Anno octavo

Georgii III. Regis.

An Act for the better paving and cleanſing the Streets and other publick Paſſages, in the Town of *Portſmouth*, in the County of *Southampton*; and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious.

WHEREAS the Town of Portſmouth, in the County of Southampton, is a large, ancient, and populous Town; and the Pavements in the ſeveral Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages thereof, are exceedingly irregular, defective, and out of Repair: And whereas the ſaid Streets, Courts, Lanes, Ways, Alleys, and publick Paſſages, are greatly narrowed and obſtructed by various Projections and Incroachments: And whereas the Inhabitants of the ſaid Town, and all others, paſſing and repaſſing through the Streets, Courts, Lanes, Ways, Alleys, and publick Preamble.

Passages thereof, are greatly incommoded and annoyed, not only by reason of the said irregular and defective Pavements, and the said Projections and Incroachments, but by many Nuisances and Annoyances in the said Town, and in the said Streets, Courts, Lanes, Ways, Alleys, and publick Passages: And whereas the regular and effectual paving the said Streets, Courts, Lanes, Ways, Alleys, and publick Passages, and removing and preventing, in future, all Projections, Incroachments, Nuisances, and Annoyances therein, would tend greatly to the Health, Safety, and Advantage, as well of the Inhabitants of the said Town, as of all others resorting thereto; but the same cannot be done without the Aid of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners Names.

That the Chief Engineer of His Majesty's Ordnance at Portsmouth, for the time being; the Storekeeper of His Majesty's Ordnance at Portsmouth, for the time being; the Clerk of the Cheque of His Majesty's Ordnance at Portsmouth, for the time being; the Clerk of the Survey of His Majesty's Ordnance at Portsmouth, for the time being; the Agent Victualler at Portsmouth, for the time being; the Storekeeper of His Majesty's Victualling Office at Portsmouth, for the time being; the Clerk of the Cheque of His Majesty's Victualling Office at Portsmouth, for the time being; the Vicar of Portsmouth, for the time being; Elias Arnaud Grocer, Elias Arnaud junior, Grocer; Samuel Ballard Merchant, Thomas Bartlett Brazier, George Binsteed Gentleman, John Bowes Doctor of Physick, John Brett Esquire, a Captain in His Majesty's Navy; James Bucknall Merchant, Robert Budden Upholder, Gregory Carlos Surgeon, Charles Collins Grocer, Daniel Collins Brewer, William Cooley Esquire, Collector of His Majesty's Customs at Portsmouth; John Cowcher Druggist, George Cuthbert Doctor of Physick, William Damarum Master House Carpenter, Samuel Dawson Linnen Draper, William Deacon Brewer, John Peter Desmaretz Esquire, a Colonel in His Majesty's Train of Artillery; William Fidge Doctor of Physick, Joseph Francklin Gentleman, Daniel Garrett Wine Merchant, George Gayton Esquire, a Captain in His Majesty's Navy; Henry Gibbs Esquire, Surveyor General of His Majesty's Customs for Wales; John Goodwin Gentleman, Henry Grigg Gentleman,

John Harding Silversmith, Moses Hawker Gentleman, John Vining Heron Woollen Draper, Thomas Higgins Mercer, John Hollwall Esquire, a Captain in his Majesty's Navy; Samuel Hood Esquire, a Captain in his Majesty's Navy; John Hugony Coachwainer, George Huish Gentleman, Talbot Edward Judson Baker, Samuel Leeke Goldsmith, Edward Linzee junior, Surgeon; James Littlefield Wine Merchant, John Meadmore Hatter, John Merac Gentleman, Abraham Mounsher Baker, Christopher Mullens Grocer, William Norris Brewer, James Norris, Grocer, Thomas Palmer Gentleman, William Parsons Merchant, William Pike Esquire, John Poor Master House Carpenter, William Read Cutler, John Vining Read Mercer, George Ridge Esquire, Richard Ridge Esquire, Henry Roe Gentleman, Edward Shugar Gentleman, John Smith Esquire, William Smith Plumber, Joseph Smith Upholder, Francis Spriggs Stone Mason, Thomas Stanyford Gentleman, William Stiles Gentleman, Richard Stugnell Gentleman, John Swann Surgeon, Daniel Tribe Brazier, John Turner Gentleman, Samuel Venables Gentleman, William Waller Bricklayer, the Reverend Richard Walter M. A. Samuel Wheeler Master House Carpenter, James White Merchant, James White junior, Rope Maker; Thomas Whitear Baker, John Wools Grocer, and John Wright Wine Merchant, and their Successors, to be appointed in Manner herein after-mentioned, shall be, and they are hereby appointed Commissioners for putting in Execution all the Powers and Authorities in and by this Act given; and when and so often as any of the said Commissioners shall die, or any Commissioner or Commissioners who shall act in the Execution of this Act, as being resident in the Town of Portsmouth aforesaid, and possessed of Six hundred Pounds Real or Personal Estate, shall remove out of the said Town, or in case any Commissioner or Commissioners shall refuse or neglect to act, for the Space of One Year, it shall and may be lawful to and for the surviving or remaining Commissioners, or any Seven or more of them, to meet in some publick Place in the Town of Portsmouth aforesaid, on publick Notice to be given in the same Manner as is herein after-mentioned for displacing or removing any Officer or Officers under this Act; and, from time to time, to elect and appoint, in Writing under their Hands in the Book or Books for entering the Proceedings of the Commissioners, some other fit Person or Persons, qualified

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

lified as in and by this Act is directed, in the Place or Stead of such Commissioner or Commissioners so dying, removing, or refusing or neglecting to act; and the Person and Persons so elected and appointed a Commissioner or Commissioners, 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 Commissioner or Commissioners in this Act; and the Person or Persons refusing or neglecting to act for the Space of One Year, or removing out of the said Town of Portsmouth, shall, from and immediately after such Election and Appointment (and not before) be disqualified from acting as a Commissioner or Commissioners under this Act, until re-elected upon some future Vacancy.

Qualification of Commissioners.

And be it further enacted, That no Person who shall not be an Inhabitant or resident within the said Town of Portsmouth, shall be qualified or capable of acting as a Commissioner 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 Twenty Pounds arising within the Limits of the said Town of Portsmouth; and shall also be possessed of a Personal Estate to the Amount or Value of Six hundred Pounds; and that no Person, who shall be an Inhabitant or resident within the said Town of Portsmouth, shall be qualified or capable of acting as a Commissioner in the Execution of this Act, unless he shall be seised or possessed of a Real or Personal Estate to the Amount or Value of Six hundred Pounds: 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 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; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so sued shall prove that he is or was 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 Commissioner in the Execution of this Act.

Penalty on acting if not qualified.

Provided,

Provided, That all and every the Person and Persons who shall be a Commissioner or Commissioners under this Act, by virtue of any or either of the Offices, Employments, or Preferments aforesaid, shall and may lawfully act as a Commissioner or Commissioners for putting this Act in Execution, during such Time as he or they shall hold and enjoy such Offices, Employment, or Preferment; but no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time he shall hold any Office under the Commissioners, except the Office of Treasurer, or during such Time as he shall enter into, be engaged in, or have the Benefit of, any Contract, or any Share or Interest in any Contract whatsoever, relating to the Execution of any of the Powers of this Act, or during such Time as he shall be an Alderman of the Borough of Portsmouth, or One of his Majesty's Justices of the Peace in or for the said Borough. Commissioners not to act where interested.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, and they are hereby authorized and required to, meet at the House of Thomas Matthew, bearing the Sign of the Fountain, situate in the High Street, in the said Town of Portsmouth, on the Monday Three Weeks next after the Day of the passing of this Act, and proceed to the Execution of this Act; and then, and from time to time afterwards, to adjourn themselves, and meet at the Place aforesaid, or at such other Place or Places within the said Town of Portsmouth, as often as they the said Commissioners, or any Seven or more of them, shall think proper or convenient for putting this Act in Execution. Time and Place of their Meeting.

Provided, That Two Commissioners shall be sufficient for the Purpose of Adjournment only: And in case Two Commissioners shall not meet, then the Clerk to the said Commissioners for the time being shall and may adjourn such Meeting; provided that no Adjournment whatever 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 to be held by the said Commissioners, a sufficient Number of Commissioners to adjourn to any other Day, or if at any future Meeting of the said Commissioners, a sufficient Number of Commissioners shall not meet or appear to adjourn, and the Clerk to the said Commissioners shall refuse, neglect, or omit, to adjourn, or if a sufficient Number of Commissioners shall meet at such Meeting, Clerk may adjourn Meetings in certain Cases. In Default of a sufficient Number to act,

or

or any future Meeting, and they shall refuse, neglect, or omit, to adjourn, or if any Adjournment shall be made for a longer Space of Time than Twenty eight Days, or any wrong Adjournment shall be made; then, and in every or either of such Cases, the said Commissioners, or any Seven or more of them, shall and may, by publick Notice in Writing under the Hands of the said Commissioners, or any Seven or more of them, to be affixed upon the front Door of the Guildhall in and for the Borough of Portsmouth in the said Town, or so near thereto as conveniently may be; and also by causing the Purport of such Notice to be given in the Parish Church of Portsmouth aforesaid, in case Divine Service shall then be performed therein, on the Sunday preceding such Meeting, by the Clerk officiating in the said Church (who is hereby required to give such Notice without Fee or Reward) appoint the said Commissioners 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 the said Town of Portsmouth, at any Time not less than Three Days, or more than Six Days, next after any such Notice or Notices shall be affixed as aforesaid; and the said Commissioners, or any Seven or more of them, shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed to the Execution of this Act.

Clerk to give Notice of another Meeting.

Special Meeting.

Provided always, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from time to time, by Notice to be given in the Parish Church of Portsmouth aforesaid, by the Clerk officiating therein, in case Divine Service shall be performed in the said Church before the intended Time of Meeting, and by Notice in Writing to be signed by the said Commissioners, or any Nine or more of them, to be affixed on the Front Door of the Guildhall in and for the said Borough of Portsmouth in the said Town, or so near thereto as conveniently may be; and if Divine Service shall not be performed in the said Church before the intended Time of Meeting, then by such Notice as aforesaid to be affixed on the Front Door of the said Guildhall, or so near thereto as conveniently may be, to appoint a publick Meeting of the said Commissioners, at any Time and Place in the said Town they shall judge proper for the Execution of this Act; and the said Commissioners, or any Seven or more of them, shall and may meet at the Time and Place mentioned in such Notice, and shall and may then and there proceed to put

put this Act in Execution; any Adjournment, Non-adjournment, or wrong Adjournment, of the Meeting of the said Commissioners notwithstanding.

