Anno quarto

Georgii III. Regis.

An Act for the better Paving of the Streets and Lanes, and for preventing Nuſances and other Annoyances, in that Part of the Pariſh of *Portſea*, in the County of *Southampton*, commonly called *Portſmouth Common*.

WHEREAS that Part of the Pariſh of Portſea, in the County of Southampton, commonly called Portſmouth Common, ſituate between the Town of Portſmouth and His Majeſty's Dock Yard, is become very populous, and there are now ſtanding thereon near Three thouſand Houſes: And whereas for Want of Order in the original diſpoſing and paving the Streets, Lanes, Ways, Alleys, and publick Paſſages, in the ſaid Place, the ſame are at preſent in a very ruinous Condition; by reaſon whereof, and of the many Nuſances and Annoyances in the ſaid Streets, Lanes, Ways, Alleys, and publick Paſſages, the ſaid Place is become dangerous and unwholſome, as well to the Inhabitants thereof as to others trading and reſorting thereto: And whereas it would tend greatly to the Benefit, Health, and Safety, as well of the Inhabitants of the ſaid Place as of all others trading and reſorting thereto, if the Pavements thereof were properly laid and regulated, and the Streets, Lanes, Ways, Alleys, and publick Paſſages were kept clean and free from Nuſances, Obſtructions, and Annoyances, which cannot be done by the preſent Methods provided by Law; May it therefore pleaſe Your Majeſty Preamble.

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 Thomas Bucknall Esquire, Builder, at His Majesty's Dock Yard in Portsea, John Bateley Esquire, William Boorn Surgeon, Joseph Bissell Merchant, James Bowden Merchant, Richard Burry Gentleman, William Augustus Bettesworth Gentleman, John Carter junior Esquire, William Cranley Gentleman, Edward Callaway Master House Carpenter, Richard Cole Foreman of His Majesty's Dock-yard at Portsea aforesaid, William Cox Gentleman, John Collins Gentleman, Thomas Eyer Merchant, Henry Friend Grocer, John Greenaway Esquire Storekeeper at His Majesty's Dock-yard aforesaid, John Godwin Gentleman, Thomas Grant Gentleman, Benjamin Gillam Master House Carpenter, Thomas Gill Gentleman, Stephen Gazelee Surgeon, Richard Hughes Esquire, a Commissioner of the Navy, Resident at His Majesty's Dock-yard aforesaid; William Hinton Ironmonger, Stephen Haines Gentleman, John Howell Master House Carpenter, George Horwood Master Bricklayer, Henry Lys Esquire, Samuel Lucas Baker, William Matthews Esquire, Clerk of the Survey at His Majesty's Dock-yard aforesaid; William Main Shipwright, John Neale Gentleman, John Norton Glazier, Richard Nunn Master Bricklayer, Robert Norris Smith Anchor Smith, Ezekiel Pomeroy Esquire, Clerk of the Cheque at His Majesty's said Dock-yard; William Pyke Esquire, Richard Poate Gentleman, James Parsons Mercer, Sir Thomas Ridge Knight, Peter Ribouleau Gentleman, James Russell Gentleman, Thomas Stanyford Esquire Serjeant at Law, Samuel Spicer Grocer, John Shakespear Gentleman, Thomas Twynam Master House Carpenter, Caleb Whitehorn Surgeon, John Waller Wealman, John Wilson Gentleman, John Waldron Coxwainer, and John Young Mercer, and their Successors, to be appointed in Manner herein aftermentioned, 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 Six hundred Pounds Personal Estate, and being resident in Portsmouth Common aforesaid, shall remove out of the said Place called Portsmouth Common, or in case any Trustee or Trustees shall refuse or neglect to act for the Space

Trustees Names.

On Death, &c. of Trustees, others to be chosen.

of One Year, then it shall and may be lawful to and for the surviving or remaining Trustees, or any Seven or more of them, to meet in some publick Place in Portsmouth Common aforesaid, on publick Notice to be given in Manner herein after mentioned; and shall and may from time to time elect and appoint, in Writing under their Hands, in the Book or Books for entering the Proceedings of the Trustees, some other fit Person or Persons, 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 or 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 this Act; and the Person or Persons refusing or neglecting to act for the Space of One Year, or removing from Portsmouth Common as aforesaid, shall be from thenceforth disqualified from acting as a Trustee or Trustees until re-elected upon some future Vacancy.

Powers how to be executed.

And be it further enacted, That at every Meeting of the said Trustees 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 Trustees present; 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 (including his own) such President shall upon all such Occasions have another and decisive Vote.

President.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, arising within the Limits of Portsmouth Common aforesaid, or possessed of a Personal Estate to the Amount or Value of Six hundred Pounds, and be an Inhabitant or Resident in Portsmouth Common aforesaid.

Penalty on acting if not qualified.

And if any Person, hereby deemed unqualified or incapable to act, shall nevertheless presume to act, contrary to the Intent and Meaning 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 inform or 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, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act.

Proof of Qualification to lie upon Defendant.

Trustees not to act who have Places (except Treasurer) or who shall have any Contract, &c.

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 any Office under the said Trustees, except the Office of Treasurer; or who shall enter into or have the Benefit of any Contract, or any Share or Interest in any Contract 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 at the House of Peter Gover, known by the Sign of the Royal Oak, in Portsmouth Common aforesaid, on Friday the First Day of June, One thousand seven hundred and sixty four, and then and there, or at any future Meeting to be held according to the Direction of this Act, proceed to put this Act in Execution, and by Writing under their Hands appoint One Person to be Clerk to the said Trustees, One other Person to be Treasurer, and One other Person to be Collector 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 Portsmouth Common aforesaid, as they the said Trustees, or any Seven or more of them, shall think necessary for putting this Act in Execution; provided that no Adjournment shall be made for a longer Space of Time than Twenty eight Days: And if it shall happen that there shall not appear at such First Meeting hereby appointed as aforesaid, or at any future Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at any such Meeting, and to adjourn to any other Day; or if a sufficient Number shall meet, and they shall neglect or omit to adjourn, or shall adjourn for a longer Time than the Space of Twenty eight Days, then and in any or either of such Cases the said Trustees, or any Seven or more of them, shall, by publick Notice to be affixed upon the Dock-gates, or on some other open and publick Place in Portsmouth Common

Trustees to appoint a Clerk, Treasurer, and Collector.

