Anno tertio

Georgii III. Regis.

An Act for the better Paving of the Streets, and for preventing Nuſances and other Annoyances in the Town of *Goſport*, in the County of *Southampton*.



WHEREAS the Town or Borough of Goſport, in the Pariſh of Alverſtoke and County of Southampton, is not only large and populous, but has Two Fairs annually, and a Market Three Times in every Week kept therein, and is a Place of great Reſort, being contiguous and adjoining to Portſmouth Harbour, in the ſaid County; where not only the greateſt Part of His Majeſty's Navy, but a great Number of Merchant Ships, uſually rendezvous: And whereas the Streets in Goſport aforeſaid, are chiefly paved, but moſt of ſuch Pavements are in a very bad and ruinous Condition, and the ſaid Town is rendered unwholſome and dangerous, from the many Preamble.

many Nuisances and Annoyances therein; and it hath been found impracticable to keep the said Streets in Repair, and to prevent such Nuisances and Annoyances, by the present Methods provided by Law; 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 Salter Andrews Surgeon, William Attwick Esquire, John Barham Gentleman, John Barker Esquire, Charles Bedford Glasier, William Bedford Gentleman, Thomas Bishop Esquire, Thomas Burges Watchmaker, William Buckland, Erasmus Carver Merchant, James Collins Gentleman, William Cumins Master House Carpenter, Thomas Curry Merchant, Charles Childe, Francis Daman Timber Merchant, William Duckitt junior Gentleman, William Farr Doctor of Physick, Jonathan Faulknor Esquire, John Garrett Grocer, Stephen Gaselee Surgeon, Benjamin Gay Wine Merchant, John Golightly Brewer, Holloway Gover Stationer, James Grist Glasier, James Hackman Esquire, Edmond Harper Surgeon, James Hobbs Esquire, William Jolliffe Haberdasher of Hats, William Harrison, Edward Knowler Mercer, Henry Lys Brewer, Thomas Leddell, William Marsh Esquire a Real Admiral in his Majesty's Navy, Hide Mathis Gentleman, John Missing Esquire, Joseph Murray Broker, Samuel Norris Master House Carpenter, Christopher Nevil, James Oades Apothecary, William Peachey Esquire, John Penfold Mercer, William Pike Esquire, Richard Porter Surgeon, Sir Thomas Ridge Knight, John Sketcheley Gentleman, Jeremiah Titcher Gentleman, Philip Titcher Grocer, Joseph William Grocer, Robert Waller Surgeon, James Ware Esquire, Thomas Walter, and their Successors, to be appointed in Manner herein after mentioned, shall be, and they are hereby appointed Trustees, for putting in Execution all the Powers and Authorities in and by this Act given: And that when and so often as any of the said Trustees shall die, or any such Trustee or Trustees, who shall act in the Execution of this Act, as being possessed of One thousand Pounds in Personal Estate alone, or Real and Personal Estate together, shall remove out of Gosport aforesaid; or in case any such Trustee or Trustees shall neglect or refuse to act, during his or their Residence in Gosport aforesaid, for the Space of One whole Year, it shall and may be lawful for the surviving or remaining Trustees

Trustees Names.

Truſtees, or any Seven or more of them, to meet and aſſemble themſelves together, in ſome Place in Goſport aforeſaid, on publick Notice to be given in Manner hereinafter-mentioned; and the major Part of ſuch Truſtees, provided ſuch major Part amount to Seven in Number, who ſhall, purſuant to any ſuch Notice, meet or aſſemble themſelves together, at the Time and Place ſo appointed, ſhall and may, from time to time, elect and appoint ſome other fit Perſon or Perſons, in Writing under their Hands, in the Book or Books for entering the Proceedings of the Truſtees, qualified as herein after is directed, in the Place or Stead of ſuch Truſtee or Truſtees ſo dying, removing, or refuſing or neglecting to act; and the Perſon or Perſons ſo elected and appointed a Truſtee or Truſtees as aforeſaid, ſhall, from the Time of ſuch Appointment, have the ſame Power and Authority in all Things relating to the Execution of this Act, as if he or they had been expreſsly named and appointed a Truſtee or Truſtees in or by this Act.

Powers how to be executed.

And be it further enacted, That at every Meeting of the ſaid Truſtees by virtue of this Act, the Powers and Authorities hereby granted them, ſhall be carried into Execution by the Majority of the ſaid Truſtees preſent at ſuch Meeting: And ſuch One of the Truſtees preſent, as the major Part of them then attending ſhall appoint, ſhall preſide, and be called Preſident; and in caſe of Equality of Voices of the Truſtees aſſembled (including his own) ſuch Preſident ſhall, upon all ſuch Occaſions, have another and deciſive Voice.

Preſident to be choſen, whoſe Voice to be deciſive.

Qualification of Truſtees.

And be it further enacted, That no Perſon or Perſons nominated or appointed a Truſtee or Truſtees, ſhall be capable of acting as a Truſtee or Truſtees, in the Execution of this Act, but for and during ſuch Time as he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Twenty Pounds, ariſing within Goſport aforeſaid, or ſhall be an Inhabitant or Inhabitants in Goſport aforeſaid, and poſſeſſed of, or intitled unto, a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, in or out of Goſport aforeſaid, to the Amount or Value of One thouſand Pounds, clear of all Incumbrances whatſoever: And if any Perſon or Perſons, not being qualified in Manner herein before-mentioned, ſhall preſume to act as a Truſtee for putting this Act in Execution, contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Of-

Penalty on Perſons acting if not qualified.

fence, forfeit and pay the Sum of Fifty Pounds, to be recovered with Full Costs by any Person or Persons who shall sue for the same, in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, by Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed: And the Person so prosecuted shall prove that he was so qualified, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act; One Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety to the said Trustees, or any Five or more of them, for the time being, to be applied as the other Penalties and Forfeitures are herein after directed to be applied.

No Trustee to accept of any Place of Profit arising from the Tolls.