Commissioners may make Orders for the better putting this Act in Execution.

And be it further enacted, That the said Commissioners, 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 effectual carrying this Act into Execution; provided that such Orders, Rules, and Regulations, be not repugnant to the Laws of this Realm, or any thing in this Act contained.

Nine Commissioners may revoke, &c. such Orders;

Provided always, That the said Commissioners, or any Nine or more of them, at any of their Meetings shall and may revoke, vary, alter, or make void, any such Orders, Rules, and Regulations, in such Manner as they, or any Nine or more of them, shall find needful and proper; and the said Commissioners shall at all their Meetings pay their own Expences; and at every Meeting of the said Commissioners to be held by virtue of this Act, the Powers and Authorities hereby granted shall be carried into Execution by the major Part of the said Commissioners present, and such One of the said Commissioners present as the major Part of them attending shall appoint, shall preside and be called President; and in case of Equality of Voices (including his own) such President shall upon Occasions have another and decisive Vote; and no Act or Order of the said Commissioners 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: And the said Commissioners, or any Seven or more of them, shall cause to be provided and kept Books wherein the several Meetings, and the Names of the said Commissioners 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 other Proceedings, of the said Commissioners at such Meetings shall, from time to time, be fairly written, and entered by their Clerk, or by such other Person as the Person presiding or appointed to act as President at any Meeting (in case of the Absence or Disability of the said Clerk, or at his Request) shall nominate or appoint to act in the Place or Stead of such Clerk at such Meeting; and such Clerk, or other Person to be appointed in his Place or Stead as aforesaid for that Purpose, shall subscribe his Name at the End of the Proceedings of every such Meeting; and all such Entries so signed

and pay their own Expences.

No Act valid, except at a publick Meeting.

Proceedings to be entered in Books.

Books to be deemed Originals, and admitted as Evidence.

by any such Clerk, or Person so to be appointed in his Place or Stead as aforesaid, 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 all such Books shall, at every Meeting of the said Commissioners, be liable to the Inspection of any Person rated and paying to the Rates which shall be made in pursuance of, or by virtue of, this Act; and the said Commissioners, or any Seven or more of them, shall and may at their First, or any subsequent Meeting, to be held in pursuance of this Act, nominate and appoint, under their Hands, in the Book wherein the Proceedings of the said Commissioners shall, from time to time, be entered, One Person to be Clerk to the said Commissioners, One other Person to be Treasurer of the Monies to be raised by virtue and for the Purposes of this Act, One other Person to be Collector of the said Monies, and One other Person to act as Beadle to the said Commissioners: And it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, when and so often as any Vacancy shall happen in all or any of the said Offices, to nominate and appoint under their Hands in the said Book, such other Person or Persons to be Clerk, Treasurer, Collector, and Beadle, or any or either of them, as the said Commissioners, or any Seven or more of them, shall think proper; and the said Commissioners, or any Nine or more of them, shall and may, at any publick Meeting to be held in pursuance of this Act, remove or displace all or any of the said Officers, and nominate and appoint under their Hands in the said Book such other Person or Persons in the Room of him or them so removed or displaced, as the said Commissioners, or any Nine or more of them, shall think proper; provided Twelve Days Notice of their Intention to remove or displace such Officer or Officers at such Meeting, and to appoint One or more Person or Persons in his or their Room, be given in Writing upon the Front Door of the Guildhall in and for the said Borough, or so near thereto as conveniently may be; and be also published in the Parish Church of Portsmouth aforesaid (in case Divine Service shall then be performed therein, on some Sunday preceding such Meeting, by the Clerk officiating in the said Church, who is hereby required to give such Notice without Fee or Reward) Six Days at least before such Meeting: And the said Commissioners, or any Seven or more of them, shall and may, and they are hereby required to, take

Commissioners may appoint Officers;

and remove them, and appoint others.

Officers to give Security.

such Security, from time to time, for the due Execution of all or any of the said Offices respectively as the said Commissioners, or any Seven or more of them, shall think proper: And the said Commissioners, 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, Collector, and Beadle, for the time being, as to the said Commissioners, or any Seven or more of them, shall seem reasonable; provided the Allowance to the Clerk shall not exceed Twenty five Pounds a Year, nor the Allowance to the Collector Twenty Pounds a Year, nor the Allowance to the Beadle Ten Pounds a Year; and also to make such Allowances to all other Person and Persons to be employed by the said Commissioners, or any Seven or more of them, in the Execution of this Act, as to the said Commissioners, or any Seven or more of them, shall seem reasonable; provided that no Allowance be made to the Treasurer for his Care or Trouble in executing his Office as Treasurer: And every 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 Commissioners, or any Seven or more of them, shall direct, deliver to the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, 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 Commissioners, 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 Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint; and every Officer accounting as aforesaid shall, upon Oath, (which Oath the said Commissioners, or any Two or more of them, are hereby impowered and required to administer) verify his Account if required by any Seven or more of the said Commissioners so to do: And if any such Officer shall not make and render, or shall refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; then, and in either of the Cases aforesaid, any One or more Justice

Commissioners to allow Officers Salaries.

Officers to account upon Oath.

or

or Justices of the Peace for the Borough of Portsmouth, upon Complaint thereof made to him or them by the said Commissioners, or any Two or more of 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, to refusing or neglecting to appear before him or them at such Time and Place as shall in such Summons be appointed (which Summons shall be directed to and served by One of the Constables of the Parish of Portsmouth, by giving it to, or leaving it at, the House or usual Place of Abode of such Officer;) and upon such Officer's appearing, or making Default, or not being to be found, the said Justice or Justices shall and may hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer) it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, 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: And if the Goods and Chattles of such Officer 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 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 have compounded with the said Commissioners, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners, or any Fourteen or more of them, are hereby impowered to make.

Collector, &c. dying or becoming Bankrupt, Debts due to Commissioners to be preferred.

And be it further enacted, That if any Collector or Collectors, Treasurer or Treasurers, or any other Officer or Person, shall happen to die, or to become Bankrupt, before he or they shall have fully paid and satisfied all the Money by him or them received by virtue of or under this Act, or before he or they shall have compounded to pay for the same as aforesaid, and paid such Composition; then, and in every such Case, the Executors

cutors or Administrators, Executrix or Administratrix, or other legal Representative or Representatives, of such Collector or Collectors, Treasurer or Treasurers, or other Officer or Person, or the Assignee or Assignees of his or their Estate and Effects, or other Person or Persons possessing the same, shall, in the First Place, out of such Estate and Effects, pay unto the Treasurer to the said Commissioners for the time being all such Sums of Money as were in the Hands of such Collector or Collectors, Treasurer or Treasurers, at the Time of his or their Death, or at the Time of suing out any Commission of Bankruptcy against him or them, or so much thereof as the said Estate or Effects will extend to pay; and the Receipt of the said Treasurer shall be a good Discharge for the said Money; and every Executor and Executors, Administrator, Assignee or Assignees, or other Person or Persons as aforesaid, may, to any Action or Suit commenced or brought against him, her, or them, plead or give in Evidence the Payment of the same, and shall be allowed such Payment out of the Estate or Effects of such Collector or Collectors, Treasurer or Treasurers, or other Officer or Person, prior to any other Debt or Demand whatsoever; and in case of Non-payment of the same, by the Space of One Calendar Month after the same shall be demanded, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to commence and prosecute One or more Action or Actions for the same, in the Name of any Two or more of the said Commissioners, or their Treasurer for the time being, in any of His Majesty's Courts of Record, against such Executor or Administrator, Assignee or Assignees, or other Person or Persons as aforesaid.

Limits of the Town of *Portsmouth.*

And be it further enacted, That for the Purposes of this Act the Limits and Extent of the said Town of Portsmouth shall be, and shall be deemed and taken to be, from the North Corner at the East End of the Gate leading from Portsmouth Common to the King's Mill, commonly called the Gun Wharf Gate, in a Bevil Line, to the Low Water Mark, opposite the West Corner at the North End of the Quay, commonly called Whiting's Quay, on the Point of Portsmouth; and from thence round with the Sea at Low Water Mark to the Place opposite the Bound Post, commonly called Felton's Gibbet; and from thence in a strait Line close by the said Bound Post or Gibbet to the South Corner on the East Side of the Lane near the House commonly called

Wheelbarrow Caſtle; and from thence along the Eaſt Side of the ſaid Lane (including the ſaid Lane) to the Lane called Wiſh Lane; and from thence Weſtward round with the Road towards Land Port Gate (including the ſaid Road) to the Turnpike Road there; and from thence along the Turnpike Road (including the ſaid Turnpike Road) to the Houſe called the Blackſmith's Arms, at Half-way-houſe; and from thence acroſs the Turnpike Road to the Eaſt End of the late Sir Thomas Ridge's Malt-houſe; then running with the Boundaries of Portſmouth Common, to the Houſe now or late in the Occupation of the Widow Foſter; and from thence along the Weſt Side of the Turnpike Road cloſe to the Fronts of the Houſes or Buildings to the Path adjoining to the South Side of the White Swan Alehouſe, then running with the ſaid Path to the Mill Pond, and then running along with the Northern Shore of the ſaid Mill Pond, and from thence round with the ſaid Mill Pond, to the Eaſt End of the ſaid Gate leading from Portſmouth Common to the King's Mill, commonly called The Gun Wharf Gate, including the ſaid Gate and the Paſſage thereof: And the ſaid Commiſſioners, 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 Town, in caſe they ſhall judge the ſame neceſſary; and the Expence thereof ſhall be defrayed out of the publick Rates herein after mentioned: And all Places within the ſaid Limits ſhall, for the Purpoſes of this Act, be deemed the Town of Portſmouth; and all and every the Streets, Courts, Roads, Lanes, Ways, and Alleys, as well thoſe already made or laid out, as thoſe hereafter to be made or laid out within the ſaid Limits; and all Land now laid out, or hereafter to be laid out, within the Limits aforeſaid, for any Street, Court, Road, Lane, Way, Alley, or Publick Paſſage, ſhall be, and ſhall be deemed and conſtrued to be, Publick Streets, Courts, Roads, Lanes, Ways, Alleys, and Paſſages, to all Intents and Purpoſes whatſoever, and ſhall be ſubject and liable to the ſeveral Powers and Authorities in this Act contained.

Bound Stones to be erected.

Streets, &c. to be deemed publick.