Power to adjourn.

In case a sufficient Number of Trustees shall not meet, &c.

Notice to be given of free Meeting.

mon aforesaid, and also by causing the Purport of such Notice to be given in Saint George's Chapel in Portsmouth Common aforesaid (in case Divine Service shall be then performed therein) on some Sunday preceding such Meeting, by the Clerk officiating in the said Chapel (who is hereby required to give such Notice) appoint the said Trustees to meet at the Place where the then last Meeting was held or appointed to be held, or at any Publick House or other Place in Portsmouth Common aforesaid, at any Time not less than Six Days or more than Twelve Days next after any such Notice or Notices shall be affixed and published as aforesaid; and the said Trustees, or any Seven or more of them, shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed in the Execution of this Act; and the said Trustees, or any Seven or more of them, shall and may, from time to time, at any of their Meetings, make such Orders, Rules, and Regulations, as to them, or the major Part of them present at any such Meeting, shall appear necessary for the better and more effectually carrying this Act into Execution.

Trustees may make Orders, &c. for the better putting this Act into Execution.

Provided always, That such Orders, Rules, and Regulations be not repugnant to the Laws of this Realm, or any Thing in this Act contained.

Proviso.

Provided also, That the said Trustees, or any Nine or more of them, at any of their 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 Nine or more them, shall find needful and proper; and the said Trustees shall at all their Meetings pay their own Expences.

Orders may be revoked.

And be it further enacted, That any Trustee or Trustees appointed or to be appointed by virtue of this Act, who shall be a Justice or Justices of the Peace in or for the Borough of Portsmouth, 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 to pay their own Expences.

Trustees, being Justices, may act as such.

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, at any 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 or Persons to be Clerk, Treasurer, and Collector, or either of them, when and so often as a Vacancy

Trustees may appoint Officers in case of Vacancy.

Vacancy shall happen, as they the said Trustees, or any Seven or more of them, shall 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 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, Notice of the Time and Place of Meeting for the respective Purposes aforesaid, being given in Manner aforesaid, for calling Meetings of the said Trustees; and each Officer to be appointed under or by virtue of this Act shall, under his Hand, at such Time and Times, and in such Manner as the said Trustees, or any Seven or more of them, shall direct, deliver to the said 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 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 Trustees, or any Seven 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 his Hands to the said 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; and each Officer and Person 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 his Account, if required by any Seven 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, then and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the Borough of Portsmouth, upon Complaint thereof made to him or them, may and is and are hereby authorized and required to issue a Summons under his or their Hand and Seal, or Hands and Seals, requiring 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 the Liberty Part of the Parish of Portsea, by giving it to, or leaving it at the House of such Officer;

Officers to give Security.

Trustees may remove Officers.

Officers to account.

ficer; and upon his or their appearing, or making Default, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, 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 Officers, such Justice or Justices may and is, and are hereby authorized and required, upon Non-payment 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 the Goods and Chattles of such Officer or Officers 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 shall commit every such Offender to the Common Gaol of the Borough of Portsmouth, 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 Seven or more of them, and shall have paid such Composition, in such Manner as they shall appoint (which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make) and the said Trustees, or any Seven 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 Allowance to the Clerk and Collector, and to such other Person and Persons as they shall think necessary to employ in the Execution of this Act, as to the said Trustees, or any Seven or more of them, shall seem reasonable; provided the Allowance to the Clerk shall not exceed Five Pounds a Year, nor the Allowance to the Collector Ten Pounds a Year.

Balance how to be levied.

On Default, Offender to be committed.

Officers Salaries.

And be it further enacted, That the Boundaries and Extent of the said Place called Portsmouth Common shall be, and shall be deemed and taken to be, from the Center or Middle of the Road or Way close to the Gate leading from Portsmouth Common aforesaid to the King's Mill, commonly called the Gun-wharf Gate, along the Mill Pond, to Mr. Legg's Dam, commonly called the Mill Dam, at the North End of the Mill Pond there; and from thence, excluding the said Dam, round the

Boundaries of *Portsmouth Common.*

Side of the said Mill Pond to Sir Thomas Ridge's Dam, or the Dam so called; and thence along the End of the said Dam to the Corner of the King's Land; and from thence along in a bevel Line, to the Place where the old Pound formerly called Kingwell Pound, heretofore stood; and from thence, close along by Sir Thomas Ridge's Starch-house, to the Portsmouth Turnpike Road; thence across the said Road to Sir Thomas Ridge's Malt-house; and thence back again close along Sir Thomas Ridge's said Malt-house and Garden Wall to the King's Land opposite the said Place where the old Pound, formerly called Kingwell Pound, heretofore stood; and thence round on the Eastern Side of the King's said Land, to the Sea of Portsmouth Harbour, at the Place called Flathouse, to the Low Water Mark there; and from thence, close along the Low Water Mark, to His Majesty's Dock-yard; and from thence round His Majesty's said Dock-yard, close to the Sea, to the Southern Boundary of the said Dock-yard, to the Low Water Mark there; and from thence along the Low Water Mark to his Majesty's Gun Wharf; then up to the High Water Mark close to His Majesty's Gun Wharf; and from thence close along the Wall of the said Gun Wharf on the Side next the Land (excluding the said Gun Wharf) to the Center or Middle of the Road or Way close to the said Gate commonly called The Gun Wharf Gate aforesaid; and all Places within the Ares of those Bounds shall be deemed Portsmouth Common, for the Purposes of this Act.

Trustees may erect Bound Stones.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect Bound Stones, or Posts, for the better ascertaining and preserving the Limits of the said Place, in case they shall judge the same necessary; and the Expence thereof shall be defrayed out of the Publick Rates herein after mentioned.

Trustees to have no Power over any Pavement, &c. in Dock-yard, &c.

