, Joseph Oates Travers, John Treadgold, George Turner the elder, James Walker, Charles Webb, William Woodward the younger, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby constituted and appointed Commissioners for carrying this Act into execution.*

Qualification  
of Commis-  
sioners.

VII. And be it enacted, That every Commissioner under this Act (except the several Persons holding the respective Offices herein-before mentioned) shall be a resident Inhabitant within the said Town, and rated to the Rates made for the Relief of the Poor of the Parish of *Portsea* aforesaid for any Tenement within the Limits of this Act at the annual Sum of Thirty Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the Limits of this Act of the annual Value of Thirty Pounds, for an Estate of not less than a Life in being for his own Use, or be possessed of a Personal Estate of not less than One thousand Pounds beyond what will satisfy all his Debts.

Same Pro-  
perty not to  
give Two Qua-  
lifications.

VIII. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt  
or Insolvent  
to be a Com-  
missioner.

IX. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person  
holding Office  
or concerned  
in a Contract  
to be a Com-  
missioner.

X. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall there-upon become vacant.

Shareholders  
in Companies  
established  
under Act of  
Parliament  
not disquali-  
fied by reason  
of Contracts.

XI. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners, but no such Commissioner being a Member of such Company shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

XII. And



XII. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner. Commissioner not incapable of acting as Justice.

XIII. And be it enacted, That no Person (except those holding such Offices under Government as aforesaid) shall be capable of acting as a Commissioner (except in administering the Declaration herein-after mentioned) until he shall have made and signed before One of the Commissioners a Declaration to the following Effect: Declaration by Commissioners.

‘ I *A.B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament, intituled [*here insert the Title of this Act*], and also that I am a resident Inhabitant within the said Town, and am rated to the Rates made for the Relief of the Poor of the Parish of *Portsea* in respect of a Tenement within the Limits of the said Act at the annual Sum of Thirty Pounds, [*or that I am seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the Limits of this Act of the annual Value of Thirty Pounds, for an Estate of not less than a Life in being, for my own Use, or am possessed of a Personal Estate of not less than One thousand Pounds beyond what will satisfy all my Debts.*]

XIV. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act knowing the same to be untrue in any Particular shall be deemed guilty of a Misdemeanor. False Declaration a Misdemeanor.

XV. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as One of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration. Declaration to be taken at the First Meeting.

XVI. And be it enacted, That if any Person (except those holding such Offices under Government as aforesaid) shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the

Penalty on Commissioners acting not being qualified.

All Acts of Commissioners valid though not duly qualified.

[*Local.*] 9 U



the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Commissioners neglecting to act.

XVII. And be it enacted, That if any Commissioner shall fail to act in the Execution of this Act for One Year such Commissioner shall be deemed to have refused to act, and therefore shall cease to be a Commissioner until he shall be re-elected as herein-after mentioned.

Period of Service and Time of going out of Commissioners.

XVIII. And be it enacted, That the Commissioners appointed by this Act, except those holding such Offices under Government as aforesaid, shall go out of Office by Rotation, as follows; (that is to say,) in the Month of *October* in the Year One thousand eight hundred and forty-four One Third of such Commissioners shall go out of Office, and at the same Time in the following Year One Half of the remaining Commissioners shall go out of Office, and at the same Time in the following Year the Remainder of the Commissioners shall go out of Office, and at the same Time in every subsequent Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office, and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners as herein-after provided.

Commissioners re-eligible.

XIX. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Commissioner.

Rotation of Commissioners named by the Act.

XX. And in order to determine the Rotation by which the Commissioners are required to go out of Office, be it enacted, That within Two Months after the passing of this Act the Commissioners shall meet at the *Athenæum*, or some other convenient Place within the said Town, for the Purpose of forming a Rotation List of the Commissioners; and at such Meeting the Clerk to the Commissioners, or some other Person to be previously appointed by the Commissioners for that Purpose, shall write the Names of all the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them up in the same Manner he shall put them in a Box, and shall draw out such Slips in succession, and the Names upon the Slips so drawn shall be inserted by such Clerk in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of this Act, and the Names in such List shall be numbered consecutively, and the Commissioners shall retire from Office in the Order in which their Names appear in such List, according to the Proportion herein-before mentioned.

Qualification of Electors.

XXI. And be it enacted, That every Person who shall be rated to the Rates made for the Relief of the Poor of the Parish of *Portsea* in respect of any Dwelling House, Office, Shop, Warehouse, Counting-house, or other Building, Lands, Tenements, Hereditaments, or other Property whatsoever within the Limits of this Act, and who shall have paid up all Rates due from him Three Months before the Period before the Election of Commissioners, shall be entitled to



vote in the Election of Commissioners to supply the Places of those retiring by Rotation in manner following; (that is to say,) that every Person who shall be so rated shall be entitled to give One Vote or any greater Number of Votes in respect of the Assessment made upon him, in like Manner in all respects as he is or may be entitled to vote at any Vestry in respect of the Assessment made upon him, for the same Premises, in any Rate for the Relief of the Poor of the said Parish.

XXII. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held at the *Athenæum*, or at some other convenient Place within the said Town, to be appointed by the Commissioners, on the Second *Friday* in *October* in each Year, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to the Clerk of the Commissioners, or in his unavoidable Absence to some Person authorized for that Purpose by the Commissioners, a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Commissioners; and the Persons, not exceeding the Number of Commissioners proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, the Clerk to the Commissioners, or such Person as aforesaid, shall, if necessary, to prevent an Excess in the Number of Commissioners, decide by Lot upon the Persons to be elected.

Manner of Election for supplying periodical Vacancies.

XXIII. And be it enacted, That if any of the Commissioners die, or resign, or be disqualified or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Commissioners, if they think fit, to elect another Commissioner in his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Mode of supplying occasional Vacancies.

XXIV. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at the *Ship and Castle Tavern* situate on the *Common Hard* in the Town of *Portsea* aforesaid, or some other convenient Place within the said Town, on the Twenty-seventh Day of *June* One thousand eight hundred and forty-three, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the said Commissioners shall be held on the First *Tuesday* in each Month at the Place aforesaid, and between the Hours of Six and Eight of the Clock in the Afternoon, unless some other Place within the said Town shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall

First and other Meetings.



shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting to be held at any convenient Place within the said Town, and not less than Five Days Notice shall be given of such intended Meeting.

Special  
Meetings.

XXV. And be it enacted, That it shall be lawful for the said Commissioners to hold Special Meetings, and any Five or more of the said Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Five Days Notice thereof shall be given.

Quorum of  
Commis-  
sioners.

XXVI. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

How Notices  
of Meetings  
are to be  
given.

XXVII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Commissioners Five Days at least previous to such Meeting; and every such Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at  
Meetings.

XXVIII. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General  
Meetings  
may appoint  
Committees.

XXIX. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Commissioners next following its Appointment.

Quorum of  
Committees.

XXX. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of  
Business at  
Meetings of  
Commis-  
sioners.

XXXI. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there  
be



be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Numbers of Votes, whose Name would stand first if the Names of the Commissioners present were alphabetically arranged, shall be Chairman of such Meeting.

XXXII. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Five Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

No Resolution of Commissioners to be revoked at a subsequent Meeting unless under certain Circumstances.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners, and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

For what Contracts may be made.

XXXIV. And be it enacted, That every such Contract shall be signed by any Three or more of the Commissioners, and shall be signed or otherwise duly executed by the other Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners, or the other Parties failing in the Execution thereof.

How to be signed.

XXXV. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment, as herein-after mentioned, be held to be the Property of such Commissioners.

Materials for Works contracted for to be considered the Property of the Commissioners.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, or injure any Property, Article, or Thing belonging to the Commissioners, and in any such Bill of Indictment it shall be sufficient to state

Indictments, how to be preferred.

[*Local.*]

9 X

generally



generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Commis-  
sioners not to  
be personally  
liable.

XXXVII. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act (except the Paving Rates), or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners; and all Sums of Money to be recovered by the Commissioners in any such Action or Suit shall be applied to the same Purposes as the Monies to arise from the said Rates and Assessments (except the Paving Rates) are hereby directed to be applied.

Liability of  
their Funds.

Actions or  
Suits to be  
brought in  
the Name of  
any Two  
Commis-  
sioners or  
their Clerk.

XXXVIII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit, and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions  
against  
Goods of  
Commis-  
sioners.

XXXIX. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity to  
Commission-  
ers and Clerk.

XL. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put or with which he may become chargeable by reason of being so made Plaintiff or Defendant, and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default; or unless, if such Action have



have been brought by the Clerk or Two Commissioners or more, as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

XLI. And be it enacted, That the said Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee, respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the said Commissioners, and any of the Creditors or Ratepayers or other Persons interested.

Proceedings to be entered in a Book, and be open for Inspection.

XLII. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, and Officers, and appoint others in their Stead.

Commissioners to appoint Treasurer and other Officers.

XLIII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of Clerk and Treasurer to be separate.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer, as the Case may be:

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

XLIV. And



Officer taking Fees to lose his Office.

XLIV. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners shall exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Penalty.

Commissioners to take Security from all Officers intrusted with Money.

XLV. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XLVI. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XLVII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall summon such Officer to appear before any Two or more Justices at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices may



may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for any Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justices at the Place and Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power;

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power: Provided always, that if any One of such Commissioners shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful for the Justice before whom Complaint is made, instead of issuing a Summons as herein-before directed, to issue his Warrant for the apprehending and bringing such Officer before such Two or more Justices as aforesaid; but no Person directed to execute such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before Two Justices to answer to the Charge as herein-before directed.

XLVIII. And be it enacted, That no such Proceedings against or dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Commitment not to discharge Sureties.

XLIX. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Cre-

Books of Account to be kept, and to be open to Inspection.

[*Local.*]

9 Y

ditor



ditor on the Rates or Assessments by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for such Inspection; and it shall be lawful for any of the said Commissioners, Creditors, or other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to  
be examined  
and settled at  
the Annual  
Meeting;

to be final  
unless ap-  
pealed from.

L. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the first Ordinary Meeting of the Commissioners, which shall take place in *February* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the Borough of *Portsmouth*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal.

Statement of  
Accounts to  
be prepared,  
and to be  
open for In-  
spection.

LI. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended, by virtue of this Act, during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Clerk to the Commissioners; and every Creditor on the Rates and Assessments by this authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a printed Copy thereof to every such Creditor and Rate-payer, without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Clerk to the Commissioners ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

Auditors may  
be appointed.

