ANNO UNDECIMO

Georgii III. Regis.

CAP. IX.

An Act for the better Paving, Repairing, Cleanſing, Lighting, and Watching the Streets and other Publick Paſſages within the City of *Wincheſter*; and alſo within the ſeveral Pariſhes of *Saint Bartholomew Hide*, *Saint John's in the Soke*, *Saint Peter's Cheeſehill*, *Saint Swithin* and *Saint Michael in the Weſt Soke*, in the Suburbs of the ſaid City; and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.

WHEREAS the Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages within the City of Wincheſter, in the County of Southampton, and alſo within the ſeveral Pariſhes of Saint Bartholomew Hyde, Saint John's in the Soke, Saint Peter's Cheeſehill, Saint Swithin and Saint Michael in the Weſt Soke, are in a very ruinous Condition, and in general very ill paved, repaired, cleanſed, lighted, and watched, and the Paſſages Preamble.

ſages thereof are greatly obſtructed by various Nuiſances and Annoyances: And whereas ſeveral of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages are, in ſome Parts thereof, too narrow, and extremely incommodious for the paſſing of Carriages and Perſons: And whereas it would tend greatly to the Health, Safety, and Advantage of the Inhabitants of the ſaid City and Suburbs thereof, and be of great publick Utility to all Perſons reſorting thereto, if the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages were properly paved, repaired, cleanſed, lighted, and watched, and widened where neceſſary, and the ſaid Nuiſances, Obſtructions, and Annoyances were removed for the future; but as the ſame cannot be effected without the Aid of Parliament, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted, by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Recorder, and Aldermen of the City of Wincheſter for the Time being; the Honourable and Reverend Saint Andrew Saint John, Sir Villars Chernocke Baronet, Sir Peter Rivers Gay Baronet, Charles Abbott Eſquire, Nicholas Baconneau Surgeon, the Reverend Thomas Balguy D. D. Joſeph Barker Surgeon, John Barton and John Bidden Carpenters, Peter Binſteed Joiner, the Reverend Charles Blackſtone, John Bradburn Wine-merchant, John Brereton Apothecary, Thomas Brereton Upholder, John Burdon Bookſeller, the Reverend John Burton D. D. John Burcher Barber, Charles Carter Glazier, Robert Clarke and William Clarke Gentlemen, Naſſau Jervoice Coleman Draper, the Reverend Thomas Collins, David Compigne Grocer, Charles Wolfran Cornwall Eſquire, the Reverend Reynell Cotton, James Crick Innholder, John Collins Brewer, William Collins Taylor, John Crabb Upholder, Charles Darking Peruke-maker, the Reverend John Dennis, James Dibſdale Innholder, John Doſwell ſenior Butcher, John Dowling Maltſter, George Durnford Eſquire, John Duthy Eſquire, Timothy Denham Wool-ſtapler, William Edwards Joiner, George Earl Fellmonger, Thomas Earl Confectioner, Peter Fuſſell ſenior, Gentleman, the Reverend Timothy Gabell, Carew Gauntlett and Peter Gauntlett Wine-merchants, Edward Grace Gentleman, Edward Gater Butcher, William Goſſe Mercer, William Grenville Bookſeller, Harry Green

Commiſſioners Names.

Green Silverſmith, Robert Hayes Mercer, William Hays Upholder, William Hammond Eſquire, John Hayes Cabinet-maker, Richard Holloway Gentleman, John Hooper Watch-maker, William Hooper Merchant, Samuel Kent Glazier, the Reverend Lancelot Kirby, Cranley, Thomas Kirby Eſquire, William Kernot Bricklayer, Berrington King Surgeon, William Knapp ſenior Brazier, Charles Knott Gentleman, William Lavender Draper, Robert Leverſuch Stone-maſon, the Reverend Harry Lee D. D. Warden of Winton College, Thomas Lipſcombe Apothecary, Charles Lyford Surgeon, Charles Lover Innholder, William Meader Merchant, the Reverend William Mence, Stephen Minchin Miller, the Reverend Newton Ogle D. D. Dean of the Cathedral Church of Wincheſter, Philip Newbolt Druggiſt, the Reverend John Monk Newbolt, Henry Penton Eſquire, Nevinſon Pool Eſquire, James Poulſome Parchment-maker, George Powlett Eſquire, John Puſſer Grocer, the Reverend Rice Price, the Reverend Edmund Pyle D. D. James Pyle Eſquire, Edward Pyott Merchant, George Rogers Coach-maker, Paulet Saint John Eſquire, James Serle Gentleman, Daniel Shaw Eſquire, the Reverend Robert Shipman LL. D. Roger Shipman Gentleman, John Silver ſenior Mercer, Nicholas Purdue Smith Wine-merchant, Richard Smith Saddler, John Smyth M. D. Henry Sparſhott Draper, James Spearing Gentleman, John Spencer ſenior Schoolmaſter, John Spencer junior Gentleman, Thomas Stoner Eſquire, the Reverend John Sturges, Francis Swanton Eſquire, William Thomas Apothecary, Thomas Waldron Gentleman, Samuel Walldin, Stone-maſon, Thomas Goodridge Waller Mercer, the Reverend Joſeph Warton D. D. the Reverend Richard Wavell, James Welſh M. D. Joſeph Whatley Merchant, James White Gentleman, William Woodward ſenior Merchant, John Wool Druggiſt, Thomas Wools Draper, Henry Wiltſhire Butcher, and Nicholas Wake Woollapler, and their Succeſſors (to be elected in Manner herein after mentioned) ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution: And in caſe of the Death of any of the above Commiſſioners, or ſome or One of them, or of removing their Reſidence from the ſaid City and Pariſhes aforeſaid, or of their Refuſal or Neglect to act for the Space of One whole Year, or in caſe either of them ſhall be choſen Mayor or Alderman for the City aforeſaid, it ſhall and may be lawful for the ſurviving

How new Ones are to be appointed.

Commissioners, or any Nine or more of them, from Time to Time, by Writing under their Hands and Seals, to elect some other Person, qualified in the Manner after mentioned, in the Place or Stead of the Commissioner so dying, removing, neglecting, or refusing to act, or being chosen Mayor, or Alderman, Ten Days Notice of the Time and Place of Meeting for every such Election being given in Writing, signed by the Clerk to the said Commissioners for the Time being, and affixed to some publick Place within the said City; and every Person so elected, shall, from the Time of his Election, have the same Power and Authority for putting this Act into Execution, as if he had been expressly named and appointed a Commissioner by this Act.

Qualification of Commissioners.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be an Inhabitant of, or Resident within, the said City or Parishes aforesaid, or some or One of them, and shall be in his own Right, or Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, of the clear yearly Value of Twenty Pounds, arising within the said City or Suburbs thereof, or shall be possessed of a personal Estate of the Value of One thousand Pounds: And if any Person, not being so qualified, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance shall be allowed; and the Person so sued shall prove that he was so qualified at the Time he acted, or otherwise shall pay the said Penalty, without any Proof being given, other than that he acted as a Commissioner in the Execution of this Act.

Persons acting who are not qualified, to forfeit 50 l.

No Officer or Contractor to act as a Commissioner.

And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time that he shall hold any Office under the said Commissioners, except the Office of Treasurer, or during such Time as he shall enter into, be engaged in, or have the Benefit of any Contract, or shall have any Interest in any Contract

tract whatsoever; or after he shall have made and delivered in, or caused to be delivered in, any Proposals to the said Commissioners, to enter into, or be engaged in any Contract, or to have any Share or Interest in any Contract, such Proposals having been accepted or rejected by the said Commissioners, or any Seven or more of them.

First Meeting.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, and they are hereby impowered and required, to meet at the County Hall in the said City on Monday Fortnight next after the passing this Act, between the Hours of Ten and Eleven in the Forenoon, and proceed to the Execution of this Act; and then, from Time to Time, afterwards to adjourn themselves, and meet at any Place within the said City, as often as the said Commissioners, or any Seven or more of them, shall think proper for putting this Act in Execution: Provided that Two Commissioners be sufficient for the Purpose of Adjournment only; and in case Two Commissioners shall not meet, then the Clerk to the Commissioners shall and may adjourn such Meeting, provided that no Adjournment whatever shall be for more than Twenty-eight Days: And if it shall happen that there shall not appear at such first Meeting hereby appointed to be held by the said Commissioners, a sufficient Number of Commissioners to adjourn to any other Day; or if at any future Meeting of the said Commissioners a sufficient Number of Commissioners shall not meet or appear to adjourn, and the Clerk to the said Commissioners shall neglect or omit to adjourn, or if any Adjournment shall be made for a longer Space of Time than Twenty-eight Days, or any wrong Adjournment shall be made, then, and in every or either of such Cases, the said Commissioners, or any Seven or more of them, may, by public Notice in Writing under their Hands, to be affixed at each Gate to the said City, of the Time and Place of such Meeting, appoint the said Commissioners to meet at the Place where the then last Meeting was held, or appointed to be held, at any Time not less than Three Days, or more than Six Days, next after any such Notice shall be given, as aforesaid; and the said Commissioners shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed to the Execution of this Act; and shall and may make such Orders, Rules, and Regulations as to them, or the Majority of them, present at any such Meeting, shall appear necessary, for the better and more

Power of Adjournment.

effectual

Commissioners to pay their own Expences.

effectual carrying this Act into Execution; and the Commissioners shall, at all their Meetings, pay their own Charges and Expences.

Regulations for Business done at their Meetings.

And be it enacted, That at every Meeting of the said Commissioners to be held by virtue of this Act, the Powers and Authorities hereby granted shall be carried into Execution by the major Part of the Commissioners present, so as such major Part shall always consist at least of the respective Numbers of Commissioners by the several Clauses of this Act directed, for the respective Purposes therein mentioned; and such One of the said Commissioners present as the major Part of them shall appoint, shall preside, and be called President; and in case of Equality of Voices (including his own) such President shall, upon all Occasions, have another and decisive Vote.

Commissioners may alter any Order under certain Restrictions.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, at any Meeting, make, vary, alter, or make void any such Orders, Rules, or Regulations, in such Manner as they shall think needful and proper: Provided always, that no Order, Rule, or Regulation, made by the Commissioners as aforesaid, shall be revoked, varied, altered, or made void, unless the Commissioners present to revoke, vary, alter, or make void the same, shall exceed in Number the Commissioners who were present and concurred in making such Order, Rule, or Regulation; and no Act or Order of the said Commissioners shall be valid, unless done at some Meeting to be held in pursuance of this Act: And the said Commissioners, or any Seven or more of them, shall cause to be provided and kept Books, wherein the several Meetings and Names of the Commissioners attending such Meetings, and the Nomination of all Officers and Persons who shall be employed in the Execution of this Act; and all Orders and Rules, and other Proceedings of the said Commissioners at such Meetings, shall, from Time to Time, be fairly written and entered by their Clerk, or by such other Person as the President at any Meeting, in case of the Absence or Disability of the Clerk, shall appoint; and the Commissioners present and concurring in such Orders and Proceedings, together with the said Clerk or other Person, shall subscribe their Names at the End of the Proceedings of every such Meeting; and all such Entries, so signed, shall be deemed Originals, and shall be admitted to be read in Evidence in all Causes, Suits, and Actions, touching any Thing to be done in pursuance of this Act; and all such Books shall, at every

Books to be kept for entering their Proceedings.

such Meeting of the said Commissioners, be liable to the Inspection of any Person rated, and paying to the Rates which shall be made in pursuance or by virtue of this Act.

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall and may, from Time to Time, nominate and appoint One or more Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, of the Monies to be raised by virtue and for the Purposes of this Act; and also One or more Surveyor or Surveyors, and such other Officer and Officers as the said Commissioners, or any Nine or more of them, shall think necessary to employ in the Execution of this Act; and the said Commissioners, or any Eleven or more of them, may remove or displace all or any of the said Officers, or other Persons, and nominate and appoint such other Person or Persons in the Room of him or them who shall be so removed, or shall die, provided Twelve Days Notice of their Intention to remove or displace such Officer or Officers, and to appoint One or more Person or Persons in his or their Room, be given in Writing, by affixing the same upon some public Place within the said City; and the said Commissioners, or any Nine or more of them, shall, and they are hereby required to take such Security, from Time to Time, for the due Execution of the said Offices respectively, as the said Commissioners, or any Nine or more of them, shall think proper; and the said Commissioners, or any Nine or more of them, may, and they are hereby impowered, out of the Rates to be collected by virtue of this Act, to make such Allowances to such Officer or Officers, or to such other Person or Persons, as shall be aiding and assisting in and about the Execution of this Act, as to the said Commissioners, or any Nine or more of them, shall seem reasonable; and every Officer and other Person so to be appointed, shall, under his Hand, at such Time and Times, and in such Manner as the said Commissioners, or any Nine or more of them, shall direct, deliver to the said Commissioners, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all the Monies which shall have been by him received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed by Order of the said Commissioners, or any Seven or more of them, and for what Purposes, together with the proper Vouchers for

Commissioners may appoint Officers.