Provided always, That the said Trustees shall have no Power or Authority by this Act over any Pavement, Building, Road, Way, or Soil, within the said Dock-yard, or any Road round the same, lying between the Wall of the said Dock-yard and the Bound Stones nearest thereto as the same now stand; any thing in this Act contained to the contrary thereof notwithstanding.

Commissioners of the Navy may inclose the Hard, making another.

Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Navy for the time being, or any Three or more of them, shall at any Time hereafter think it convenient or necessary for His Majesty's

Majesty's Service, to take in and inclose or use the Hard or Passage commonly called the Common Hard, which lies between the Gun-wharf and Dock-yard aforesaid, and shall make and leave another Hard or Passage, from High Water Mark to Low Water Mark, of the Width of Twenty Feet, in any Part of the Land lying between the said Gun-wharf and Dock-yard; then it shall and may be lawful for the said Commissioners, or any Three or more of them, to take in and inclose or use the said Place now called the Common Hard, and the same shall from thenceforth be disused as a Publick Hard or Way; and the Hard or Way so to be made and left in lieu thereof, shall from thenceforth be deemed a publick Hard or Way, and be repaired in such and the same Manner, and under the same Restrictions, as the present Hard or Way between the said Dock-yard and Gun-wharf is directed to be repaired by this Act.

Trustees at any Meeting to order Streets, &c. to be paved, &c.

And be it further enacted, That for the better paving, repairing, keeping in Repair, cleansing and keeping clean the said Streets, Lanes, Ways, Alleys, and publick Passages of the said Place called Portsmouth Common, the said Trustees, or any Seven or more of them, shall have full Power and Authority, from time to time, at any Meeting to be held as aforesaid, to order and direct all or any of the said Streets, Lanes, Ways, Alleys, and publick Passages, now in being, or hereafter to be made in Portsmouth Common aforesaid, or any Part or Parts of such Streets, Lanes, Ways, Alleys, and publick Passages, as well those Parts used by Carriages, as those used by Foot Passengers, to be paved, relaid, repaired, raised, or altered, swept and cleansed, and the Ashes, Cinders, and Rubbish, to be taken and carried from all and every the Houses in Portsmouth Common aforesaid, or elsewhere, within the said Place, when and in such Manner and so often as the said Trustees, or any Seven or more of them, shall think fit; and the Person or Persons authorized or directed by them to do the same, have hereby full Power and Authority to do the same accordingly; 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.

Pavements, &c. vested in the Trustees.

And be it further enacted, That from and after the First Day of June, One thousand seven hundred and sixty-four, the Property of all the present and future Pavements of the said Place called Portsmouth Common, as well in the Foot-ways as Cart-ways, and all the

the present and future Posts in all or any of the said Streets, Lanes, Ways, Alleys, and publick Passages, 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, Lanes, Ways, Alleys, and publick Passages, and of all Sels-pools, Bunnies, Watercourses, and Sewers, in Portsmouth Common aforesaid, and of all the Ashes, Cinders, and Rubbish, to be taken and carried away, from all and every the Houses in Portsmouth Common aforesaid, or elsewhere within the said Place, shall be and the same are hereby vested in the said Trustees; and they, or any Seven 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 One or more of them, or in the Name of their Treasurer or Clerk, 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, any Part or Parts thereof; and 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 therein, and being thereof convicted upon the Oath of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the Borough of Portsmouth (which Oath such Justice or Justices is and are hereby impowered and 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 subsequent 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 it shall and may be lawful to and for One or more Justice or Justices of the Peace for the Borough of Portsmouth, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol of the Borough of Portsmouth, there to remain for any Space of Time not exceeding Two Calendar Months, nor less

who may bring Actions in their Names, or the Names of their Treasurer or Clerk.

Penalty on Persons damaging Materials or Works.

than Ten Days, to be reckoned from the Day of Commitment, and the Person or Persons so committed shall not be discharged, until he, she, or they, shall have paid the said Penalty, or until the Expiration of the respective Times for which he, she, or they, shall be so committed.

Trustees may sell useless Materials,

And be it further enacted, That the said Trustees, or any Seven or more of them, shall have full Power and Authority to sell and dispose of all or any Part of the old and useless Materials to such Person or Persons as shall be willing to purchase the same, and to pay the Money arising therefrom, on Demand, to the former Owners thereof.

dig Gravel,

And be it further enacted, That the said Trustees, or any Seven 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, Ways, Alleys, and publick 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 Seven or more of them, shall judge necessary or conducive to the accomplishing of the Ends and Designs of this Act.

employ Workmen,

and contract for paving, sweeping, &c. the Streets,

And be it further enacted, That the said Trustees, or any Seven or more of them, may and are herby impowered, from time to time, as Occasion shall require, to contract with any Person or Persons for paving, repairing, and keeping in Repair, and sweeping and cleansing all or any of the said Streets, Lanes, Ways, Alleys, and publick Passages, and for taking and carrying away the Ashes, Cinders, and Rubbish, from all and every the Houses in Portsmouth Common aforesaid, or elsewhere within the said Place; but previous to the making of any such Contract Fourteen Days Notice shall be given in Writing, in Manner aforesaid, for calling Meetings of the said Trustees, in order for any Person or Persons willing to undertake the same to deliver in Proposals for that Purpose, to the Clerk of the said Trustees.

and for carrying away Cinders, &c. from Houses.

No Cinders to be sifted in the Streets.

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, Way, Alley, or publick Passage in Portsmouth Common aforesaid, upon

pain to forfeit and pay, for every such Offence, the Sum of Five Shillings.

The Expence of paving, to be defrayed by Landlords.