LII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful



lawful for the Rate-payers to nominate, if they think fit so to do, Two or more Persons not being Commissioners to be Auditors of the Accounts of the Commissioners ; and the Persons so to be nominated Auditors shall have the like Qualification and shall be subject to the like Disqualification or Disability as the Commissioners ; and before entering on their Office they shall make and sign before One of Her Majesty's Justices of the Peace a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

LIII. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Clerk to the Commissioners or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors ; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto ; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors or any other Person interested in the said Accounts to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace for the said Borough of *Portsmouth*, Notice in Writing of such Appeal being given to the Clerk to the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

Auditors to inspect Accounts, and to appeal if they think fit.

LIV. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Thirty-first Day of *January* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Southampton* on or before the Twenty-fifth Day of *March* then next ; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection : Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

LV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest on the Credit of the several Rates or Assessments by this Act granted, (other than and except the Paving Rates or Assessments,) and other Property vested in such Commissioners, any Sum of Money which, together

Power to borrow Money on Mortgage.



together with any Sum previously borrowed, shall not exceed the Sum of Three thousand Pounds, and, in the event of any Part of such Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Three thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Directions as  
to borrowing  
Money.

LVI. And be it enacted, That previous to borrowing any Sum or Sums of Money, an Order for that Purpose shall be made by the Commissioners at a Meeting specially called for that Purpose, at which Nine or more Commissioners shall be present.

Form of  
Mortgage.

LVII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated, and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to  
be without  
Preference.

LVIII. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Commissioners may raise  
Money by  
Annuity.

LIX. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, and for that Purpose for the Commissioners, or any Five or more of them, to charge the Rates and Assessments granted by this Act (except Paving Rates) with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same,

Form of  
Grant of  
Annuity.

LX. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Five of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

For prevent-  
ing improvi-  
dent Grants  
of Annuities.

LXI. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such  
Annuity



Annuity granted by the Commissioners for the Reduction of the National Debt.

LXII. And be it enacted, That every Annuity so granted shall be paid out of the Rates or Assessments, (except as aforesaid,) according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act. Annuities to rank after Mortgages.

LXIII. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same. Expences of Mortgages and Annuities.

LXIV. And be it enacted, That a Register of such Mortgages or Assignments and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward. Register of Mortgages and Annuities to be kept, and to be open to Inspection.

LXV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment or Annuity may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect. Assignment of Mortgages and Annuities.

LXVI. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured. Register of Transfers to be kept.

LXVII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto. Interest on Mortgages to be paid half-yearly.

LXVIII. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order Power to take up Money at a less Rate of Interest.

[*Local.*]

9 Z

to



to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates or Assessments granted by this Act, or any Part thereof, (except the Paving Rates or Assessments,) with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of  
paying off  
Mortgages.

LXIX. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Five or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand, after the Expiration of the said Six Months.

Application  
of Monies to  
be borrowed.

LXX. And be it enacted, That all the Money which shall be raised on the Credit of the Rates hereby authorized to be levied shall be applied, in the first place, in paying the Expences of obtaining and passing this Act, or incident thereto, and afterwards in making such permanent Improvements within the Limits of this Act as are hereby authorized, and as the Commissioners shall direct to be made.

Commis-  
sioners to  
form a Sink-  
ing Fund.

LXXI. And be it enacted, That the Commissioners shall, as soon as conveniently may be after the passing of this Act, and from Time to Time, appropriate from the said Rates or Assessments (other than and except the Paving Rates or Assessments) a Sum not less than Five nor more than Ten Pounds *per Centum per Annum* on the Amount of the said Sum of One thousand Pounds now due and owing, and by this Act charged on the said Rates and Assessments, over and above the Interest payable thereon, in order to form an accumulating Fund for the gradual Payment thereof; and that when and as often as any further Sum of Money shall be borrowed on the Credit of the said Rates and Assessments the said Commissioners shall



shall appropriate a Sum not less than Five nor more than Ten Pounds *per Centum per Annum* on every such Sum so borrowed, over and besides the Interest payable thereon ; and the same annual Sums are hereby charged on and directed to be answered out of the said Rates and Assessments in order to form an accumulating Fund for the gradual Payment of the Principal Sum and Sums of Money so due and from Time to Time to be borrowed and remaining unpaid ; and that as often as the said Sinking Fund shall amount to the Sum of Two hundred Pounds the same shall be applied in Payment of an equal Amount of the said Principal Money now due or hereafter to become due on the Credit or Security of the said Rates and Assessments, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively, in manner herein-before provided.

LXXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

Commissioners may make Bye Laws to govern themselves and their Servants.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence : Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Fines for Breach of such Bye Laws.

LXXIV. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate, at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Service of Notice on Commissioners.

LXXV. And be it enacted, That every Summons, Demand, or Notice, or other such Document, under this Act, may be in Writing or Print, or partly in Writing or Print, and if the same require Authentication by the Commissioners the Signature thereof by One Commissioner, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

Authentication of Notices.

LXXVI. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners,

Releases to Witnesses.



sioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of  
Amends.

LXXVII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if, before an Action be brought, any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to  
purchase  
Lands.

LXXVIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands, within the Limits of this Act, which they may require for the Purpose of opening and making more convenient Communications, Ways, or Streets, and of widening or improving, altering or diverting, any existing Ways or Streets, or for other the Purposes of this Act, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Kind soever, either for a Consideration in Money, or by way of Exchange, for any Part of such Way or Street which may become useless or unnecessary, and the Lands so purchased shall be laid into the said Streets or otherwise appropriated for the Purposes aforesaid, as the Commissioners shall think fit; and all such Ways or Streets, when and as soon as the same shall be so formed, widened, or improved, shall be deemed public Streets or Ways.

Parties under  
Disability  
enabled to  
sell and con-  
vey

LXXIX. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of or exchange and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell, exchange, and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and



and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were Sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femmes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

LXXX. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands or for any Damage done thereto shall be in a gross Sum. Consideration to be a gross Sum.

LXXXI. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be paid out of the Monies arising by the Rates or Assessments (other than and except the Paving Rates or Assessments) by this Act directed to be levied and made. Consideration how to be paid.

LXXXII. Provided always, and be it enacted, That no Person shall act as a Commissioner in any Case relating to the Sale, Exchange, or Purchase of any such Lands, or of any such Estate or Interest therein as aforesaid, wherein he shall be personally concerned or interested. Commissioners interested in Sale, &c. not to act.

LXXXIII. And be it enacted, That the Owners of any such Lands or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act. Acceptance of Compensation for Price of or Damage to Lands.

LXXXIV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

[*Local.*]

10 A

by



by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of  
Conveyance.

LXXXV. And be it enacted, That all Conveyances of Lands so to be purchased or exchanged as aforesaid may be according to the Form in Schedule (D.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased, exchanged, or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on Foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Costs of Con-  
veyances.

LXXXVI. And with respect to the Costs of the Conveyance of any such Lands purchased or taken in exchange by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences incurred, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into Possession of the Lands so purchased, exchanged, or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased or taken in exchange do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of  
Costs.

LXXXVII. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters to be taxed in the usual Manner; and upon

Proof



Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken in exchange.

LXXXVIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, 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 there *ex parte* "The *Portsea* Improvement Commissioners," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King George the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds,* and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,) Purchase Money payable to Parties under Disability, amounting to 200*l.*, to be deposited in the Bank of England.

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If



If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct ; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for  
Application.

LXXXIX. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited, and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities, and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands ; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from  
20l. to 200l.  
to be depo-  
sited or in-  
vested in  
Trustees.

XC. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England* and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled ; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees ; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three of the Commissioners ; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not ex-  
ceeding 20l.  
to be paid  
to Parties.

XCI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit ; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the  
respective



respective Husbands, Guardians, Committees, or Trustees of such Persons.

XCII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of the said recited Act of the Thirty-second Year aforesaid or of this Act, but which shall not be required for the Purposes of this Act, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous; and convey the same to the Purchasers thereof by Deed under the Hands and Seals of Three at least of the Commissioners, and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received. Lands not wanted to be sold.

XCIII. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another in such Order as the Commissioners shall think fit. Lands to be offered to adjoining Owners.

XCIV. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused; or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated. Right of Pre-emption to be claimed within Sixty Days.

XCV. Provided always, and be it enacted, That in any Case in which the Commissioners shall have purchased or acquired any House or Land within the Town of *Portsea* it shall be lawful for the Commissioners absolutely to sell and dispose of all or any Part of such House or Land to such Person and in such Manner as the Commissioners shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto. Proviso as to Sale of Land.

[*Local.*]

10 B

XCVI. And



Difference as  
to Price to  
be settled by  
Valuation.

XCVI. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained by Two Surveyors, or their Umpire, to be nominated in like Manner as by this Act is directed with respect to the Value of any Lands to be purchased from any Party under Disability or Incapacity ; and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same ; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him ; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this Act.

Effect of  
the Word  
"grant" in  
Conveyances.

XCVII. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance ; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them :

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners :

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all Persons claiming under them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

XCVIII. And



XCVIII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate occasioned by the making the Improvements hereby authorized in the said Town of *Portsea*, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax, or liable to be assessed to the Poor's Rate, the Commissioners shall from Time to Time, until the Improvements shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate, arising within the said Parish by reason of such Lands having been taken or used for the Purposes of the Improvements, and such Deficiency shall be computed according to the Rental at which such Lands with any Buildings thereon were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Land Tax  
and Poor's  
Rate to be  
made good.

XCIX. And be it enacted, That the Limits of the Town of *Portsea* for the Purposes of this Act shall comprehend so much of the Parish of *Portsea* in the County of *Southampton* aforesaid as is comprised within an external Boundary Line coloured Yellow on a Map or Plan thereof, signed by the Right Honourable *Francis Thornhill Baring*, and Sir *George Thomas Staunton* Baronet, being the Members of Parliament for the Borough of *Portsmouth* in the County of *Southampton* aforesaid, and deposited in the Office of the Clerk of the Peace for the said Borough of *Portsmouth*, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom; and the said Map or Plan, or any Copy thereof, or of any Part thereof, certified by such Clerk of the Peace to be a Copy thereof, shall be good Evidence in all Courts of Law or Equity, and a Copy of such Plan shall also be deposited with the Churchwardens for the Time being of the said Parish of *Portsea*.