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 of Portſmouth, as well in the Foot-ways as Carriage-ways, and all the preſent and future Poſts in all or any of the ſaid Streets, Courts, Roads, Lanes, Ways, Alleys, and Publick

Pavements, &c. veſted in Commiſſioners,

Publick Passages in the said Town, 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, Courts, Roads, Lanes, Ways, Alleys, and Publick Passages; and of all the Sels-pools, Bunnies, Watercourses, and Sewers, in the said Town; and of all the Ashes, Cinders, and Rubbish, to be taken and carried away from all and every the Houses in the said Town, or elsewhere within the said Town, shall be, and the same is hereby vested in the said Commissioners; 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 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 the said Commissioners, 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 the Money arising therefrom shall be applied to such and the same Purposes as the Monies arising from the Rates and Assessments in and by this Act directed to be made, are directed to be applied: And the said Commissioners, or any Seven or more of them, may, and are hereby impowered, from time to time, and at all Times hereafter, as they shall think proper or necessary, to sell and dispose of all or any of the Soil of the said Streets, Courts, Roads, Lanes, Ways, Alleys, and Publick Passages; and of all the Sels-pools, Bunnies, Watercourses, and Sewers, in the said Town; and of all or any of the Cinders, Ashes, and Rubbish, to be taken and carried away from the Houses, or elsewhere in the said Town; and to contract with any Person or Persons for the Sale thereof, at any publick Meeting to be held in pursuance of this Act; but previous to such Contract, such Notice shall be given of the Intention of the said Commissioners to enter into such Contract at such Meeting, as is herein before directed to be given for displacing or removing any Officer or Officers under this Act; and the Person contracting for, or purchasing the same, shall have full Power and Authority to take, carry away, and dispose thereof, for his own proper Use and Benefit; and the Money arising from the Sale thereof shall be applied as the Rates herein after mentioned

who may bring Actions, &c.

Old Materials may be sold,

and the Soil of the Streets, &c.

Money arising therefrom how to be applied.

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

Land may be purchased to deposit Ashes, &c.

And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, at any publick Meeting to be held in pursuance of this Act, to contract with such Person as they shall think proper, to act as Scavenger of the said Town, with such Salary, Wages, or Reward, as the said Commissioners, or any Seven or more of them, shall think proper; but previous to such Contract, such Notice shall be given of the Intention of the said Commissioners to enter into such Contract as herein before is directed to be given for displacing or removing any Officer or Officers under this Act; and the Person appointed Scavenger by the said Commissioners, or any Seven or more of them, shall, at least Twice in every Week, or oftener, if the said Commissioners, or any Seven or more of them, shall so direct or appoint, bring, or cause to be brought, by himself, or his Servants or Agents, such Sort of Cart or Carts, or other Carriages, as the said Commissioners, or any Seven or more of them, shall direct or appoint, into all and every the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, in the said Town where such Carts or Carriages can pass; and shall, at or before his or their Approach, by Sound of Bell, Horn, or Clapper, give Notice to the Inhabitants of their coming, and give the like Notice in every Court, 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

Commissioners may appoint a Scavenger.

Scavenger's Duty.

may bring forth their respective Dust, Dirt, Ashes, and Filth, to the Doors of their respective Houses, or other Premises, wherefrom the said Scavenger, his Servants or Agents, shall take and put up the same into such Cart or Carriage, and shall carry, or cause to be carried away, the same to such Place as the said Commissioners shall appoint as aforesaid; and every Person, acting as Scavenger for the time being, shall cause all and every the Carts and Carriages to be employed for the Purposes aforesaid, to have painted in large Roman Letters, in the Front or most conspicuous Part thereof, THE SCAVENGER'S CART, or such other Words or Letters as the said Commissioners, or any Seven or more of them, shall direct or appoint; and no Person or Persons whomsoever, except such Scavenger, his Servants, or Agents, shall take or carry away, or cause to be taken or carried away, any Soil, Ashes, Dust, Dirt, Muck, Dung, or Manure, from any House, Street, Court, Road, Lane, Way, Alley, Passage, or Place, within the said Town (except such Dung, Soil, or Manure, as such Person, or his Master or Principal, shall lawfully and bona fide purchase or receive of such Persons as are intitled to sell the same by virtue of this Act;) or drive any Cart or Carriage through any or either of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, with or without a Bell, Horn, or Clapper, for that Purpose; or with the Words SCAVENGER'S CART, or such other Words or Letters as the said Commissioners, or any Seven or more of them, shall at any Time direct or appoint to be painted on the Scavenger's Carts or Carriages painted thereon; or call for any Ashes, Dust, Dirt, Muck, Dung, or Manure, at any House or Place within the said Town, with an Intent to take or carry away the same (except for such Dung, Soil, or Manure, as such Person, or his Master or Principal, shall lawfully and bona fide have purchased of such Persons as are intitled to sell the same by virtue of this Act) upon Pain of forfeiting, for every such Offence, the Sum of Twenty Shillings; and if any Inhabitant of the said Town shall deliver, or cause, permit, or suffer, to be delivered, his, her, or their Ashes, Cinders, Dung, Dust, Dirt, Soil, Manure, or Rubbish (except such as they are hereby authorized to sell or dispose of as aforesaid) to or for any Person or Persons who shall come or call for the same with any Cart or Carriage not having the Words THE SCAVENGER'S CART, or such

No Person but Scavenger to take away Ashes, &c.

except duly purchased, &c.

other Words or Letters as the said Commissioners, or any Seven or more of them, shall direct or appoint, painted thereon; such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Scavenger to sweep Streets, &c.

And be it further enacted, That the said Scavenger shall, when and so often as the said Commissioners, or any Seven or more of them, shall direct or appoint, cause as well the Foot ways as Carriage-ways of all and every the Streets, Courts, Roads, Lanes, Ways, Alleys, and Publick Passages, in the said Town, to be raked, scraped, swept, and cleansed, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper; and the Dirt, Soil, and Rubbish, then and there found, collected, or being, shall take and carry away, or cause to be taken and carried away, immediately, or within such Time as the said Commissioners, or any Seven or more of them, shall direct or appoint, upon Pain of forfeiting, for every such Offence, the Sum of Ten Shillings.

Penalty on Scavenger for Neglect of Duty.

And be it further enacted, That in case the Person to be appointed Scavenger as aforesaid, his Servants or Agents, shall not well and truly do, perform, and execute, or cause to be done, performed, and executed, all and every the Articles, Matters, and Things, in this Act particularly directed to be done and performed by him, his Servants or Agents, and also all and every such Matters and Things as he shall contract or agree to do in his Articles or Contract with the said Commissioners, or any Seven or more of them, or which shall be mentioned for him, or them to do in his Appointment under the said Commissioners, or any Seven or more of them; such Person to be appointed Scavenger as aforesaid shall, for every Omission of himself, or his Servants or Agents, for which no particular Penalty is herein before inflicted, forfeit and pay the Sum of Twenty Shillings; and in case the Person purchasing the Ashes, Dust, Dirt, Muck, Dung, Soil, or Manure, of the said Commissioners, or any Seven or more of them, shall happen to be the Scavenger (which it shall and may be lawful for him to be) such Person shall nevertheless be liable to all and every the Penalties aforesaid, as well for the Omission of himself, as of his Servants or Agents, in such and the same Manner as if he was the Scavenger only, and had not bought, purchased, or contracted for, the said Ashes, Dust, Dirt, Muck, Dung, Soil, or Manure.

And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them from time to time, and at all Times, when and so often as the said Commissioners, or any Seven or more of them, shall think proper, to order or direct all or any of the Pavements in the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, now in being, or hereafter to be made, in the said Town, or any Part or Parts of such Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, as well as those Parts used by Carriages as those used by Foot Passengers, to be taken up, and the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, to be paved, relayed, repaired, raised, lowered, or altered, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper; and the Person or Persons authorized or directed by them to do the same, hath and have hereby full Power and Authority to do the same accordingly; and all the Foot-ways, where practicable, shall be paved with Flatners or smooth Pavement, at the Discretion of the said Commissioners, or any Seven or more of them; and all the Horse and Carriage-ways with good Rag-stones, Pebbles, or otherwise, as the said Commissioners, or any Seven or more of them, shall see fit and proper.

Commissioners may order Streets to be paved.

And be it futher enacted, That the said Commissioners, or any Seven or more of them, may, and they are hereby impowered, from time to time, as Occasion shall require, at any publick Meeting to be held in pursuance of this Act, to contract with any Person or Persons for paving, relaying, repairing, raising, lowering, or altering, all or any of the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages; but previous to the making any such Contract, such Notice shall be given of the Intention of the said Commissioners to enter into the same at such Meeting as is herein before directed to be given for displacing or removing any Officer or Officers under this Act, in order for any Person or Persons willing to undertake the same to deliver in Proposals for that Purpose, as the said Commissioners, or any Seven or more of them, shall direct or appoint.

How Foot-ways are to be paved.

Commissioners may contract for paving Streets, &c.

And be it further enacted, That all Charges and Expences attending the paving and putting in Repair the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, by virtue of this Act, shall be borne and defrayed, for the First Time, by the Owners or Proprietors

How First Expence of Pavement is to be borne.

prietors of the several Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Town, in Manner and in the Proportion following; (that is to say) The Owner or Owners, Proprietor or Proprietors, of every House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, shall pay for the Pavements before the respective Front or Fronts of his, her, or their House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, the whole Width of such Front or Fronts to the Middle of the Street, Court, Lane, Way, Alley, or Publick Passage, in or adjoining to which such House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, shall respectively stand, lie, or be; and the Owner or Owners, Proprietor or Proprietors, of every Corner House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, in all and every of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, shall 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, Courts, Lanes, Ways, Alleys, or Publick Passages, at the Corner or Corners of which their Premisses shall respectively stand, lie, or be.

Foot-paths how to be paid for.

Provided, That where the said Commissioners, or any Seven or more of them, shall cause any Foot-paths across the Carriage-ways of all or any of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, to be paved with Horse or other Flatners (which they are hereby impowered to do wherever they shall judge necessary) the Expences thereof shall be defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to be collected by virtue of the Rates or Assessments in and by this Act directed to be made.

By whom the Pavement of the Parade is to be paid.

Provided, That the Owner or Owners of any House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, situated on the East and West Sides, or either of them, of the Grand Parade in the said Town, shall not be compellable to pay for any Pavements beyond Twenty two Feet from the Front or Fronts of his, her, or their respective Premisses the whole Width of such Front or Fronts; but the Overplus (if any) of the Expences of the Pavement before such Premisses shall be defrayed and paid for by the said Commissioners, or any Seven or more of them, out of the

the Monies to be collected by virtue of the said Rates or Assessments.

Charges of paving how to be paid.