And be it further enacted, That the Charges and Expences of paving, relaying, or repairing, and keeping in Repair, the said Streets, Lanes, Ways, Alleys, and publick Passages, in Portsmouth Common aforesaid, shall be at all Times hereafter borne and defrayed by the Owners or Proprietors of the several Houses, Buildings, Yards, Lands, Tenements, and Hereditaments, in Portsmouth Common aforesaid, in Manner, and in the Proportions, herein after mentioned; and that the Charges and Expences of sweeping and cleansing the said Streets, Lanes, Ways, Alleys, and publick Passages, and of defraying the Salaries of the Officers to be appointed by the said Trustees, and the Charges and Expences of obtaining this Act, and all other incidental Charges and Expences attending the Execution thereof, shall be borne and defrayed by the Tenants or Occupiers of the several Houses, Buildings, Yards, Lands, Tenements, and Hereditaments, in Portsmouth Common aforesaid, in the Manner and Proportions herein after-mentioned; that is to say, The said Charges and Expences to be borne and defrayed by the said Owners or Proprietors, shall be paid to the Collector appointed by the said Trustees, or any Seven or more of them, by the Tenants or Occupiers of the said Houses, Buildings, Yards, Lands, Tenements, and Hereditaments; 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 several Owners or Proprietors of the said Houses, Buildings, Yards, Lands, Tenements, or 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 for the paying and defraying the said Charges and Expences to be borne and defrayed by the said Tenants or Occupiers, it shall and may be lawful for the said Trustees, or any Seven or more of them, Once in every Year, or oftener if they, or any Seven or more of them, shall think it necessary, to make a Rate or Rates, Assessment or Assessments, upon the Tenants or Occupiers of the said Houses, Buildings, Yards, Lands, Tenements, and Hereditaments, in Portsmouth Common aforesaid, not exceeding in the Whole Three Pence in the Pound in any One Year, of the yearly Rent or Value of any such

The Expence of sweeping, &c. to be defrayed by Occupiers.

Tenants to pay Landlords Money to Collector, and outset it in Rent.

Trustees may make Rates on Occupiers, not exceeding 3 *d. per* Pound *per Annum*.

Houſes, Buildings, Yards, Lands, Tenements, or Hereditaments, according to the Rack-rent or Value thereof; which Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be paid by the ſaid Tenants or Occupiers to the ſaid Collector or other Perſon or Perſons appointed by the ſaid Truſtees, or any Seven or more of them, to receive the ſame.

Charges for paving, &c. and Rates, to be levied by Diſtreſs and Sale.

And be it further enacted, That if any Tenant or Occupier of any Houſe, Building, Yard, Land, Tenement, or Hereditament, in Portſmouth Common aforeſaid, ſhall neglect or refuſe to pay ſuch Charges as aforeſaid, for paving, relaying, repairing, or keeping in Repair, the ſaid Streets, Lanes, Ways, Alleys, or publick Paſſages, or ſhall neglect or refuſe to pay his, her, or their Proportion or Proportions of any of the ſaid Rates or Aſſeſſments to be made by the ſaid Truſtees, or any Seven or more of them, within Ten Days after Demand made thereof by Notice in Writing, under the Hand of the ſaid Collector, to be left 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 Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the Borough of Portſmouth, returning the Overplus (if any be) to the Owner or Owners, on Demand, after all Charges paid.

Houſes, &c. when empty, liable to Charges for paving.

Provided always, That in caſe it ſhall happen any of the ſaid Houſes, Buildings, Yards, Lands, Tenements, or Hereditaments, in Portſmouth Common aforeſaid, ſhall at any Time be empty, untenanted, or unoccupied, and ſuch Charges and Expences for paving, relaying, or repairing, and keeping in Repair, the ſaid Streets, Lanes, Ways, Alleys, and publick Paſſages as aforeſaid, ſhall not be paid, then, and in every ſuch Caſe, ſuch Houſes, Buildings, Yards, Lands, Tenements, and Hereditaments, ſhall be, and the ſame are hereby made a Security for, and chargeable with, all Arrears thereof; which Arrears ſhall and may be levied and raiſed by Diſtreſs and Sale, by Warrant as aforeſaid, of any Goods and Chattles which ſhall after be found in or upon the ſame Houſes, Buildings, Yards, Lands, Tenements, or Hereditaments.

Pavement, not in the Streets or before Buildings, how to be paid for.

Provided always, That in caſe the ſaid Truſtees ſhall cauſe any Place or Places to be paved, other than in any of the ſaid Streets or Alleys, or before any Meſſuage, Dwelling-houſe, or Building, erected, or to be erected, in Portſmouth Common aforeſaid, the Expence thereof ſhall

be paid out of the Rates to be collected by virtue of this Act.

To enforce Payment of the Rates by Persons removing out of *Portsmouth Common.*

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 Portsmouth Common 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 Borough of Portsmouth, or for any 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 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.

And whereas it may happen that Persons may remove out of the said Place called Portsmouth Common, 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,

Rates due on Houses, &c. to be paid by Persons removing from and by those who occupy the Premisses in Proportion.

ly, 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 thereof.

Corner Houses.

Provided always, and be it further enacted, That the Owners or Proprietors of every Corner House, Building, Yard, Land, Tenement, or Hereditament, in all and every of the said Streets, Lanes, Ways, Alleys, and publick Passages in Portsmouth Common aforesaid, shall pay, and be compellable in Manner aforesaid to pay, in equal Proportion for so much of the Pavement adjoining or contiguous to their respective Premisses, as shall be sufficient to complete the Pavement in the respective Streets, Lanes, Ways, Alleys, and publick Passages in Portsmouth Common aforesaid, at the Corner or Corners of which their said Houses, Buildings, Yards, Lands, Tenements, or Hereditaments, shall respectively stand or be.

Where Road left on one Side, how Persons are to build on the other.

And be it further enacted, That with respect to such Places on Portsmouth Common aforesaid, as have or shall have Houses built on One Side, commonly called Rows, and have a Road left before the Fronts thereof, and the Land opposite and adjoining to the Road is not yet built upon, all such Person or Persons as shall build on such opposite Land, after the same shall be paved according to the Directions of this Act, shall leave a Number of Feet for a Road equal to the Road now left or set out, or to be left and set out; and the same shall be paved in Manner aforesaid, under the Direction of this Act, or otherwise such Person or Persons, so building as aforesaid, shall pay to the Owners of the opposite Houses Half the Expence of paving the Road now left, and shall afterwards maintain and pave to the Middle of the said Road before such their respective Houses; and if they shall leave a Road, but not so wide as the present Road, then the Expence of paving such Road shall be apportioned by the said Trustees, or any Seven or more of them, computing the whole Distance between the Houses as One Road; and where the present Road left does not exceed Ten Feet in Width, then the Person or Persons building on the opposite Side shall leave a Number of Feet in Width for a Road equal to the Road now left.