Officers to account.

such Payments, and shall pay all such Monies as shall remain in his Hands to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint; and every Officer and Person accounting as aforesaid, shall, upon Oath (which Oath the said Commissioners, or any Two or more of them, are hereby impowered and required to administer) verify his Account, if required by any Seven or more of the said Commissioners so to do; and if any such Officer shall not make and render, or shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the said City or County of Southampton, upon Complaint thereof made to him or them by the said Commissioners, or any Seven or more of them, may, and is and are hereby authorised and required to issue a Summons, under his or their Hand and Seal, or Hands and Seals, requiring such Officer or Person so refusing or neglecting to appear before him or them, at such Time and Place as shall in such Summons be appointed; which Summons shall be directed to and served by One of the Constables or Beadles of any or either of the Parishes, Wards, or Places aforesaid, by giving it to, or leaving it at the House or usual Place of Abode of such Officer or Person; and upon such Officer or Person appearing or making Default, or not being to be found, the said Justice or Justices shall and may hear and determine the Matter of such Complaint in a summary Way; and if, upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Person, such Justice or Justices may, and is and are hereby authorised and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to be directed as aforesaid, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer and Person; and if the Goods and Chattels of such Officer or Person shall not be sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, then, and in either of the Cases aforesaid, such Justice or

Justices

Justices shall commit such Offender to the Common Gaol of the said City or County, until he shall make a true and perfect Account and Payment, as aforesaid, or until he shall have compounded with the said Commissioners, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint; which Composition the said Commissioners, or any Seven or more of them, are hereby impowered to make. Penalty for not accounting.

And be it further enacted, That from and after the passing of this Act, the Property of the Lamps, Lamp Irons, Lamp Posts, Watch-houses, and Stands, to be purchased, erected, and fixed as herein after mentioned, and all the Materials to the same respectively belonging, and the Property of all the present and future Pavement, as well in the Foot Ways and Carriage Ways, and all the present and future Posts in all and every the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages within the said City of Winchester, and within the several Parishes and Suburbs aforesaid, and of all Materials, Implements, and other Things to be purchased for the Purposes of this Act, and all the Soil of the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, and of all the Sesspools, Bunnies, Watercourses, and Sewers therein, or belonging thereunto, (except as herein after is particularly mentioned) and of all Ashes, Cinders, and Rubbish, to be taken and carried away from all the Houses in the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, shall be and the same are hereby vested in the said Commissioners; and they, or any Seven or more of them, are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or in the Name of their Treasurer or Clerk, or to prefer any Bill or Bills of Indictment as the Case shall require, against any Person or Persons who shall steal, take, or carry away, any Part or Parts thereof, or any other Matter or Thing vested in the said Commissioners as aforesaid; and the said Commissioners, or any Seven or more of them, shall have full Power and Authority to sell and dispose of all or any of the old and useless Materials to such Person or Persons as shall be willing to purchase the same; and the Money arising therefrom shall, at the Discretion of the said Commissioners, be applied to such and the same Purposes or some of them, as the Monies arising from the Rates and Assessments in and by this Act directed to be made, are directed to be applied; and the said Commissioners, or any Seven or more of them, may, and are hereby impowered, Pavement, Lamps, and Watch-houses vested in the Commissioners.

from

from Time to Time, and at all Times hereafter, as they shall think proper and necessary, to sell and dispose of all or any of the Soil of the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, and of all the said Sellpools, Bunnies, Watercourses, and Sewers, and of all or any of the Cinders, Ashes, and Rubbish, to be taken and carried away from the Houses or elsewhere within the City and Parishes aforesaid, and to contract with any Person or Persons for the Sale thereof, at any Meeting to be held in pursuance of this Act; but previous to such Contract, such Notice shall be given of the Intention of the said Commissioners to enter into such Contract, at such Meeting, as before directed to be given, for displacing or removing any Officer or Officers under this Act, and the Person contracting for or purchasing the same shall have full Power and Authority to sell, carry away, and dispose thereof for his own proper Use and Benefit, and the Money arising from the Sale thereof shall be applied at the Discretion of the said Commissioners, to the same Purposes, or some of them, as the Rates hereafter mentioned are directed to be applied.

Persons authorised to sell their own Cinders and Ashes.

Provided, That nothing in this Act contained shall extend, or be construed to extend, to deprive any of the Inhabitants of the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, from keeping, using, selling, or disposing of their own Cinders or Ashes within their respective Houses, Yards, or Gardens, in or out of the said City and Parishes aforesaid, or any Dung, Soil, or Manure, arising from Horses or other Cattle, or their Litter or Fodder, as they shall have Occasion, or think proper: And the said Commissioners, or any Nine or more of them, shall have full Power and Authority to buy or rent Land, within or without the said City, for the depositing of the Soil, Ashes, Cinders, and Rubbish, in case they shall think proper so to do; and the Purchase-money or Rent thereof shall be paid out of the said Rates, and the Property thereof shall be and is hereby vested in the said Commissioners, for the Purposes of this Act.

Commissioners may appoint a Scavenger.

And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, to contract with such Person as they shall think proper to Act as Scavenger of the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, with such Salary, Wages, or Reward as the said Commissioners, or any Seven or more of them shall think proper; but, previous to such Contract, such Notice shall be given of

the Intention of the said Commissioners to enter into such Contract, as herein before is directed to be given, for displacing or removing any Officer or Officers under this Act; and the Person appointed Scavenger by the said Commissioners, or any Seven or more of them, shall, at least Twice in every Week, or oftener, if the said Commissioners, or any Seven or more of them, shall so direct or appoint, bring or cause to be brought, by himself, or his Servants or Agents, such Sort of Cart or Carts, or other Carriages, as the said Commissioners, or any Seven or more of them, shall direct or appoint, into all and every the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, where such Carts or Carriages can pass; and shall, at or before his or their Approach, by Sound of Bell, Horn, or Clapper, give Notice to the Inhabitants of their coming, and give the like Notice in every Court or other Place in which the said Carts or Carriages cannot pass, and shall abide and stay a convenient Time in or near the said Places respectively, to the Intent that all Persons concerned may bring forth their respective Dirt, Ashes, and Filth, to the Doors of their respective Houses, or other Premises, wherefrom the said Scavenger, his Servants or Agents, shall take and put up the same into such Cart or Carriage, and shall carry, or cause to be carried away, the same to such Places as the said Commissioners shall appoint as aforesaid; and every Person acting as a Scavenger for the Time being, shall cause all and every the Carts and Carriages, to be employed for the Purposes aforesaid, to have painted, in large Roman Letters, in the Front or most conspicuous Part thereof, THE SCAVENGER'S CART, or such other Words or Letters as the said Commissioners, or any Seven or more of them, shall direct or appoint; and no Person or Persons whomsoever, except such Scavenger, his Servants or Agents, shall take or carry away, or cause to be taken or carried away, any Soil, Ashes, Dust, Dirt, Muck, Dung, or Manure, from any House in any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages (except such Dung, Soil, or Manure, as such Person, or his Master or Principal, shall lawfully and bona fide purchase and receive of such Persons as are intitled to sell the same by virtue of this Act) or drive any Cart or Carriage through any or either of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, with or without a Bell, Horn, or Clapper, for that Purpose, or with the Words, SCAVENGER'S CART, or such other Words or Letters as the said Commissioners, or

Scavenger's Business.

Penalty on Persons not authorised acting as Scavengers.

any Seven or more of them, shall at any Time direct or appoint to be painted on the Scavenger's Carts or Carriages, painted thereon, or call for any Ashes, Dust, Dirt, Muck, Dung, or Manure, at any House or Place within the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, with an Intent to take or carry away the same, (except for such Dung, Soil, or Manure, as such Person or his Master or Principal shall lawfully and bona fide have purchased of such Persons as are intitled to sell the same by virtue of this Act), upon Pain of forfeiting for every such Offence the Sum of Twenty Shillings: And if any Inhabitant of any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, shall deliver, or cause, permit, or suffer to be delivered, his, her, or their Ashes, Cinders, Dung, Dust, Dirt, Soil, Manure, or Rubbish (except such as they are hereby authorised to sell or dispose of as aforesaid) to or for any Person or Persons who shall come or call for the same with any Cart or Carriage, not having the Words, THE SCAVENGER'S CART, or such other Words or Letters as the said Commissioners, or any Seven or more of them, shall direct or appoint, painted thereon, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Persons delivering their Ashes to any but Scavengers to forfeit 10 *s.*

And be it further enacted, That the said Scavenger shall, when and as often as the said Commissioners, or any Seven or more of them, shall direct or appoint, cause as well the Foot-ways as Carriage-ways of all and every the said Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Passages, to be raked, scraped, swept, and cleansed in such Manner as the said Commissioners, or any Seven or more of them, shall think proper; and the Dirt, Soil, and Rubbish then and there found, collected, or being, shall take and carry away, or cause to be taken and carried away, immediately, or within such Time as the said Commissioners, or any Seven or more of them, shall direct or appoint, upon Pain of forfeiting, for every such Offence, the Sum of Ten Shillings: And in case such Scavenger, his Servants or Agents, shall not well and truly do, perform, and execute, or cause to be done, performed, and executed, all and every the Articles, Matters, and Things in this Act particularly directed to be done and performed by him, his Servants or Agents, and also all and every such Matters and Things as he shall contract or agree to do in his Articles or Contracts with the said Commissioners, or any Seven or more of them, or which shall be mentioned for him or them to do in his Appointment under the said Commissioners,

Streets to be swept, under Forfeiture of 10 *s.*

Scavenger for neglecting his Duty, to forfeit 20 *s.*

ners, or any Seven or more of them, such Scavenger shall, for every Omission of himself, or his Servants or Agents, for which no particular Penalty is herein before inflicted, forfeit and pay the Sum of Twenty Shillings: And in case the Person purchasing the Ashes, Dust, Dirt, Muck, Dung, Soil, or Manure, of the said Commissioners, or any Seven or more of them, shall happen to be the Scavenger (which it shall and may be lawful for him to be) such Person shall nevertheless be liable to all and every the Penalties aforesaid, as well for the Omission of himself, as of his Servants or Agents, in such and the same Manner as if he was the Scavenger only, and had not bought, purchased, or contracted for the said Ashes, Dust, Dirt, Muck, Dung, Soil, or Manure.

Pavements to be made and repaired.

And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, and at all Times, when and so often as the said Commissioners, or any Seven or more of them, shall think proper, to order or direct all or any of the Pavements in the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages now in being, or hereafter to be made within the City or Parishes aforesaid, or any Part or Parts of such Streets, Squares, Lanes, Alleys, Courts, and other public Passages, as well those Parts used by Carriages as those used by Foot-passengers, to be taken up, and the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages, to be paved, relayed, repaired, raised, lowered, or altered, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper (except as herein after is particularly mentioned); and the Person or Persons authorised or directed by them to do the same, are hereby authorised and impowered to do the same accordingly: And all the Foot-ways, where practicable, shall be paved with Flatners or smooth Pavement, at the Discretion of the said Commissioners, or any Seven or more of them; and all the Horse and Carriage-ways with good Rag-stones, Pebbels, or other Materials, as the said Commissioners, or any Seven or more of them, shall see fit and proper.

The *High Street* to be first paved, lighted, and watched.

And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, and at all Times, when and so often as the said Commissioners, or any Seven or more of them, shall think proper, to order and direct all or any of the said Streets, Squares, Lanes, Alleys, Courts,

and other public Passages in the City or Parishes aforesaid, or any Part or Parts of such Streets, Squares, Lanes, Alleys, Courts, and other public Passages, to be lighted, watched, and cleansed in such Manner as the said Commissioners, or any Seven or more of them, shall think proper; and the Person or Persons authorised or directed to do the same, hath and have hereby full Power and Authority to do the same accordingly; any Thing in this Act contained to the Contrary thereof in any wise notwithstanding: And the said Commissioners are hereby authorised and required to pave, light, watch, repair, and cleanse the High Street of the said City as soon as conveniently may be after passing this Act, and before any other Street, Square, Lane, Alley, Court, or other public Passage in the City or Parishes aforelaid.

Commissioners not to pave, &c. if proper.

Provided always, That nothing in this Act shall be construed to oblige or impower the said Commissioners to make any Pavement in any other Street, Square, Lane, Alley, Court, or other public Passage in the City or Parishes aforesaid, except in the High Street of the said City, unless the Majority of the Owners or Proprietors of Houses, Lands, Tenements, or Hereditaments (computing the same according to the Value of such Houses, Lands, Tenements, or Hereditaments, and not according to the Number of Persons) standing and being within any or either of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, shall be desirous to have the same paved, and shall signify the same under their Hands to the said Commissioners, or any Seven or more of them, and the said Commissioners, or any Seven or more of them, shall approve thereof; whereupon the said Commissioners, or any Seven or more of them, shall and may direct the same to be paved, in such Manner and Form as to them shall seem proper: And all the Powers and Authorities by this Act granted, shall extend and have relation to the said Proprietors of such Houses, as fully and effectually as if the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages so desired to be paved, had been herein before inserted and directed to be paved; any Thing herein contained to the Contrary notwithstanding.