And be it further enacted, That no Person shall be capable of acting as a Trustee, in the Execution of this Act, during the Time he shall hold or enjoy any Office under the said Trustees, or enter into any Contract, or have any Share or Interest in any Contract, Matter, or Thing whatsoever, relating to the Execution of any of the Powers of this Act.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and required, to meet and assemble together at the House of Cyprian Davis, known by the Sign of the India Arms in Gosport aforesaid, on the Monday Fortnight next after the Day of the passing of this Act, and shall proceed to put this Act in Execution; and, by Writing under their Hands, then and there appoint One Person to be Clerk to the said Trustees, and Treasurer of the Monies to be raised by virtue, and for the Purposes, of this Act; and shall then and there, and from time to time afterwards, adjourn themselves, and meet at the Place aforesaid, or at any other Place or Places within Gosport aforesaid, as they the said Trustees, or any Five or more of them, shall, at any such Meeting, think proper or convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear, at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk to the said Trustees shall, by publick Notice signed by the said Clerk, to be affixed upon the Market-house in Gosport aforesaid, at least Six Days before the then next Meeting, and also the Purport of such Notice to be given

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

in the Chapel in Gosport aforesaid; or in case the said Clerk shall happen to die, or shall neglect or refuse to give or cause such Notice or Notices to be given as aforesaid, then any Two of the said Trustees shall and may, by the like Notice or Notices, appoint the said Trustees to meet at the Place where the then last Meeting was appointed to be held, within Fourteen Days next after the Day on which such last Meeting was appointed to be held; and the said Trustees shall, at all their Meetings, bear and defray their own Expences; and also shall and may, from time to time, at any of their Meetings, make such Orders, Rules, and Regulations, as shall to them, or the major Part of them present at any such Meeting, appear necessary, for the better and more effectually carrying this Act into Execution.

Trustees to bear their own Expences.

Provided always, That such Orders, Rules, and Regulations, be not repugnant to the Laws of this Realm.

Proviso.

Provided nevertheless, and be it further enacted, That the said Trustees, or any Seven or more of them, at any of their said Meetings, shall and may, and have hereby full Power to revoke, vary, alter, or make void, any such Orders, Rules, and Regulations, in such Manner as they, or any Seven or more of them, shall find needful and proper.

Orders may be revoked.

And be it further enacted, That a Trustee or Trustees appointed by virtue of this Act, who shall be a Justice or Justices of the Peace, may, and is, and are hereby authorized and impowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Trustee or Trustees.

Trustees in the Commission of the Peace may act as Justices.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at any subsequent and publick Meeting after the First, to be held in pursuance of this Act, to nominate and appoint, under their Hands, in the Book wherein the Proceedings of the Trustees shall be, from time to time, entered, such other Person to be Clerk and Treasurer when and as often as a Vacancy shall happen, and also such Person to collect the Monies to be assessed on the Inhabitants of and in Gosport aforesaid in pursuance of this Act, and to act as or in the Capacity of a Beadle, as they the said Trustees, or any Seven or more of them, shall, at any such Meeting, think fit: And the said Trustees, or any Seven or more of them, shall, and they are hereby required to take such Security for the due Execution of the said Offices

Officers to be chosen,

who are to give Security.

They may be displaced.

fices respectively, as the said Trustees, or any Seven or more of them, shall think proper; and likewise may, from time to time, remove or displace either of such Officers, and appoint any other Person in the Room and Place of such of them as shall be so removed, or shall die; Notice of the Time and Place of Meeting for that Purpose being given, in Manner aforesaid: And such Person or Persons as is or are hereby made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Person as shall, from time to time, be so appointed to collect and receive the same of the Inhabitants of Gosport aforesaid, according to the true Meaning of this Act: And each Officer to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed by Order of the said Trustees, or any Five or more of them, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint; and the said Officers and Persons, accounting as aforesaid, shall, upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby impowered and required to administer) verify their said Accounts, if required by any Five or more of the said Trustees so to do: And if any such Officer or Person shall not make and render, or shall refuse to verify, upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts,

Persons assessed to pay the Rates to the Collector.

Officers to deliver Accounts to Trustees,

and all Vouchers.

On Refusal, Trustees to bring an Action for the Balance,

Accounts, shall appear to be in his Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as the said Trustees, or any Five or more of them, shall direct or appoint; then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the County of Southampton may, and is, and are hereby authorized and required to issue a Summons, under his or their Hand and Seal, or Hands and Seals, to such Officer or Officers 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, the Constable of Gosport aforesaid, by giving it to, or leaving it at the House of such Officer; and, upon his or their appearing or making Default, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (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 Officers, such Justice or Justices may, and is and are hereby authorized 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 Chattles of such Officer or Officers respectively; and if no Goods or Chattles of such Officer or Officers can be found, 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 shall commit every such Offender to the House of Correction, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make; and until he shall deliver up such Books, Papers, and Writings, as aforesaid, or give Satisfaction, in respect thereof, to the said Trustees, or any Five or more of them: And the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by virtue of this Act, make such Allowance to the said Clerk and Treasurer, and Beadle and Collector

or complain to Justices;

who are to cause such Balance to be levied.

For want of Distress, Offender to be committed.

Trustees to allow Officers Salaries.

lector aforesaid, for and in Consideration of his and their respective Service and Services, and to such Person and Persons as shall be otherwise aiding and assisting in and about the Execution of this Act, as to them the said Trustees, or any Seven or more of them, shall seem reasonable.

Salaries of Officers.

Provided always, That the Salary to be paid to the said Clerk and Treasurer shall not exceed the annual Sum of Ten Pounds, nor the Salary to the Collector and Beadle the Sum of Twenty Pounds.

Trustees to order how Streets, &c. shall be paved, &c.

And, for the better paving, repairing, keeping in Repair, and cleansing the said Streets, Lanes, and Passages, of the said Town or Borough, and keeping the same free from Obstructions and Annoyances; be it further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority from time to time, at any Meeting to be held as aforesaid, to order or direct all or any of the said Streets, Lanes, and Passages, now in being, or hereafter to be made within Gosport aforesaid, or any Part or Parts of such Streets Lanes, and Passages, as well those Parts used by Foot Passengers, as those used by Carriages, to be paved, repaired, raised, or altered, swept and cleansed, when, and in such Manner, and as often as they the said Trustees, or any Five or more of them, shall think fit: And that all the Foot-ways, where practicable, shall be paved with Square or Purbeck Paving or Flatners; and all the Horse and Cart-ways with good Rag-stones, Pebbles, or otherwise as they shall see fit and proper.

may dig Gravel, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, shall also have full Power and Authority to cause to be dug, carted, and carried out of, or brought into, the said Streets, Lanes, and Passages, or into any or either of them, such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, and to issue or order such Money on those Accounts, and to do all and every such other Acts and Things as the said Trustees, or any Five or more of them, shall judge necessary or conducive to the accomplishing of the Ends and Designs of this Act.

employ Workmen;

and may contract for Paving, Sweeping, &c.