Watercourses may be made.

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 Trustees, or any Seven or more of them, to make or cause to be made Sess-pools, Bunnies, Watercourses, and Sewers, and for that Purpose to enter by themselves, or Persons employed by them, on the Lands of such Persons as shall be deemed necessary for that Purpose, and to dig, sink, and build, and from time to time, whenever it shall be requisite, to repair the same, doing as little Damage as may be, and making good all such Damages as shall be so done; and also to purchase or take Leases in their Names of Ground of any Person or Persons for making Watercourses and Sewers, if it be thought proper so to do, and to cut into old Watercourses 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 Sess-pools, Bunnies, Watercourses, and Sewers, and the said other Works, shall be paid and defrayed out of the Rates to be raised as aforesaid, and the same shall for ever thereafter be deemed publick Sess-pools, Bunnies, Watercourses, Sewers, and Works.

and Ground purchased or rented for that Purpose.

Not to injure Houses or Buildings in making Watercourses, &c.

Provided always, and be it further enacted, That in making such Sess-pools, Bunnies, Watercourses, and Sewers, or in cutting into and enlarging such old Watercourses and Sewers, or any of the Works relating thereto, nothing shall be done which shall or may in any wise injure or damage any House or Building, unless the Owner or Proprietor thereof shall consent thereto.

Penalty on Persons altering the Pavements.

And be it further enacted, That if any Person or Persons shall raise, sink, or alter the Pavements in any of the said Streets, Lanes, Ways, Alleys, or publick Passages, without the Consent and Direction of the said Trustees, or any Seven or more of them, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees may repair Roads not before Houses, &c.

And be it further enacted, That with respect to all such Places in Portsmouth Common aforesaid as shall not lie in the Streets thereof, or before Buildings, but shall or may be publick Roads or Ways, or Part or Parcel of any publick Roads or Ways, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to repair the same in such Manner as they shall see necessary and proper, and the Expence thereof shall be defrayed out of the said Rates.

Provided always, That nothing in this Act contained shall compel, or be construed to compel, the said Trustees, or any of them, to repair the Place called The Hard, at the old Buildings in Portsmouth Common aforesaid, extending from High Water Mark to Low Water Mark, or any Part thereof, or the Place called The Hard, lying between his Majesty's Dock-yard and Gun-wharf, extending from High Water Mark to Low Water Mark, or any Part thereof; but that they, or any Seven or more of them, may be at Liberty to repair the same, or any Part thereof, out of the Rates aforesaid, in case they shall at any Time, or from time to time, adjudge it to be of publick Utility to the said Place called Portsmouth Common so to do, and not otherwise; so as the Expence of repairing the said Place called The Hard, lying between the Dock-yard and Gun-wharf aforesaid, do not amount to more than Ten Pounds in any One Year; any thing in this Act contained to the contrary thereof in any wise notwithstanding. Proviso with respect to the Hard.

And be it further enacted, That with respect to all such Land as is the Property of private Persons which shall not be built upon, and shall lie next adjoining to any Road, Street, Lane, Way, Alley, or publick Passage, in Portsmouth Common aforesaid, or Land laid out for a Road or Way, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to give Notice in Writing to the Owner or Owners of such Land to repair the same in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and if he, she, or they shall neglect so to do, or to fence the same in by a good and substantial Fence from the Road, within Ten Days next after such Notice, then the said Trustees, or any Seven or more of them, shall repair or fence in the same, in such Manner as they, or any Seven or more of them, shall think proper; and the Expences thereof shall be recovered in Manner herein before directed for the recovering the Expences of paving before Houses, Buildings, Yards, Lands, Tenements, and Hereditaments. Trustees may give Notice for repairing private Land adjoining to any Road.

Provided always, That where the Space now left for a Road before any House, Building, Yard, Land, Tenement, or Hereditament, shall not exceed Ten Feet wide, then the Owners of such Land now unbuilt on, on the opposite Side, or the said Trustees, or any Seven or more of them, on Neglect or Refusal of such Owner or Owners as aforesaid, shall leave a Number of Feet for a Road equal in Width with the Space left for a Road on the other Side; and the same, with the Proviso for leaving Road.

Space

Space left for a Road on the other Side, shall be deemed for ever after one publick Road, and be paved and repaired, swept and cleansed, in such and the same Manner as the said Streets, Lanes, Ways, Alleys, and publick Passages, are herein before directed to be paved and repaired, swept and cleansed.

Trustees may allow for Repairs.

Provided also, That the said Trustees, or any Seven or more of them, are hereby impowered to pay or allow such Sum or Sums of Money out of the said Rates to the Owner or Owners of such Lands, towards the putting such Land in proper Repair, as the said Trustees, or any Seven or more of them, shall judge reasonable.

Trustees may regulate Stalls, &c.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered to take down, remove, alter, and regulate, all Stalls, Bulks, Bulk Windows, Penthouses, Window Shutters, Porches, Rails, Pales, Palisadoes, Sheds, Shambles, Blocks, Chopping Blocks, Cellar Windows, Steps, Trees, Posts, Sign Posts, and Shew Boards, before any Houses, Buildings, Yards, Lands, Tenements, or Hereditaments, which shall obstruct the Foot-way or Carriage-way, in any of the Streets, Lanes, Ways, Alleys, or publick Passages, in Portsmouth Common aforesaid, the Owners, Proprietors, or Occupiers of such respective Houses, Buildings, Yards, Lands, Tenements, or Hereditaments, refusing or neglecting to take down, alter, remove, or regulate the same, after Ten Days Notice shall have been given them respectively for any of the Purposes aforesaid, by the said Trustees, or any Nine or more of them, or by their Order; and the Expences thereof shall and may be recovered in the same Manner as the Charges and Expences of paving, relaying, repairing, and keeping in Repair, the said Streets, Lanes, Ways, Alleys, and publick Passages, are herein directed to be recovered; leaving the Materials on the Spot, or as near as conveniently may be, for the Use of the Person or Persons who may be intitled to the same.