Commissioners may contract for Paving, &c.

And be it further enacted, That the said Commissioners, or any Nine or more of them, may, and they are hereby impowered, from Time to Time, as Occasion shall require, to contract with any Person or Persons for paving, relaying, repairing, raising, lowering, or altering all or any of the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages, and the paving

and

and pitching the same respectively; and also the paving and pitching under or through any of the public Gates of the said City; and also for the keeping the same, or any of them, in good and sufficient Repair for such Time as the said Commissioners, or any Nine or more of them, shall think proper: But, previous to the making any such Contract, such Notice shall be given of the Intention of the said Commissioners to enter into the same, as is herein before directed to be given for displacing or removing any Officer or Officers under this Act, in order for any Person or Persons willing to undertake the same, to deliver in Proposals for that Purpose, as the said Commissioners, or any Nine or more of them, shall direct or appoint. giving previous Notice thereof.

And be it further enacted, That for the Purpose of making a Rate or Rates for defraying the Expences of paving, lighting, watching, repairing, and cleansing the High Street of the said City, the Limits and Extent of the High Street of the said City shall be deemed to extend to and include the East End of the Soke Bridge on the East; and also to extend to and include a certain Messuage or Tenement, with the Garden, Stable, and Premises thereunto belonging, now in the Tenure or Occupation of Edmund Elliot Clerk; and also to the West End of the Gate, called the West Gate, of the said City; together with a House commonly called or known by the Sign of the Fighting Cocks; and the Garden, Stable, and Premises, now in the Tenure or Occupation of Samuel Foster, on the West. Extent of the *High Street*.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, and at all Times, when and so often as the said Commissioners, or any Seven or more of them, shall think proper, to order and direct all or any of the Carriage-ways of the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages within the said City (which at the Time of passing this Act shall not be pitched or paved) to be altered, cleansed, and put in Repair, in such Manner as to the said Commissioners, or any Seven or more of them, shall seem proper; and also to order and direct all or Part of a certain Lane, called or known by the Name of Water Lane, in the East Soke, to be altered, repaired, and cleansed, in such Manner as to the said Commissioners, or any Seven or more of them, shall seem proper; any Law, Statute, or Usage to the Contrary thereof in anywise notwithstanding. *Waterlane*, &c. to be paved and repaired.

No streets to be paved without Request of Proprietors.

Provided, That none of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, except the said High Street, shall be pitched or paved without such Request of the Owners or Proprietors of Houses, Lands, Tenements, or Hereditaments situated therein, as is herein for that Purpose before required.

Not to extend to any Turnpike Road, &c.

Provided also, That nothing in this Act contained shall be construed to impower or oblige the said Commissioners to alter, repair, or cleanse, unless for the Purposes of making a good and convenient Foot-way and Crossings, any Carriage-way of any of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, being Part of any Turnpike Road within the Parishes aforesaid.

Charges to be paid by the Proprietors.

And be it further enacted, That the paying and defraying the Costs and Charges of the paving, pitching, altering, cleansing, and putting in Repair the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages within the City and Parishes aforesaid; and of purchasing a sufficient Number of Glass Lamps, and of firing the same; and also of building and providing Watch-houses and Stands for the same; for the first Time shall be a Charge on, and shall be raised and paid by the several Owners or Proprietors of the several Houses, Buildings, Lands, Tenements, and Hereditaments within the said City and Parishes aforesaid, having such Aid for that Purpose as is herein after provided: And that for the paying and defraying the same, it shall and may be lawful to and for the said Commissioners, or any Fourteen or more of them, (from and after the passing this Act) to make, assess, and impose One or more equal Pound-rate or Rates at their Discretion, to be collected annually at such Time or Times in the Year as to them shall seem meet, and to endure and have Continuance for such Term or Number of Years as they shall think proper, on all and every the Houses, Lands, Tenements, and Hereditaments which are rated or rateable to the Poor Rates within the City or Parishes aforesaid, according to the yearly Value of the same respectively; except a certain Messuage or Dwelling-house, together with the Barns, Stables, Buildings, Outhouses, and Grounds thereunto belonging, situate and being in the Parish of Saint Bartholomew Hyde, now in the Tenure or Possession of Samuel Tewkesbury, called or known by the Name of Barton Farm.

Exception.

No Assessments to be made without the City.

Provided always, That nothing in this Act contained shall be construed to impower the said Commissioners to rate or assess any Arable, Meadow, or Pasture Lands within

within any of the Parishes aforesaid, unless the same are situate within the Walls of the City aforesaid.

Provided also, That the Site of the College, the Close, Deanry, and Prebendal Houses, Stables, Yards, Gardens, Buildings, and Appurtenances thereunto belonging, and also the Church-yard belonging to the Cathedral Church of the City aforesaid, and all Houses, Hospitals, and other public Buildings, set apart for the Purposes of public Charity, be not included within any of the Clauses and Provisions contained in this Act; and that the same, and every Part thereof, be exempt from all Rates, Assessments, and Impositions, which shall be made for carrying this Act into Execution. The Close and College exempted.

Provided also, That nothing in this Act contained shall be construed to impower the said Commissioners to rate or assess any Houses, Lands, Tenements, or Hereditaments in any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages in the City or Parishes aforesaid, (except Lands, Stables, Outhouses, Buildings, and Tenements contiguous and belonging to the Houses in the High Street of the said City) more than Two Third Parts of the Sum which they would be liable to be rated and assessed if the same were situated in the High Street of the said City, until the same shall be required to be paved by the Majority of the Owners or Proprietors of Houses, Lands, Tenements, and Hereditaments situate therein, in Manner before mentioned; after which the said Commissioners, or any Fourteen or more of them, shall respectively rate and assess the Owners or Proprietors of Houses, Lands, Tenements, and Hereditaments, situate in any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, which the Majority of the Owners or Proprietors of Houses, Lands, Tenements, and Hereditaments shall require to be paved as aforesaid, in such Manner as is herein before mentioned. No more than Two-thirds to be rated on Houses, &c. not in the *High Street*.

And be it further enacted, That the said Charges and Expences, to be assessed and raised as aforesaid, shall be paid to the Collector for the Time being, appointed by the said Commissioners, or any Seven or more of them, by the Tenants or Occupiers of the said Houses, Buildings, Lands, Tenements, and Hereditaments, (except as aforesaid); and such Tenants or Occupiers shall be at Liberty, and they are hereby impowered to deduct and retain out of his, her, or their Rent or Rents, such Sum or Sums of Money as they shall respectively pay on account thereof, for the Owners or Proprietors of the said Houses, Buildings, Yards, Gardens, Lands, Tenements, Expences of paving, lighting, and watching, for the first Time,

and Hereditaments, who are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents, any Lease or Contract to the contrary notwithstanding: And if any Tenant or Occupier of any House, Building, Yard, Garden, Land, Tenement, or Hereditament, within the City or Parishes aforesaid, shall neglect or refuse to pay such Charges within Ten Days after the same shall become due, and after Demand thereof, by Notice in Writing under the Hand of the said Collector, to be delivered to or at the Dwelling-house of such Tenant or Occupier, the same shall and may be levied on every such Tenant or Tenants, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the said City, returning the Overplus (if any) after deducting all Costs and Charges attending the same, to the Owner or Owners of such Goods or Chattels so distrained, on Demand: And where any House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, shall be let or demised to more than One Tenant or Tenants, Occupier or Occupiers, any One or more of such Tenant or Tenants, Occupier or Occupiers, shall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act; and the said Charges shall be levied by Distress and Sale of all or any the Goods or Chattels in such House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament; and in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of such House, Building, Yard, Garden, Land, Tenement, or Hereditament, before such Charges shall be paid by him, her, or them; or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall be deficient to defray such Charges, or if it shall happen that any of the said Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, shall be empty at the Time the said Pavements shall be begun, then, and in every such Case, such Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments shall be, and the same are hereby made a Security for, and chargeable with all such Charges, and the same shall and may be levied by Distress and Sale, by Warrant as aforesaid, of any Goods or Chattels which shall after be found upon the same Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or of the Goods and Chattels of the Owner or Owners of such Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments,

how to be recovered.

Occupier liable for the Purpose of collecting the Tax.

ments, in case such Owner or Owners shall neglect or refuse to pay the same for the Space of Twenty Days next after the same shall be demanded of him, her, or them, by Notice in Writing under the Hand of the said Collector, to be delivered to, or left at the Dwelling-house or usual Place of Abode of such Owner or Owners, in case such Owner or Owners shall then live within the said City or Parishes aforesaid; and in case such Owner or Owners shall not live within the same, then under the Hand and Seal, or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place where such Owner or Owners shall reside; and in case any Tenant or Tenants, Occupier or Occupiers, shall pay to the said Collector more Money on account of the said Charges than shall be due from him, her, or them, for the Rent of his, her, or their House, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Owners of such House, Building, Land, Tenement, or Hereditament, by Distress and Sale of the Goods or Chattels of such Owner or Owners, by Warrant under the Hand and Seal, or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place where such Goods or Chattels shall be, such Owner or Owners having refused or neglected to pay the same for the Space of Ten Days after Demand made thereof by such Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent for that Purpose appointed.

Commissioners may borrow Money on the Credit of the Rates and Tolls.

And be it further enacted, That the said Commissioners, or any Fifteen or more of them, at any Meeting, may, and are hereby impowered to borrow, and to take up at Interest, any Sum or Sums of Money not exceeding the Sum of Seven Thousand Pounds, upon the Credit of the Rates, Assessments, and Turnpike Tolls, payable by virtue of this Act, for the Purpose of defraying the Charges of the paving, pitching, altering, cleansing, and putting in Repair the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, and of purchasing and firing Lamps, and building Watch-houses for the first Time, as aforesaid, and to assign over the same, or any Part or Parts thereof, and the Powers given by this Act for collecting and recovering the same, by any Writing or Writings under their Hands and Seals; the Charges of such Assignments and Conveyances to be paid out of such Rates, Assessments, and Tolls respectively, to any Person or Persons that

shall advance or lend their Monies thereon, as Securities for the several Sums that shall be borrowed, and the Interest thereof as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer to the said Commissioners; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Securities, or by any other Writing or Writings under his or their Hand or Hands, and Seal or Seals, which shall be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Clerk or Treasurer within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignment, containing the Date, Names of the Parties, and Sums of Money therein mentioned, to be assigned and transferred, in the said Book or Books to be kept for entering the said original Assignments, and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and such Assignee may in like Manner assign and transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Assignments to be transferred.

Provided always, and be it enacted, That after the First Meeting no Money shall be borrowed upon the Credit of this Act, unless Fourteen Days Notice, under the Hand of the Clerk, shall be given in some publick News-paper, and also fixed on the Doors of the County and City Halls in or near Winchester aforesaid, specifying the Time and Place of the Meeting of the said Commissioners for that Purpose, and the Sum and Sums of Money to be from Time to Time borrowed thereon.

Fourteen Days Notice to be given of borrowing Money.

And be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of advancing such Sum or Sums; but

All Creditors to be deemed equal in Degree.

that

that all Persons to whom any Mortgages or Assignments shall be made as aforesaid, shall, in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Commissioners to appoint Toll-gatherers.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to appoint a proper and fit Person at the several Turnpike-gates now standing and being, or hereafter to be erected, or at the several Places where the same now are, or hereafter shall be, within One Mile of the said City; and also to erect, or cause to be erected, a convenient Toll or Turnpike-gate, either in the Parish of King's Worthy, or Abbot's Worthy, in the County of Southampton, as to the said Commissioners shall seem proper, and appoint a fit Person thereat, to demand, receive, and take, at each of the said Toll-gates or Turnpikes, in every Year, during the following Days; videlicet, From the Morning of the Day next before the First Day of the Races, commonly called the Winchester Races, during that and the Five following Days; From the Morning of the Day next but One before Magdalen Hill and Giles's Hill, and the Two Winchester Fairs, for that and the Four following Days; From the Monday Morning to Saturday Night in the Week in which the Election of the College near Winchester shall be holden, the several Tolls herein after mentioned, before any Horse, Cattle, or Carriage whatsoever, shall be permitted to pass through the same; that is to say, At each Toll or Turnpike-gate aforesaid, except at the said King's Worthy or Abbot's Worthy Gate,) any Toll or Tolls not exceeding the several and respective Tolls paid at the several and respective Turnpike-gates aforesaid, at the Time of passing this Act, and at the said King's Worthy or Abbot's Worthy Gate, any Toll or Tolls, not exceeding the Tolls now taken at the Turnpike-gate now erected at or near the End of Hyde-Street, in the said Parish of Saint Bartholomew Hyde; which said respective Sums of Money shall be demanded and taken in the Name of and for a Street Toll, over and above, and exclusive of all other Tolls, which are, or shall be authorised to be taken and collected by virtue of any Act or Acts of Parliament now subsisting for repairing of Roads; and the said Tolls, when collected by virtue of this Act, shall be applied in the Manner herein more particularly set forth: And the said Commissioners, or any Nine or more of them, are hereby impowered by

themſelves, or by any Perſon or Perſons by them, or any Nine or more of them, thereunto authoriſed at any Meeting, to levy the Toll hereby required to be paid, upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, or deny or hinder any Paſſage through any of the ſaid Turnpikes until Payment thereof; which ſaid Toll ſhall and may be levied by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which the Toll is by this Act impoſed, or upon any of the Goods and Chattels of ſuch Perſon or Perſons who ought to pay the ſame; and all ſuch Horſes, Cattle, or Goods may be detained until ſuch Toll, with the reſonable Charges of ſuch Diſtreſs ſhall be paid; and it ſhall be lawful for the Perſon or Perſons ſo diſtraining, after the Space of Five Days after ſuch Diſtreſs made or taken, to ſell the Horſe or Horſes, Cattle, Goods or Chattels, ſo diſtrained, rendering to the Owner or Owners thereof the Overplus upon Demand, after Satisfaction of the ſaid Toll, and the reaſonable Charges in making ſuch Diſtreſs, Keeping and Sale, ſhall be fully paid and ſatisfied.