Limits of  
the Act.

C. And be it enacted, That the said Commissioners shall and may erect Boundstones or Posts for the better ascertaining and preserving the Limits of the said Town, in case they shall judge the same necessary, and the Expence thereof shall be defrayed out of the Paving Rates herein-after mentioned; and all the Streets, as well those already made or laid out as those hereafter to be made or laid out within the said Limits, and all Land now laid out or hereafter to be laid out within the Limits aforesaid for any Street, shall be and shall be deemed and construed to be public Streets to all Intents and Purposes whatsoever, and shall be subject and liable to the several Powers and Authorities in this Act contained.

Commis-  
sioners may  
erect Bound-  
stones.

CI. Provided always, and be it enacted, That the said Commissioners shall have no Power or Authority by this Act over any Pavement, Building, Road, Way, or Soil within Her Majesty's said Dockyard, or any Road round the same, lying between the present

Commission-  
ers to have  
no Power over  
any Road,  
&c. within  
the Dock-  
or yard;



or any future Wall of the said Dockyard, and the Boundstones nearest thereto, as the same now stand, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

nor over  
Ordnance  
Lands.

CII. Provided always, and be it enacted, That the Powers and Authorities given by this Act to the said Commissioners shall not extend over any Part of the Lands, Fortifications, Pavements, Buildings, Roads, Ways, or Soil belonging to Her Majesty which is or are under the Charge of the Master General or principal Officers of Her Majesty's Ordnance for the Time being, but that the making and repairing of all public Pavements, Roads, Drains, and Sewers on or under any Part of the said Lands shall continue to be performed at the Expence of the principal Officers of Her Majesty's Ordnance, and the Sum of Ten Pounds *per Annum* (in lieu of the Sums of Money heretofore paid for the said Lands by the Occupiers thereof) shall be paid to the said Commissioners by the Storekeeper of the Ordnance at *Portsmouth* for the Time being for the Purposes of this Act, and shall and may be levied and recovered of him in like Manner as the Rates or Assessments herein-after directed to be levied and recovered of any Occupier of Land or Houses within the Limits of this Act, and allowed to him in his Accounts with Her Majesty's Ordnance: Provided nevertheless, that the several Provisions in this Act contained respecting the Authority of any Justice of the Peace to remove any Nuisances or to punish Persons for Offences to be committed in any of the public Streets within the Limits of this Act shall extend to such Nuisances and Offences if committed on any of the Lands or in any public Road or Highway round or contiguous to the said Dockyard, and under the Charge of the Naval Department of Her Majesty's Service, or if committed on any of the Lands or in any public Highway or Road leading through any of the Grounds belonging to Her Majesty, and under the Charge of the Master General or principal Officers of Her Majesty's Ordnance for the Time being, any thing herein contained to the contrary thereof in anywise notwithstanding.

Commission-  
ers of the  
Navy may  
inclose the  
Common  
Hard, making  
another  
between the  
Dockyard and  
Gun Wharf.

CIII. And be it enacted, That in case the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being shall at any Time hereafter think it necessary or convenient for Her Majesty's Service to take in and inclose or use the Road, Way, Hard, or Passage commonly called "The Common Hard" which lies between the Gun Wharf and the Dockyard aforesaid, and shall first make and leave another Road, Way, Hard, or Passage or Pier in lieu thereof, from High-water Mark to Low-water Mark, not less than Thirty-five Feet in Width in any Part of the Land lying between the Gun Wharf and Dockyard, then it shall be lawful for the said Commissioners for executing the Office of Lord High Admiral aforesaid to take in and inclose or use the said Place now called the Common Hard, and the same shall from thenceforth be disused as a public Hard or Way; and the said Road, Way, Hard, or Passage or Pier so to be made or left in lieu thereof shall from thenceforth be deemed a public Road, Way, Hard, or Passage or Pier, and be repaired



repaired in such and the same Manner as the present Road, Way, Hard, or Passage between the said Dockyard and Gun Wharf is to be repaired under this Act.

CIV. And be it enacted, That in case the Master General and principal Officers of Her Majesty's Ordnance for the Time being shall at any Time hereafter think it convenient or necessary for Her Majesty's Service to take in and inclose from the Western Extremity of the present Government Works to join Her Majesty's Dockyard, and for that Purpose to take in and inclose the Hard or Passage commonly called "The Hard at the Old Buildings" in the Town of *Portsea* aforesaid, extending from High-water Mark to Low-water Mark, and shall make and leave another Hard or Passage from High-water Mark to Low-water Mark of the Width of Fifty Feet in any Part of the Land lying between Her Majesty's said Dockyard on the West and the said Western Extremity of the Government Works on the East, then it shall be lawful for the said principal Officers to take in and inclose the said Place now called "The Hard at the Old Buildings," and the same shall from thenceforth be disused as a public Hard or Way, and the Hard or Way so to be made and left in lieu thereof shall from thenceforth be deemed a public Hard or Way, and be repaired in such and the same Manner as the present Hard or Way between the said Dockyard and the said Western Extremity of the Government Works is to be repaired under this Act; and it shall be lawful for the said principal Officers of Her Majesty's Ordnance to inclose the same, first leaving an Opening of Fifty Feet in Width to communicate with the Hard or Way so to be made and left as aforesaid in lieu of the present Hard for the Use of the Inhabitants of the said Town of *Portsea*, and all others passing and repassing, or having Occasion to pass or repass that Way, with or without Horses, Carts, or other Carriages: Provided nevertheless, that the said principal Officers of Her Majesty's Ordnance may erect a Gate across the said Opening for Horses, Carts, and Carriages to pass and repass through, not less than Twelve Feet in Width in the Clear, with a Wicket for Foot Passengers, which Gate and Wicket shall always be left and kept open from Sunrise to Sunset, but shall and may be kept shut and locked or otherwise properly fastened or secured from Sunset to Sunrise, in case the said principal Officers of Her Majesty's Ordnance shall think proper to order and direct the same to be done.

The Ordnance may inclose the Hard at the old Buildings, making another Hard in lieu thereof.

CV. And be it enacted, That the Management of all the present and future Streets within the Limits of this Act, being public Highways, and the Pavements, as well in the Footways as Carriageways, and other Materials of such Streets, and all Lamps, Lamp Irons, and Lamp Posts already erected and fixed by virtue of the said recited Acts, or which shall be erected or fixed by virtue of this Act, and all Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections, or Buildings, Materials, Implements, and other Things which shall be made use of, or which shall be purchased or provided or intended to be used for the Purposes of this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, and from all the Cesspools, Drains, Sewers, and Gutters, and all the Ashes, Cinders,

Streets, &c. vested in the Commissioners.

[*Local.*]

10 C

Cinders,



Cinders, and Rubbish to be taken and carried away from all and every the Houses or elsewhere within the Limits of this Act, shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper; and the Money arising from the Sale thereof shall be applied as the Money arising from the Improvement Rates herein-after mentioned is directed to be applied, and the Person purchasing the same shall have full Power and Authority to take, carry away, and dispose thereof for his own proper Use and Benefit.

Future  
Streets may  
be declared  
Highways.

CVI. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put into good Order both as regards the Footway and Carriageway to the Satisfaction of the Commissioners, then on the Application of any Three or more rated Inhabitants within the Limits of this Act it shall be lawful for the Commissioners, by Writing under their Hands, to declare the same to be a public Highway, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners.

Commis-  
sioners to  
cause Streets  
to be paved.

CVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered in such Manner and with such Materials as they shall think proper.

Penalty on  
Persons  
altering the  
Pavements.

CVIII. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement, or in the Foot or Carriage Ways, Gutters, Sinks, Drains, or Watercourses in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, to be signed by the Clerk to the Commissioners for the Time being, except when it may be necessary for repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Foot or Carriage Ways, Gutters, Sinks, Drains, or Watercourses, shall not, within Ten Days after Notice in Writing by the Surveyor to the Commissioners, cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Foot or Carriage Ways, Gutters, Sinks, Drains, or Watercourses.

Commis-  
sioners may  
pave Foot-  
ways.

CIX. And be it enacted, That it shall be lawful for the Commissioners to pave or make, with such Materials as they shall think fit, any Causeways or Footways for the Use of Foot Passengers in or on the Sides of any Street within the Limits of this Act.

Footways to  
be kept in  
repair by the

CX. And be it enacted, That all Causeways or Footways within the Limits of this Act, whether made by the Commissioners or other-  
wise,



wise, which the Commissioners shall deem necessary to be kept up, shall be kept in repair by the Commissioners.

CXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

CXII. And be it enacted, That the said Commissioners shall, out of the Paving Rates by this Act authorized to be levied, repair and maintain the said Hard commonly called "The Common Hard" which lies between the Gun Wharf and Dockyard aforesaid, or Pier which may be erected in lieu thereof, and also the said Hard at the old Buildings, and all other the Roads within the Limits of this Act, which before the passing of this Act or of the said recited Act of the Thirty-second Year of the Reign of His late Majesty King George the Third, or either of them, were or ought to have been repaired and maintained by the Parish of *Portsea*, or that Part thereof commonly called the Liberty Part.

CXIII. And be it enacted, That no Person shall, in respect of any Property without the Limits of this Act, be subject or liable to repair or contribute to the Repair of any Road or Highway lying within the Limits of this Act, nor shall any Person, in respect of any Property within the Limits of this Act, be subject or liable to repair or contribute to the Repair of any Road or Highway within the said Parish, not lying within the said Limits of this Act, or to perform Statute Labour on any Highway within the said Parish, or any Part thereof, or to be appointed to the Office of Surveyor of the Highways within the said Parish, or vote for the Election of any such Officer or Officers within the said Parish, nor shall any Surveyor or Surveyors of the Highways within the said Parish of *Portsea* have any Power or Authority whatsoever respecting or relating to the Roads or Highways within the Limits of this Act.

CXIV. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll or repair or expend any Money on any Road within the Limits of this Act.

CXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be constructed in or under any Street within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed as to them shall seem necessary, and to carry



carry and continue the same into and through any Lands within the Limits of this Act.

Compensation to be made for Injury thereby.

CXVI. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well, or Pump being carried into or through his Lands, the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him.

Communication of private Drains with Common Sewers.

CXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse, without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Occupiers to repair private Drains.