And be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby impowered from time to time, as Occasion shall require, and they think fit, to contract with any Person or Persons for paving, keeping in Repair, sweeping and cleansing, all or any of the said Streets, Lanes, and Passages; which

Contract

Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Trustees, or any Five or more of them, and by the Person or Persons contracting to perform such Works; but, previous to the making of any such Contract, Fourteen Days Notice shall be given in Writing in Manner aforesaid, in order for any Person or Persons, willing to undertake the same, to make Proposals for that Purpose, to be offered and presented to the said Trustees, or any Five or more of them, at a certain Time and Place in such Notice to be mentioned. giving 14 Days Notice.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered to contract and agree for the Purchase, or take a Lease of One or more Piece or Pieces of Land, lying in or out of the said Town, where the Dirt, Dust, Dung, Rubbish, Ashes, Filth, and Manure, of the said Town, may be carried to and laid upon; and also to contract or otherwise agree for the Purchase of Stones, Gravel, and all other Materials and Implements necessary for the Purposes in this Act mentioned; and to put up to the best Bidder, or otherwise sell and dispose of, all such Dirt, Dust, Dung, Rubbish, Ashes, Filth, and Manure, as shall arise in the said Streets, Lanes or Passages, or be collected, carried, and laid together as aforesaid; and to apply the Money (if any arise thereby over and above the Expence of collecting, carrying, and laying together the same) for the Purposes in this Act mentioned. Trustees may procure Ground to lay Soil on, contract for Stones, &c. and sell Dung, &c.

And be it further enacted, That no Person or Persons, who shall contract to cleanse such Streets, Lanes, and Passages as aforesaid, his or their Servants or Agents, or any other Person or Persons whomsoever, shall sift any Ashes or Cinders, or other Dust, in any Cart or Carriage, in any open Street, Lane, or Passage, within the said Town or Borough of Gosport, upon Pain to forfeit and pay for every such Offence, the Sum of Five Shillings. No one to sift Ashes in the Streets, &c.

And be it further enacted, That from and after the passing of this Act, the Property of all the present and future Pavements of the said Town, as well in the Foot as Cart-ways, and of all Materials, Implements, and other Things to be purchased for the Purposes of this Act, shall be and the same are hereby respectively vested Pavements and Materials vested in Trustees.

in

in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring or cauſe to be brought any Action or Actions in the Name or Names of any Five or more of them, or to prefer or cauſe to be preferred any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, all or any Part of the Materials or Things aforeſaid: And if any Perſon or Perſons ſhall wilfully or maliciouſly break up, deſtroy, or otherwiſe damage or ſpoil, any of the ſaid Materials or Things, or any of the Works when done or doing in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid County (which Oath ſuch Juſtice or Juſtices is or are hereby required to adminiſter) ſhall, for the Firſt Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings; and for the Second and every other Offence, any Sum not exceeding Three Pounds, nor leſs than Twenty Shillings; to be levied and recovered by Diſtreſs and Sale of the Goods and Chattles of every ſuch Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made, which Forfeitures ſhall be applied to the Purpoſes of this Act: And in caſe the Perſon or Perſons ſo offending, and convicted, ſhall have no Goods or Chattles, whereupon the ſame can be levied; then, and in every ſuch Caſe reſpectively, it ſhall and may be lawful to and for One or more Juſtice or Juſtices of the Peace as aforeſaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons reſpectively to the Houſe of Correction at Goſport aforeſaid; there to remain for any Space not exceeding Two Calendar Months, nor leſs than Ten Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons ſo incurring, and being convicted of any of the ſaid Penalties, ſhall not be diſcharged until he, ſhe, or they, ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times for which he, ſhe, or they, ſhall be ſo committed.

Penalty on any one deſtroying or injuring Materials or Pavements.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall have full Power and Authority to ſell and diſpoſe of all or any Part of the old Materials to ſuch Perſon or Perſons as ſhall be willing to

Truſtees may ſell the old Materials.

to buy and purchase the same, and to apply the Money to the Purposes of this Act.

Trustees to repair Pavements where the Water-pipes are, if the Proprietors neglect.

And whereas the Pavements of the said Streets, Lanes, and Passages, and other Parts of the Highways in Gosport aforesaid, are frequently damaged by the breaking up of the same to amend or new lay Water-pipes belonging to the Owner or Owners, Proprietor or Proprietors, of certain Water-works at Forton, or Fortune, near Gosport aforesaid; and it sometimes happens, when such Water-pipes are taken up, they cannot be re-laid, nor such Pavement, so broken or taken up, made good the same Day, whereby Holes are left open in the Night, which sometimes prove injurious to His Majesty's Subjects; be it therefore further enacted, That if at any Time after the passing of this Act, it shall be made appear on Oath before One or more Justice or Justices of the Peace for the said County (which Oath such Justice or Justices is and are hereby authorized to administer) by any credible Person, that any Pavement, or other Part of the Highways in Gosport aforesaid, is damaged, by the breaking up of the same by the Proprietor or Occupier of such Water-works, or his or her Servants or Workmen, to amend or re-lay any Water-pipe or Pipes, or to lay Water therefrom belonging to such Water-works; or by the bursting, leaking, or oozing of any such Water-pipe or Pipes; or by the improper laying of any Water-pipe or Pipes in Gosport aforesaid; or that any such Pavement hath been laid down, amended, or new-laid, or re-laid by any Paviour employed by or under such Proprietor or Occupier, with bad Materials, or in an improper Manner; then, and in either of such Cases, it shall and may be lawful for any such Justice or Justices to cause Notice thereof in Writing to be given to such Proprietor or Occupier, or to be left at his Place of Abode, or at such Water-works, to make good, amend, or new lay, in a proper Manner, every such Pavement, and make good such Highway, within the Space of Six Days next after every such Notice in Writing shall be given or left as aforesaid: And if the Proprietor or Occupier of such Water-works shall not, within the said Space of Six Days next after every such Notice in Writing shall be so given or left as aforesaid, cause, at his, her, or their Costs and Charges, every such defective Pavement or Highway to be well and effectually re-laid, repaired, or amended, with good Materials, and in a proper and effectual Manner; it shall be lawful for any Five or more of the said Trustees for the time being to cause every such defective or improper Pavement