Tolls may be levied by Diſtreſs.

Provided always, and be it enacted, That no Perſon or Perſons ſhall be liable to pay the ſaid Street Toll more than Once for paſſing at any Time or Times on the ſame Day with the ſame Cattle and Carriage; but all and every Perſon and Perſons, after having paid ſuch Toll Once as aforeſaid, and who ſhall return the ſame Day before Twelve of the Clock at Night, ſhall paſs Toll-free, with the ſame Cattle and Carriage, through the Gate or Turnpike at which any ſuch Toll was paid, upon producing a Note or Ticket denoting the Payment of ſuch Toll, which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give gratis on Receipt of ſuch Tolls.

Toll to be paid but Once a Day.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Eighteen or more of them, at a Meeting to be called for that Purpoſe, whereof Fourteen Days Notice ſhall be given in ſome publick News-paper, and alſo fixed on the Turnpike-gates aforeſaid, from Time to Time, as they ſhall ſee Occaſion, to vary, alter, leſſen, or reduce, when, and in ſuch Manner and Proportion as they ſhall think proper, the Tolls aforeſaid; and afterwards to raiſe and augment the ſame, ſo as not to exceed the Tolls or Sums hereby granted: And ſuch Tolls, Rates and Aſſeſſments, ſo varied, altered, leſſened, and reduced, or ſo raiſed, and augmented,

Commiſſioners may alter the Tolls.

mented, shall and may be collected and levied, mortgaged and assigned, in such Manner, and applied to such Purposes as, and in Aid of the Rates and Assessments hereby granted for the Purposes of defraying the Charges of the paving, pitching, altering, cleansing, and putting in Repair, the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, and of purchasing and firing Lamps, and building Watch-houses, for the First Time, as aforesaid, are directed to be recovered, levied and applied, mortgaged and assigned, until the Charges and Expences incurred for the Purposes last mentioned shall be defrayed and satisfied; and afterwards shall be applied in Aid of all or any the Rates or Assessments, which by virtue of this Act are to be paid and defrayed by the Tenants and Occupiers of Houses, Lands, Tenements, and Hereditaments, within the City and Parishes aforesaid.

Expences of repairing and cleansing the Streets, &c. to be paid by Tenants and Occupiers.

And be it further enacted, That the Charges and Expences attending the paving, relaying, repairing, lighting, watching, and keeping in repair, the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, now in being or hereafter to be made, within the City and Parishes aforesaid, after the respective Pavements therein shall have been completed for the First Time by virtue of this Act; and also the Charges and Expences attending the sweeping and cleansing, lighting and watching, the same, from and after the passing of this Act, and also of the defraying the Salaries and Wages of all Officers and other Persons to be appointed and employed by virtue hereof, and all incidental Charges and Expences attending the Execution of this Act, and of the Powers herein granted, shall be a Charge on, and be raised and paid by the Tenants and Occupiers of the several Houses, Buildings, Lands, Tenements, and Hereditaments, within the City and Parishes aforesaid; (except all Arable, Meadow, and Pasture Land without the Walls of the said City); and also save and except all that Messuage or Dwelling-house, together with the Barns, Stables, Buildings, Outhouses, and Grounds thereunto belonging, situate and being in the Parish of Saint Bartholomew Hyde, now in the Tenure or Possession of Samuel Tewkesbury, called or known by the Name of Barton Farm; and for defraying such Charges and Expences, it shall and may be lawful for the said Commissioners, or any Seven or more of them, Once in every Year after the passing of this Act, or oftener,

if they, or any Seven or more of them, shall think necessary, the First Year to be computed from such One of the Feasts of the Annunciation of the Blessed Virgin Mary, the Nativity of Saint John the Baptist, Saint Michael the Archangel, and Saint Thomas the Apostle, as shall first happen next after the passing of this Act, and every succeeding Year from the said Feast Day, happening as aforesaid, to make One or more Rate or Rates, Assessment or Assessments, upon the several Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the City and Parishes aforesaid, (except as before excepted) according to the yearly Value thereof respectively, to be settled and ascertained by the said Commissioners, or any Seven or more of them, and in the Manner and Proportion herein before mentioned, respecting the Mode of rating and assessing the Lands, Houses, Yards, Tenements, and Hereditaments, in the City and Parishes aforesaid, for paving, cleansing, lighting, and watching the High Street, and other Streets of the City and Parishes aforesaid, for the First Time: And the Monies so rated and assessed shall be collected, raised, and levied, by the same Ways and Means, and in such Manner, as is herein before prescribed for the collecting, raising, and levying the Rates or Assessments herein before directed to be made for the paving, pitching, and putting in Repair, the said Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Passages, and purchasing the Lamps, and procuring a sufficient Number of Watch-houses for the First Time.

Tenants renting under 5*l.* *per Annum* exempted from being rated.

Provided always, That nothing in this Act contained shall be construed to impower the said Commissioners to rate and assess towards keeping in Repair, cleansing, lighting, and watching the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages in the City or Parishes aforesaid, any Tenant or Occupier of any Dwelling-house, which shall not be of the yearly Value of Five Pounds, but that it shall and may be lawful to rate and assess the Landlord and Owner instead and in lieu of the Tenant or Occupier thereof; and where the Landlord or Owner is so rated, the Sum assessed upon him may be paid by, or levied upon, the Tenant, in the same Manner as if the Tenant himself had been rated; and all Sum or Sums of Money paid by, or levied upon such Tenant, may be deducted by him out of the Rent

Rent to be paid by him to such Landlord, who is hereby required to allow the same.

Commissioners to appoint and remove Watchmen.

And be it further enacted, That the said Commissioners, or any Seven or more of them, may, and they are hereby impowered to appoint a sufficient Number of fit and able-bodied Men, not exceeding Eight, to watch and guard the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages in the City and Parishes aforesaid in the Night-time; and also to make such Allowances to such Watchmen for their Attendance, out of the Rates to be raised for the Purpose of keeping in Repair the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, and lighting and watching the same; and to give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed, and for the due and regular Performance of the said Service, as the said Commissioners, or any Seven or more of them, shall judge reasonable and expedient; and from Time to Time to remove any of the said Watchmen, and appoint others in their Stead.

New Buildings not to be rated till occupied.

Provided always, and be it further enacted, That no Messuage, Tenement, or other Building, unoccupied, or newly erected, and no new Buildings whatsoever, which shall at any Time hereafter be erected or built, or become unoccupied, in the said City or Parishes, liable to be rated or assessed by virtue of this Act, shall be rated or assessed by virtue hereof, to any Rate or Assessment hereby directed to be a Charge on the Tenants or Occupiers, until the same shall respectively have been used or occupied; and that where any House or other Building, in any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, shall be rebuilt, the same shall be built in such Manner that the Fronts thereof shall not project farther into any of the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, than the old Foundation, and so as that no Bulk or Bow-window on the Ground-floor be set up or erected before the Front of such House or Building, without Consent in Writing of the Majority of the said Commissioners at a General Meeting to be held for that Purpose, such Majority to consist of Eighteen Commissioners at least.

Bulks and Bow-windows to be taken away in narrow Streets.

And be it further enacted, That no Bulk, Bow-window on the Ground-floor, Projecting-window, Porch, Rails, or Pent-houses, shall be permitted in any Part of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, which shall not be Twenty-four Feet in Width: And the said Commissioners, or any Nine or more of them, are hereby impowered to take down any Bulk, Bow-window on the Ground-floor, Projecting-

jecting-window, Porch, Rails, or Pent-houses, which shall be set up, erected, or built contrary to the Intent of this Act, and to set the same Fines and Penalties as are herein directed and provided, for removing and taking down any projecting Spout or Sign.

Commissioners may raise Rates upon Persons under-rated.

Provided always, That if the said Commissioners, or any Seven or more of them, shall, at any Time or Times hereafter, in any Rates or Assessments by them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to such Rates or Assessments, or shall under-rate or assess any Person or Persons liable to such Rates or Assessments, and therein rated or assessed; then, and in every such Case, it shall and may be lawful to and for the said Commissioners, or any Fourteen or more of them, to rate and assess such Person or Persons so omitted or under-rated, in such Manner as to the said Commissioners, or any Fourteen or more of them, shall seem just; and such Addition or Alteration shall be as valid to all Intents and Purposes whatsoever, as if the same had been Part of the original Rates or Assessments; any Statute, Law, Usage, or Custom, to the Contrary in any wise notwithstanding.

Money lost by Insolvency to be made good.

And be it further enacted, That in case any of the Monies collected by virtue of this Act shall be lost by Insolvency, or otherwise, the said Commissioners, or any Seven or more of them, shall and may make an additional Rate or Assessment for supplying and making good such Deficiencies and Charges occasioned by or on account of the same; which additional Rate or Assessment shall be recovered in the same Manner as the original or annual Rates or Assessments herein before enacted are directed to be made or recovered; any Thing herein contained to the Contrary thereof notwithstanding.

Ground-rents not chargeable.

And whereas some Doubts may hereafter arise who should be deemed the Owner or Owners, Proprietor or Proprietors, of the several Houses, Buildings, Yards, Lands, Tenements, and Hereditaments within the City and Parishes aforesaid; for removing whereof, be it further enacted, That such Person or Persons, or Body or Bodies Politick or Corporate, as now have, or hereafter shall have, the immediate beneficial Estate or Interest in Possession, or as now are, or hereafter shall be, in the Perception of the Rents and Profits of and in the said several Houses, Buildings, Lands, Tenements, and Hereditaments, shall, during the Continuance of such their Estate, or Interest, be deemed and accounted the Owner or Owners, Proprietor or Proprietors, of the same respectively, in Proportion to such their respective Interest therein, other than and except such Body or Bodies

Proprietors.

dies Politick or Corporate, Ecclesiastical or Civil, or such Lessor or Lessors, or other Owner or Owners of any Quit-rent, Fee-farm Rent, or other Rent reserved or issuing out of the same Houses, Buildings, Lands, Tenements, or Hereditaments, which shall not amount to One Third Part of the full Improved or Rack Rent thereof.

Commissioners may order Materials to be brought into the Streets,

And be it further enacted, That the said Commissioners, or any Seven or more of them, may cause to be dug, carted and carried out of, or brought into, the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, or into any or either of them, such Gravel, Stones, or other Materials; and employ such Artificers, Carters, and others; and do all and every such other Acts and Things as the said Commissioners, or any Seven or more of them, shall judge necessary, or conducive to the accomplishing the Ends and Designs of this Act.

set up Posts and Rails;

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may cause to be set up Posts of Wood or Stone in such Part or Parts of all or any of the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, as they shall judge necessary; and also may set up Posts and Rails for preventing of Accidents or Casualties; and the Expences thereof shall be borne and defrayed by the said Commissioners, or any Seven or more of them, out of the Monies arising from the said Rates or Assessments, or any of them.

make Gutters and Drains;

And be it further enacted, That, for the better carrying this Act into Execution, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to make, or cause to be made, Sesspools, Bunnies, Watercourses, Drains, and Sewers; and for that Purpose to enter by themselves, or by any Person or Persons employed by them, on the Lands of any Person or Persons which shall be deemed necessary for that Purpose; and to dig, sink, and build, and from Time to Time, whenever it shall be necessary, to repair the same, doing as little Damage as may be, and making good all such Damages as shall be done; and to cut through any Wall or Walls, or otherwise, into old Sesspools, Bunnies, Ditches, Drains, and Sewers, if the same shall be found necessary and proper, and to enlarge or alter the same; and the Expences attending the building, making, and keeping in Repair, from Time to Time, all such Sesspools, Bunnies, Watercourses, Drains, and Sewers; and the said other Works and the Dama-

ges occaſioned thereby, ſhall be paid and defrayed out of the Rates and Aſſeſſments, or ſome of them, to be raiſed as aforeſaid; and the ſame ſhall for ever thereafter be deemed publick Seſſpools, Bunnies, Watercourſes, Drains, Sewers, and Works; any Law, Statute, Cuſtom, or Uſage to the Contrary in any wiſe notwithſtanding.

and may alter the Courſe of Gutters.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time, to direct and cauſe the Courſe of any Gutter or Channel, running in or through the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, or either of them, to be turned or altered in ſuch Manner as they ſhall think proper; and to direct the Gates already placed, or hereafter to be placed over any Sewer, to be removed and replaced in ſuch Manner, and at ſuch Place and Places, as they ſhall think proper; all which ſhall, from Time to Time, be done at the Expence of the ſaid Commiſſioners, and paid for by them, or any Seven or more of them, out of the Money ariſing from the Rates or Aſſeſſments to be made by virtue of this Act, or ſome of them, any Law, Uſage, or Cuſtom to the Contrary notwithſtanding: And all Gutters or Watercourſes from the Houſes to the Carriage-ways, ſhall be made under the Foot-ways where practicable, and be conſtructed or made in ſuch Manner, and with ſuch Materials, as the ſaid Commiſſioners, or any Seven or more of them, ſhall direct or appoint.