CXVIII. And be it enacted, That the Occupier of any House or Land to which any private Drain which now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses shall repair and cleanse the same, when required, by and according to the Direction and under the Inspection of the Surveyor or other proper Officer for the Time being of the Commissioners.

Houses to be numbered, and Streets named.

CXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted, in a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Future Projections to be removed on Notice.

CXX. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction or Projection,  
or



or alter the same in such Manner as shall have been directed by the Commissioners.

CXXI. And with regard to all Obstructions or Projections of a like Kind as those before mentioned, which have been erected or placed against or in front of any House in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be Thirty Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Existing Projections to be removed, and Compensation made.

CXXII. And be it enacted, That all Doors (not being underground Doors), Gates, and Bars, hereafter to be erected within the Limits of this Act, leading to any House, Building, Yard, or Land, and which shall open upon or towards any public Street, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person who shall have caused such Door, Gate, or Bar to be so constructed, and such Person shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors in future to be made to open inwards.

CXXIII. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon any public Street, it shall be lawful for the Commissioners to alter the same, so that no Part thereof opening or when open shall project over any public Way.

Doors opening outwards to be altered by the Commissioners.

CXXIV. And be it enacted, That with respect to all such Land as is or may be the Property of private Persons which shall not be built upon, and shall lie next adjoining to any Street within the Limits of this Act, or Land laid out or left for a Street, it shall be lawful for the said Commissioners, if they shall think it necessary, to give Notice in Writing, to be signed by the Clerk to the Commissioners, to the Owner or Owners of such Land to fence in the same by a good and sufficient Fence of such Height, and in such Manner, as the said Commissioners shall direct; and if such Owner or Owners shall neglect or omit to make such Fence as aforesaid for the Space of Thirty Days next after such Notice, then the said Commissioners shall do the same, or cause the same to be done, in such Manner as they shall think proper, and the Expences thereof shall be recovered from such Owner or Owners by Distress.

Commissioners may order Owners of Land adjoining any Street to fence in the same.

[*Local.*]

10 D

CXXV. And



Ruinous or dangerous Houses to be taken down or secured.

CXXV. And whereas it may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by may be in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors, and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition the Commissioners shall, on Notice of any such Presentment being given, and a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or fixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

The Expence to be levied by Distress on the Owner.

CXXVI. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly.

In default of the Owner any subsequent Occupier to be liable.

CXXVII. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same, and in default of Payment, on Demand by the Commissioners, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid than what he could lawfully deduct from the Rent due to such Owner at the Time of Demand made upon him for such Charges, in case he shall pay the same, or any Part thereof, on Demand, or at the Time of issuing the Warrant of Distress, in case such Charges, or any Part thereof, shall be levied by Distress.

Occupier not to pay more than he can deduct from his Rent.

CXXVIII. And



CXXVIII. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless, the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

Commissioners may sell the Materials.

CXXIX. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase any Part of the Site of such House or Building, or of the Land occupied therewith, in the same Manner as they are authorized to purchase any Land under the Powers of this Act; and all Powers and Provisions herein contained for the Purchase of the Land, and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expences attending the Purchase of any such Land by the Commissioners, shall be applicable to any such House or Building, and the Land occupied therewith.

Where Houses taken down Commissioners may take Land to improve the Street.

CXXX. And be it enacted, That when any House or Building, any Part of which now projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street, or the Line of the adjoining House or Building, in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House or Building being set back according to the Provisions herein contained.

Projecting Houses when taken down to be set back.

CXXXI. And be it enacted, That it shall be lawful for the Commissioners to cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act, and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building so altered or rebuilt.

Houses built contrary to the Act to be taken down.

CXXXII. And



Houses may  
be set for-  
ward.

CXXXII. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Waterspouts  
to be affixed  
to Houses.

CXXXIII. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Seven Days next after Service of any Order of the Commissioners for that Purpose, put up and for ever afterwards keep in good Condition a Shoot or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry off the Water from the Roof thereof, in such Manner that the Water from such House or Building shall pass underneath the Flagging, Foot Pavement, or Footway into the common Channel so as not to fall upon or incommode the Persons passing near the same.

Under-  
ground  
Drains to be  
formed.

CXXXIV. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement; and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

Arches,  
Vaults, &c.  
to be sub-  
stantially  
made.

CXXXV. And be it enacted, That all Arches, Vaults, and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners without their Consent, and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Arch, Vault, or Drain.

Arches,  
Vaults, &c.  
to be kept  
in repair.

CXXXVI. And be it enacted, That all Arches, Vaults, or Drains under any Street within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Arch, Vault, or Drain shall at any Time not be in such substantial Repair it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Arch, Vault, or Drain shall continue out of substantial Repair, after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

CXXXVII. And



CXXXVII. And be it enacted, That where any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act as an Entrance into any Coal Arch, Vault, or Cellar, or for the Purpose of admitting Light into any Room or Cellar, the Covering or Grating to such Opening shall be made, by the Person requiring the same, of Iron or such other Material, of such Dimensions and in such Manner, as the Commissioners shall direct, and such Covering or Grating shall from Time to Time be repaired or altered by such Person and in such Manner as the said Commissioners shall direct; and if any Person shall cause any such Covering or Grating to be made, repaired, or altered, or shall neglect or refuse to make, repair, or alter such Covering or Grating according to such Direction or Appointment as aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings for every Week the said Offence shall be continued.

Coverings or  
Gratings for  
Coal Arches,  
&c. to be  
made.

CXXXVIII. And be it enacted, That no House or Building hereafter to be built, rebuilt, or newly covered in or near any Street within the Limits of this Act shall be thatched wholly or in part, and in case any such House or Building shall be so thatched, the Owner thereof shall forfeit the Sum of Forty Shillings for every Month during which the same or any Part thereof shall continue to be thatched.

Houses not  
to be thatched.

CXXXIX. And be it enacted, That before the Owner or Occupier of any House or Building already erected or hereafter to be erected within the Limits of this Act shall proceed to take down, alter, or rebuild any of the exterior Parts of such House or Building, or before any Person shall commence the Erection of any House or Building in any Street already or hereafter to be set out within the Limits of this Act, such Person shall, previous to taking down, altering, or rebuilding such exterior Parts of such House or Building already erected or hereafter to be erected, or erecting such new House or Building, give a Notice in Writing to the Surveyor for the Time being of the said Commissioners of such his Intention, such Notice to be left at the usual Place of Abode of such Surveyor at least Ten Days previous to commencing the rebuilding, altering, or erecting such exterior Parts of such House or Building, as the Case may be; and if any Person shall proceed to rebuild, alter, or erect any such House or Building without first giving such Notice he shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

No old Building to be altered, or new Building to be erected, without Notice to the Surveyor.

CXL. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected before commencing the same sufficient Hoards or Fences in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient

Hoards to be set up during Repairs.

[*Local.*]

10 E

Platform



Platform and Handrail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary to prevent Accidents, light or cause the same to be sufficiently lighted during the Night from the Time it shall become dark till the Return of Light; and if any such Person shall refuse or neglect to erect any such Fence or Hoard or Platform, with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not, whilst the said Hoard or Fence is standing, keep the same sufficiently lighted in the Night, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Commis-  
sioners may  
order Hoards  
to be altered.

CXLI. And be it enacted, That it shall be lawful for the Commissioners to order such Hoards or Fences to be enlarged, extended, widened, narrowed, or lessened, or otherwise to regulate the same from Time to Time as they in their Discretion shall think proper, and on Disobedience of such Order to cause the same to be done, and the Expences thereof to be borne, defrayed, and levied in like Manner; and any Person replacing the same shall be subject to the like Penalty as is herein-before directed with respect to any other Nuisance or Encroachment which the Commissioners are herein-before authorized to alter, regulate, or remove.

Penalty for  
not lighting  
Deposits of  
Building  
Materials or  
Excavations.

CXLII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall, at his own Expence, cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising during the Time such Materials, Hole, or Excavation shall remain, and such Person shall, at his own Expence, cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for  
continuing  
Deposits of  
Building  
Materials or  
Excavations  
an unreason-  
able Time.

CXLIII. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of the Necessity of a Continuance thereof respectively shall be  
upon



upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

CXLIV. And be it enacted, That if any Building or Excavation, or any Land or Place contiguous to any Street within the Limits of this Act, shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Street, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

Dangerous Places to be repaired or inclosed.

CXLV. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Commissioners or under their Authority, to close such Street, or any Part of the same, by such Ways or Means as they shall think fit.

Commissioners may close Streets during Repairs.

CXLVI. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done, and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

In default of the Party liable, the Commissioners to execute the Works, and recover over.

CXLVII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Occupiers to recover against Owners in certain Cases.

CXLVIII. And



Adjustment  
between  
Owners and  
Occupiers.

CXLVIII. And be it enacted, That in all Cases (except as herein-before mentioned) where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner he shall allow the same, or so much thereof as shall not be repaid by him, to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Streets to be  
cleansed and  
watered.

CXLIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own immediate Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers  
allowed to  
use their own  
Ashes, &c.

CL. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for Manure for his own immediate Use, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the  
Street Sca-  
vengers to be  
performed  
under Penal-  
ties.

CLI. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers; and such Scavengers, or their Servants, shall, on such Days, and at such Hours, and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be



be kept by the Occupiers of such Houses and Premises under the Provisions herein contained, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

CLII. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on Occupiers obstructing Scavengers.

CLIII. And be it enacted, That if any Person, other than the Scavenger for the Time being, or some Person employed by him, shall collect, remove, or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, or from any House or Premises therein, except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty on other Persons than Scavengers removing Dirt.

CLIV. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall, Once in every Day (*Sundays* excepted), before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Owner of any House let out into divided Apartments shall be deemed the Occupier.

Occupiers to cause Footways to be swept.

CLV. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footway under the Provisions of this Act, for sweeping and cleaning the same in the Manner by this Act directed.

Commissioners may compound for sweeping Footways;

CLVI. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

or may cause them to be swept.

CLVII. And be it enacted, That if any Foundry, Candle House, Melting House, Melting Place, or Soap House hereafter to be erected or made, or any Slaughter House, Boiling House for Offal, Hogsty, [Local.] 10 F uninclosed

Commissioners may order Nuisances to be abated.



uninclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint; and if the Commissioners shall consider such Building, Place, or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made to discontinue or remedy the same.

Penalty for  
Disobedience  
of Commis-  
sioners Order.