and Highway to be well and effectually re-laid, repaired, or amended, with good Materials, and in a proper and effectual Manner, by any Paviour or Paviours which any Five of the said Trustees for the time being shall think fit to employ for that Purpose, having Regard to the Condition such Pavement was in before the same was damaged by any of the Means aforesaid; and every Paviour who, pursuant to any Order of any of the said Trustees, or any Five or more of them, for the time being, shall re-lay or new-lay, repair, amend, or make good any such Pavements, or defective or improper Pavements, or such Highway as aforesaid, shall from time to time be paid the Charges of doing thereof, as the same shall be ascertained under the Hands of any Five or more of the said Trustees for the time being, who are hereby authorized to ascertain the same: And if the Proprietor or Occupier of such Water-works or Person employed to look after the same, shall not, on Demand being made to the Proprietor or Occupier of such Water-works, or of the said Person employed at such Water-works, of the Money which shall be ordered to be paid by him, her, or them, by any such Trustees aforesaid, pay the same within the Space of Ten Days next after any such Demand as aforesaid shall be made thereof; then on Oath being made of such Demand, and of the Money so ordered to be paid, and remaining unpaid by the Space of Ten Days from the Time of the same having been demanded as aforesaid (which Oath any such Justice and Justices is and are hereby impowered to administer) and by Warrant under his or their Hand and Seal or Hands and Seals, directed to the Constables or Beadle of Gosport aforesaid, cause the Expences of amending every such Default in Pavement, defective or improper Pavement, or new-laying or re-laying any such Pavement as aforesaid, which shall have been amended or re-laid under such Order as aforesaid, to be levied by Distress and Sale of the Goods and Chattles of such Proprietor or Occupier, or Person employed to look after the said Water-works, together with the Charges of every such Distress and Sale, rendering the Overplus (if any) to the Owner thereof; and which Money, when levied, shall be paid to the Paviour or Paviours who shall have been employed by any of the said Trustees as aforesaid, and have amended, repaired, or re-laid any such Pavement or Pavements as aforesaid: And in case it shall happen any Hole or Ground shall be left open in the Night, by the Means of any Pavement or Ground being broke up for the repairing of any Water-pipe

If any Hole left open at Night, Proprietor to set a Watch and Light.

pipe or Pipes by such Proprietor or Proprietors, or Occupier or Occupiers, or his, her, or their Servants or Workmen, in any of the said Streets, Lanes, Highways, or Passages in Gosport aforesaid, and such Proprietor or Occupier shall not provide, set, and keep some able Person to watch at such Place, with a proper Light, every Night such Place shall be so left open as aforesaid, to prevent any Carriage of any Person falling therein, that, on every such Default, the said Proprietor or Occupier of such Water-works shall forfeit and pay to the said Trustees, or any Five or more of them, for the time being, any Sum not exceeding Forty Shillings, nor less than the Sum of Ten Shillings, to be levied and recovered as herein after is mentioned.

No Alteration to be made in Pavements, but by Trustees Consent.

And be it further enacted, That no Person or Persons shall make, or cause to be made, any Alterations in the Form of any of the Pavements of the said Streets, Lanes, or Passages, or any Part thereof, after it shall be compleated by virtue of this Act, or any Incroachment therein, without the Consent and Direction of the said Trustees, or any Five or more of them, under their Hands, at any Meeting, 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, to be recovered and applied as herein-after is mentioned.

Streets to be weekly swept, and the Soil carried away.

And be it further enacted, That the said Person or Persons so to be contracted with, or otherwise to be employed for sweeping and cleansing the said Streets, Lanes, and Passages in Gosport aforesaid, shall at such Time and Times, and in such Manner, in every Week weekly, as any Five or more of the said Trustees shall from time to time, at any Meeting, under their Hands direct and appoint, in the Book wherein the Proceedings of the said Trustees shall be from time to time entered, bring, or cause to be brought, such Sort of Cart or Carts, or other Carriages, as the said Trustees, or any Five or more of them, shall also under their Hands direct and appoint, into all the said Streets, Lanes, Highways, Passages, and other Places in the said Town where such Carts or Carriages can pass; and 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, Alley, or Place, into 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

their reſpective Duſt, Dirt, Aſhes, and Filth, to the Doors of their reſpective Houſes, or other Premiſſes, wherefrom the ſaid Perſon or Perſons ſo contracted with or employed ſhall take and put up the ſame, or cauſe the ſame to be taken and put up, into ſuch Cart or Carriage, and ſhall carry or cauſe to be carried away the ſame to ſuch Place as the ſaid Truſtees ſhall appoint as aforeſaid; and the ſaid Perſon or Perſons ſo contracted with or employed, ſhall ſweep and cleanſe or cauſe to be ſwept and cleanſed, in a proper Manner, all the ſaid paved Streets, Lanes, Market Place, Paſſages, and all ſuch other Place and Places as the ſaid Truſtees ſhall appoint, at any Meeting, and afterwards take up and carry away, or cauſe to be taken up and carried away, the Dirt and Soil there made and found or ſwept up out of the ſame, at leaſt once in every Week, under a Penalty not exceeding Twenty Shillings for every Neglect, to be recovered and applied in Manner herein after mentioned.

No Perſon to ſuffer Timber, &c. to be laid in the Streets above Four Hours.

And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, throw, caſt, or lay, any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Caſks, or Goods of any Kind, into any open Street, Lane, or Paſſage, within the ſaid Town, and ſhall not take and carry away the ſame, or cauſe the ſame to be taken and carried away, within Four Hours next after the ſame ſhall be ſo placed therein, and before Dark, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, to be recovered, levied, and applied, in Manner herein after mentioned.

Penalty on Nuſances.