Power to dig Gravel on private Ground;

And be it further enacted, That for the more effectual carrying this Act into Execution, the ſaid Commiſſioners, or any Seven or more of them, or any Surveyor or other Perſon to be employed by them, or any Perſon or Perſons to be appointed or employed by ſuch Surveyor or other Perſon, ſhall and may, and they are herby empowered to dig for, take, and carry away, any Gravel, or other Materials, fit and proper for the paving and covering the Pavements, and pitching of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, or which they ſhall adjudge neceſſary or fitting to be uſed in or about the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, and other publick Paſſages, or for any other Purpoſe whatſoever in the Execution of this Act, or any of the Powers and Authorities herein contained, in, upon, and out of, and from and out of, the Lands, Fields, or Grounds, of any Perſon or Perſons, where the ſame may be had or found, to be uſed, diſpoſed of, and applied in or towards the raiſing, making, widening,

widening, and repairing the said Streets, Squares, Lanes, Alleys, Courts, Roads, and other publick Passages (such Lands, Fields, and Grounds, not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground planted with any Avenue of Trees for the Ornament of any House) they the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons, having an Order from the said Commissioners, or any Seven or more of them, for so doing, filling up the Pits, and levelling the Ground from which such Materials shall be taken, and paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away such Materials as aforesaid, and for carrying the same over their Grounds, as the said Commissioners, or any Seven or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, any Two or more Justices of the Peace of the said County of Southampton, shall and may, on Ten Days Notice thereof to be given by the said Commissioners, or their Surveyor or Surveyors, to the said Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Commissioners, or any Two or more of them, or to their Surveyor or Surveyors, or to be left at their respective Places of Abode, with some One of their respective Families, hear, settle, and determine the Matters in Dispute, and ascertain what Damages shall be paid; and the Order and Determination of the said Justices shall be final and conclusive to all Parties.

making Satisfaction to the Owners.

And be it further enacted, That from and after the passing of this Act, no Person or Persons shall make, or cause to be made, any Alteration in the Form of any of the Pavements of the said Streets, Squares, Lanes, Alleys, Courts, or other public Passages, or any Part or Parts thereof, without the Consent and Direction of the said Commissioners, or any Seven or more of them, under their Hands, upon Pain of forfeiting for every such Offence, the Sum of Forty Shillings, over and above all Expences incurred, or to be incurred, in reinstating the same.

Persons altering the Form of the Pavement, to forfei. 40 s.

And be it further enacted, That if any Two Housekeepers within the City and Parishes aforesaid, shall make Complaint in Writing under their Hands to the said Commissioners, or any Seven or more of them, of any Defect or Want of Repair in any of the Pavements of any of the said Streets, Squares, Lanes, Alleys,

Upon Complaint of Two Housekeepers, Commissioners may repair Streets once paved by virtue of this Act.

Courts, Ways, or other public Passages, after the same shall have been new paved or repaired by virtue of this Act; then, and in every such Case, the said Commissioners, or any Seven or more of them, shall forthwith cause the Pavement so complained of to be inspected by some Person or Persons, to be appointed by them for that Purpose; and if the same shall by him or them be found defective, and so reported to be to the said Commissioners, the said Coumissioners, or any Seven or more of them, shall forthwith give Orders to their Contractor or Paviors to repair the same; and if the Contractor or Paviors to the said Commissioners, to whom such Order shall be given, shall not, within Four Days next after the Receipt thereof, repair the said defective Pavements; then, and in every such Case, the said Contractor or Paviors shall forfeit and pay the Sum of Twenty Shillings for every Day that the said defective Pavement shall remain unrepaired after the Expiration of the said Four Days.

Streets to be watered.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall have full Power and Authority to cause the said Streets, Squares, Lanes, Alleys, Courts, and other public Passages, to be watered as often as they shall think fit; and also to cause any Pump or Pumps, Conduit or Conduits, now standing in any or either of the public Streets or Passages of the said City, to be removed and placed, and set up in more convenient Places, and to defray the Expences thereof out of the Monies to be raised by virtue of the Rates and Assessments by this Act directed to be made, or some of them.

Names of Streets to be fixed at the Corners, and Houses to be numbered.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may describe and determine the Limits and Extent of the several Streets, Squares, Lanes, Alleys, and other public Passages within the City and Parishes aforesaid, for all the Purposes of this Act, and shall and may cause to be engraved, painted, or otherwise to be placed on a conspicuous Part of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of each of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, the Name by which each respective Street, Square, Lane, Alley, Court, or other publick Passage, is usually called or known; and may also cause every House, Shop, Warehouse, or Building, in each of the said Streets, Squares, Lanes, Alleys, Courts, or other

other publick Paſſages, to be marked or numbered in ſuch Manner as they ſhall think moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully or maliciouſly deſtroy, pull down, injure, obliterate, or deface, any ſuch Name, Deſcription, Mark, or Number, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

Perſons obliterating the Number, &c. to forfeit 20s.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, at any Time after the paſſing of this Act, cauſe Notice to be given to the reſpective Owners or Occupiers of the ſeveral Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the ſaid City and Pariſhes aforeſaid, to take down, remove, alter, or regulate, all Signs or other Emblems uſed to denote the Trade, Occupation, or Calling, of any Perſon or Perſons, Sign-poſts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Blocks, Chopping-blocks, Cellar-windows, Trees, and Poſts, projecting into, or ſtanding or being in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, and all other Incroachments, Nuiſances, or Annoyances whatſoever, projecting into, or ſtanding or being in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, in ſuch Manner as they ſhall think proper; and to cauſe all Signs, or other Emblems as aforeſaid, Shew-boards, Spouts, and Gutters, or ſuch Part thereof as they ſhall think fit, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong or were before affixed, and not otherwiſe: And in caſe the reſpective Owners or Occupiers ſhall refuſe or neglect ſo to do for the Space of Ten Days next after ſuch Notice ſhall be given to him, her, or them, reſpectively, (which Notice ſhall be given in Writing under the Hand of the ſaid Collector for the Time being, and delivered to, or left at the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Occupier) it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe ſuch Signs, Emblems, Sign-poſts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Blocks, Chopping-blocks, Cellar-windows, Trees, and Poſts, and all other Incroachments, Nuiſances, or Annoyances whatſoever, to be

Signs and Bulks to be removed.

Signs to be affixed to the Fronts of Houſes.

taken down, removed, altered, and regulated, in such Manner as they shall think proper; and shall cause all Signs or other Emblems aforesaid, Shew-boards, Spouts, and Gutters, or such Parts thereof as they shall think fit, to be affixed or placed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong or were before affixed, and not otherwise; and shall return, or cause to be returned to their respective Owners, to be left on the Spot, or so near as conveniently may be, for such Owner or Owners, so much of such Signs or other Emblems, Sign-posts, or other Posts, Sign-irons, Shew-boards, Spouts, Gutters, Sheds, Butchers Gallows, Pens, Sand-pens, Dung-pens, Shambles, Incroachments, Nuisances, or Annoyances whatsoever, as shall not be affixed or put up, or otherwise made use of, in the Alterations directed by this Act; and the Charges and Expences attending the same shall and may be recovered of the Owner or Occupier thereof respectively, in the same Manner as the Charges and Expences of paving the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, for the first Time, are herein directed to be recovered: And if any Person or Persons shall, at any Time or Times thereafter, hang, place, erect, or build, any Sign-post or other Post, Sign-iron, Shew-board, Spout, Gutter, Shed, Butchers Gallows, Pen, Sand-pen, Dung-pen, Pump, Shamble, Block, Chopping-block, Cellar-window, Tree, or Post, or other Incroachment, Nuisance, or Annoyance whatsoever, or cause the same to be done, contrary to the Directions aforesaid, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Five Pounds, and the further Sum of Twenty Shillings for every Day such Nuisance or Annoyance shall continue; and the Master Workman employed to erect, build, do, or perform the same, shall forfeit and pay the Sum of Five Pounds; and it shall and may be lawful for the said Commissioners, or any Seven or more of them, to order the same to be taken down, removed, altered, or regulated, in such Manner as they, or any Seven or more of them, shall think proper; and the Person or Persons so ordered to take down, remove, alter, or regulate the same, shall have hereby full Power and Authority to take down, remove, alter, or regulate the same accordingly, without any Notice or Warning to be given to the Owner, Tenant, or Occupier, to take down, remove, alter, or regulate the same; and where any Bulks, Pent-houses, and Erections shall appear to have been made, erected, and set up, before the Front

Persons making Incroachments to forfeit 5*l.*

Power to remove and regulate them.

or Fronts of any or either of the said Houses or Buildings, within Six Months next before the passing of this Act, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause the same to be removed, taken down, and regulated, in the same Manner as is hereby provided and enacted concerning all, or any, or either of the Nuisances, Annoyances, Obstructions, and Incroachments herein before specifically named.

If Spouts are not affixed to the Fronts of Houses by the Owners, Commissioners may affix them;

Provided always, and be it further enacted, That if no Spout or Gutter shall be fixed to any House, Shop, Warehouse, or other Building, for conveying the Waters from the Roofs, Eaves, Cornices, and Pent-houses of the said House, Shop, Warehouse, or other Building, and so into the Common Channels or Drains, by proper and sufficient Pipes or Trunks, to be fixed to the Side of such House, Warehouse, Shop, or other Building, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause Fourteen Days Notice to be given to the Tenants or Occupiers of such House, Shop, Warehouse, or Building, by Writing under the Hand of any One or more of the Officer or Officers to be appointed by the said Commissioners; and such Notice shall be left at or affixed upon the most conspicuous Part of such House or Building, to affix a good and sufficient Spout, Pipe, Trunk, or Gutter, or good and sufficient Spouts, Pipes, Trunks, or Gutters, to such House, Shop, Warehouse, or other Building, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper, for conveying the Water from such House, Shop, Warehouse, or other Building, down by the Side of the said House, Shop, Warehouse, or other Building, and so into the Common Channel or Drains; and in case such Spout, Pipe, Trunk, or Gutter, Spouts, Pipes, Trunks, or Gutters, shall not be affixed, or the Drips from such Houses, Shops, Warehouses, and other Buildings, shall not be stopped and prevented within Fourteen Days next after the leaving or fixing such Notice, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause a Spout, Pipe, Trunk, or Gutter, Spouts, Pipes, Trunks, or Gutters, to be affixed to such House, Shop, Warehouse, or other Building, and the said Drips to be altered, stopped, and regulated; and the Expences attending the same shall be borne and defrayed by the Owner or Owners of such House, Shop, Warehouse, or Building, and shall and may be recovered by Distress

and the Owners to defray the Expences.

and

and Sale of the Goods and Chattels of the Tenant and Occupier of such House, Shop, Warehouse, or other Building, rendering the Overplus (if any) to the Person or Persons whose Goods and Chattels shall be so distrained and sold; or it shall and may be lawful for such Tenant or Occupier to fix up such Spouts, Pipes, Trunks, or Gutters, and to deduct and retain the Charges and Expences thereof, and also the Money which shall or may be levied upon the Goods and Chattels of any such Tenant or Occupier aforesaid, out of his or her Rent, and every Owner, Proprietor, or Landlord is required to allow the same accordingly.

Goods not to be exposed to Sale on Windows, &c. projecting.

And be it further enacted, That if any Person or Persons whomsoever shall set, place, or expose to Sale, or cause, permit, or suffer to be set, placed, or exposed to Sale, any Goods, Chattels, Wares, or Merchandises whatsoever, on any Flap, Window-shutter, or other Thing whatsoever, moveable or fixed, projecting into any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, beyond the present Bulk, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

No Person to hoop any Cask in any Street, &c.