CLVIII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Five Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Five Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Commissioners shall, according to the Provisions contained in this Act, appeal against any such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Five Days after the Determination of such Appeal and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

Penalty on  
suffering  
Dogs to go at  
large after  
Notice.

CLIX. And be it enacted, That if any Person shall, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Borough of *Portsmouth* or Island of *Portsea* during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Dogs sus-  
pected to  
be mad may  
be destroyed.

CLX. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by virtue of this Act to destroy any Dog or other Animal within the said Borough of *Portsmouth* or Island of *Portsea*, reasonably suspected to be in a rabid State, or to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State.

Penalty for  
suffering  
mad Dogs to  
be at large.

CLXI. And be it enacted, That the Owner of any such Dog or Animal who shall permit the same to go at large within the Borough of *Portsmouth* or Island of *Portsea*, after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

Power to  
impound  
stray Cattle.

CLXII. And be it enacted, That if any Horse, Cattle, or other Animal shall at any Time be found at large in any of the Streets within the Limits of this Act without any Person therewith claiming the same, it shall be lawful for any Constable or Officer of Police,



or for any of the Inhabitants or Persons residing within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in the Common Pound of the Parish of *Portsea*, or in such other Place as the Commissioners shall appoint for that Purpose, and to detain the same therein until the Owner thereof shall for each Animal so impounded pay a Sum of Money not exceeding Ten Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Expences of impounding and keeping the same.

CLXIII. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the Commissioners, to sell or cause to be sold any such Animal; but previous to such Sale Five Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement to be inserted Five Days before such Sale in some Newspaper published or circulated within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the Keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay on Demand.

Power to sell  
stray Cattle  
for Penalty  
and Ex-  
pences.

CLXIV. And be it enacted, That in case any Person shall release, or attempt to release, from the Pound or Place where the same shall be impounded, any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to the Common Gaol or House of Correction of the Borough of *Portsmouth*, there to remain, without Bail, for any Time not exceeding Three Months.

Persons  
guilty of  
Pound-breach  
or Rescue of  
Distress to be  
committed.

CLXV. And be it enacted, That it shall be lawful for the Commissioners to purchase a Piece of Land within the Limits of this Act, for the Purpose of a Pound for stray Animals, from any Person willing to sell the same, and to erect a Pound thereon, and such Pound when made shall be kept in repair by the Commissioners, and appropriated by them for ever as a Pound for the Use of the Inhabitants within the Limits of this Act.

Power to  
provide a  
Pound.

CLXVI. And be it enacted, That every Person who within the Limits of this Act shall empty or begin to empty any Privy

Penalty for  
conveying  
offensive  
Matter at  
between



improper  
Times.

between the Hours of Four in the Morning and Eleven in the Evening, or remove along any Thoroughfare any Nightsoil, Soap Lees, Ammonical Liquor, or other such offensive Matter between the Hours of Four in the Morning and Eleven in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty on  
Blacksmiths,  
&c. not  
shutting out  
the Light of  
their Forges  
from the  
Streets.

CLXVII. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings; provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

Penalty for  
setting Chim-  
ney on fire.

CLXVIII. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney within the Limits of this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds; provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for  
having Chim-  
ney on fire.

CLXIX. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in nowise owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Penalty of  
40s. for cer-  
tain Offences  
herein men-  
tioned.

CLXX. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, in any Street within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale (except in a Market lawfully appointed for that Purpose), or feed or fodder, any Horse or other Animal; or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment; or shoe, bleed, dress, clean, drive, turn, or leave loose any Horse  
or



or Animal ; or ride, drive, or lead any Horse or Animal in any Carriage, or otherwise, for the Purpose of Exercise, or for the Purpose of breaking in the same (except in going out of or returning into the Town) ; or clean, make, or repair any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary) :

Every Person who shall suffer to be at large any unmuzzled ferocious Dog ; or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal :

Every Person who, by Negligence or Ill-usage in driving Cattle, shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle ; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle :

Every Person who shall slaughter any Cattle, or singe, scald, dress, or cut up any Carcase, or any Part thereof, except in the Case of any over-driven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughterhouse, and which the public Safety or other Circumstances may require to be killed on the Spot :

Every Person having the Care of any Waggon, Cart, or Carriage, who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins and holding the same ; or who shall be at such a Distance from such Waggon, Cart, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same ; or shall not keep the Waggon, Cart, or Carriage to the Left or Near Side (except in case of actual Necessity, or some sufficient Reason for Deviation) ; or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care :

Every Person who shall drive any Horse or other Animal drawing any Waggon, Cart, or other such Carriage at any faster Rate than a common Walk :

Every Person who shall ride or drive furiously or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare :

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers (except Hackney Carriages standing for Hire in any Place appointed for that Purpose by the Commissioners) ; and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare :

Every Person who shall draw any Timber, Stone, or other weighty Article, without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose :

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage without having to guide and direct the hind Wheels of such Carriage a Person who shall not be

[*Local.*]

10 G

under



under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof :

Every Person who shall lead, drive, or ride any Horse or other Animal, or run, draw, or drive any Sledge, Truck, Wheelbarrow, Handbarrow, or Carriage, upon, over, or along any Footway or Curbstone (except for the Purpose of taking the same across such Footway from or into any House or Premises); or tie or fasten any Horse or other Animal so that it may stand across or upon any Footway :

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing Place, Stool, Bench, Stall, or Showboard, on any Footway or Carriageway; or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Six Feet and Six Inches in Height at least in every Part thereof from the Surface of such Footway, and shall extend over the whole Breadth of such Footway :

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway beyond or outside the Window or Stallboard or Showboard, in front of or adjoining any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway :

Every Person who shall sell or cause to be sold, by Auction, Outcry, or otherwise, any Goods, Articles, or Things whatsoever in the public Streets of the said Town :

Every Person who shall roll or carry any Cask or Tub in or upon any Footway, otherwise than for the necessary loading or unloading thereof, from or into any House, Shop, Warehouse, or Premises; or shall roll any Wheel, or carry any Ladder, Plank, Pole, Timber, or Log of Wood upon, over, or along any Footway :

Every Person who shall suffer any Goods or Merchandize, or any Coals, Wood, Fuel, or other Articles intended for any House to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof :

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes thereon, to the Danger or Obstruction of any Passenger :

Every Person who shall carry or convey, or cause to be carried or conveyed, the Carcase or any Part of the Carcase of any newly slaughtered Cattle without a sufficient Cloth covering the same :

Every common Prostitute or Nightwalker loitering or being in any Thoroughfare, or public Place for the Purpose of Prostitution or Solicitation to the Annoyance of the Inhabitants or Passengers :

Every Person who shall wilfully and indecently expose his Person :

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene



obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language to the Annoyance of the Inhabitants or Passengers :

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :

Every Person who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms :

Every Person who shall wantonly discharge any Fire-arms, or throw or discharge any Stone or other Missile to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework :

Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell, or knocking at any Door, without lawful Excuse :

Every Person who shall fly any Kite, drive any Hoop, or play at any Game, to the Annoyance of the Inhabitants or Passengers ; or who shall make or use any Slide upon Ice or Snow to the common Danger of the Passengers :

Every Person who shall burn, dress, or cleanse any Cork ; or cleanse, hoop, fire, wash, or scald any Cask or Tub ; or hew, saw, bore, or cut any Timber or Stone ; or slake, sift, or screen any Lime ; or repair or place any Wherry, Boat, or other Vessel :

Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials, or the Rubbish thereby occasioned, according to the Provisions herein-before contained) :

Every Person who shall beat or shake any Carpet, Rug, or Mat (except Door Mats before the Hour of Eight in the Morning).

CLXXI. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, within the Limits of this Act, shall commit any of the following Offences ; (that is to say,)

Penalty of 40s. for certain other Offences herein mentioned.

Every Person who shall fix or place any Flowerpot or Box in any Upper Window, or on the Parapet of any House, without sufficiently securing or guarding the same against being blown or thrown down :

• Every Person who shall throw or cast from the Roof, or any Part of any House or other Building, any Slate, Brick, Part of any Slate, Brick, Wood, Rubbish, or other Material or Thing :

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling ; or write upon, soil, deface or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other way whatsoever ; or wilfully break, destroy, or damage



damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden :

Every Person who shall undress himself on the common Hard or Logs, or shall bathe or wash himself in the Sea or on the Seashore, within the Limits of this Act, after Ten o'Clock in the Morning, without the Aid and Assistance of a proper Machine or Tent in which to dress and undress himself :

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room underground, without a sufficient Fence or Handrail ; or leave defective the Door, Window, or other Covering of any Vault or Cellar ; or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare ; or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto :

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, on any Street ; or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond, or Reservoir for Water ; or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence : Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease :

Every Person who shall keep any Pigsty or any Swine in or near any Street, or in or near any Dwelling, so as to be offensive to any Person :

Every Person who shall, within the Distance of One hundred Yards from any Dwelling House, burn any Rags or any offensive Substance so that the same shall be a common Nuisance :

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground within One hundred Yards of any Dwelling House so as the same may become a Nuisance or Annoyance to any Inhabitant.

Commis-  
sioners em-  
powered to  
light Streets ;

CLXXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

and to manu-  
facture Gas.

CLXXIII. And be it enacted, That it shall be lawful for the Commissioners to manufacture Gas for lighting the Streets within the Limits of this Act, and to provide Gasometers and all Apparatus and Machinery



Machinery necessary for the Purpose, and to purchase or rent any Land not exceeding Two Acres which may be necessary for the Establishment of such Manufacture.

CLXXIV. And for the Purpose of enabling the Commissioners, or any Person or Company with whom they may contract, to light the said Streets, or any of them, be it enacted, That it shall be lawful for the Commissioners, or any Company or Person with whom they may contract for lighting the said Streets, or any of them, under the Control and Direction of the Commissioners, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and also to lay and place against any Houses, Buildings, and Inclosures such Pipes, Lamp Posts, Lamp Irons, and Lamps, and other Works as they may deem necessary for the Purposes aforesaid: Provided always, that the Commissioners shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner or Occupier thereof.

Power to break up Streets and lay down Pipes.

CLXXV. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Service Pipes to be kept fully charged with Gas.