And be it further enacted, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, throw, caſt, ſet, or lay, or cauſe to be thrown, caſt, ſet, or laid, any Coal Aſhes, Wood Aſhes, Rubbiſh, Dirt, Dung, Filth, or any other Nuſance whatſoever, into any open Street, Lane, or publick Paſſage or Place, within the ſaid Town, or hoop or cleanſe, waſh, or ſcald any Caſk, or ſaw or cauſe to be ſawed any Stone or Timber, in any of the Streets, Lanes, or publick Paſſages or Places within the ſaid Town, every ſuch Perſon offending as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings, and the like Sum of Ten Shillings for every Day after ſuch Nuſance ſhall be permitted to continue, to be recovered, levied, and applied, as herein after is directed.

Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to any Dirt, Filth, Soil, Dung, or Rubbish, which any of the Inhabitants of the said Town shall occasion and think fit to preserve and keep within their own respective Houses, Yards, or Gardens; but the same shall respectively belong to the Person or Persons so reserving the same, so as such Dirt, Filth, Soil, Dung, or Rubbish, be not laid down or placed in any or either of the said Streets, Lanes, or publick Passages or Places in the said Town, nor suffered to annoy the Neighbour or Neighbours of such Person or Persons; but in case the Person or Persons so reserving such Dirt, Filth, Soil, Dung, or Rubbish, which shall thereby annoy his or their Neighbour or Neighbours, and shall continue to keep and preserve the same next after Three Days Notice in Writing given him, her, or them, under the Hands of the said Trustees, or any Five or more of them, or left at such Person's Dwelling-house, to remove the same, such Person or Persons shall forfeit and pay Ten Shillings a Day, for every Day after such Annoyance shall be permitted to remain, next after Three Days Notice given as aforesaid, to be recovered, levied, and applied, in such Manner herein after mentioned.

All Persons at Liberty to keep or dispose of their Dung;

but not to annoy their Neighbours.

Provided always, That no Person shall be subject to the said last mentioned Penalties of Ten Shillings, or either of them, for any Rubbish or Dirt in the said Streets, Lanes, or Passages, or any of them, before the House or Tenement of such Person, occasioned by the building, pulling down any Building, rebuilding, or repairing of any such House or Tenement, so as there be convenient Room left in the same Street, Lane, or Passage, where such Rubbish or Dirt shall lie, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Person laying or occasioning such Dirt or Rubbish to be so laid; nor for the making up any Lime into Mortar in any or either of the said Streets, Lanes, or Passages, so as such Room be left for Foot Passengers and Carriages, and so as such Lime be inclosed before such House or Building about which the same is to be used, and so as the Owner or Owners of such House or Tenement before which such Rubbish or Lime shall lie, shall cause the same to be removed out of the said Street, Lane, or Passage, at his, her, or their own Costs and Charges, within a reasonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their said House where such Rubbish or Lime shall

Penalty to extend to Rubbish occasioned by building.

lic, for that Purpose in Writing, to be signed by the said Trustees, or any Five or more of them, and so as that whilst the same shall be lying in the said Street, Lane, or Passage, such Owner or Owners shall set up and maintain a sufficient Light upon or against the same every Night, during the whole Night, from the Time it becomes dark, to prevent any Mischief happening to Passengers, which might otherwise be occasioned thereby.

No Person to carry away the Soil of the Streets but Contractor.

And be it further enacted, That no Person or Persons whomsoever, shall take or carry away, or cause to be taken or carried away, any Ashes, Dust, Dirt, Muck, Dung, or Manure, which shall be made in any or either of the said Streets, Lanes, or Passages, in the said Town, out of the same, besides the Persons so to be contracted with, or appointed as aforesaid for such Purpose by the said Trustees, upon Pain of forfeiting and paying the Sum of Twenty Shillings for every such Offence, to be recovered, levied, and applied in Manner herein after mentioned.

No Carriage to remain in the Streets.

And be it further enacted, That no Cart, Waggon, Truck, Dray, or other Wheel Carriage, used for the Carriage of Goods, Wares, or Merchandizes, with or without Horses, shall be permitted to remain in any of the publick Streets, Lanes, or Passages, in the said Town, any longer than is or shall be needful and proper for the necessary loading or unloading the same respectively; or if any Person or Persons shall pass in or through Gosport aforesaid with any Waggon, Cart, Truck, Dray, or other Wheel Carriage, used for the Carriage of Goods, Wares, or Merchandizes, and drawn by One or more Horse or Horses, or other Cattle, without leading the Horse, Horses, or other Cattle, drawing in the Thills of such Carriage or Carriages on Foot, or shall lead or drive such Carriage or Carriages, in or through the said Town of Gosport, or any of the Streets, Lanes, or Passages thereof, faster than a Foot Pace, every Person or Persons so offending, shall, for every such Offence, forfeit and pay the Sum of Ten Shillings, to be recovered, levied, and applied, in Manner herein after mentioned.

Carters to lead their Horses.

Carts to be drawn with not more than 3 Horses;

And, for the better preserving and keeping the Pavements of the Streets, Lanes, and Passages of the said Town in good Condition and Repair; be it further enacted, That from and after the passing of this Act, no Cart, Carr, Truck, Dray, or other Wheel Carriage (except Waggons) to be used for the Carriage of any Goods, Wares, or Merchandizes, from any One Part or Place of the said Town, to any other Part or Place within the

same Town, shall be drawn by more than Three Horses, or other Cattle; nor shall the Wheels of any such Cart, Carr, Truck, Dray, or other such Carriage, or of any Waggon-cart or Dray coming into the said Town, from and after Two Years next after the passing of this Act, be of less Breadth in the Fellies than Nine Inches, or be bound or shod with Iron, unless shod or bound in such Manner as the said Trustees, or any Five or more of them, shall from time to time direct or allow of: And if any such Cart, Carr, Truck, Dray, or other Wheel Carriage (except as aforesaid) to be used as aforesaid, shall be drawn with more than Three Horses, or other Cattle as aforesaid, or shall have the Wheels of less Breadth than Nine Inches as aforesaid, or bound or shod with Iron in other Manner than as aforesaid, the Owner of such Carriage shall, for the First Offence, forfeit the Sum of Ten Shillings, and for the Second Offence, the Sum of Twenty Shillings, and for the Third and every other Offence, the Sum of Thirty Shillings, to be recovered, levied, and applied as herein after is mentioned.

and to have broad Wheels after Two Years.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to take up, or cause to be taken up, any Posts, Sign Posts, or Rails, in any or either of the said Streets, Lanes, or Passages, as by the said Trustees, or any Seven or more of them, shall be adjudged to hinder, incommode, or obstruct Foot Passengers or Carriages in passing and repassing freely, and shall deliver, or cause to be delivered such Posts, Sign Posts, or Rails, to the Proprietor or Proprietors thereof.