Doing no material Damage to House, &c. and making good what Damage shall be done, if any.

Provided always, That the said Trustees shall have no Power or Authority to take down, remove, alter, or regulate any of the Obstructions aforesaid, unless the same can be done without materially damaging or incommoding the House, Building, Yard, Land, Tenement, or Hereditament, to which the same shall respectively appertain or belong; and the said Trustees, or any Seven or more of them, shall, out of the Rates to be collected by virtue of this Act, make good the neces-

sary Damages attending the taking down, removing, altering, or regulating the Obstructions aforesaid.

Emptying Necessary Houses.

And be it further enacted, That if any Person or Persons shall empty or cause to be emptied any Necessary House in Portsmouth Common aforesaid, at any Time, except between the Hours of Eleven at Night and Four in the Morning, or shall lay the Soil thereof in any other Place than shall be appointed for that Purpose by the said Trustees, or any Seven or more of them, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on throwing Ashes, &c. into the Streets.

And be it further enacted, That if any Person or Persons shall throw, cast, set, or lay, or cause to be thrown, cast, set, or laid, any Coal-ashes, Wood-ashes, Cinders, Soot, Rubbish, Dirt, Dung, Blood, Offal, Filth, or any other Nusance whatsoever, into any open Street, Lane, Way, Alley, or publick Passage in Portsmouth Common aforesaid, 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, Ways, Alleys, or publick Passages, within Portsmouth Common aforesaid, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Ten Shillings.

Not to extend to Rubbish, &c. occasioned by Building.

Provided always, That no Person shall be subject to the said Penalty, for any Rubbish or Dirt, laid or thrown into the said Streets, Lanes, Ways, Alleys, or publick Passages, or any of them, occasioned by the building, pulling down, rebuilding, or repairing, of any House or Tenement, so as there be convenient Room left in the same Street, Lane, Way, Alley, or publick Passage, where such Rubbish or Dirt shall lie, for Carriages to pass and repass with Safety, 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, Ways, Alleys, or publick Passages, so as such Room be left for Foot Passengers and Carriages, and so as such Lime be inclosed before such House or Tenement 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, Way, Alley, 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 or Tenement where such Rubbish or Lime shall lie, for that

Purpose in Writing, to be signed by the Clerk to the said Trustees, or any Two or more of the said Trustees, and so as, whilst the same shall be lying in the said Street, Lane, Way, Alley, 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.

Trustees may sell Soil, and apply the Money to the same Purposes as the Rates.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, from time to time, and at all Times hereafter as they shall think proper or necessary, sell and dispose of all the Soil of the said Streets, Lanes, Ways, Alleys, and publick Passages, and of all the Sets Pools, Bunnies, Watercourses, and Sewers, in Portsmouth Common aforesaid, and of all the Cinders, Ashes, and Rubbish, to be taken and carried away, from the Houses in Portsmouth Common aforesaid, or elsewhere in the said Place, in pursuance of the Power aforesaid, in such Manner as they, or any Seven or more of them, shall think proper; and the Money arising from the Sale thereof shall be applied as the Rates aforesaid are directed to be applied.

Inhabitants may keep their own Dirt, &c.

And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Dirt, Filth, Soil, Dung, or Rubbish, which any of the Inhabitants of Portsmouth Common aforesaid, shall have Occasion and think fit to keep within their own respective Houses, Yards, or Gardens, but the same shall respectively belong to the Person or Persons keeping the same.

Cattle not to be killed or wander in the Streets.

And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calves, Sheep, or other Cattle, in any open or publick Street, Lane, Way, Alley, or publick Passage, within Portsmouth Common aforesaid, or hang up any Beast, Swine, Calves, Sheep, or other Cattle, so as to obstruct or incommode the Passage in any of the said Streets, Lanes, Ways, Alleys, or publick Passages, every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Ten Shillings: And if any Swine, Beast, or Cattle, shall be found wandering about the said Streets, Lanes, Ways, Alleys, or publick Passages, or any or either of them, it shall and may be lawful to and for such Person or Persons as shall be impowered for that Purpose by the said Trustees, or any Seven or more of them,

thent, to impound such Swine, Beast, or Cattle, in the common Pound, of or for that Part of the Parish of Portsea, commonly called The Liberty Part, and the same to detain in the said Pound until the Expence of impounding shall be fully paid and satisfied.

Justices, on Complaint, may summon Persons to appear, and direct the removing the same, and inflict a Penalty on Default.

And be it further enacted, That in case any Hog-stye, Lay-stall, Necessary-house, Dung, Filth, or Soil, or any of the Ashes, Cinders, or Rubbish, preserved by Persons by virtue of the Proviso aforesaid, shall be offensive to any Person or Persons in the Neighbourhood, it shall and may be lawful for any Person or Persons annoyed thereby to complain thereof to Two of the Justices of the Peace of the said Borough of Portsmouth; which Justices are hereby impowered and authorized thereupon to summon the Person or Persons so keeping such Hog-stye, Lay-stall, Necessary-house, Dung, Ashes, Cinders, or any other Filth or Soil, to appear before them, and on hearing the several Persons concerned in the Matter of the said Complaint, in case the Person or Persons complained against shall appear before the said Justices upon their Summons as aforesaid, or in case of the Neglect or Refusal of such Person complained against to appear at the Time appointed, it shall and may be lawful to and for the said Justices to order the said Nusance or Offence to be removed within Six Days next after such Order: and in case the same shall not be removed in that Time, then the Person or Persons offending shall forfeit and pay the Sum of Ten Shillings for every Day that the same shall continue unremoved after the Expiration of the said Six Days.

Trustees may set up Rails.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may set up such Posts and Rails in Portsmouth Common aforesaid as they shall think proper, for the preventing of Accidents and Casualties; and the Expence thereof shall be paid out of the said Rates.

No Person to drive Carts, &c. faster than a Foot Pace.

And be it further enacted, That if any Person shall at any Time after the First Day of June, One thousand seven hundred and sixty four, drive any Cart, Dray, Waggon, Truck, or any other Carriage for the Conveyance of Goods, in or through any or either of the Streets, Lanes, Ways, Alleys, or publick Passages, in Portsmouth Common aforesaid, 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.