And be it further enacted, That if any Person or Persons whomsoever, except in Cases of absolute Necessity, shall hoop, cleanse, wash, or scald, any Cask; or hew or saw, or cause to hewed or sawed, any Stone, Wood, or Timber; or bind, make, or repair any Wheel; or shoe or bleed, clean or dress, or turn or drive loose any Horse; or wet, slack, or mix any Lime; or wet, mix, or make any Mortar; or throw or scale at any Cock or Fowl, in the Manner called Cock-scaling; or set up any Cock or Fowl to be thrown or scaled at; or shall make, or assist in the making any Fire or Fires, commonly called Bonfires; or shall set fire to, or let off, or throw any Squib, Serpent, Rocket, or Fire-work whatsoever, in any of the said Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Passages; or shall set, place, or expose to Sale, or cause, or permit, or suffer to be set, placed or exposed to Sale, any Goods, Chattles, Wares, or Merchandises whatsoever, on the Foot or Carriage-way of any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, or any Part or Parts thereof; or hang up or expose any Goods, Wares, or Merchandises, or any Matter or Thing, so as to obstruct or incommode the Passage of the Foot-way or Carriage-way of any of the said Streets, Squares, Lanes, Alleys, Courts, Gate-

Goods not to be exposed to Sale on the Pavement,

ways,

ways, or other publick Passages; every Person so offending, in either of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Bonfires not to be made, nor Squibs, &c. thrown, on Penalty of 20 s.

And be it further enacted, That if any Person or Persons whomsoever, except in Cases of absolute Necessity, shall hoop, cleanse, wash, or scald any Cask; or hew or saw, or cause to be hewed or sawed, any Stone, Wood, or Timber; or bind, make, or repair, any Wheel; or shoe or bleed, clean or dress, or turn or drive loose any Horse; or wet, slack, or mix, any Lime; or wet, mix, or make, any Mortar; or throw or scale at any Cock or Fowl, in the Manner called Cock-scaling, or set up any Cock or Fowl to be thrown or scaled at; or shall make, or assist in the making any Fire or Fires, commonly called Bonfires; or shall set Fire to, or let off, or throw, any Squib, Serpent, Rocket, or Fireworks whatsoever; or shall break, pull down, damage, or destroy, any Lamp or Lamps, or any the Posts, Iron, or other Furniture belonging thereto; or shall put out or extinguish any Lamp or Lamps, or cause or procure the same to be done; or cause any other Nuisance or Annoyance to be committed or remain; or shall set, place, or expose to Sale, or cause or permit, or suffer to be set, placed, or exposed to Sale, any Goods, Chattels, Wares, or Merchandises whatsoever, in the Cathedral Church-yard; every Person so offending, in either of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be recovered before any One Justice of the Peace for the County of Southampton, in such and the same Manner as the other Penalties and Forfeitures are by this Act directed to be recovered; which Penalty or Forfeiture, when recovered, shall be paid into the Hands of the Treasurer of the said Cathedral Church for the Time being, as a Satisfaction for any Injury had, done, or suffered, in the said Cathedral Church-yard by reason of the Offences aforesaid.

Fairs and Markets to be held.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, adjudged, or taken to extend, to prevent the holding the Fairs and Markets in the said Town, in such and the same Places, and in the same Manner, as the said Fairs and Markets by Law are now intitled to be held; or to charge any Person or Persons with any Penalty or Penalties in this Act contained, for setting up any Stalls, or for setting, placing, or exposing to Sale any Goods, Wares, or Merchandises,

in such Fairs or Markets, or the Place or Places appointed for the holding of the same, during the Time the said Fairs or Markets is, or shall be appointed to be held; this Act, or any Thing herein contained to the Contrary notwithstanding.

No Cattle to be killed, under Penalty of 20 *s.*

And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, dress, or cut up, or cause to be killed, slaughtered, singed, scalded, dressed, or cut up, any Beast, Swine, Calf, Sheep, or other Cattle, in any of the said Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other publick Passages; or hang up, or cause to be hung up, any Beast, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the said Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other public Passages, every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings: And if any Swine shall be found wandering about the said Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other publick Passages, the Owner or Owners thereof shall, for every such Offence, forfeit and pay the Sum of Ten Shillings: And it shall and may be lawful to and for any Officer or Officers of the said Commissioners, or any other Person or Persons whomsoever, to impound such Swine in the Common Pound, or such other Place as shall be appointed for that Purpose by the said Commissioners, or any Seven or more of them; and the same to detain in the said Pound or Place until the said Sum of Ten Shillings, and the Expence of impounding such Swine, shall be fully paid and satisfied; and if, in such Case, such Penalty and Expences shall not be paid within Six Days after such Swine shall be so impounded, it shall and may be lawful for such Person or Persons as shall be appointed by the said Commissioners, or any Seven or more of them, for that Purpose, to sell, or cause such Swine to be sold, and the Overplus, if any be, to be paid to the Owner or Owners thereof: Provided, that whether such Swine shall be so impounded or not, the Owner or Owners thereof shall nevertheless forfeit and pay the said Sum of Ten Shillings.

nor Swine be permitted to wander in the Streets under Penalty of 10 *s.*

Power to impound them.

Annoyances by Hogsties, *&c.* to be removed, on Three Days Notice, on Penalty of 10 *s. per Diem.*

And be it further enacted, That in case any Hogstye, Laystall, Necessary-house, Flesh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any of the Ashes, Cinders, or Rubbish, preserved by Persons, by virtue of the Proviso in this Act for that Purpose contained, or any other noisome Matter whatsoever shall be offensive to any Person in any of the said Streets, Squares, Lanes, Alleys,

Alleys, Courts, and other publick Paſſages, the ſame ſhall be deemed a Nuiſance, and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, upon Complaint thereof made to them by ſuch Perſon, by Notice in Writing under their Hands, or under the Hand of their Collector, to order ſuch Nuiſance or Offence to be removed by the Perſon or Perſons who ought to remove the ſame; and in caſe the ſame ſhall not be removed within Three Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Ten Shillings daily, for every Day the ſame ſhall continue unremoved after the Expiration of the ſaid Three Days.

Neceſſary-houſes to be emptied between 12 at Night and 4 in the Morning.

And be it further enacted, That if any Neceſſary-houſe or Bog-houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages, ſhall be emptied at any Time except between the Hours of Twelve at Night and Four in the Morning, or the Soil thereof ſhall be laid in any other Place than ſhall be appointed for that Purpoſe by the ſaid Commiſſioners, or any Seven or more of them, by any Perſon or Perſons; then, and in either of the ſaid Caſes, as well the Perſon or Perſons knowingly employing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; and if any Perſon or Perſons, ſhall wilfully or negligently ſpill any Soil of any Neceſſary-houſe or Bog-houſe in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, Gateways, or other publick Paſſages, every Perſon ſo offending, ſhall forfeit and pay the Sum of Forty Shillings.

on Penalty of 40 s.

Penalty for ſifting Aſhes in the Streets, 20 s.

And be it further enacted, That if any Perſon or Perſons, who ſhall contract with the ſaid Commiſſioners, or any Seven or more of them, to cleanſe the ſaid Streets, Squares, Lanes, Alleys, Courts, and other publick Paſſages as aforeſaid, or any of them, or who ſhall purchaſe the Soil thereof of the ſaid Commiſſioners, or any Seven or more of them, or any of his, her, or their Servants or Agents, or if any Perſon or Perſons whomſoever ſhall ſift any Aſhes, Duſt, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howſoever, in any of the ſaid Streets, Squares, Lanes, Alleys, Courts, or other publick Paſſages, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Shillings.

And

For Ashes, &c. thrown in the Street,

And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or lay, or cause, or permit, or suffer to be thrown, cast or laid any Ashes, Dust, Dirt, Dung, Soil, Filth, or Rubbish, or the refuse of any Garden-stuff, or any Blood, Offal, or Carrion, or any other noisome or offensive Matter or Thing whatsoever, into or in any of the said Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other publick Passages, every Person so offending shall, for the first Offence, forfeit and pay the Sum of Five Shillings; for the second Offence, the Sum of Ten Shillings; and for the third and every other Offence, the Sum of Twenty Shillings.

First Offence, 5 s.

Second Offence 10 s.

Third 20 s.

Persons may erect Inclosures for depositing Bricks, &c. for Buildings,

Provided always, and be it further enacted, That it shall and may be lawful for any Person or Persons whomsoever, to erect or set up in any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, any Inclosures, Posts, Bars, or Rails, or other Matters or Things for the Purpose of making Mortar, or depositing Bricks, Lime, or other Materials, for building or repairing any Houses, Buildings, or other Works, every such Person and Persons leaving, or causing to be left, convenient Room for Carriages, and also a convenient Footway in a direct Line with the Foot Pavement for Passengers to pass and repass, the Owner or Owners of such House or Building causing the same to be removed out of the said Street, Square, Lane, Alley, Court, or other publick Passage, together with all Rubbish occasioned thereby, or by such Building, within a reasonable Time, and setting up and maintaining a sufficient Light upon or against the same every Night, during the whole Night from the Time it becomes dark, to prevent Accidents: And if any Person or Persons shall erect or set up any such Inclosure, Posts, Bars, or Rails, or any other Matter or Thing whatsoever, for the Purposes aforesaid, in any other Manner than is hereby directed, or shall not remove the same, together with such Rubbish as aforesaid, within a reasonable Time, or shall not set up such Light as aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

No Cart, &c. to be left in the Streets longer than necessary for loading and unloading,

And, for the more speedy Removal of such Nuisances and Obstructions in the City and Parishes aforesaid, it is hereby further enacted, That if, after the passing of this Act, any Cart, Waggon, Dray, or other Carriage shall be left, or suffered to stand or continue, in any of

the said Streets, Squares, Lanes, Alleys, Courts, Gate-ways, or other publick Passages, or in any Part or Parts thereof, with or without Horses or other Cattle, other than for the necessary loading or unloading thereof; or if any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandises, Materials, or Things whatsoever, shall be laid or placed and left in any such Street, Square, Lane, Alley, Court, Gateway, or other publick Passage, longer than shall be necessary for the hauling or removing the same; then, and in every such Case, the Owner or Owners of every such Cart, Waggon, Dray, or other Carriage, or of any such Timber, Bricks, Goods, Wares, Merchandises, Materials, or Things, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, and the same shall moreover be deemed Nuisances; and any Person whosoever may, either in the Day with a Peace Officer, but if in the Night may, without such Peace Officer, seize, or cause to be seized, the Cart, Waggon, Dray, or other Carriage, so placed, or suffered to stand or continue, contrary to the true Meaning of this Act, together with the Horse or Horses thereunto belonging or affixed, if any, or the Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, Merchandises, Materials, or Things, so laid or placed as aforesaid, and remove the same, or cause the same to be removed, to the Common Pound, or such other Place as shall be appointed for that Purpose by the said Commissioners, or any Seven or more of them, there to be kept and detained, until the Owner or Owners thereof, or his, her, or their known Servant or Servants shall claim the same, and pay to the Person or Persons, in whose Custody the same shall then be, the Sum of Twenty Shillings, together with the Charges of removing and keeping the same; and in case the same shall not be claimed, and the said Sum of Twenty Shillings and the Charges paid within the Space of Six Days next after such Seizure, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause the same to be appraised and sold, and the Monies arising therefrom shall be applied to the same Uses and Purposes as the Money arising from the Rates or Assessments are hereby directed to be applied.

on Penalty of 20 s.

Provided, That if any Cart, Waggon, Dray, or other Carriage shall be so placed, or suffered to stand or continue as aforesaid; or any Timber, Bricks, Goods, Wares, Merchandises, Materials, or Things, shall be so laid or

Penalty to be paid, if not impounded.

placed as aforesaid, and the same shall not be seised and impounded as aforesaid; the Owner or Owners of such Cart, Waggon, Dray, or other Carriage, or of such Timber, Bricks, Goods, Wares, Merchandises, Materials, or Things, shall, nevertheless, forfeit and pay the Sum of Twenty Shillings for every Offence by such Cart, Waggon, Dray, or other Carriage, being so placed, or suffered to stand or continue, or such Timber, Goods, Wares, or Merchandises, Bricks, Materials, or Things, being so laid or placed, or left as aforesaid.

No Wheelbarrow, &c. to be driven on the Footpavement.

And be it further enacted, That if any Person or Persons shall, at any Time after the passing of this Act, run, drive, or carry, or cause to be run, driven, drawn, carried, or placed on any of the Foot-pavements in any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages, any Wheel or Wheels, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage whatsoever; or shall roll any Cask; or wilfully ride, drive or lead, or cause to be rode, driven, or led, any Horse or other Cattle, on any of the said Foot-pavements, to be made in pursuance of this Act, other than in Cases of Necessity, such Person or Persons shall forfeit and pay for the First Offence the Sum of Ten Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Forty Shillings; provided that no Person or Persons shall be liable to such Penalties for rolling any Cask on the said Foot-pavements, unless the same shall have been rolled thereon for the Space of Forty Yards or upwards.

No Cart to be drove faster than a Foot Pace, nor without some Person leading the Thill Horse.

And be it further enacted, That if any Person shall, at any Time after the passing of this Act, drive any Cart, Dray, Waggon, Truck, or other Carriage for the Conveyance of Goods, in or through any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages faster than a Foot Pace, or without some Person on Foot leading the Shaft or Thill Horse, by a Halter or Rein affixed to the Head of such Horse, every such Person shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Cellar-windows at Night to be sufficiently lighted.