And be it further enacted, That the said Charges and Expences, to be borne and defrayed by the said Owners or Proprietors, shall be paid to the Collector for the time being appointed by the said Commissioners, or any Seven or more of them, by the Tenants or Occupiers of the said Houses, Buildings, Yards, Gardens, 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 Owners or Proprietors of the said Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, who are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; any Lease or Contract to the contrary notwithstanding: And if any Tenant or Occupier of any House, Building, Yard, Garden, Land, Tenement, or Hereditament, in the said Town, shall neglect or refuse to pay such Charges within Ten Days after Demand thereof, by Notice in Writing under the Hand of the said Collector, to be delivered to or 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) of the Monies to be raised by such Distress and Sale, after deducting all Costs and Charges attending the same, to the Owner or Owners of such Goods or Chattles so distrained, on Demand; and where any House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament, shall be let or demised to more than One Tenant or Tenants, Occupier or Occupiers, any One or more of such Tenant or Tenants, Occupier or Occupiers, shall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act; and the said Charges shall be levied by Distress and Sale of all or any the Goods or Chattles in such House, Building, Yard, Garden, Piece of Land, Tenement, or Hereditament: And in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of such House, Building, Yard, Garden,

Penalty on Tenants neglecting to pay the same.

Houses, &c. let to more than One Tenant, any One to be deemed Occupier.

Tenants removing before Charges paid, &c.

Land, Tenement, or Hereditament, before such Charges shall be paid by him, her, or them, or if the Goods and Chattles of such Tenant or Tenants, Occupier or Occupiers, shall be deficient to defray such Charges, or if it shall happen any of the said Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in the said Town, shall be empty at the Time the Pavements before them shall be begun; then, and in every such Case, such Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, shall be, and the same are hereby made a Security for and chargeable with all such Charges; and the same shall and may be levied by Distress and Sale, by Warrant as aforesaid, of any Goods or Chattles which shall after be found in or upon the same Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments; or of the Goods and Chattles of the Owner or Owners of such Houses, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, in case such Owner or Owners shall neglect or refuse to pay the same for the Space of Twenty Days next after the same shall be demanded of him, her, or them, by Notice in Writing under the Hand of the said Collector, to be delivered to or left at the Dwelling-house or usual Place of Abode of such Owner or Owners, in case such Owner or Owners shall then live within the Borough of Portsmouth; and in case such Owner or Owners shall not live within the Borough of Portsmouth, then under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place, where such Owner or Owners shall reside: And in case any Tenant or Tenants, Occupier or Occupiers, shall pay to the said Collector more Money on account of the said Charges than shall be due from him, her, or them, for the Rent of his, her, or their House, Building, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Owners of such House, Building, Yard, Garden, Land, Tenement, or Hereditament, by Distress and Sale of the Goods or Chattles of such Owner or Owners, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division, or Place, where such Goods or Chattles shall be, such Owner or Owners having refused or neglected to pay the same for

Premisses, &c. to be a Security for the same.

Tenant paying more for Charges than shall be due for Rent, the Overplus to be made good by the Landlord.

for the Space of Ten Days after Demand made thereof by such Tenant or Tenants, Occupier or Occupiers, his or their Attorney or Agent for that Purpose appointed.

And whereas several Houses, Erections, Storehouses, Buildings, Lands, Tenements, and Hereditaments, in the said Town, are under the Direction, Inspection, or Management of the Principal Officers of His Majesty's Ordnance for the time being, and the Commissioners for Victualling His Majesty's Navy for the time being; and it will be necessary to pave the several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, adjoining or contiguous to the same respectively; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to pave, or cause to be paved, the several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, adjoining or contiguous to the said several Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments respectively, in such and the same Manner as the other Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, in the said Town, are by this Act directed to be paved; and the Charges of such Pavements in the several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, adjoining or contiguous to such of the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, as are or shall be under the Direction, Inspection, or Management, of the Principal Officers of His Majesty's Ordnance for the time being (that is to say) From the Fronts of such Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, to the Middle of the several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, adjoining or contiguous thereto, the whole Width of such Fronts shall be borne and defrayed by the Principal Officers of His Majesty's Ordnance for the time being, and shall be paid to the said Collector by the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being; and the Charges of such Pavements in the several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, adjoining or contiguous to such of the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, as are or shall be under the Inspection or Management of the Commissioners for Victualling His Majesty's Navy for the time being

Houses, &c. belonging to the Crown,

how to be paid.

being (that is to say) From the Fronts of such Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, to the Middle of the several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, adjoining or contiguous thereto, the whole Width of such Fronts shall be borne and defrayed by the Commissioners for Victualling His Majesty's Navy for the time being, and shall be paid to the said Collector by the Agent for the said Commissioners, commonly called The Agent Victualler at *Portsmouth*, for the time being; and such Charges to be paid by the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being, and by the Agent Victualler at Portsmouth for the time being, shall be allowed to them respectively, and to the Principal Officers of His Majesty's Ordnance for the time being, and to the Commissioners for Victualling His Majesty's Navy for the time being, in all Accounts touching their respective Departments, and to all others whom it may concern: And in case the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being, and the Agent Victualler at Portsmouth for the time being, or either of them, shall neglect or refuse to pay to the said Collector the Charges hereby directed to be paid by them respectively, for the Space of Thirty Days next after the same shall be demanded of them respectively, by Notice in Writing under the Hand of the said Collector, to be delivered to, or left at, the respective Dwelling-houses of the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being, and the Agent Victualler at Portsmouth for the time being; then, and in such Case, the said Charges, so neglected or refused to be paid, shall and may be levied by Distress and Sale of the Goods and Chattles of the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being, and of the Agent Victualler at Portsmouth for the time being, or either of them, so neglecting or refusing to pay the same, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justices of the Peace for the Borough of Portsmouth; and the Overplus of the Monies to be raised by Distress and Sale (if any) after deducting the Charges attending the same, shall be returned to the said Storekeeper or Agent Victualler, the late Owner or Owners of such Goods and Chattles so taken and distrained, on Demand made thereof by him or them.

And

And be it further enacted, That the Mayor, Aldermen, and Burgeſſes of the ſaid Borough of Portſmouth, ſhall bear and defray the Charges and Expences of the Pavements in the High Street in the ſaid Town on the North and South Side of the Guildhall of the ſaid Borough, and the Butchers Shambles adjoining (that is to ſay) The Charges and Expences of the Pavements from each Side of the ſaid Guildhall and Shambles, to the Middle of the Street or Paſſage between the ſame, and the Houſes on the oppoſite Side reſpectively, and alſo the Charges and Expences of the Pavement before the Common Gaol for the ſaid Borough, and the Meſſuage adjoining thereto on the Eaſt Side thereof, now in the Occupation of Robert Davies, from the Front of the ſaid Premiſſes to the Middle of the Street, the whole Width of ſuch Front; and ſuch Charges and Expences ſhall be paid by the Chamberlain of the ſaid Borough to the ſaid Collector; and the Pariſhioners of the Pariſh of Portſmouth, ſhall bear and defray the Charges and Expences of the Pavements in the ſeveral Streets, Courts, Lanes, Ways, Alleys, and Publick Paſſages, adjoining or contiguous to the Church-yard of the Pariſh Church of Portſmouth, and to the Poor Houſe for the Pariſh of Portſmouth, and to the Alms-houſes ſituate in Penny Street, in the ſaid Town, and to the Burying Ground heretofore called Saint Mary's Burying Ground, and now commonly called Colewort Garden Burying Ground (that is to ſay) From the reſpective Fronts of the ſaid Premiſſes, to the Middle of the ſeveral Streets, Courts, Lanes, Ways, Alleys, and Publick Paſſages, adjoining or contiguous thereto; and the Charges and Expences of the Pavements in the ſeveral Streets, Courts, Lanes, Ways, Alleys, and Publick Paſſages, adjoining or contiguous to the ſaid Church-yard, Alms-houſes, and Colewort Garden Burying Ground, ſhall be paid by the Churchwardens of the Pariſh of Portſmouth, to the ſaid Collector; and the Charges and Expences of the Pavements adjoining to the ſaid Poor Houſe, ſhall be paid by the Overſeers of the Poor of the ſaid Pariſh of Portſmouth, to the ſaid Collector; and the Truſtees for the time being of the Diſſenting Meeting Houſe, in the High Street in the ſaid Town, ſhall bear and defray the Charges and Expences of the Pavements before the ſaid Diſſenting Meeting Houſe (that is to ſay) From the Front of the Outer Wall belonging to the ſaid Meeting Houſe adjoining to High Street, to the Middle of the ſaid Street, the whole Width of ſuch Wall; ſuch Charges

Corporation to pay for Pavements before the Guildhall, &c.

ſuch Expences to be paid by the Chamberlain.

Pariſhioners to pay for the Pavement before certain Places;

Expences thereof to be paid by the Churchwardens.

and Expences to be paid by the said Trustees to the said Collector; and the several Charges and Expences to be paid by the said Chamberlain of the said Borough of Portsmouth, the said Churchwardens of the said Parish of Portsmouth, the said Overseers of the Poor, and the said Trustees, shall be allowed to them respectively, in all Accounts touching their several Offices or Departments, and to all others whom it may concern: And in case the said Chamberlain of the said Borough of Portsmouth, the said Churchwardens of the said Parish of Portsmouth, the said Overseers of the Poor, and the said Trustees, or either of them, shall neglect or refuse to pay to the said Collector the Charges and Expences hereby directed to be paid to them respectively, for the Space of Twenty Days next after the same shall be demanded of them respectively, by Notice in Writing under the Hand of the said Collector, to be delivered to them respectively, or left at their respective Dwelling-houses or usual Places of Abode; then, and in every such Case, the said Charges and Expences so neglected or refused to be paid, shall and may be levied by Distress and Sale of the Goods and Chattles of the said Chamberlain of the said Borough of Portsmouth, the said Churchwardens of the said Parish of Portsmouth, the said Overseers of the Poor, and the said Trustees, or of such of them as by this Act is or are directed to pay the Charges and Expences so neglected or refused to be paid; and such Distress shall be made by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace in or for the Borough of Portsmouth; and the Overplus of the Monies to be raised by such Distress and Sale (if any) after deducting the Charges attending the same, shall be returned to the Owner or Owners of the Goods and Chattles so distrained and sold, on Demand.

Penalty on Persons neglecting to pay the same.

Provided always, That such of the Stones, Pebbles, and Flatters, now used in the Pavements of the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, in the said Town, as the said Commissioners, or any Seven or more of them, shall adjudge fitting or proper to be relaid in the Pavements of the said Town, shall be relaid before the House, Yard, Garden, Land, Tenement, or Hereditament, before which the same are now respectively laid, at the first paving such Street, Court, Lane, Way, or Publick Passage, by the said Commissioners, or any Seven or more of them; and the Owner or Owners of such House, Yard, Garden, Land,

Tenement, or Hereditament, shall have all proper Allowances made to him, her, or them, for the same, in the Expence of such Paving.