Trustees may remove Posts,

And be it further enacted, That any Five or more of the said Trustees shall and may have full Power and Authority to order and direct the making of any Drains, Vaults, or Sewers for conveying the Water into the Sea, and of cleansing and repairing the same, and to pave such Part or Parts of the said Town or Borough of Gosport as is or are not already paved, and to take up, amend, or alter any new or old Pavements in the said Town, and to alter or take away any Cross Gutter or Gutters, or Channels, in all or any of the said Streets, Lanes, or Passages aforesaid, and to repair any other Part or Parts of the Highways, of Right belonging to the Inhabitants of the said Town to repair, as well within as without the Fortifications of the said Town, and to pay for the same out of the Monies to be raised by virtue of this Act.

order Drains,

Provided always, and be it further enacted, That it shall

fix up Posts and Rails,

shall and may be lawful to and for the said Trustees, or any Seven or more of them, to order and direct any Post or Posts, and any Rail or Rails, to be put, placed, and fixed up, in any Part or Parts of the said Town, and in such Manner as they, or any Seven or more of them, shall think proper and necessary, leaving sufficient Room for Passengers and Carriages to pass and repass by the same.

and set up falling Posts or Rails in *Bemister's Lane.*

And be it further enacted, That for the preserving the Pavement as much as may be, and preventing Inconvenience to Passengers passing through a narrow Lane called Bemister's Lane, leading out of Middle Street into South Street in Gosport aforesaid to the Chapel and Meeting-house in Gosport aforesaid, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to order, direct, and set up, and fix, One or more Falling Posts or Cross Bars at each End of the said Lane, and to cause the same to be kept locked, to prevent any Cart or other Carriage going through the same, save and except such as shall carry any Goods or other Necessaries to the Occupier of any House in the said Lane, and a Key of such Lock or Locks to be delivered to the Occupier of each House therein, the said Lane being not broad enough for Carts and Foot Passengers at the same Time to pass and repass; And in case any Person or Persons shall drive any Cart or other Carriage through the said Lane, except for the Purpose aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Ten Shillings, to be levied and applied as is herein after mentioned.

No Swine to go about the Streets, on Forfeiture of 10*s.*

And be it further enacted, That if any Person, from and after the Twenty fourth Day of June, One thousand seven hundred and sixty three, shall suffer any Swine to go about the Streets, Lanes, Passages, or Alleys aforesaid, the Owner thereof shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

No Cattle to be killed or dressed in the Streets, *&c.*

And be it further enacted, That no Person or Persons whomsoever, from and after the passing of this Act, shall kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calves, Sheep, or other Cattle in any open or publick Street, Lane, Court, or Passage within, or suffer any Beast to wander about the said Town, upon Pain that every such Person or Persons so offending shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings, to be levied and applied as herein after-mentioned.

Time for carrying away Night Soil,

And be it further enacted, That if any Person or Persons whomsoever, from and after the passing of this Act, shall

shall empty any Privy-house, Necessary-house, Tub, or Binge, or remove or carry away any Night-soil in Gosport aforesaid, at any other Time than between the Hours of Eleven at Night and Four in the then next Morning, every Offender herein shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be levied and applied as herein after is mentioned; and if any Person or Persons shall put, or cast, or cause to be put or cast, out of any Cart, Tub, or otherwise, any Night-soil in any Part or Parts of the said Town, other than in such Place or Places as the said Trustees, or any Seven or more of them, shall order and appoint; every Offender herein shall, for every such Offence, forfeit and pay the Sum of Three Pounds: And it shall be lawful to and for any Five or more of the said Trustees to direct or order any Sum of Money, not exceeding Twenty Shillings for each Offender, to the Person or Persons who shall detect and convict any One or more Offender or Offenders who shall be guilty of the Offence last mentioned, to be paid, upon Conviction of the Offender or Offenders, by the said Treasurer or Trustees, out of the Monies to be collected or raised in pursuance of this Act.

which is to be put where Trustees direct.

Reward to Informers.

And, for the raising of Money for defraying the Charges and Expences of paving, repairing, sweeping, and cleansing the said Streets, Lanes, and Passages, and for defraying Salaries to the said Officers, and paying the Workmen and others who shall be employed by virtue of this Act, and repaying all such Monies (and Interest thereof) as shall be borrowed by virtue of this Act, and other incidental Expences attending the Execution hereof, and also the Expences and Charges of obtaining and passing this Act; be it further enacted, That from and after the First Meeting of the said Trustees, there shall, at all Times then after, be raised and collected by the said Trustees, or any Five or more of them, or such Person or Persons as shall be by the said Trustees, or any Five or more of them, appointed for that Purpose, One yearly Rate, to be assessed on the said Inhabitants of all Houses, Buildings, and Lands, in and hereby intended to belong to Gosport aforesaid, according to their respective Estates and Interest therein, at the Discretion of the said Trustees, or any Seven or more of them; such Rate not exceeding in any One year, the Sum of One Shilling in the Pound for the first Five years next after the passing of this Act, and not exceeding Six Pence in the Pound afterwards in any year for which such Rate shall be made, according to the yearly Value of such Houses, Buildings,

Trustees to make Assessments not exceeding 1 s. in the Pound for the first Five Years, and 6 d. in the Pound afterwards.

Landlord to allow Half the First 5 Years.

or Lands; which Rates or Assessments shall be paid by the respective Proprietors, Occupiers, and Inhabitants of the said Houses, Buildings, and Lands for the time being, to the said Trustees, or any Five or more of them, or to such Person or Persons to be thereunto appointed as aforesaid, in the following Manner and Proportions; that is to say, The Tenants or Occupiers of such Houses, Buildings, and Lands, shall bear and pay One Moiety or Half Part thereof, and the Landlord or Owner of such Houses, Buildings, or Lands, for the time being, shall bear and pay the other Moiety or Half Part thereof, for and during the said first Five Years next after the passing of this Act; and after the Expiration of such Five Years, the said Tax, not exceeding Six Pence in the Pound, shall be wholly raised and levied on the several Occupiers or Tenants respectively of such Houses, Buildings, or Lands; which said several Payments shall be made and paid by the said Proprietors and Occupiers, by even and equal Quarterly or Half-yearly Payments, as the said Trustees, or any Seven or more of them, shall order and direct; the First Payment thereof to commence on the Quarter Day next after such Rate shall be so made; any Lease or Contract to the contrary thereof notwithstanding.