And

No Carts, &c. to ſtand in the Streets longer than is neceſſary for loading or unloading the ſame.

And be it further enacted, That if any Perſon ſhall leave any Cart, Waggon, Truck, Dray, or other Wheel Carriage uſed for the Carriage of Goods, Wares, or Merchandizes, with or without Horſes, in any of the Streets, Lanes, Ways, Alleys, or publick Paſſages, in Portſmouth Common aforeſaid, for any longer Space of Time than is or ſhall be needful and proper for the neceſſary loading or unloading thereof, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Exemption from Statute Labour.

And be it further enacted, That from and after the Firſt Day of June, One thouſand ſeven hundred and ſixty four, no Perſon living in Portſmouth Common ſhall be charged or chargeable to the Repair of any Highway within the Pariſh of Portſea or the Liberty or Guildable Part thereof, commonly called Statute Labour.

Truſtees to maintain Roads in *Portſmouth Common.*

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall, out of the ſaid Rates, maintain all the Roads within Portſmouth Common aforeſaid, which of Right are now maintained or ought to be maintained by the Pariſh of Portſea, or the ſaid Part thereof commonly called The Liberty Part.

Exemptions for Inhabitants of *Portſea* and *Portſmouth Common.*

And be it further enacted, That no Inhabitant of the Pariſh of Portſea, or of any Part thereof, not reſiding within the Limits of Portſmouth Common as before deſcribed, ſhall be ſubject or liable to repair, or contribute to the Repair of, any Road or Highway lying within the Limits of Portſmouth Common aforeſaid; nor ſhall any Inhabitant of the Pariſh of Portſea, reſiding within the Limits of Portſmouth Common aforeſaid, be ſubject or liable to repair, or contribute to the Repair of, any Road or Highway within the ſaid Pariſh, not lying within the ſaid Limits of Portſmouth Common, or to be appointed to the Office of Surveyor of the Highways within the ſaid Pariſh, or the Liberty or Guildable Part thereof, or vote for the Election of any ſuch Officer or Officers within the ſaid Pariſh, or the Liberty or Guildable Part thereof; nor ſhall any Surveyor or Surveyors of the Highways within the ſaid Pariſh of Portſea, or the Liberty or Guildable Part thereof, have any Power or Authority whatſoever reſpecting or relating to the Roads or Highways within the Limits of Portſmouth Common aforeſaid.

Truſtees may purchaſe or rent Land for depoſiting Soil.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, ſhall have full Power and Authority to buy or rent Land within or without the Limits of Portſmouth Common aforeſaid, for the depoſiting of the Soil, Aſhes, Cinders, and Rubbiſh before-mentioned,

mentioned, and that 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 Trustees, or any Nine or more of them; and for the better and more effectual repairing the Highways within the Limits of Portsmouth Common aforesaid, the said Trustees, or any Seven or more of them, or any Person or Persons appointed by them, shall and may, and they are hereby impowered, to dig for, take, and carry away, any Materials fit and proper for repairing Highways, in the same Manner, and in and from such and the same Places, as the Surveyors of the Highways are now impowered by Law to do, in order to repair the Highways within the Parish of Portsea aforesaid, or the Liberty Part thereof.

Penalty on leaving open Cellar Windows in the Evening without Light.

And be it further enacted, That if any Person shall leave any Cellar Window or Cellar Windows open in the Evening or in the Night, without the same being sufficiently lighted, to prevent any Accident happening therefrom, every such Person shall for every such Offence forfeit and pay the Sum of Five Shillings.

Penalty on leaving Timber, &c. in the Streets longer than necessary.

And be it further enacted, That if any Person or Persons shall place, leave, cast, set, or lay any Timber, Bricks, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Barrels, Sugar Hogsheads, Packing Bores, Tubs, Casks, or Goods of any Kind whatsoever, in any Street, Lane, Way, Alley, or publick Passage within Portsmouth Common aforesaid, for any longer Time than shall be necessary for the lading or unlading thereof, and for the taking and carrying away the same; every such Person and Persons shall for every such Offence forfeit and pay the Sum of Five Shillings.

Expences of the Act how to be paid.

And be it further enacted, That the Charges and Expences of obtaining and passing of this Act shall be paid out of the First Monies to be raised by the Rates to be collected by virtue of this Act, or the Money to be borrowed upon the Credit thereof.

Streets, &c. already made, or hereafter to be made, deemed publick Streets.

And be it further enacted, That as well all and every the Streets, Lanes, Ways, Alleys, and Passages, already made and laid out, as also all and every such other Streets, Lanes, Ways, Alleys, and Passages, as shall hereafter be made and laid out within the Limits of Portsmouth Common aforesaid, shall be deemed publick Streets, Lanes, Ways, Alleys, and Passages.

Trustees may purchase Lands, &c. to widen the Streets.

And be it further enacted, That if any House, Yard, or Building, already erected or hereafter to be erected, or any Part of such House, Yard, or Building, or any

Piece or Parcel of Land or Ground whatsoever, built or unbuilt upon, inclosed or not inclosed, or any Tenement or Hereditament whatsoever, or any Part or Parcel thereof, shall be adjudged by the said Trustees, or any Fourteen or more of them, to project into or obstruct the Passage of any of the Streets, Lanes, Ways, Roads, Paths, Alleys, or publick Passages, within the Limits of Portsmouth Common aforesaid, or any or either of them, and the Owner or Owners thereof shall be willing to sell the same, or so much of such House, Yard, Building, Land, Tenement, or Hereditament, as shall be so adjudged to project into any or either of the said Streets, Lanes, Ways, Roads, Paths, Alleys, or publick Passages, the said Trustees, or any Fourteen or more of them, shall and may, and they are hereby impowered to purchase the same for the Use of the Publick, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Trustees and the Owner or Owners thereof, out of the said Rates; and the Land so bought (after the Building thereon, if any, shall be taken down by the said Trustees, or any Fourteen or more of them, who are hereby authorized so to do, and to pay the Charges and Expences thereof out of the Rates aforesaid) shall for ever after be deemed to be taken to be a publick and common Highway, and shall be paved and repaired in the same Manner as the Streets and Highways within the Boundaries aforesaid are by this Act directed to be paved and repaired.