And be it further enacted, That if any Cellar-window or Windows shall be left open in the Evening, or in the Night, without the same being sufficiently lighted, to prevent Accidents happening therefrom; or if any such Cellar-window, or Cellar-windows, shall, at any Time, be left open so as to obstruct the Foot-ways in any or either of the said Streets, the Occupier or Occupiers of such House or Cellar shall, for every such Once, forfeit and pay the Sum of Ten Shillings.

And be it further enacted, That if any Person or Persons shall, after the passing of this Act, obstruct any of the Gate-ways, or narrow Streets or Lanes of the City or Parishes aforesaid, by overloading any Carriage, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings. Penalty for obstructing Gate-ways.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Fourteen or more of them, for the Purposes of this Act, to buy or rent any Piece or Parcel of Land they shall think most convenient, within or out of the said City, for the building and erecting a Common Pound for the Purposes of this Act; and to build such Pound or Pounds thereon, either open or covered, as the said Commissioners, or any Fourteen or more of them, shall think proper, and the Expences thereof shall be defrayed out of the Monies arising from the Rates or Assessments by this Act directed to be made; and the said Lands shall be vested in the said Commissioners for the Purpose of such Pound or Pounds, according to the Terms of the Conveyance to them made. Commissioners to buy Land, and make a Pound.

And whereas it may happen that the said Commissioners, or any Fourteen or more of them, may think it necessary for enlarging, widening, or rendering more commodious the said Streets, Squares, Lanes, Alleys, Courts, Gate-ways, and other publick Passages, to take down some House or Houses, Sheds, or other Buildings, or some Part or Parts thereof; or to take in some Piece or Parcel of Land or Ground, which they may not be enabled to effectuate by all or any of the Powers and Authorities herein before contained; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Fourteen or more of them, to contract and agree with the Owner or Owners, Proprietor or Proprietors, of any House, Shed, or other Building, or any Part or Parts of any House, Shed, or other Building, or with the Owner or Owners, Proprietor or Proprietors of any Piece or Parcel of Land or Ground, for the Purchase of the said House, Shed, or Building, or such Part or Parts thereof, or of such Piece or Parcel of Land or Ground for the Use of the Publick, paying for the same out of the Monies arising from the said Rates or Assessments, such Sum or Sums of Money as shall be agreed upon by and between the said Commissioners, or any Fourteen or more of them, and such Owner or Owners, Proprietor or Proprietors; and in case they cannot agree, paying a reasonable Recompence and Satisfaction, to be ascertained by and upon the Oaths of Twelve indifferent Men of the City and Parishes They may buy Houses, &c. for widening Streets.

Jury to ascertain the Value, if Persons cannot agree with the Commissioners.

Parishes aforesaid (which Oath any Two or more of the said Commissioners are hereby impowered to administer) and the said Commissioners, or any Seven or more of them, are hereby impowered and required, from Time to Time, to issue a Summons, under the Hands and Seals of any Seven or more of them, requiring an indifferent Jury of Twenty-four Men of the City or Parishes aforesaid, to attend at such Time and Place as shall be expressed in such Summons: And the said Commissioners, or any Two or more of them, shall, at such Time and Place, swear, or cause to be sworn, Twelve of the Twenty-four, who shall be drawn by Ballot by the Clerk to the said Commissioners, which Twelve shall be a Jury for ascertaining the Value of such House, Shed, or other Building, whose Valuation therein shall be binding and conclusive to all Parties and Persons whatever: And the said Commissioners, or any Fourteen or more of them, shall order such House, Shed, or other Building, or such Part or Parts of such House, Shed, or other Building, to be taken down and removed, and the Expences attending the taking down and removing the same shall be paid by the said Commissioners, or any Fourteen or more of them, out of the Monies arising from the said Rates or Assessments; and the Scite of such House, Shed, or Building, or of such Part or Parts of such House, Shed, or Building, and such Piece or Parcel of Land or Ground so purchased by the said Commissioners, or any Fourteen or more of them, shall be laid into the said Streets, Squares, Lanes, Alleys, Courts, and other publick Passages, for the widening, enlarging, and rendering more commodious the same; or otherwise dispose of the same as the said Commissioners, or any Fourteen or more of them, shall think proper; and shall for ever after be deemed and taken to be Part of the said publick Streets, Squares, Lanes, Alleys, Courts, Gate-ways, and other publick Passages; and shall be paved, repaired, swept, and cleansed, in such and the same Manner as the other Streets, Squares, Courts, Ways, Roads, Lanes, Alleys, Gate-ways, and other publick Passages, in the City and Parishes aforesaid, are in and by this Act directed to be paved and repaired, swept and cleansed; and shall be subject to all and every the Powers and Authorities in this Act contained, relative to the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages in the City and Parishes aforesaid.

Charges of purchasing Houses, &c. to be collected as other Rates.

And be it further enacted, That the Costs and Charges of purchasing all or any Land, Houses, Sheds, or other Buildings, within the Term of Seven Years after passing

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ing this Act, shall be deemed and taken to be a Charge on the Owners and Proprietors of Houses, Lands, Tenements, and Hereditaments, within the City and Parishes aforesaid, to be collected in the same Manner as the other Rates on the Owners and Proprietors of Houses, Lands, Tenements, and Hereditaments, are herein before directed; and from and after the said Term of Seven years the same shall be a Charge on the Tenants and Occupiers of Houses, Lands, Tenements, and Hereditaments, within the City and Parishes aforesaid, to be raised and collected in the same Manner, and to be under the same Restrictions, Provisoes, and Exceptions, as all other Tenants Dues, Duties, Taxes, and Impositions, are herein directed.

Bodies Politick impowered to sell.

And whereas it may happen that some Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of the said Houses, Sheds, Buildings, Lands, or Hereditaments, and such Person or Persons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Houses, Sheds, Buildings, Lands or Hereditaments, but may be incapable of granting or conveying the same by reason of Infancy or other Disability; be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Houses, Sheds, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the said Commissioners, or any Fourteen or more of them, for the Purchase of such Houses, Sheds, Buildings, Lands, or Hereditaments, or any Part or Parts thereof, or for their Interest therein, for the Purpose aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes whatsoever, any Law, Statute, Usage, or any other Matter or Thing to the Contrary thereof in any wise notwithstanding; and all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Trustees, and all

other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

No Person shall act as a Commissioner where interested.

Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case relating to the contracting for, or purchasing any Houses, Sheds, Buildings, Lands, or Hereditaments, wherein he shall be personally concerned in Interest.

Penalty for obstructing the Works;

for the First Offence 20s. for the Second 40s. and for the Third 3l.

And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest any Officer or Officers, or other Person or Persons whomsoever, who shall be employed in the Execution of this Act, in the Performance or Execution of his or their Duty; every such Person or Persons so offending shall, for the First Offence, forfeit and pay the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third, and every other Offence the Sum of Three Pounds: And if any Person or Persons shall strike or assault any such Officer or Officers, or other Person or Persons, in the Performance or Execution of his or their Duty under this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

And for damaging Works, the First Offence 40s. and for future Offences 5l.

And be it further enacted, That if any Person or Persons shall wilfully or maliciously break up, destroy, or otherwise damage or spoil any of the Works when done or doing in pursuance of this Act, or any Part or Parts thereof, every Person so offending shall, for the First Offence, forfeit and pay the Sum of Forty Shillings, and for the Second, and every other Offence, the Sum of Five Pounds.

No Scavenger or Highway Rate.

And be it further enacted, That from and after the passing of this Act, no Person or Persons, who shall be included by virtue of this Act to make any Rate or Assessment for the Purposes of altering, repairing, cleansing, and mending any of the said Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, or other publick Passages in the City or Parishes aforesaid by virtue of this Act, shall be liable or be subject to any Scavenger's Rate, Duty, or Labour, to be done upon any of the said Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, or other publick Passages; or be subject or liable to contribute to any Highway Rate or Duty for the repairing, cleansing, altering, or amending any of the said Streets, Squares, Lanes, Alleys, Courts, Roads, or Highways; any Law, Statute, or Usage to the Contrary thereof notwithstanding.

Power to license and regulate Hackney Chairs.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven

or

or more of them, and they are hereby impowerd and required, under their Hands and Seals, to licence all such Hackney Chairs which, from and after the First Day of August, One thousand seven hundred and seventy-one, shall be kept and used for Hire within the City and Parishes aforesaid, and shall and may fix and ascertain such Rates and Prices for the Carriage of the same, as to the said Commissioners, or any Seven or more of them, shall seem proper; and if any Hackney Chairman shall refuse to go at, or shall exact more for his Hire than the Sums limitted by the said Commissioners, or shall keep or use any Chair for Hire, unless licensed as aforesaid, he shall forfeit for such Offence not less than Ten Shillings, nor more than Forty Shillings.

Penalty for taking more than Rates allowed, 10 *s.* nor more than 40 *s.*

And be it further enacted, That from and after the Twenty-ninth Day of September, One thousand seven hundred and seventy-one, if any Waggon, Wain, Cart, Car, or Dray, kept by any Person or Persons residing within the City or Parishes aforesaid, or kept by any other Person or Persons for the carrying any Goods, Wares, Merchandises, or other Commodities, from one Part of the City or Parishes aforesaid to another (except all Carriages belonging to his Majesty, his Heirs or Successors, and except any Carriage laden with One Piece of Stone, One Block of Marble, or One Piece of Timber) shall be drawn on any of the said Streets, Squares, Lanes, Alleys, Courts, or other publick Passages within the City and Parishes aforesaid, which shall be paved, repaired, cleansed, and amended, by virtue of this Act, the Wheels whereof shall be of less Width or Gage in the Sole or Fellies thereof than Nine Inches, or bound with Iron in any other Manner than the said Commissioners, or any Seven or more of them, shall, from Time to Time, direct and appoint, the Owner and Owners of every such Waggon, Wain, Cart, Car, or Dray, shall, for every such Offence, forfeit not less than Ten Shillings, nor more than Forty Shillings.

Broad Wheels to be used.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, by Writing under their Hands, to be affixed at each and every of the Turnpike Gates before mentioned, to make any Order, prohibiting all or any Waggons, Carts, Cars, Wains, Coaches, Chaises, Caravans, Chairs, or other Carriages, from dragging upon all or any Part of such Streets, Squares, Lanes, Alleys, Courts, Roads, Highways, and other publick Passages within the City and Parishes aforesaid, as are before included in this Act: And any Person offending against

Commissioners may, if necessary, prohibit Carriages from dragging.

gainſt ſuch Order ſhall forfeit not leſs than Ten Shillings, nor more than Forty Shillings; which Forfeiture or Penalty ſhall be levied and recovered in ſuch Manner as all other forfeitures and Penalties are herein before directed to be recovered.

Perſon removing, to pay the Rates up to the Time he ſhall remove.

And be it further enacted, That when any Perſon or Perſons ſhall come into or occupy any Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments aforeſaid, within the City and Pariſhes aforeſaid, out of which any other Perſon liable to the Payment of any Rate or Aſſeſſment made by virtue of this Act ſhall be removed, every Perſon ſo removing from, and every Perſon ſo coming into or occupying ſuch Premiſes, ſhall be liable to pay ſuch Rate or Aſſeſſment, in Proportion to the Time that each Perſon occupied the ſame reſpectively; and in caſe any Perſon ſhall quit his or her Houſe, Building, Land, Tenement, and Hereditament, before he or ſhe ſhall have paid any Rate or proportionable Part by him or her due and payable, and ſhall afterwards refuſe or neglect to pay the ſame when demanded, it ſhall be lawful to and for the Collector or Collectors, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Perſon ſhall then reſide or be found, (which Warrant ſuch Juſtice or Juſtices is and are hereby required to grant, upon due Proof thereof made before him or them upon Oath) to levy ſuch Rate or proportional Part thereof, by Diſtreſs and Sale of ſuch Perſon's Goods and Chattels, rendering the Overplus, if any, on Demand, to the Perſon whoſe Goods and Chattels have been ſo diſtrained and ſold, after all Charges paid.

Collectors to diſtrain for the ſame.

Penalty for breaking Lamps.