Houses not to be charged till occupied.

Provided always, That no such House, Building, or Land, as shall not be occupied at the Time of making such Rate, shall be chargeable therewith, until the same shall become occupied; nor shall any Owner of such House, Building, or Land, be liable to pay to such Rate during the Time the same shall be unoccupied.

Tenants to pay the whole Rates, and to deduct the Moiety out of their Rents the first 5 Years.

And, to the end the said Rates may be more effectually collected and received; be it further enacted, That all and every the Tenants and Occupiers of the said Houses, Buildings, and Lands, shall be charged with and liable to pay the Whole of such Rate to the Collector to be appointed by the said Trustees as herein is directed; and in case of such Payment, such Tenant or Tenants shall be at Liberty to deduct and retain out of his, her, or their Rent, such Proportion of such Rates as they shall respectively pay on account of the several Landlords or Proprietors of such Houses, Buildings, or Lands; any Lease or Contract to the contrary in any wise notwithstanding.

Rate may be levied by Distress.

And be it further enacted, That if any Person or Persons shall, at any Time or Times, neglect or refuse to pay the respective Rates or Sums of Money by this Act required and enacted to be paid, after Demand made of the same, upon any Proof thereof made upon Oath before

any

any Two Justices of the Peace for the said County (which Oath such Justices are hereby impowered to administer) it shall and may be lawful for such Justices, under their Hands and Seals, to direct and appoint any Constable or Constables in Gosport aforesaid, to seize and distrain upon all or any Part of the Goods or Chattles, in or upon such House or Houses, Buildings, Lands, and Premisses, and to take and carry away the same, leaving at such Dwelling-house, Building, Land, or Premisses, a Notice in Writing, of the Cause of such Distress: And in case the Occupier of such House, Building, or Land, or Owner of the Goods and Chattles so distrained, shall not, within Five Days next after such Distress made, and Notice thereof as aforesaid given, replevy the same, with sufficient Sureties to be given to the Sheriff, according to the Laws in being for Distresses in case of Non-payment of Rent, that then, after such Distress and Notice as aforesaid, and Expiration of the said Five Days, the Person distraining shall and may cause the Goods and Chattles so distrained to be appraised by Two sworn Appraisers (whom such Constable or Constables is or are hereby impowered to swear) according to the best of their Understanding; and after such Appraisement, it shall and may be lawful to and for the Person so distraining to sell the Goods and Chattles so distrained for the best Price that can be got for the same, towards Satisfaction of the Money due by virtue of this Act, and of the Charge of such Distress, Appraisement, and Sale, returning the Overplus (if any) on Demand, to the Owners or Owner of such Goods and Chattles as shall be so distrained and sold as aforesaid.

Trustees may borrow 500*l.*

And, forasmuch as the Monies to be collected by virtue of this Act, will not raise such a Stock or Sum of Money as will be sufficient for the speedy carrying into Execution the Purposes aforesaid; be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money which they shall think proper, and to mortgage, charge, or incumber, the said Rates with and for the Payment of the Sums so borrowed, with such Interest, and at such Times, and with such Provisions and Conditions of Redemption, as the said Trustees, or any Seven or more of them, shall agree on, so as that the principal Sum to be borrowed do not exceed Five hundred Pounds.

Securities may be transferred.

And be it further enacted, That all and every Person or Persons to whom any such Mortgage or Mortgages,

Charge or Charges, Incumbrance or Incumbrances, of the said Rates shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may, and is, and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons.

Application of Monies.

And be it further enacted, That all the Money received by virtue of this Act, and all Monies appropriated, given, or paid, for the Purposes of this Act, shall be, and the same are hereby, vested in the said Trustees, and shall be by them applied for the Purposes of this Act without Distinction, and to and for no other Use or Purpose whatsoever.

Penalties and Forfeitures how to be recovered.

And be it further enacted, That all Penalties and Forfeitures by this Act incurred (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County; which Warrant the said Justice or Justices is and are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Five or more of them, or their Treasurer, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the Purposes of this Act: And in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction in Gosport aforesaid, for any Time not exceeding One Month, or until such Penalties and Forfeitures shall be paid; and in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to, and concerning, the Execution of this Act, any Inhabitant within Gosport aforesaid may and shall be admitted to give Evidence; the Rate or Contribution charged as aforesaid

Inhabitants admitted to be Evidence.

said upon any such Inhabitant by virtue hereof notwithstanding.

And whereas it may happen that Persons may remove out of the said Town or Borough of Gosport, without paying the Rates which in pursuance of this Act shall be charged or assessed on them respectively during their Residence therein, and that other Persons may enter on and occupy, for Part of the Year, the Houses, Buildings, or Lands, from or out of which the former Tenant or Tenants who shall have been charged as aforesaid hath or have removed, by reason whereof Part of the Money contained in such Rate may be lost, if some Provision is not made for that Purpose; be it therefore further enacted, That where any Person or Persons shall come into, or occupy, any House, Building, or Land, or other Premisses, out of or from which any other Person theretofore assessed towards Payment of any Rate made in pursuance of this Act shall be removed, that then every Person so removing from, and every Person so coming into or occupying the same Premisses, shall be liable to pay such Rate in Proportion to the Time that such Person occupied the same respectively, in the same Manner, and under the like Penalty of Distress and Sale, as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated or assessed in such Rate or Assessment; and which said Proportion, in case of Dispute, shall be ascertained by any Five or more of the said Trustees, at their then next Meeting, after Demand made thereof. Tenants coming into Houses,

And be it further enacted, That where any Person or Persons who shall be so rated and assessed shall quit his, her, or their Dwelling-house, Building, or Land, in Gosport aforesaid, before he, she, or they shall have paid the same, and shall afterwards refuse to pay the same when due, and demanded by the Person authorized and appointed to collect and receive the same, that then, and in every such Case, it shall and may be lawful to and for the said Collector, by Warrant obtained under the Hands and Seals of any Two or more Justices of the Peace for the said County of Southampton, or for any other County, City, Town, or Liberty, where such Person or Persons shall remove to, and reside in, as the Case shall happen; which Warrant the said Justices are hereby authorized and required to grant, in any Place where such Person or Persons shall remove to, or reside in (Oath being first made that such Rate, or Part of such Rate, is due and payable by such Person or Persons; which Oath such and Persons quitting Houses, after Rate made, to pay their Proportions.