Charges of repairing Pavements, sweeping and cleansing Streets, &c. to be borne by Occupiers.

And be it further enacted, That the Charges and Expences attending the paving, relaying, repairing, and keeping in Repair, the respective Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, now in being, or hereafter to be made, in the said Town, after the respective Pavements therein shall have been compleated for the First Time, by the said Commissioners, or any Seven or more of them, under or by virtue of this Act, and also the Charges and Expences attending the sweeping and cleansing all and every such Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, from the passing of this Act, and also of defraying the Salaries of all Officers to be appointed by virtue hereof, and the Charges and Expences of obtaining this Act, and all incidental Charges and Expences attending the Execution thereof, and of the Powers herein contained, shall at all Times be borne and defrayed by the Tenants or Occupiers of the several Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Town; and for defraying such Charges and Expences so to be borne and defrayed by the said Tenants or Occupiers, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, Once in every Year after the passing of this Act, or oftener, if they, or any Seven or more of them, shall think it necessary (the First Year to be computed from the Feast of the Annunciation of the Blessed Virgin Mary, One thousand seven hundred and sixty eight, and every succeeding Year from the said Feast Day in every Year respectively) to make One or more Rate or Rates, Assessment or Assessments, upon the Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Town, so as such Rate or Rates, Assessment or Assessments, do not exceed, in the Whole, One Shilling in the Pound in any One Year, during the First Five Years, to be computed as aforesaid; and Six Pence in the Pound, in any One Year, after the Expiration of the said Five Years, of the yearly Rent or Value of such Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, according to the Rack-rent or full yearly Value thereof; and the Money or Monies so rated or assessed on the said Tenants or Occupiers, shall be paid by them respectively to the said Collector, or other Person

Penalty on Neglect of Payment.

ſon or Perſons appointed by the ſaid Commiſſioners, or any Seven or more of them, to receive the ſame: And if any Tenant or Occupier of any Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Town, ſhall neglect or refuſe to pay his, her, or their Proportion or Proportions of any of the ſaid Rates or Aſſeſſments, to the ſaid Collector, for the Space of Fifteen Days next after Demand made thereof, by Notice in Writing under the Hand of the ſaid Collector, to be delivered to, or left at, the Dwelling-houſe or uſual Place of Abode of ſuch Tenant or Occupier (in which Notice ſhall be expreſſed the Place of Abode of ſuch Collector, and the Day of delivering or leaving ſuch Notice) every ſuch Tenant or Occupier ſhall, for every ſuch Neglect or Refuſal, without any other Demand to be made thereof before or after the Expiration of the ſaid Fifteen Days, forfeit and pay the Sum of Ten Shillings; and ſuch Proportion or Proportions of the ſaid Rates or Aſſeſſments, and the ſaid Sum of Ten Shillings, ſhall and may be levied on all and every ſuch Tenant or Tenants, Occupier or Occupiers, ſo neglecting or refuſing, 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; and the Overplus (if any) of the Monies to be raiſed by ſuch Diſtreſs and Sale, ſhall be returned, on Demand, to the Owner or Owners of the Goods or Chattles ſo diſtrained and ſold, after deducting all Charges attending ſuch Diſtreſs and Sale; and where any Perſon or Perſons, who ſhall be rated or aſſeſſed to the ſaid Rates or Aſſeſſments, ſhall quit his, her, or their Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, in the ſaid Town, before he, ſhe, or they, ſhall have paid the ſame, and ſhall afterwards neglect or refuſe to pay the ſame to the ſaid Collector, for the Space of Fifteen Days next after Demand made thereof, in Manner aforeſaid; every ſuch Perſon ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Ten Shillings; and the Money ſo due for the ſaid Rates, and the ſaid Sum of Ten Shillings, ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon or Perſons, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Juſtice or Juſtices of the Peace for the ſaid Borough of Portſmouth, or for any County, City, Borough, Town, Diviſion, or Place, where ſuch Perſon

or

or Persons shall remove to, or reside in, as the Case shall happen (which Warrant any such Justice or Justices is and are hereby authorized and required to grant, in any Place where such Person or Persons shall remove to, or reside in) and the Overplus (if any) of the Monies arising from such Distress and Sale, after deducting the reasonable Costs, Charges, and Expences, of obtaining such Warrant, and making, keeping, and selling such Distress, shall be returned to the Owner or Owners of such Goods and Chattles so distrained, on Demand; and where any Person or Persons shall come into, or occupy any House, Building, or Land, or other Premisses, out of or for which any other Person theretofore assessed towards Payment of any Rate made in pursuance of this Act, shall be removed, and such Rate shall not be paid and discharged; that then, 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 shall occupy the same, in the same Manner, and under the like Penalty of Distress and Sale, as if 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 Seven or more of the said Commissioners, at their then next Meeting after Demand made thereof.

Persons occupying Houses for which Rates are not paid, to pay proportionably for the Time they occupy.

And be it further enacted, That for the Purposes of this Act the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being shall be deemed the Occupier of such of the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, in the said Town, as are under the Direction, Inspection, or Management, of the Principal Officers of His Majesty's Ordnance for the time being; and the Agent Victualler at Portsmouth for the time being shall be deemed the Occupier of such of the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, in the said Town, as are under the Direction, Inspection, or Management, of the Commissioners for Victualling His Majesty's Navy for the time being; and the Chamberlain of the said Borough of Portsmouth for the time being shall be deemed the Occupier of the Town Gaol, and the said Messuage adjoining thereto; and the Churchwardens of the said Parish of Portsmouth for the time being shall be deemed the Occupiers of the said Church-yard, the said Almshouses, and the said Place called Saint Mary's Burying Ground,

Who are deemed Occupiers.

Ground, otherwise Colewort Garden Burying Ground; and the Overseers of the Poor of the said Parish of Portsmouth for the time being shall be deemed the Occupiers of the said Poor House for the said Parish of Portsmouth, and of every other Poor House or Building hereafter to be erected for the said Parish in the said Town: And it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, in the said Rate or Rates, Assessment or Assessments, so to be made by them as aforesaid, to rate and assess the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being, the Agent Victualler at Portsmouth for the time being, the Chamberlain of the Borough of Portsmouth for the time being, the Churchwardens of the Parish of Portsmouth for the time being, and the Overseers of the Poor of the said Parish of Portsmouth for the time being, as the Occupiers of the respective Premisses of which they are hereby declared to be the Occupiers respectively, according to the respective Rack-rents or full annual Values thereof: And if all, any, or either of, such Persons, so to be rated or assessed, shall neglect or refuse to pay the Money, wherewith he or they shall be so rated or assessed, for the Space of Thirty Days next after Demand made thereof, by Notice in Writing under the Hand of the said Collector to be delivered to, or left at, the respective Dwelling-houses of him or them so neglecting or refusing; the Rate or Assessment, so neglected or refused to be paid, shall and may be levied on the Person or Persons hereby directed to be rated or assessed with the same, by Distress Sale and of his 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.

Penalty on Neglect of Payment of Rates.

And whereas it may happen that the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments, in the said Town, now under the Management, Inspection, or Direction, of the Principal Officers of His Majesty's Ordnance, and the Commissioners for Victualling His Majesty's Navy, may hereafter be under the Management, Inspection, or Direction, of other publick Officers or Persons than the same now are; be it therefore further enacted, That the Persons hereby appointed and directed to pay the Charges and Expences, and the Monies to be assessed to the said Rates

Who are to pay Rates for Premisses belonging to Ramparts,

Rates or Assessments for or in respect of the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments respectively, shall for ever hereafter pay and discharge the same, notwithstanding any Alteration that may happen with respect to the Management, Inspection, or Direction, of the said Houses, Storehouses, Erections, Buildings, Lands, Tenements, and Hereditaments; and the same shall be allowed to them respectively, and to the Principal Officers of His Majesty's Ordnance for the time being, and to the Commissioners for Victualling His Majesty's Navy for the time being, in all Accounts touching their respective Departments, and to all others whom it may concern.

And whereas several Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, in the said Town are bounded by the Rampart and Walls belonging to, or Part of, the Fortifications of the said Town on the One Side; and several Houses, Buildings, Gardens, Yards, Lands, Tenements, and Hereditaments, on the other Side, and it will be necessary to pave the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, to be paved according to the Directions in this Act contained; and One Half of the Expences attending such Pavements shall be borne and defrayed by the Principal Officers of His Majesty's Ordnance for the time being; and the other Half of the said Expences shall be borne and defrayed by the Owners of the several Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, on the other Side, according to the Width of their respective Fronts, such Owner paying for the Pavement before the Front of his respective Premisses to the Middle of the respective Street, Court, Lane, Way, Alley, or Publick Passage, the whole Width of such Front; and such Expences, so to be paid by the Owners of the said Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, shall be paid by the Tenants or Occupiers, of such Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, to the said Collector; and such Expences to be borne and defrayed by the Principal Officers of His Majesty's Ordnance for the time being, shall be paid by the Storekeeper of His Majesty's Ordnance at Portsmouth for the time being to the said Collector;

Expence of Pavements how to be rated.

lector; and on Non-payment thereof, or of any Part thereof, the same shall and may be recovered of the said Tenants or Occupiers, or the said Storekeeper respectively, in Manner herein before directed for recovering the other Charges and Expences of the said Storekeeper, and all and every other Tenant or Occupier in the said Town respectively.

But not to be rated on account of Ramparts.

Provided always, That the Principal Officers of His Majesty's Ordnance for the time being, or the said Storekeeper for the time being, shall not be rated or assessed to any Rate or Assessment to be made by virtue of this Act, for or on account of the said Rampart or Walls, or either of them, or any Part of them, or either of them.

Omissions in Rates to be supplied by Commissioners.

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

And whereas it may happen that, notwithstanding the several Powers and Authorities herein contained, for recovering the Expences of paving the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, for the First Time under this Act, of the Owners or Proprietors of the several Messuages, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Town, the said Commissioners may not be able to recover such Expences of every such Owner or Owners, Proprietor or Proprietors, and would thereby be in Danger of Loss or Damage to themselves, unless some Remedy be provided for preventing the same; be it further enacted, That it shall and may be lawful to and for the

said Commissioners, or any Seven or more of them, out of the Monies arising from the said Rates or Assessments, to pay all such Charges and Expences of paving the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, for the First Time under this Act, as they shall not bona fide be able to recover of the Owner or Owners, Proprietor or Proprietors, of any House, Garden, Yard, Land, Tenement, or Hereditament, in the said Town by virtue of this Act, or the Authorities herein contained. Monies arising from Rates, how to be applied.