CLXXVI. And be it enacted, That if any Person shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, Post, or other Apparatus, Article, Matter, or Thing belonging to the said Commissioners, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, either by Confession or on the Oath or Affirmation of One credible Witness before Two or more Justices of the Peace, shall forfeit and pay to the said Commissioners any Sum not exceeding Five Pounds and Treble Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Gaol of the said Borough of *Portsmouth*, there to remain for any Time not exceeding Thirty Days.

Penalty for damaging Pipes, &c.

CLXXVII. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person as

Penalty on Gas Makers for corrupting Water within the Limits of this Act.

[*Local.*]

10 H

aforesaid



aforesaid shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be  
sued for in  
Superior  
Courts within  
Twelve  
Months.

CLXXVIII. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recovered unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penal-  
ty during the  
Continuance  
of the Of-  
fence.

CLXXIX. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby; and such Penalty shall be paid to such last-mentioned Person.

Daily Penal-  
ty during  
Escape of  
Gas after  
Notice.

CLXXX. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then such Person shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Penalty on  
Gas Makers  
if Water  
contami-  
nated.

CLXXXI. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penal-  
ty during the  
Continuance  
of the Con-  
tamination  
after Notice.

CLXXXII. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be contaminated or affected a Sum not exceeding Ten Pounds



for every Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

CLXXXIII. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such digging and Examination are intended to take place.

For ascer-  
taining if the  
Water is con-  
taminated.

CLXXXIV. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Inquiry which may be occasioned to the Works of the said Person in and by such Examination.

The Expen-  
ces to abide  
the Result  
of the Exa-  
mination.

CLXXXV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

The Amount  
of Expences  
to be ascer-  
tained and  
recovered as  
other Da-  
mages.

CLXXXVI. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance, or any other legal Proceeding to which he may be liable, in consequence of the making or supplying such Gas.

Persons sup-  
plying Gas  
liable to be  
indicted.

CLXXXVII. And be it enacted, That if any Person shall wilfully break, throw down, take away, or damage any Lamp, or any Part thereof, within the Limits of this Act, or any of the Posts, Irons, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Penalty for  
wilfully  
damaging  
Lamps.

CLXXXVIII. And



Persons care-  
lessly da-  
maging  
Lamps to  
make good  
the same.

CLXXXVIII. And be it enacted, That in case any Person shall carelessly, negligently, or accidentally break or otherwise damage any of the said Lamps, or the Irons, Posts, or Furniture thereof, and shall not, immediately upon Demand, make satisfaction to the said Commissioners, or to any other Owner thereof, (as the Case may be,) for the Damage done thereto, it shall be lawful for any Justice to award such Sum of Money as a Satisfaction for such Damage as such Justice shall think reasonable, not exceeding the Value of the Lamp or other Article so injured or damaged, and the Costs and Charges of repairing and replacing the same respectively.

Hackney  
Coaches,  
&c. to be  
licensed.

Commis-  
sioners may  
license  
Carters,  
Porters, &c.

CLXXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to license such Number of Hackney Coaches or Carriages, of any Kind or Description, to ply for Hire within the Limits of this Act as they shall think fit, for the Purpose of carrying or conveying Passengers within the Island of *Portsea*; and also to grant Licences to such Persons as they may deem proper to be employed for Hire within the Limits of this Act as Carters, Porters, Barrowmen, Draymen, or otherwise in carrying or conveying Goods, Wares, and Merchandize, and other Matters and Things within the Island of *Portsea*.

Licence to be  
in force for  
One Year.

CXC. And be it enacted, That every Licence so to be granted shall be signed by Three or more of the Commissioners; and every Licence for a Hackney Coach or Carriage, Fly or Sedan Chair, shall express the Number of the Hackney Coach or Carriage, Fly or Sedan Chair, and shall not include more than One Coach, Carriage, Fly, or Sedan Chair so licensed; and every Licence to be granted under this Act shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any such General Licensing Meeting shall be appointed by the Commissioners, as they are hereby authorized to do.

Licences to  
be registered.

CXCI. And be it enacted, That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person so licensed, or whose Coach or Carriage, Fly, or Sedan Chair shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any such Person so licensed, or by any Owner, Driver, or Person attending such Coach or Carriage, Fly or Chair.

Number of  
Licence to  
be affixed.

CXCII. And be it enacted, That every Owner of such Coach or other Carriage, Fly or Chair, shall affix and keep affixed such Figure or Number as shall be respectively appointed by the Commissioners on such conspicuous Part of such Coach, Carriage, Fly, or Chair as shall be appointed by the said Commissioners, and shall for every Refusal or Neglect so to do forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Number of  
Licence to

CXCIII. And be it enacted, That a corresponding Number to that in the Licence shall be given to the Party to whom any Licence shall



shall be granted, which Number shall be written or printed in legible Letters and Figures on a Ticket to be worn by the Party to whom such Licence shall be so granted. be worn by the Party licensed.

CXCIV. And be it enacted, That for every such Licence there shall be paid to the Clerk of the Commissioners a Sum not exceeding Five Shillings. Fee on Licence.

CXCV. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Coach, Carriage, Fly, or Chair, or of such Carter, Porter, Barrowman, Drayman, or other Person to be employed for Hire in carrying Goods, Wares or Merchandize, be suspended or revoked by the Commissioners as they shall deem right. Licences to be suspended or revoked for Misconduct.

CXCVI. And be it enacted, That if the Driver of any Hackney Coach, Carriage, or Fly, or the Carrier of any Sedan Chair, shall be found standing or plying for Hire, or using any such Coach, Carriage, Fly, or Chair within any Part of the Limits of this Act without a Licence from the Commissioners, the Owner or Driver of such Coach, Carriage, or Fly, and the Owner or Carrier of such Sedan Chair, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings. Penalty on Drivers of Carriages for plying without a Licence.

CXCVII. And be it enacted, That if any Carter, Porter, Barrowman, Drayman, or other Person shall be found standing or plying for Hire within the Limits of this Act for carrying or conveying Goods, Wares, Merchandize, and other Things without a Licence from the Commissioners, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings. Penalty on Porters, &c. for plying without a Licence.

CXCVIII. And be it enacted, That if any Person shall refuse to pay, on Demand, to any Hackney Coachman, Flyman, or Sedan Chairman the regular Fare due to him for the Hire or Service of any licensed Hackney Coach or Sedan Chair, or to any Carter, Porter, Barrowman, or other Person as aforesaid, for his Hire, or for the carrying Goods, Wares, or Merchandize, or other Matters or Things, he shall be liable to a Penalty not exceeding Forty Shillings. Penalty for refusing to pay the Fares.

CXCIX. And be it enacted, That if any Person shall wilfully cut, break, or injure any such Coach, Carriage, or Fly, or any such licensed Chair, such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Coach, Carriage, Fly, or Chair reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty. Penalty for damaging the Coach, &c.

CC. And be it enacted, That for better regulating the Hackney Coaches, or other Carriages, Flies, and Sedan Chairs to be so licensed as aforesaid, it shall be lawful for the Commissioners from Bye Laws for regulating Hackney Coaches, &c.

[*Local.*]

10 I

Time



Time to Time to make such Bye Laws as they shall think fit, and for all or any of the following Purposes ; (that is to say,)

For regulating the Conduct of the Owners and Drivers thereof respectively in their several Employments :

For regulating the Hours within which they may exercise their Calling, and also in what Manner and Order, and how such Hackney Coaches or other Carriages, Flies, and Sedan Chairs shall be furnished, provided, and kept :

For regulating the Numbers of such Hackney Coaches, Flies, or other Carriages, and Sedan Chairs :

For regulating the Number of Persons to be carried by such Coaches, Flies, or other Carriages, and Sedan Chairs, and what Number of Horses or other Animals are to draw the same :

For fixing and altering the Stands of such Coaches, Flies, or other Carriages, and Sedan Chairs, and the Distance to which such Hackney Coachmen, Chairmen, or Persons attending such Coaches, Carriages, Flies, and Sedan Chairs shall be obliged to drive or go, not exceeding the Limits of the Island of *Portsea* :

For fixing the Rates or Fares to be paid for such Hackney Coaches, Flies, or other Carriages, and Sedan Chairs :

For punishing the Misconduct of any Hackney Coachmen, Chairmen, and Persons attending such Coaches, Carriages, Flies, and Sedan Chairs, whether in the way of Imposition by demanding or receiving more than the regular Fare, or using any abusive, indecent, or insulting Language, rude Behaviour, or otherwise :

And the Commissioners may, from Time to Time as they shall think fit, repeal any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be signed by Three of the Commissioners, and be printed and published as herein-after mentioned.

Commissioners may make Bye Laws for regulating Porters, &c.

CCI. And be it enacted, That for the better Government and Regulation of all such Carters, Porters, Barrowmen, Draymen, and other Persons so to be licensed as aforesaid, it shall be lawful for the said Commissioners from Time to Time to make such Bye Laws as they shall think fit, and for all or any of the following Purposes ; (that is to say,)

For regulating the Conduct of such Carters, Porters, Barrowmen, Draymen, and other Persons in their several Employments :

For regulating the Hours within which they may exercise their respective Callings :

For fixing and ascertaining the Rates and Prices to be paid for the Fares or Hire of such Carters, Porters, Barrowmen, Draymen, or other Persons respectively :

For regulating the Distance to which such Carters, Porters, Barrowmen, Draymen, and other Persons shall be obliged to go :

For punishing the Misconduct of such Carters, Porters, Barrowmen, Draymen, and other Persons, whether in the way of Imposition by demanding or receiving more than the regular Fare, or using any abusive, indecent, or insulting Language, rude Behaviour, or otherwise :

And the said Commissioners may, from Time to Time as they shall think fit, alter, amend, or repeal any of such Bye Laws, provided such



Bye Laws be not repugnant to the Laws of *England*, or the Provisions of this Act, and be reduced into Writing, and signed by Three of the Commissioners, and be printed and published as herein-after provided.

CCII. And be it enacted, That it shall be lawful for the Commissioners by the Bye Laws so to be made by them to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Five Pounds for any one Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or any Part of such Penalty to be recovered.

Enforcing  
Bye Laws by  
Penalty.

CCIII. And be it enacted, That no such Bye Laws (except such as may relate solely to the Officers or Servants of the Commissioners) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the Borough of *Portsmouth*, and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same as to them may seem meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers printed or circulated within the Limits of this Act One Month at least before the Hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the Hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection; and no such Bye Law, when so confirmed, shall be of any Force or Effect until the Expiration of Seven Days after the same shall have been published and affixed in manner herein-after mentioned.