Justices are hereby impowered to administer) to distrain the Goods and Chattles of such Person or Persons so neglecting or refusing, and the same to sell, rendering the Overplus, if any such shall be, after having deducted the reasonable Costs, Charges, and Expences, of obtaining such Warrant, and making, keeping, and selling, such Distress, to the Owner of such Goods and Chattles demanding the same.

Justices may 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 his or their Discretion, shall think fit, but not less than One Fourth Part thereof; and every such Mitigation or Composition shall be a sufficient Discharge to Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated or lessened.

Persons paying Rate, discharged of Statute Labour.

Provided always, and be it further enacted and declared, That all and every Person or Persons, who shall be rated and pay to any Rate to be made in pursuance of this Act, shall be, and they are hereby, discharged of and from all Statute Work or Labour upon the Highways of and belonging to the said Town, and also from all Pains and Penalties inflicted by any former Act or Acts of Parliament relating to the Appointment of Surveyors of the Highways within the said Town, and Liberties thereof.

Tender of Amends may be made.

And be it further enacted, That in case any Action or Actions shall be brought against the said Trustees, or any of them, or any Person or Persons by them employed, for any Thing done, or to be done, in pursuance of this Act, and the Defendant or Defendants therein shall apprehend that he or they have been, through Ignorance or Inadvertency, guilty of any Trespass or Irregularity, it shall be lawful for any such Defendant or Defendants, before Plea pleaded, to pay into Court such Sum of Money as he or they shall think fit, in the Name of a reasonable Amends for any such Trespass or Irregularity; 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 that tries the Cause shall not find the Damages to amount to a greater Sum than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants; and in case of any inadvertent Trespass or Irregularity committed by

any

any Person or Persons acting under the said Authority, the Distress made, or other Act done, shall not be deemed a Trespass ab initio; and if the Person or Persons guilty of such inadvertent Trespass or Irregularity shall, before Action brought, tender reasonable Amends, the Action shall not be maintained, but the Defendant or Defendants may plead the General Issue, and the Jury shall find for the Defendant or Defendants.

Rights of Owners of Water-works reserved.

Provided always, and be it further enacted, That nothing in this Act shall extend to the Prejudice of any Right which the Owner or Owners of the Waterworks from Forton to the said Town or Borough of Gosport now have or hath of breaking up the Pavements of the said Streets, Lanes, or Passages, in Gosport aforesaid, for the more easy or convenient laying down, amending, repairing, and taking up, the Water-pipes belonging to the said Water-works, the said Owner or Owners, or Occupier of the said Works, from time to time, and at all Times, as often as Occasion shall require, repairing and making good such Parts, and so much of the said Pavements as they shall so break up, or paying to the said Trustees, or any Five or more of them, or such Person or Persons who shall act by virtue of their Order, all such Expences as shall attend the further Repairs which the said Trustees shall order to be done thereto in Manner aforesaid.

Appeal to Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at the then next General Quarter Sessions of the Peace to be held in and for the said County of Southampton; such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk and Treasurer to the said Trustees, and, within Two Days after such Notice given, entering into a Recognizance, before some Justice of the Peace for the said County of Southampton, with Two sufficient Sureties, conditioned to try such Appeal at and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions: And the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs to the Appel-

Appellants or Respondents, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not to be deemed unlawful for want of Form only;

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of 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 Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage, in an Action on the Case, together with Costs of Suit.

nor the Party distraining deemed a Trespasser *ab initio*.

Writings to be without Stamps.

Provided always, and be it further enacted, That no Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only signed by, any Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in Books.

And be it further enacted, That the said Trustees shall cause to be provided and kept proper Books, wherein the several Meetings, and the Names of the several Trustees attending such Meetings, and all Officers and Persons who shall be employed in the Execution of this Act; and all Rules, Orders, and Accounts, and other Proceedings of the said Trustees, attending such Meetings, shall from time to time be fairly written and entered by their Clerk and Treasurer, or such other Person or Persons as they shall appoint for that Purpose; and that such Clerk and Treasurer, or other Persons so to be appointed as aforesaid for this Purpose, shall subscribe his Name at the End of the Proceedings of every such Meeting; and that all such Entries of all such Meetings, so signed by any such Clerk and Treasurer, or Persons so to be appointed by them for this Purpose, or by such Trustees at any such Meeting, shall be deemed Originals, and shall be admitted to be read as Evidence in all Cases, Suits, and Actions, touching any thing done in pursuance or by the Authority of this Act; and that all such Books shall, at any Meeting of the said Trustees, be open and liable to the Inspection

Books to be admitted in Evidence;

and may be inspected.

ſpection of any Perſon rated and paying to the Rates which ſhall be made as aforeſaid.

And be it further enacted, That no Act or Order of the ſaid Truſtees ſhall be valid, unleſs done or made at ſome publick Meeting (except in the Caſes before excepted) No Act valid, unleſs made at a publick Meeting.

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 Majeſty's Courts of Record at Weſtminſter; any Law or Statute to the contrary notwithſtanding. Proceedings not to be quaſh'd for want of Form only; nor be removeable by *Certiorari*,

And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any thing done in purſuance of this Act, until Twenty one Days Notice ſhall be thereof given in Writing to the Clerk and Treaſurer to the ſaid Truſtees, or after Six Months next after the Fact committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried, in the ſaid County of Southampton; and that the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, and every of them, may plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which ſhall be had thereupon; and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or it ſhall appear that ſuch Action or Actions, Suit or Suits, was brought before Twenty one Days Notice thereof given as aforeſaid; or if any ſuch Action or Actions, Suit or Suits, ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants; or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, Suit or Suits; or if, upon any Demurrer or Demurrers in ſuch Action or Actions, Suit or Suits, Judgement ſhall be given for the Defendant or Defendants therein; then, and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts. Limitation of Actions. General Iſſue. Treble Coſts.

Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

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. 8

FINIS.