Provided, That if such Charges and Expences shall, at any Time thereafter, be recovered of such Owner or Owners, Proprietor or Proprietors, the same shall be applied to such and the same Purposes as the Monies arising from the said Rates or Assessments are in and by this Act directed to be applied. Proviso.

And whereas it may happen to be necessary to pave some Place or Places in the said Town, not foreseen or observed at present, and no sufficient Remedy may be given by this Act for recovering the Charges and Expences of paving the same for the First Time under this Act; be it therefore further enacted, That the said Commissioners, or any Seven or more of them, shall and may, in Manner aforesaid, pave, or cause to be paved, all such Places within the said Town, as they shall think necessary, and tending to the publick Benefit, Safety, or Accommodation: And in case the Expences thereof, for the First Time of paving, shall not be recoverable by any other Method prescribed by this Act; then such Expences, as well as the Expences of the future paving and repairing thereof, shall be borne and defrayed out of the Monies to be collected by virtue of the Rates or Assessments herein before directed to be made. Commissioners may pave all Places within the Town.

And whereas some Doubts may hereafter arise who should be deemed the Owner or Owners of the several Houses, Buildings, Yards, Lands, Tenements, and Hereditaments, in the said Town, for the Purposes, and within the true Intent and Meaning, of this Act; for removing whereof, be it further enacted, That neither the Mayor, Aldermen, or Burgesses, of the Borough of Portsmouth, or any other Person or Persons whomsoever, shall, on account of any Ground Rent, or other Acknowledgement, Sum or Sums of Money in nature of a Ground Rent, issuing out of, or payable for, any Messuage, Yard, Garden, Land, Tenement, or Hereditament, in the said Town, or on account of their Reversion or Interest of or in the Messuage, Yard, Garden, Land, Who shall be deemed Owners.

Land, Tenement, or Hereditament, for which such Ground Rent, Acknowledgement, Sum or Sums of Money, shall be payable, be considered, deemed, taken, or adjudged, to be the Owner or Owners, Proprietor or Proprietors, of such Messuage, Yard, Garden, Lands, Tenements, or Hereditaments; but the Lessee or Lessees of the said Mayor, Aldermen, and Burgesses, or of such other Person or Persons, or their Assigns, shall, during the Existence of the Term for which such Messuage, Yard, Garden, Lands, Tenements, or Hereditaments, shall be demised, be considered, deemed, taken, and adjudged, for all and every the Purposes of this Act, to be the Owner or Owners, Proprietor or Proprietors, of such Messuage, Yard, Garden, Lands, Tenements, and Hereditaments, and shall, during such Term, bear and pay all Expences and Impositions whatsoever, by force or virtue hereof to be borne or defrayed by the Owner or Owners, Proprietor or Proprietors, of the said Messuage, Yard, Garden, Lands, Tenements, and Hereditaments; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Commissioners may order Materials, &c.

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

may set up Posts, &c.

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

make Watercourses,

And be it further enacted, That for the better carrying this Act into Execution, it shall and may be lawful to

and

and for the said Commissioners, or any Seven or more of them, to make, or cause to be made, Sels-pools, Bunnies, Watercourses, Drains, and Sewers, and for that Purpose to enter by themselves, or by any Person or Persons employed by them, on the Lands of 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 to cut into old Sels-pools, Bunnies, Drains, and Sewers, if the same shall be found necessary and proper, and to enlarge or alter the same; and the Expences attending the building, making, and keeping in Repair, from time to time, all such Sels-pools, Bunnies, Watercourses, Drains, and Sewers, and the said other Works, and the Damages occasioned thereby, shall be paid and defrayed out of the Rates or Assessments to be raised as aforesaid; and the same shall for ever thereafter be deemed Publick Sels-pools, Bunnies, Watercourses, Drains, Sewers, and Works; any Law, Custom, Statute, or Usage, to the contrary in any wise notwithstanding.

alter the Course of Gutters, &c.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from time to time, to direct and cause the Course of any Gutter or Channel running in or through the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, or either of them, to be turned or altered in such Manner as they shall think proper; and to direct the Grates already placed, or hereafter to be placed, over any Sewer, to be removed and replaced in such Manner, and at such Place and Places, as they shall think proper; all which shall, from time to time, be done at the Expence of the said Commissioners, and paid for by them, or any Seven or more of them, out of the Money arising from the Rates or Assessments to be made by virtue of this Act; any Law, Usage, or Custom, to the contrary notwithstanding: And all Gutters or Watercourses from the Houses to the Carriage-way shall be made under the Foot-ways where practicable, and be constructed or made in such Manner, and with such Materials, as the said Commissioners, or any Seven or more of them, shall direct or appoint, and be paid for the First Time by the Owners or Proprietors of the several Messuages, Yards, Gardens, Lands, Tenements, and Hereditaments,

ments, in the said Town, before which the same shall respectively be, or to which the same shall respectively belong, as Part of the Expence of the Pavements before the Front or Fronts of his, her, or their respective Premisses.

Commissioners may dig Gravel, &c.

And be it further enacted, That for the more effectual carrying this Act into Execution, the said Commissioners, or any Seven or more of them, or any Surveyor or other Person to be employed by them, or any Person or Persons to be appointed or employed by such Surveyor or other Person, shall and may, and they are hereby impowered to dig for, take, and carry away, any Gravel, and other Materials, fit and proper for the paving and covering the Pavements in the said Streets, Courts, Lanes, Ways, Alleys, and publick Passages, or which they shall adjudge necessary or fitting to be used in or about the said Streets, Courts, Roads, Lanes, Ways, Alleys, and publick Passages, or the Pavements thereof, or for any other Purpose whatsoever in the Execution of this Act, or any of the Powers and Authorities herein contained, in such and 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 for the repairing the Highways within the Parish of Portsmouth.

Scavenger's Rate to cease after the passing of this Act;

And be it further enacted, That from and after the passing of this Act, no Person living in the said Town shall be charged or chargeable to the Rate or Assessment now by Law established, commonly called The Scavenger's Rate, nor to any Repair of any Pavement in the said Town, other than as in and by this Act is directed; nor shall any Person or Persons be appointed, or liable to be appointed, a Scavenger or Scavengers of the said Town by any Justice or Justices of the Peace, or in any other Manner than as in and by this Act is directed; nor shall the Person who shall be Scavenger at the Time of passing this Act (if any) be capable of acting as such after the passing hereof, except for the necessary collecting or getting in the Monies outstanding on the then existing Scavenger's Rate, if any; and such Scavenger or Person shall, within Three Months after the passing of this Act, collect the same; and after deducting all Monies bona fide due to him as Scavenger, shall pay the Overplus (if any) to the said Commissioners, or any Seven or more of them, or to their Treasurer, and the same shall

and no Scavenger to be appointed, except under this Act.

shall be applied to such and the same Uses as the Monies arising from the Rates and Assessments are hereby directed to be applied; and on the Nonpayment thereof, or of any Part thereof, within the Time aforesaid, the same shall and may be levied by Distress and Sale of the Goods and Chattles of such Scavenger or Person, 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; and the Overplus (if any) after deducting all Costs, Charges, and Expences, attending such Distress and Sale, shall be returned to such Scavenger or Person on Demand.

Roads without the Garrison, maintained by the Parish, to continue so.

Provided always, and be it further enacted, That all the Highways and Roads lying without the Garrison of Portsmouth, and which of Right are now maintained, or ought of Right to be maintained, by the said Parish of Portsmouth, or by the Trustees for putting in Execution several Acts of Parliament, for repairing the Highways from Sheet Bridge, in the Parish of Petersfield, to the Town of Portsmouth, in the County of Southampton, or otherwise, shall, for ever after the passing of this Act, be repaired and maintained by the said Parish of Portsmouth, or the said Trustees, or otherwise as the same are now by Law repaired and maintained, and shall not be liable to be repaired or maintained by the Commissioners in and by this Act named and appointed, or any of them; and that the Limits and Extent of the said Garrison shall be deemed and taken to be as follows; that is to say, From the left Flank of the Saluting Platform, round with the Scarp Wall of the Fortifications of the said Town, to the left Flank of Legg's Demi-bastion, from thence from the Outside of the Sea Wall to the Point Gate, and from thence round The Point with the Sea to the said left Flank of the Saluting Platform aforesaid.

Boundaries of Garrison.

Pavements not to be altered, without Consent of Commissioners.

And be it further enacted, That from and after the passing of this Act, no Person or Persons shall make, or cause to be made, any Alteration in the Form of any of the Pavements of the said Streets, Courts, Roads, Lanes, Ways, Alleys, or Publick Passages, in the said Town, or any Part or Parts thereof, without the Consent and Direction of the said Commissioners, or any Seven or more of them, under their Hands, at some publick Meeting to be held in pursuance of this Act; 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.

On Complaint of Housekeepers, Commissioners to repair the Pavements.

And be it further enacted, That if any Two Housekeepers within the said Town of Portsmouth shall make Complaint, in Writing under their Hands, to the said Commissioners, or any Seven or more of them, of any Defect or Want of Repair in any of the Pavements of any of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, after the same shall have been new paved or repaired by virtue of this Act; then, and in every such Case, the said Commissioners, or any Seven or more of them, shall forthwith cause the Pavement so complained of to be inspected by their Collector, or other Person or Persons to be appointed by them for that Purpose; and if the same shall by him or them be found defective, and so reported to be to the said Commissioners, they the said Commissioners, or any Seven or more of them, shall forthwith give Orders to their Contractor or Paviour to repair the same: And if the Contractor or Paviour to the said Commissioners, to whom such Order shall be given, shall not, within Four Days next after the Receipt thereof, repair the said defective Pavements; then, and in every such Case, the said Contractor or Paviour shall forfeit and pay the Sum of Twenty Shillings for every Day that the said defective Pavement shall remain unrepaired after the Expiration of the said Four Days.

Streets to be watered, and Pumps erected.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall have full Power and Authority to cause the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, to be watered as often as they shall think fit; and also to cause any Well or Wells to be dug and sunk in such Places as they shall think proper; and also any Pump or Pumps to be erected or set up in or near such Places; and also the Pumps now standing in the High Street of the said Town, for the Use of the Publick, to be removed or altered, and to defray the Expences thereof out of the Monies to be raised by virtue of the Rates or Assessments in and by this Act directed to be made; and the said Commissioners, or any Seven or more of them, shall cause all such Pumps, as well those hereafter to be erected, as those now standing, to be repaired, for ever after the passing of this Act, out of the Monies arising from the said Rates or Assessments in and by this Act directed

directed to be made; and the said Wells and Pumps, with their Appurtenances, are hereby vested in the said Commissioners for the Use of the Publick.