And be it further enacted, That if any Perſon ſhall wilfully break, throw down, or otherwiſe damage any of the Lamps which ſhall be erected by the ſaid Commiſſioners, or any of the Poſts, Irons, or other Furniture thereof, or ſhall extinguiſh any of the ſaid Lamps, it ſhall be lawful for any Juſtice of the Peace in and for the City and County aforeſaid, and he is hereby required, upon Oath made of the Commiſſion of any ſuch Offence, to iſſue a Warrant for apprehending the Party accuſed; or it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to apprehend, as alſo for any other Perſon or Perſons to aſſiſt in apprehending the Offender; and, by Authority of this Act, and without any other Warrant, to deliver him or her into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and the Party accuſed being brought before any ſuch Juſtice,

such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced, to give Information touching such Offence: And if the Party accused shall be convicted of such Offence, either by his or her own Confession, or upon Information as aforesaid, he or she, so convicted, shall, for the First Offence respectively, forfeit the Sum of Ten Shillings for each Lamp so broken, thrown down, damaged, or extinguished as aforesaid; and for the Second Offence the Sum of Fifteen Shillings for every such Lamp; and for the Third, and every subsequent Offence, the Sum of Twenty Shillings for every such Lamp; and full Satisfaction shall also be made to the said Commissioners, or any Seven or more of them, or to their Treasurer or Clerk, by such Offender or Offenders, for the Damage so by him or her done; and in case such Offender shall not, upon Conviction, pay the Forfeiture by him or her incurred, and make such Satisfaction as aforesaid, the Justice, before whom such Offender shall be convicted, is hereby required to commit him or her to the House of Correction or Common Gaol for the said County, there to be kept to hard Labour, for any Time not exceeding Two Calendar Months; and such Offender shall not be discharged before the Expiration of the Time for which he or she shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Moiety of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Moiety shall be applied as the Rates or Assessments to be made by virtue of this Act are directed to be applied: And if any Person shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not upon Demand make Satisfaction to the said Commissioners, or any Seven or more of them, or to their Treasurer or Clerk, for the Damage by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the City or County aforesaid, and he is hereby required, upon Complaint thereof made by any Seven or more of the said Commissioners, or their Treasurer or Clerk, to summon the Party complained of, and, upon his or her appearing, or making Default to appear, (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling-house or Place of Abode, if known, or that he or she could not be found) such Justice shall proceed to examine the Matter of the

Persons accidentally breaking Lamps, to make Satisfaction.

said Complaint, and, upon Proof thereof, either by Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of, for the Damage so by him or her done, as to such Justice shall appear just and reasonable; and shall cause the Sum so awarded (in case the same be not paid forthwith upon the making such Award or Order) to be levied by Distress and Sale of the Goods and Chattels of the Person complained of, rendering to him or her, upon Demand, the Overplus, if any be, after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted.

Commissioners Costs to be paid out of the Rates.

And be it further enacted, That all Money expended by, or recovered against, any Commissioner or Commissioners, in any Action or Prosecution hereby directed to be brought by them, or in defending any Action or Prosecution brought against them, or any other Person or Persons employed by or under them, for any Matter or Thing done in the Execution or Performance of his or their Office or Offices, Employment or Employments, under this Act, or in pursuance of any Order or Orders of the said Commissioners, or any Seven or more of them, (and which Money shall not be recovered or received again by such Commissioner or Commissioners, or other Person or Persons, from any such Defendant or Defendants, Plaintiff or Plaintiffs) shall be borne and defrayed out of the Monies to be raised by virtue of the Rates or Assessments herein before directed to be made, or some of them.

Penalty on Officer not performing his Duty.

And be it further enacted, That if the Collector of the Monies to be raised by virtue of this Act, or other Officer to be appointed by virtue hereof, or any Constable, Headborough, Tythingman, or other Peace Officer for the Time being, or any or either of them, or any or either of the said Watchmen, shall refuse, neglect, or omit, to do, perform, or execute, all or any of the Articles, Matters, or Things, in and by this Act directed to be done, performed, or executed by them respectively, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings: Provided that nothing herein contained shall be construed to deprive the said Commissioners, or any of them, of any Action or Actions, Suit or Suits, against every such Collector or other Officer, or their or either of their Securities, for the Non-performance of any

any Covenant or Agreement entered into by the said Collector or other Officer, or their Securities.

And be it further enacted, That all Penalties and Forfeitures by this Act incurred (the Manner of recovering whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said City, or for the County or Place where such Offender or Offenders shall be or reside, which Warrant the said Justice or Justices is and are hereby impowered and required to grant, such Offender or Offenders having been previously convicted of any Offence or Offences done or committed contrary to the true Intent of this Act, before any One or more of the said Justice or Justices, upon the Oath of One or more credible Witness or Witnesses; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Commissioners, or any Seven or more of them, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the Purposes of this Act, or some of them, in such and the same Manner as the Money arising from the Rates or Assessments herein before mentioned is directed to be applied; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he or they is and are hereby authorised and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the Common Gaol of the County or Place where the Offender or Offenders shall be or reside, for any Term not exceeding One Calendar Month, or until such Penalties or Forfeitures shall be paid; and in all Actions, Prosecutions, Informations, Causes and Proceedings whatsoever, relating to or concerning the Execution of this Act, any Inhabitant within the said Parishes or Places shall be admitted to give Evidence, the Rate or Assessment charged as aforesaid upon any such Inhabitant by virtue of this Act notwithstanding.

Penalties and Forfeitures how to be recovered and applied.

Where Distress not sufficient;

Persons to be committed for Non-payment of Penalties.

Inhabitants may be Witnesses.

Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted

Informations to be made within Three Months.

inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information shall be given of such Offence or Offences, within Three Months next after the Offence committed, save and except the Penalties in and by this Act inflicted for Non-payment of the Rates or Assessments in and by this Act directed to be made.

Informers may be rewarded.

Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, if they shall see Cause, to pay and apply such Part of the Penalties and Forfeitures in and by this Act inflicted or imposed, or any of them, as they shall think proper, not exceeding One Moiety of them, to and for the Use of the Informer or Informers of any Offence or Offences against this Act, or any of them; any Thing herein contained to the Contrary notwithstanding.

Form of Conviction.

And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Session, or any Matter in pursuance of this Act, the Form of Conviction shall be in the Words, or to the Effect following; that is to say:

or County of *to wit,*

BE it remembered, that on this Day of in the Year of the Reign of *A B* is convicted before of His Majesty's Justices of the Peace for the said or County [*as the Case shall happen*] of having [*as the Offence shall be*] and [*I or we*] the said do adjudge [*him, her, or them*] to forfeit and pay for the same the Sum of

Given under my Hand and Seal [*or our Hands and Seals*] the Day and Year aforesaid.

Offender to pay the Expence of Summons and Conviction.

And be it further enacted, That if any Person or Persons shall be guilty of any Offence, Neglect, or Omission against this Act, or any of the Powers or Directions herein contained, and shall be thereupon summoned before any One or more Justice or Justices of the Peace; or if any Person or Persons shall be convicted

convicted by any One or more Justice or Justices of the Peace of any such Offence, Neglect, or Omission, every such Person and Persons shall pay the Costs of such Summons or Conviction, according to the Fees herein directed to be taken by Justices of the Peace, or their Clerks; and the Distress to be taken in Consequence of such Conviction shall be for such Costs, as well as the other Monies for which such Distress shall be made; any Statute, Law, Custom, or Usage to the Contrary in any wise notwithstanding.

Justices allowed to take Fees.

And be it further enacted, That the Fees to be taken by any Justice or Justices of the Peace, or his or their Clerk or Clerks, for any Matter or Thing to be done in the Execution of this Act, shall be as follow; that is to say, For each and every Information, Summons, or Conviction, against a single Person, One Shilling, and against more than One Person Two Shillings; for every Warrant of Distress Two Shillings, and for every Recognizance Two Shillings and Sixpence, and no greater or other Fees shall be taken by any such Justice or Justices of the Peace, or his or their Clerk or Clerks, for any Matter or Thing to be done by him or them in or about the Execution of this Act, on any Account or Pretence whatsoever.

Not to extend to Fees due for Business at the Sessions.

Provided, That nothing herein contained shall be construed to extend to such Fees as shall be due for any Business to be done at the General or other Sessions of the Peace in and for the City or County aforesaid, or any Adjournment thereof; but that such Fees shall be there taken as are usually taken in the like Cases.

Constables and others to act without Fees.

Provided also, That all Matters and Things herein directed to be done, performed, or executed, by any Constable or Constables, or which, in consequence or in the Execution of this Act, or any Power or Authority herein contained, shall be necessary to be done, performed, or executed, by any Constable, Headborough, Tythingman, or other Peace Officer, shall be done, performed, and executed by such Constable, Headborough, Tythingman, or other Peace Officer, without any Fee or Reward whatsoever.

Commissioners may act as Justices.

And be it further enacted, That it shall and may be lawful to and for the Mayor of the said City for the Time being, and for the other Justices of the Peace for the said City, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being appointed Commissioners.

Power to mitigate Penalties.

Provided always, and be it further enacted, That it shall and may be lawful to and for the Justice or Justices of the Peace, before whom any of the Penalties and Forfeitures by this Act imposed shall be recovered, to mitigate, compound, or lessen, any of the Penalties or Forfeitures aforesaid, as he or they in their Discretion shall think fit, unless such Penalties are herein before expressly ascertained, so as that the same be not mitigated, or reduced to less that One Fourth Part thereof.

Distress not unlawful for want of Form.

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on Account of any Irregularities which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Costs of Suit how to be recovered.

And be it further enacted, That when the Plaintiff or Plaintiffs shall recover in any Action, he, she, or they shall be paid his, her, or their full Costs of Suit, and have the like Remedies for recovering the same as for the Recovery of Costs in other Cases by Law.

Persons may appeal to the Quarter Sessions for the County.

Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done in pursuance of this Act, such Person or Persons shall and may, within Three Calendar Months next after the Cause of Complaint shall arise, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace, to be holden in and for the County of Southampton, such Appellant or Appellants first giving, or causing to be given, Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer to the said Commissioners, within Two Days next after such Notice, entering into a Recognizance or Recognizances before some Justice of the Peace in and for the said County, with Two sufficient Sureties, conditioned to try such Appeal, mentioned in

such Notice, and abide the Order, and pay such Costs as shall be awarded by the Justices of the said County, and the Matter of such Appeal shall be heard and determined by the said Justices for the said City and County, at the next General Sessions of the Peace to be held in and for the said County, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said County, which of the Three shall first happen next after the Expiration of Twenty Days from the Day of giving such Notice; and the said Justices, at such Sessions or Adjournments, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive, to all Parties concerned or interested therein. Justices may give Costs.

Provided always, That upon all Appeals from any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Justices of the Peace, where they shall see just Cause for Relief, shall, and are hereby impowered to amend the same Rates and Assessments, in such Manner only as shall be necessary for giving such Relief, without altering such Rates or Assessments with respect to other Persons mentioned in the same. Rates may be altered where necessary.

Provided also, That in case the Money collected in any One Year shall not be sufficient to answer the Purposes for which the same was rated and assessed, that such Deficiency shall be supplied by or out of a Rate to be made the next following Year. Deficiency of Rates how to be made good.

And be it further enacted, That the Charges and Expences of procuring and passing this Act shall be paid out of the first Monies which shall be raised by virtue of this Act. Charges to be paid out of first Monies.

And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Ma- Proceedings not to be quashed for want of Form nor removed by *Certiorari*

jesty's

jesty's Courts of Record at Westminster, any Law or Statute to the Contrary notwithstanding.

Securities to be without Stamps.

And be it further enacted, That no Nomination, Appointment, License, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of, or only signed by any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, Justice or Justices of the Peace, or any of them, or any Conveyance to the said Commissioners, or any of them, or any other Deed or Instrument whatsoever touching this Act, or the Execution thereof, shall be charged or chargeable with any Stamp-duty whatsoever.

Limitation of Actions.

And be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, unless Twenty-one Days Notice thereof shall be first given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plaintiffs, or unless the same shall be commenced before the Expiration of Six Months next after the Fact committed, or unless Tender of reasonable Amends hath not or shall not have been made, by or in Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid and brought in the County of Southampton: And the Defendant or Defendants, in any Action or Suit to be commenced for any Thing done in pursuance of this Act, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be brought, was done in pursuance and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof was given in Writing to the Clerk or Treasurer of the said Commissioners, signed by the Plaintiff or Plaintiffs; or if it shall appear that such Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed; or if it shall appear that Tender of reasonable Amends was made by or in Behalf of the

This Act may be given in Evidence on the General Issue.

Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced or brought; or such Action or Suit shall be brought in any other County or Place than the County of Southampton; that then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or, if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law. Treble Costs.

Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons, for any Matter or Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may, before Plea pleaded, pay into Court such Sum or Sums of Money as he, she, or they shall think proper, in the Name of a reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept of the same, together with his, her, or their Costs to that Time, to be taxed by the proper Officer; and if the Jury who try the Cause, shall not find the Damages to amount to a greater Sum or Sums than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants, and such Defendant or Defendants shall have all other Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover Treble Costs, and have the like Remedy for the same, as before directed for recovering Treble Costs by any Defendant or Defendants. Money may be paid into Court.

And be it further enacted, That if any Action or Actions shall be brought by Order of the said Commissioners, or any Seven or more of them, against any Person or Persons for any Matter or Thing relating to this Act, or the Powers herein contained, and a Verdict shall be had and given against the Person or Persons against whom such Action or Actions shall be brought, such Person or Persons shall pay Double Costs; and the Plaintiff or Plaintiffs, in such Action or Actions, shall have such Remedy and Remedies for recovering the same, as any Plaintiff or Plaintiffs may have for his, her, or their Costs, in any other Cases by Law. Persons bringing Actions by Order of Commissioners shall recover Double Costs.

Publick Act. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. 5

FINIS.