Bodies Politick, &c. may contract for the Purchase of Houses, &c.

And whereas it may happen that some Persons or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of Houses, Buildings, Lands, or Hereditaments, which may by the said Trustees, or any Fourteen or more of them, be thought necessary or proper to be taken in, and added to the said Streets, Lanes, Ways, Alleys, or publick Passages, or any of them, and such Persons or Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or Feoffees, may be willing to treat or agree for the Sale of such Houses, Buildings, Lands, or Hereditaments, but may be incapable of granting or conveying the same by reason of Infancy or other Disability; be it 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, Buildings, Lands, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Fourteen or more of them, for the Purchase of such Houses, Buildings, Lands, or Hereditaments, or for their Interest therein, for the Purposes 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.

Trustees not to act where interested.

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

Trustees may borrow Money on the Credit of the Rates.

And forasmuch as the Monies to be raised by the Rates to be collected by virtue of this Act will not be sufficient for the speedy Execution of the Purposes hereby intended, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Fourteen or more of them, from time to time, upon the Credit of the Rates hereby made payable, to borrow and take up at Interest any such Sum or Sums of Money, as they, or any Fourteen or more of them, shall think needful, not exceeding the Sum of Six hundred Pounds; and may, and they are hereby authorized and impowered to mortgage or assign over the said Rates, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the Purposes for which the said Rates are hereby granted, and to and for no other Use or Purpose whatsoever.

Assignments may be transferred.

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

gages, Assignment or Assignments, of the said Rates shall be made by the said Trustees, or any Fourteen or more of them, as a Security or Securities for any Sum or Sums of Money lent by him, her, or them, on the Credit of the said Rates, 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 whomsoever.

Penalties and Forfeitures how to be recovered and applied.

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 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 Borough of Portsmouth, which Warrant the said Justice or Justices is and are hereby impowered and required to grant upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby required and impowered 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, and shall be applied (if not otherwise directed to be applied by this Act) for and towards the Purposes of this Act, in such and the same Manner as the Money arising from the Rates herein before-mentioned is hereby 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 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 Common Gaol of the Borough of Portsmouth for any Time not exceeding One Calendar Month, or until such Penalties and 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 Portsmouth Common aforesaid may and shall be admitted to give Evidence; the Rate or Contribution charged as aforesaid upon any such Inhabitant by virtue hereof notwithstanding.

Provided

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, so as the same be not mitigated or reduced to less than One Fourth Part thereof; and every such Mitigation or Composition shall be a sufficient Discharge to the Person or Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated or lessened. Justices may mitigate or compound Forfeitures.

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 Proceeding 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 Party or Parties aggrieved by such Irregularity shall or may recover full Satisfaction for the Special Damage in an Action of Trespass, or on the Case, at the Election of the Plaintiff or Plaintiffs. Distress not to be deem'd unlawful for want of Form only; nor the Party distraining be deem'd a Trespasser *ab initio*.

Provided always, That where the Plaintiff or Plaintiffs shall recover in any such 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 recovering of Costs in other Cases by Law. Plaintiff not to recover if Tender of Amends be made.

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, and for which no particular Method of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace for the Borough of Portsmouth, at the then next General Sessions of the Peace to be held in and for the said Borough of Portsmouth; such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the Clerk or Treasurer to the said Trustees; and, within Two Days next after such Notice given, entering into a Recognizance or Recognizances before some Justice of the Peace for the said Borough, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay Persons aggrieved may appeal to the Quarter Session. Notice of Appeal to be given.

such Costs as shall be awarded by the Justices for the said Borough at such 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 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 Sessions shall be final, binding, and conclusive, to all Parties concerned or interested therein.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, or Assignment, Transfer, or other Security for the Borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees 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 Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, Justice or Justices of the Peace, or any of them, or Transfer or Assignment of any of the Securities aforesaid made by any Person or Persons, shall be charged or chargeable with any Stamp Duty whatsoever.

Proceedings, &c. to be entered in a Book.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall cause to be provided and kept proper Books, wherein the several Meetings, and the Names of the several Trustees attending such Meetings, and the Nomination of 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 at such Meetings, shall from time to time be fairly written and entered by their Clerk or Treasurer, or such other Person or Persons as they or either of them shall appoint for that Purpose; and that such Clerk and Treasurer, or other Person or Persons so to be appointed as aforesaid for that 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 or Treasurer, or Person or Persons so to be appointed by them for that Purpose, shall be deemed Originals, and shall be admitted to be read as Evidence in all Causes, 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

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

No Act valid, unless made at a publick Meeting.

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 to be held in pursuance of and according to the Directions in this Act contained.

Proceedings not to be quash'd for want of Form.

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 only; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

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, unless Twenty one Days Notice thereof shall be first given in Writing to the Clerk or Treasurer of the said Trustees, 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 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 Trustees, 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 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

General Issue.

Plaintiffs

Plaintiffs shall become Nonsuited, or discontinue his, her, or their Action, 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 have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

Treble Costs.

Defendant before pleading may pay into Court a Sum of Money as an Amends; and on Plaintiff's refusing to accept the same, Verdict to pass for the Defendant, with Treble Costs.

Provided always, and be it further enacted, That in case any Action or Suit shall be brought, according to the Direction given in this Act, 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 Things: 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 tries 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.

Not to hinder Mayor of *Portsmouth*, &c. from legal Remedy for Encroachments there.

And be it further enacted, That nothing in this Act contained shall prevent or hinder, or be deemed or taken to prevent or hinder, the Mayor, Aldermen, and Burgesses, of the Borough of Portsmouth aforesaid, or any other Person or Persons whomsoever, from having or taking all, every, or any legal Remedies or Remedy against any Person or Persons whomsoever, for any Encroachment that is or shall be made within the Limits of Portsmouth Common aforesaid, on his, her, or their Lands, Tenements, or Hereditaments.

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.

FINIS.