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

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may cause to be engraved, painted, or otherwise described in Wood or Stone, or otherwise to be placed on a conspicuous Part of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance, of each of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, in the said Town, the Name by which each respective Street, Court, Lane, Way, Alley, or Publick Passage, is properly or usually called or known; and may also cause every House, Shop, Warehouse, or Building, in each of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, to be marked or numbered in such Manner as they shall think most proper for distinguishing the same: And if any Person or Persons shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface, any such Name, Description, Mark, or Number, or any Part thereof, or cause or procure the same to be done; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Commissioners may take down Rails, &c.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, at any Time after the passing of this Act, to take down, remove, alter, and regulate, in such Manner as they shall think proper, all such Rails, Pales, Pallisadoes, and Fences, of Wood, Iron, Brick, Stone, or other Materials, and all Steps in the said Town, as they the said Commissioners, or any Seven or more of them, shall adjudge to obstruct or incommode the Footway or Carriage-way of all or any of the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, in the said Town, or the free Passage of them, any or either of them, and leave the Materials thereof, or the Residue of such Materials, in case of regulating the same only, on the Spot, or so near as conveniently may be, for the Use of the Person or Persons who may be intitled to the same; and the Expences attending the taking down, removing, altering, or regulating, the same, shall be borne and defrayed by the Owner or Owners thereof, and shall be recovered in such and the same Manner as the Charges and Expences of paving the said Streets, Courts, Lanes, Ways, Alleys, and

Publick Passages in the said Town, for the First Time under this Act are herein before directed to be recovered.

Exception. Provided always, That the said Commissioners, or any of them, shall have no Power or Authority to take down, remove, alter, or regulate, any such Rails, Pales, Pallisadoes, Fences, or Steps, unless the same shall have been neglected to be taken down, removed, altered, or regulated, in such Manner as the said Commissioners, or any Seven or more of them, shall have directed, by the Owner or Owners thereof, his, her, or their Servants, Workmen, or Agents, for the Space of Ten Days next after Notice shall have been given for that Purpose by the said Commissioners, or any Seven or more of them, or by their Order, to the said Owner or Owners, or his, her, or their Under-tenant or Under-tenants, Occupier or Occupiers, of the Messuage, Yard, Garden, Land, Tenement, or Hereditament, before which such Rails, Pales, Pallisadoes, Fences, or Steps, shall respectively stand or be, or to which they shall respectively belong; this Act, or any Thing herein contained to the contrary thereof, in any wise notwithstanding.

Signs, &c. to be taken down, And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, at any Time after the passing of this Act, cause Notice to be given to the respective Owners or Occupiers of the several Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Town of Portsmouth, to take down, remove, alter, or regulate all Signs, or other Emblems used to denote the Trade or Occupation or Calling of any Person or Persons, Sign-Posts, Sign Irons, Pent-houses, Shew Boards, Spouts, Gutters, Stalls, Bulks, Bulk Windows, Window Shutters, Porches, Sheds, Butchers Gallowses, Pens, Sand Pens, Dung Pens, Pumps, Shambles, Blocks, Chopping Blocks, Cellar Windows, Trees, and Posts, projecting into, or standing or being in, any of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, and all other Incroachments, Nuisances, or Annoyances whatsoever, within the said Town, projecting into, or standing or being in, the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, in such Manner as they shall think proper; and to cause all Signs, or other Emblems aforesaid, Shew Boards, Spouts and Gutters, or such Parts thereof as they shall think fit, to be affixed or placed on the Fronts of

and affixed to the Fronts of the Houses, &c.

the

the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; And in caſe the reſpective Owners or Occupiers ſhall refuſe or neglect ſo to do, for the Space of Ten Days next after ſuch Notice ſhall be given to him or them reſpectively (which Notice ſhall be given in Writing, under the Hand of the ſaid Collector for the time being, and delivered to, or left at, the Dwelling-houſe or uſual Place of Abode of ſuch Owner or Occupier) it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe ſuch Signs, Emblems, Sign Poſts, Sign Irons, Pent-houſes, Shew Boards, Spouts, Gutters, Stalls, Bulks, Bulk Windows, Window Shutters, Porches, Sheds, Butchers Gallowſes, Pens, Sand Pens, Dung Pens, Pumps, Shambles, Blocks, Chopping Blocks, Cellar Windows, Trees, and Poſts, and all other Encroachments, Nuſances, or Annoyances whatſoever, to be taken down, removed, altered, and regulated, in ſuch Manner as they ſhall think proper; and ſhall cauſe all Signs, or other Emblems aforeſaid, Shew Boards, Spouts, and Gutters, or ſuch Parts thereof as they ſhall think fit, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong or were before affixed, and not otherwiſe; and ſhall return, or cauſe to be returned, to their reſpective Owners, or to be left on the Spot, or ſo near as conveniently may be for ſuch Owner or Owners, ſo much of ſuch Signs or other Emblems, Sign Poſts, or other Poſts, Sign Irons, Pent-houſes, Shew Boards, Spouts, Gutters, Stalls, Bulks, Bulk Windows, Window Shutters, Porches, Sheds, Butchers Gallowſes, Pens, Sand Pens, Dung Pens, Pumps, Shambles, Blocks, Chopping Blocks, Cellar Windows, Trees, and Poſts, or other Encroachments, Nuſances, or Annoyances whatſoever, as ſhall not be affixed or put up, or otherwiſe made uſe of in the Alterations directed by this Act; and the Charges and Expences attending the ſame ſhall and may be recovered of the Owners or Occupiers thereof reſpectively, in the ſame Manner as the Charges and Expences of paving the ſaid Streets, Courts, Lanes, Ways, Alleys, and Publick Paſſages, for the firſt Time, under this Act are herein directed to be recovered: And if any Perſon or Perſons ſhall, at any Time or Times thereafter, hang, place, erect, or build, any Sign, Sign Poſt, or other Poſt, Sign Iron, Pent-houſe, Shew Board, Spout,

and Perſons erecting any Sign, &c.

Spout, Gutter, Stall, Bulk, Bulk Window, Window Shutter, Porch, Shed, Butchers Gallows, Pen, Sand Pen, Dung Pen, Pump, Shamble, Block, Chopping Block, Cellar Window, Tree, or Post, or other Incroachment, Nuſance, or Annoyance whatsoever, or cauſe the ſame to be done, contrary to the Direction aforeſaid; every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, and the further Sum of Twenty Shillings for every Day ſuch Offence ſhall continue; and the Maſter Workman employed to erect, build, do, or perform the ſame, ſhall forfeit and pay the Sum of Five Pounds: And it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the ſame to be taken down, removed, altered, or regulated, in ſuch Manner as they, or any Seven or more of them, ſhall think proper; and the Perſon or Perſons ſo ordered to take down, remove, alter, or regulate, the ſame, ſhall have hereby full Power and Authority to take down, remove, alter, or regulate, the ſame accordingly, without any Notice or Warning to be given to the Owner, Tenant, or Occupier, to take down, remove, alter, or regulate the ſame: Provided, That where any Street, Court, Lane, Way, Alley, or Publick Paſſage, ſhall exceed Eighteen Feet in Width at the Place where any Bulk Window ſhall ſtand or be, ſuch Bulk Window ſhall not be liable to be wholly removed, but reduced in Depth only to Fourteen Inches from the Front of the Houſe, Building, Yard, Garden, Land, Tenement, or Hereditament, to the Outſide of the Moulding: And provided, that where the Street, Court, Lane, Way, Alley, or Publick Paſſage, ſhall not exceed Eighteen Feet in Width, no Bulk Window, Bow Window, or Projecting Window Shutter whatſoever, ſhall be permitted.

If Owners of Houſes do not place Spouts in a proper Manner, the Commiſſioners to do it, and the Expence to be paid by the Owner.

Provided always, and be it further enacted, That if no Spout or Gutter ſhall be affixed to any Houſe or Building in the ſaid Town, for conveying the Waters from the ſame; it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to cauſe Fourteen Days Notice to be given to the Owner or Owners of ſuch Houſe or Building, by Writing under the Hand of any One or more of the Officer or Officers to be appointed by the ſaid Commiſſioners, or any of them, under this Act; and ſuch Notice ſhall be left at or fixed upon the moſt conſpicuous Part of ſuch Houſe or Building, to affix a good and ſufficient Spout or Gutter, or good and ſufficient Spouts or Gutters, to

such House or Building, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper, for conveying the Water from such House or Building down by the Front of the House or Building into the Street: And in case such Spout or Gutter, Spouts or Gutters, shall not be affixed within Fourteen Days next after the leaving or firing such Notice; it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to cause a Spout or Gutter, or Spouts or Gutters, to be affixed to such House or Building; and the Expences attending the same shall be borne and defrayed by the Owner or Owners of such House or Building, and shall and may be recovered in such and the same Manner as the Expences of paving the Streets, Courts, Lanes, Ways, Alleys, and Publick Passages, in the said Town, for the First Time, are in and by this Act directed to be recovered.

No Goods to be exposed to Sale on any Projection, &c.

And be it further enacted, That if any Person or Persons whomsoever shall set, place, or expose to Sale, or cause, permit, or suffer to be set, placed, or exposed to Sale, any Goods, Chattles, Wares, or Merchandizes whatsoever, on any Flap, Window Shutter, or other Thing whatsoever, moveable or fixed, projecting into any Street, Court, Lane, Way, Alley, or Publick Passage, in the said Town, where the free Passage of such Street, Court, Lane, Way, Alley, or Publick Passage, shall not at that Place exceed Eighteen Feet in Width; or on any Flap, Window Shutter, or other Thing whatsoever, moveable or fixed, projecting beyond Fourteen Inches into any Street, Court, Lane, Way, Alley, or Publick Passage, where the free Passage of such Street, Court, Lane, Way, Alley, or Publick Passage, shall at that Place exceed Eighteen Feet in Width; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

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

And be it further enacted, That if any Person or Persons whomsoever, shall hoop, cleanse, wash, or scald any Cask, or hew or saw, or cause to be hewed or sawed, any Stone, Wood, or Timber, or bind, make, or repair any Wheel, or shoe or bleed, clean or dress, or turn or drive loose, any Horse, or wet, slack, or mix any Lime, or wet, mix, or make any Mortar, or throw or scale at any Cock or Fowl, in the Manner called Cock Scaling, or set up any Cock or Fowl to be thrown or scaled at in such Manner, or shall make, or assist in the making any Fire or Fires commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Serpent, Rocket, or Fireworks

Fireworks whatsoever, in any of the Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, within the said Town; or shall set, place, or expose, to Sale, or cause, permit, or suffer, to be set, placed, or exposed, to Sale, any Goods, Chattles, Wares, or Merchandizes whatsoever, on the Foot or Carriage-way of any Street, Court, Lane, Way, Alley, or Publick Passage, in the said Town, or any Part or Parts thereof; or hang up or expose any Goods, Wares, or Merchandizes; or any Matter or Thing, so as to obstruct or incommode the Passage of the Foot-way or Carriage-way of any Street, Court, Lane, Way, Alley, or Publick Passage, in the said Town; every Person so offending in either of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Proviso for holding Fair and Market.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, adjudged, or taken to extend, to prevent the holding the Fair and Market in the said Town, in such and the same Places, and in the same Manner, as the said Fair and Market by Law is now intitled to be held; nor to charge any Person or Persons with any Penalty or Penalties in this Act contained for setting up any Stalls, or for selling, placing, or exposing to Sale, any Goods, Wares, or Merchandizes, in such Fair or Market, or the Place or Places to be appointed by the Mayor of the said Borough for the holding of the same, during the Time the said Fair or Market is or shall be appointed to be held; this Act, or any thing herein contained, to the contrary notwithstanding.