Bye Laws to  
be confirmed  
at the Quar-  
ter Sessions.

CCIV. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the Office of the Clerk of the Commissioners; and it shall be lawful for all Persons at all reasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of  
the proposed  
Bye Laws to  
be open for  
Inspection.

CCV. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards, or printed upon Paper and pasted thereon, and affixed in the Office of the Clerk of the Commissioners, and in such conspicuous Places within the Limits of this Act as the said Commissioners shall direct, and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Publication  
of Bye Laws.

CCVI. And



Bye Laws to  
be binding  
on all Per-  
sons.

CCVI. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of  
making Pub-  
lication of  
Bye Laws.

CCVII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Recorder of the Borough of *Portsmouth* for the Time being, who shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for  
damaging  
Boards fixed  
for Publica-  
tion of Bye  
Laws.

CCVIII. And be it enacted, That if any Person shall pull down or destroy, damage or deface, any Board fixed in any Office or conspicuous Place in pursuance of this Act, for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings; and every Person doing any such Damage shall also be liable to pay for or make good all Damage done, and the Expences occasioned thereby.

Power to  
levy Paving  
Rates,

CCIX. And in order to raise Money for paving, relaying, repairing, and keeping in repair the Footways and Carriageways of the Streets, Courts, Lanes, Rows, Ways, Alleys, and public Passages and Places within the Limits of this Act, and One Third Part of the Costs, Charges, and Expences of obtaining and passing this Act, be it enacted, That it shall be lawful for the Commissioners, once in every Year after the passing of this Act, to be computed from the First Day of *July* One thousand eight hundred and forty-three, or oftener if they shall think it necessary, to make One equal and separate Rate or Assessment, to be called the "Paving Rate," upon the Owners of the several Houses, Shops, Workshops, Warehouses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments (except as herein-after mentioned) within the Limits of this Act, according to the annual Value of the same, so as such Rate or Assessment do not exceed in any One Year the Sum of Eight-pence in the Pound on such annual Value; and such annual Value shall be from Time to Time settled, ascertained, and fixed in such Manner as the Commissioners shall direct or appoint.

Power to  
levy Im-  
provement  
Rates.

CCX. And in order to raise Money for sweeping, cleansing, lighting, watering, and improving the Streets, Courts, Lanes, Rows, Ways, Alleys, and public Passages and Places within the Limits of this Act, and for defraying the Salaries of all Officers acting in the Execution thereof, and all incidental Charges and Expences attending the



the Execution of the Powers of this Act, and which are not herein otherwise specially provided for, and also Two Third Parts of the Costs, Charges, and Expences of obtaining and passing this Act, be it enacted, That it shall be lawful for the Commissioners, once in every Year after the passing of this Act, to be computed from the First Day of *July* One thousand eight hundred and forty-three, or oftener if they shall think it necessary, to make One equal Rate or Assessment, to be called the "Improvement Rate," upon the Occupiers of the several Houses, Shops, Workshops, Warehouses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments (except as herein-after mentioned) within the Limits of this Act, according to the annual Value of the same, so as such last-mentioned Rate or Assessment do not exceed in any One Year the Sum of One Shilling and Four-pence in the Pound on such annual Value, and such annual Value shall be from Time to Time settled, ascertained, and fixed in such Manner as the Commissioners shall direct or appoint.

CCXI. Provided always, and be it enacted, That no Rate or Assessment of any Kind or Description, or for any Purpose whatsoever, shall be made, levied, or collected by virtue of this Act upon or in respect of any Chapel, Meeting House, Synagogue, or other Place of Religious Worship within the Limits of this Act. Certain Buildings exempted from Rates.

CCXII. And be it enacted, That no Rate to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Commissioners, by Advertisement twice in some Newspaper printed or circulated within the Limits of this Act, immediately previous to such Rate being made, or as nearly so as may be. Notice of Rate to be given.

CCXIII. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Persons may take Copies of or Extracts from such Rate, without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies of or Extracts from such Rate he shall forfeit for every such Offence any Sum not exceeding Five Pounds. Rate to be open to the Inspection of Rate-payers.

CCXIV. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them. Rates to be vested in the Commissioners.

CCXV. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect any Books of Assessment of the Land Tax, and any of the Books of Assessment or Rates towards the Relief of the Poor within the Parish of *Portsea* aforesaid, and to take Copies thereof or Extracts therefrom respectively; and if any Person having the Custody of such Books respectively shall not suffer the Commissioners, Commissioners may inspect and take Copies of Land Tax Books and Poor Rates.

[*Local.*]

10 K

or



or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Rate Books  
to be Evi-  
dence.

CCXVI. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rates may  
be amended.

CCXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been underrated or overrated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Appeal to  
Special Ses-  
sions on the  
ground of  
Inequality of  
Rates, &c.

CCXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates, but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Sessions.

Determina-  
tion of Special  
Sessions to  
be final  
unless ap-  
pealed from.

CCXIX. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals; and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated; nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may  
appeal to  
Quarter Ses-  
sions against  
Rate, &c.

CCXX. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Special Sessions assembled, he may appeal to the next General or Quarter Sessions; but no such Appeal against the



the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General or Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Special Sessions assembled be entertained, unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

CCXXI. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

Court of Quarter Sessions to make such Order as they think reasonable.

CCXXII. And be it enacted, That the Court of Quarter Sessions and the Justices in Petty Sessions assembled respectively shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs, to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

On Appeal, Quarter Sessions and Special Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

CCXXIII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Liability to Rates not to disqualify Witnesses or Justices.

CCXXIV. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Ten Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same, by Action of Debt, in any of Her Majesty's Courts of Record at *Westminster*; or any Justice shall, on the

Rates may be recovered by Action or by Distress.



the Application of the Commissioners or their Collector, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of  
Warrant of  
Distress.

CCXXV. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (E.) to this Act annexed.

Constables to  
assist in mak-  
ing Distress.

CCXXVI. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale, pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to  
Commission-  
ers to remit  
Rate.

CCXXVII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Not neces-  
sary to name  
the Owner  
where un-  
known.

CCXXVIII. And be it enacted, That whenever the Name of any Owner liable to the Payment of a Paving Rate shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Receiver of  
Rents to be  
deemed the  
Owner.

CCXXIX. And in order to prevent any Dispute touching the Word "Owner" for the Purposes of rating to the Paving Rate under the Authority of this Act, be it enacted, That the Person receiving the Rents of any Property rateable to the Paving Rate within the Limits of this Act from the Occupier thereof, on his own Account, or as Agent for any other Person, shall be deemed the "Owner" of the same for the Purposes of such rating to the Paving Rate.

Tenants  
under exist-  
ing Leases to  
repay the  
Owner.

CCXXX. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

In default of  
Owner, Occu-  
pier to pay.

CCXXXI. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by



by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him on Application being made to him for that Purpose.

CCXXXII. And be it enacted, That if the Amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Owner of any rateable Property, shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress, if any, paid by him, from the Rent due or to become due from him to such Owner.

Owner to  
repay the  
Occupier.

CCXXXIII. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector on Demand, it shall be lawful for any Justice of the Peace, having Jurisdiction where such Person may reside or his Goods be found, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Remedy  
against Per-  
sons quitting  
before Pay-  
ment of  
Rates.

CCXXXIV. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated, before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period proportionate to the Time during which he continued to be Owner or Occupier; and if any Person shall become the Owner or Occupier of any Property so rated as aforesaid during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Rates to be  
apportioned  
on Occupier  
quitting.

CCXXXV. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

Persons  
entering on  
unoccupied  
Property to  
pay the Rates  
due in respect  
thereof.

[*Local.*]

10 L

CCXXXVI. And



Application  
of Paving  
Rate.

CCXXXVI. And be it enacted, That the Money which shall arise by the Rate herein-before mentioned, called the "Paving Rate," shall be applied in the first place in the Payment of One Third Part of the Costs, Charges, and Expences of obtaining and passing this Act, and afterwards in defraying the Expences of paving, relaying, and keeping in repair the Footways and Carriageways of the Streets, Courts, Lanes, Rows, Ways, Alleys, and public Passages within the Limits of this Act.

Application  
of the Im-  
provement  
Rates.

CCXXXVII. And be it enacted, That the Money which shall arise from the Improvement Rates, and all other Money to be received by the Commissioners under this Act, except the Paving Rates, shall be applied in the first place in the Payment thereof of Two Third Parts of the Costs, Charges, and Expences of obtaining and passing this Act, or incident thereto, and then in Payment of the Interest of all Monies borrowed under the Powers of the said Acts hereby repealed, and of all Monies to be borrowed on Mortgage of the said Improvement Rates, and of the Annuities to be granted by virtue of this Act, and afterwards in defraying the Expences of cleansing, watering, draining, and lighting the several Streets within the Limits of this Act, and of improving the same, and carrying the several Purposes of this Act into execution, and in paying off the Principal Sums now due and owing or to be borrowed on the Credit of or charged on the Improvement Rates, in such Order as is herein-before directed.

Damages to  
be ascer-  
tained with  
the Penalty.

CCXXXVIII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Provision for  
Damages not  
otherwise  
provided for.

CCXXXIX. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices, and the same shall be levied by Distress.

For ascer-  
taining Com-  
pensation.

CCXL. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.



CCXLI. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount may be recovered by Distress of the Goods of the Commissioners, and, if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer or left at his usual Place of Abode.

Recovery of  
Money from  
the Commis-  
sioners.

CCXLII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Reimburse-  
ment of the  
Treasurer.

CCXLIII. And be it enacted, That where in this Act any Question of Compensation or Damages, or any other Matter, is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any Question without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Justices to  
examine Par-  
ties and Wit-  
nesses.

CCXLIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such

Penalties to  
be summarily  
recovered  
before Two or  
more Justices.



such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to  
be levied by  
Distress.

CCXLV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justice or Justices of the Peace in or for the Borough of *Portsmouth*, or in or for the County, City, Borough, Town, or Place where such Offender shall be or reside, or where such Offender's Goods and Chattels shall be, shall issue his or their Warrant of Distress accordingly.

Imprison-  
ment in de-  
fault of Dis-  
tress.

CCXLVI. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall, by Warrant, cause such Offender to be committed to the Common Gaol of the Borough of *Portsmouth*, or to the Common Gaol or House of Correction for the County, City, Borough, Town, or Place where such Offender shall be or reside, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application  
of Penalties.

CCXLVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That such Penalties or Forfeitures shall be paid to the Commissioners or their Treasurer, to be applied for and towards the Purposes of this Act, in such and the same Manner as the Monies arising from the Rates herein-before mentioned (other than and except the Paving Rates) are hereby directed to be applied.

Penalties to  
be sued for  
within Six  
Months.

CCXLVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

CCXLIX. And



CCXLIX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without any reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath or to give Evidence before such Justice, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on  
Witnesses  
making  
default.

CCL. And with respect to Offenders whose Names and Residences are not known, be it enacted, That it shall be lawful for any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and to convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Transient  
Offenders.

CCLI. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act, or against any Bye Law to be made in pursuance thereof, may cause the Conviction to be drawn up according to the Form in the Schedule (F.) to this Act annexed.

Form of  
Conviction.

CCLII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed, by Certiorari or otherwise, into any of the Superior Courts.

Informalities.

CCLIII. And be it enacted, That where in this Act any Sum of Money, whether in the nature of a Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress, how  
to be levied.

CCLIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed

Distress not  
unlawful for  
Want of  
Form.

[Local.]

10 M

a Tres-



a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Informers  
may be re-  
warded out  
of the Penal-  
ties.

CCLV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time if they shall see Cause, to pay and apply such Part of the Penalties and Forfeitures to be recovered for any Offence or Offences committed against this Act as they shall think proper, not exceeding One Moiety of them or any of them, to and for the Use of the Informer or Informers of such respective Offence or Offences, any thing herein contained to the contrary notwithstanding.

Parties may  
appeal to  
Quarter Ses-  
sions on giv-  
ing Security.

CCLVI. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice other than the Determination of any Justices in Special Sessions assembled, in an Appeal against any Rate made under the Authority of this Act, he may appeal to the General Quarter Sessions of the Peace to be holden in and for the said Borough of *Portsmouth*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to  
make such  
Order as  
they think  
reasonable.

CCLVII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they shall think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Costs.

Monies ad-  
vanced for  
obtaining  
this Act to  
be repaid  
with Interest.

CCLVIII. And be it enacted, That if any Person shall advance, pay, or lend any Money towards defraying the Expences of obtaining and passing this Act, he shall be repaid the same, together with Interest for the same at the Rate not exceeding Five Pounds *per Centum per Annum*, out of the first Monies to be raised by virtue of this Act.

Expences of  
Act.

CCLIX. And be it enacted, That the Costs, Charges, and Expences of applying for and obtaining and passing this Act shall



be paid by the said Commissioners out of any Monies now in their Hands, or out of the first Monies to be received by them in pursuance of this Act, in preference to all other Payments whatever.

CCLX. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to take away, prejudice, or lessen any Estate, Right, Title, Privilege, or Claim of the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth* in their Corporate Capacity in or to any Real or Personal Property, or of holding Fairs or Markets within the Liberties of the said Borough, or to the collecting, levying, or receiving the Rents, Tolls, Emoluments, or Profits arising therefrom, or any other the Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions of the said Mayor, Aldermen, and Burgesses within the said Borough or the Liberties thereof, but that the said Mayor, Aldermen, and Burgesses shall and may from Time to Time, and at all Times hereafter, have, hold, exercise, and enjoy all such Real and Personal Property, Fairs, Markets, Tolls, Emoluments, Profits, Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions to them belonging or appertaining, in as full, ample, and beneficial Manner to all Intents and Purposes as they might have held and enjoyed the same before the passing of this or the said repealed Acts, or in case the same had never been made, so as such Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions do not defeat the End or Design of this Act by avoiding, impeaching, or in anywise disturbing the Acts of the said Commissioners in pursuance hereof.

Saving of Rights of the Corporation of Portsmouth.

CCLXI. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, lessen, affect, or in any Manner interfere with the Estate, Right, Title, and Interest of the present Company of Proprietors of the *Portsmouth and Farlington Waterworks*, and their Successors, or any of the Powers exercised by them, granted under the Authority of an Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to enable Thomas Smith Esquire, Lord of the Manor of Farlington in the County of Southampton, to supply the Town of Portsmouth and Parts adjacent with good and wholesome Water at his own proper Costs and Charges*, or under and by virtue of a certain other Act of Parliament made and passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for better supplying with Water the Borough of Portsmouth, and the Parishes of Portsmouth and Portsea, and Places adjacent, in the County of Southampton*, or under and by virtue of a certain other Act of Parliament made and passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for enabling the Company of Proprietors of the Portsea Island Waterworks to raise a further Sum of Money, and for other Purposes relating to the said Undertaking*, but that such several Powers and Authorities, and every or any of them, and all other Powers and Authorities now exercised by them, shall be exercised and enjoyed by the said Company of Proprietors of the *Portsmouth and Farlington Water-*

Saving the Rights of the Portsmouth and Farlington Waterworks Company.

14 G. 2. c. 43.

49 G. 3. c. 118.

7 & 8 G. 4. c. 38.



Waterworks Company, and their Successors, in the same full, ample, and beneficial Manner to all Intents and Purposes as if this Act had not been passed.

Saving the  
Rights of the  
Town of  
Portsea Gas  
Light Com-  
pany.  
1 & 2 G. 4.  
c. 73.

CCLXII. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, affect, or in any Manner interfere with the Powers granted under the Authority of an Act passed in the Second Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for incorporating the Town of Portsea Gas Light Company*, but that such several Powers and Authorities, and every of them, shall be exercised and enjoyed in the same full and ample Manner to all Intents and Purposes as if this Act had not been passed.

Interpreta-  
tion of Act.

CCLXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender only shall include Females :

The Word "Month" shall mean Calendar Month :

The Word "Person" shall include Corporation, whether Aggregate or Sole :

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Justice" shall mean Justice of the Peace acting within the Limits of this Act :

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough of *Portsmouth* :

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act :

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

The Word "Pavement" shall include Wood, Asphalte, or any other Preparation, or any Materials used in lieu of Paving Stones, by or with the Approbation of the Commissioners.

Public Act.

CCLXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

SCHE-



SCHEDULES referred to by the foregoing Act.

---

SCHEDULE (A.)

*Form of Mortgage Deed.*

By virtue of an Act passed, &c., intituled, &c., we of the Commissioners appointed by [or by virtue of] the said Act, in consideration of the Sum of \_\_\_\_\_ paid to the Treasurer to the said Commissioners by *A.B.* of \_\_\_\_\_ for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments [other than and except the Paving Rates or Assessments] arising by virtue of the said Act as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of \_\_\_\_\_, with Interest at \_\_\_\_\_ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_.

SCHEDULE (B.)

*Form of Grant of Annuity.*

By virtue of an Act passed, &c., intituled, &c., we, being of the Commissioners appointed by [or by virtue of] the said Act, in consideration of the Sum of \_\_\_\_\_ paid by *A.B.* to the Treasurer to the said Commissioners, do grant unto the said *A.B.* an Annuity or yearly Sum of \_\_\_\_\_ to be issuing out of the Rates and Assessments (other than and except the Paving Rates and Assessments) arising by virtue of the said Act, to be paid to the said \_\_\_\_\_ during the Term of his natural Life [or, as the Case may be, to the said \_\_\_\_\_ his Executors, Administrators, or Assigns, during the natural Life of \_\_\_\_\_, or during the natural Lives of \_\_\_\_\_ and \_\_\_\_\_ and the Life of the Survivor], upon the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year during his natural Life [or, as the Case may be, during the natural Life of the said \_\_\_\_\_, or of the said \_\_\_\_\_ and \_\_\_\_\_ and the Survivor of them], the first \_\_\_\_\_ Payment thereof to be made upon the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year One thousand eight hundred and \_\_\_\_\_.

[Local.]

[10 N]

SCHE-



## SCHEDULE (C.)

*Form of Transfer of Mortgage or Grant of Annuity.*

I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number \_\_\_\_\_ [or a certain Grant of Annuity, Number \_\_\_\_\_ *as the Case may be*], made by the Commissioners for executing the [Title of the Act], to bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and \_\_\_\_\_ Interest, [or for granting an Annuity of \_\_\_\_\_ *as the Case may be*, or, if such Transfer be by Endorsement, the within Security,] and all my Right, Estate, and Interest in and to the Money thereby secured [or the Annuity thereby granted], and in and to the Rates or Assessments thereby assigned. In witness whereof I have hereunto set my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_.

## SCHEDULE (D.)

*Form of Conveyance.*

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to me [or, *as the Case may be*, into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Chancery ex parte "The Portsea Improvement Commissioners," or to *A. B.* of \_\_\_\_\_ and *C. D.* of \_\_\_\_\_ Two Trustees appointed to receive the same,] pursuant to an Act passed, &c., intituled, &c., by the said Commissioners, do hereby convey to the said Commissioners, their Successors and Assigns, all [describing the Premises to be conveyed], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_.

## SCHEDULE (E.)

*Form of Warrant of Distress.*

Borough of Portsmouth } To Collector of the Rates  
in the County of South- } under an Act passed, &c., intituled, &c., and  
ampton to wit. } to all Constables.

Whereas the under-mentioned Persons, now or late Owners or Occupiers of Premises within the Town of Portsea aforesaid, have been duly rated in or are liable to the Payment of a Rate made on the \_\_\_\_\_



the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me One of Her Majesty's Justices of the Peace for the Borough of Portsmouth; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid, these are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables of the said Borough respectively to be aiding and assisting in all Things relating to the Premises.

Given under my Hand and Seal this                      Day of                      in  
the Year of our Lord One thousand eight hundred and                      .

					Sums due.
					<hr/>
					£      s.      d.
A. B.	-	-	-	-	
C. D.	-	-	-	-	

## SCHEDULE (F.)

### *Form of Conviction.*

Borough of Portsmouth } BE it remembered, That on the  
in the County of South- } Day of \_\_\_\_\_ in the Year of our Lord  
ampton to wit. } *A.B.* is convicted before me  
*C.D.*, One of Her Majesty's Justices of the Peace for the said  
Borough, of having [*here describe the Offence generally, and the*  
*Time and Place when and where committed*], contrary to an Act  
passed in the \_\_\_\_\_ Year of the Reign of Queen Victoria,  
intituled "An Act" [*here insert the Title of this Act*].

Given under my Hand and Seal the Day and Year first above written.

*C.D.*