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

And be it further enacted, That if any Person or Persons shall kill, slaughter, singe, scald, dress, or cut up, or cause to be killed, slaughtered, singed, scalded, dressed, or cut up, any Beast, Swine, Calf, Sheep, or other Cattle, in any open or Publick Street, Court, Lane, Way, Alley, or Publick Passage, within the said Town, or hang up, or cause to be hung up, any Beast, Swine, Calf, Sheep, or other Cattle, or any Part or Parts thereof, in any of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages; every Person or Persons so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings:

or to wander in the Streets

And if any Swine, Beast, or Cattle, shall be found wandering about the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, or any or either of them; the Owner or Owners thereof shall, for every such Offence, forfeit and pay the Sum of Forty Shillings;

lings; and it shall and may be lawful to and for any Officer or Officers of the said Commissioners, or any other Person or Persons whomsoever, to impound such Swine, Beast, or Cattle, in the common Pound, or such other Place as shall be appointed for that Purpose by the said Commissioners, or any Seven or more of them, and the same to detain in the said Pound or Place, until the said Sum of Forty Shillings, and the Expence of impounding such Swine, Beast, or Cattle, shall be fully paid and satisfied; and in case such Penalty and Expences shall not be paid within Six Days after such Swine, Beast, or Cattle, shall be so impounded, it shall and may be lawful for such Person or Persons as shall be appointed by the said Commissioners, or any Seven or more of them, for that Purpose, to sell, or cause such Swine, Beast, or Cattle, to be sold, and the Money arising from the Sale thereof shall be applied to such and the same Purposes as the Money arising from the Rates or Assessments is hereby directed to be applied: Provided, that whether such Swine, Beast, or Cattle, shall be so impounded or not, the Owner or Owners thereof shall nevertheless forfeit and pay the said Sum of Forty Shillings.

Annoyances by Hogsties, &c. to be removed.

And be it further enacted, That in case any Hogsty, Laystall, Necessary-house, Flesh, Dung, Carrion, Blood, Offal, Soil, or Filth, or any of the Ashes, Cinders, or Rubbish, preserved by Persons by virtue of the Proviso in this Act for that Purpose contained, or any other noisome or offensive Matter whatsoever, shall be offensive to any Person in the said Town, the same shall be deemed a Nuisance, and an Offence against this Act; and it shall and may be lawful for the said Commissioners, or any Seven or more of them, upon Complaint thereof made to them by such Person, by Notice in Writing under the Hands of the said Commissioners, or any Seven or more of them, or under the Hand of the Collector to the said Commissioners for the time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Three Days after such Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay the Sum of Ten Shillings daily for every Day that the same shall continue unremoved after the Expiration of the said Three Days.

For removing other Annoyances.

Provided always, and be it further enacted, That if any such Hogsty, Laystall, Necessary-house, Flesh, Dung, Carrion,

Carrion, Blood, Offal, Soil, or Filth, or any of the Ashes, Cinders, or Rubbish, to be preserved as aforesaid, or any other noisome or offensive Matter whatsoever, shall not be within the Limits of the said Town, as in and by this Act described, but shall be near or contiguous to any Street, Court, Road, Lane, Way, Alley, or Publick Passage, within the said Limits, and shall be offensive to any Person or Persons passing or repassing the said Street, Court, Road, Lane, Way, Alley, or Publick Passage, the same shall nevertheless be adjudged a Nusance and Offence against this Act; and the Person or Persons offending shall be subject to the said Penalties, in case of not removing the same within the Time herein before limited, notwithstanding such Nusance or Offence shall be without the Limits of the said Town.

Necessary-houses when to be emptied.

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

No Ashes, &c. to be sifted in any Streets.

And be it further enacted, That if any Person or Persons who shall contract with the said Commissioners, or any Seven or more of them, to cleanse the said Streets, Courts, Lanes, Ways, Alleys, and Publick Passages as aforesaid, or any of them, or who shall purchase the Soil thereof of the said Commissioners, or any Seven or more of them, or any of his, her, or their Servants or Agents; or if any other Person or Persons whomsoever shall sift any Ashes, Dust, or Cinders, either in or out of any Cart or Carriage, or in any other Manner howsoever, in any open Street, Court, Lane, Way, Alley, or Publick Passage, within the said Town; every Person so offending shall, for every

every such Offence, forfeit and pay the Sum of Twenty Shillings.

No Ashes, &c. to be thrown into the Streets.

And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or lay, or cause, or permit, or suffer, to be thrown, cast, or laid, any Ashes, Dust, Dirt, Dung, Soil, Filth, or Rubbish, or the Refuse of any Garden Stuff, or any Blood, Offal, or Carrion, or any other noisome, offensive, or dangerous, Matter or Thing whatsoever, into or in any Street, Court, Lane, Way, Alley, or Publick Passage, in the said Town; every Person so offending shall, for the First Offence, forfeit and pay Five Shillings; for the Second Offence, the Sum of Ten Shillings; and for the Third, and every other Offence, the Sum of Twenty Shillings.

Persons may erect Inclosures for Bricks, &c. in Building.

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

No Cart, &c. to be left in any Street, &c.

And, for the more speedy Removal of sundry Nuisances and Obstructions in the said Town, it is hereby further enacted, That if after the passing of this Act any Cart, Waggon,

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

Provided

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

And be it further enacted, That if any Person or Persons shall at any Time after the passing of this Act run, drive, draw, or carry, or cause to be run, driven, drawn, or carried, on any of the Foot Pavements in any of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, in the said Town, any Wheel or Wheels, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage whatsoever; or shall roll any Cask; or wilfully ride, drive, or lead, or cause to be rode, driven, or led, any Horse, or other Cattle, on any of the said Foot Pavements, other than in Cases of absolute Necessity; such Person or Persons shall forfeit and pay, for the First Offence, the Sum of Ten Shillings; for the Second Offence, the Sum of Twenty Shillings; and for the Third and every other Offence, the Sum of Forty Shillings. No Wheelbarrow, &c. to be driven on Foot-pavement.

Provided, That no Person or Persons shall be liable to such Penalties for rolling any Cask on the said Foot Pavements, unless the same shall have been rolled thereon for the Space of Forty Yards or upwards. Proviso.

And be it further enacted, That if any Person shall, at any Time after the passing of this Act, drive any Cart, Dray, Waggon, Truck, or other Carriage, for the Conveyance of Goods in or through any of the Streets, Courts, Roads, Lanes, Ways, Alleys, or Publick Passages, in the said Town 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. No Cart, &c. to be drove faster than a Foot-pace, nor without some Person leading the Thill Horse.

And be it further enacted, That if, after the passing of this Act, any Goods, Wares, or Merchandizes (except No Carriage (except Waggons) to be drawn with more than Three Horses.

cept One Stone, Block of Marble, Cable Rope, Piece of Metal or Timber, or such Ammunition or Artillery as shall be for His Majesty's Service) shall be drawn in any Cart, Car, Truck, Dray, or other Wheel Carriage (except Waggons) in any Street, Court, Lane, Way, Alley, or Publick Passage, in the said Town, by more than Three Horses or other Cattle; the Owner or Owners of such Carriage shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Broad Wheels to be used.

And be it further enacted, That from and after the Twenty ninth Day of September, One thousand seven hundred and seventy, if any Waggon, Wain, Cart, Car, or Dray, kept by any Person or Persons residing within the said Town of Portsmouth, and laden with any Goods, Wares, Merchandizes, or other Commodities (except Hay, Straw, Corn, or Garden Stuff, and except all Carriages belonging to His Majesty, His Heirs, and Successors) or any Water Cart or Dray kept by any Person or Persons residing within the Island of Portsea, shall be drove on the Pavements of any of the said Streets, Courts, Lanes, Ways, Alleys, or Publick Passages, in the said Town, the Wheels whereof shall be of less Width or Gage in the Sole or Fellies thereof than Nine Inches, or bound with Iron in any other Manner than the said Commissioners, or any Seven or more of them, shall, from time to time, direct and appoint; the Owner or Owners of every such Waggon, Wain, Cart, Car, or Dray, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Cellar Windows at Night, to be sufficiently lighted.

And be it further enacted, That if any Cellar Window or Cellar Windows shall be left open in the Evening, or in the Night, without the same being sufficiently lighted, to prevent Accidents happening therefrom; the Occupier or Occupiers of such House or Cellar shall, for every such Offence, forfeit and pay the Sum of Ten Shillings.

Commissioners may buy or rent Land for a Pound.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Fourteen or more of them, for the Purposes of this Act, to buy or rent any Piece or Parcel of Land they shall think most convenient, within or out of the said Town, for the building or erecting a common Pound for the Purposes of this Act; and to build such Pound or Pounds thereon, either open or covered, as the said Commissioners, or any Fourteen or more of them, shall think proper; and the Expences thereof shall be defrayed out of

the

the Monies arising from the Rates or Assessments in and by this Act directed to be made; and the said Land shall be vested in the said Commissioners, for the Purpose of such Pound or Pounds, according to the Terms of the Conveyance to them made.

And whereas it may happen that the said Commissioners, or any Fourteen or more of them, may think it necessary for enlarging, widening, or rendering more commodious, the Streets, Courts, Roads, Lanes, Ways, Alleys, and Publick Passages, now in being, or hereafter to be made, in the said Town, or for making some new Passage or Passages in the said Town, to take down some House or Houses, or other Buildings, or some Part or Parts thereof, or take in some Piece or Parcel of Land or Ground, which they may not be enabled to effectuate by all or any of the Powers and Authorities herein before contained; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or any Fourteen or more of them, to contract and agree with the Owner or Owners, Proprietor or Proprietors, of any House or other Building, or any Part or Parts of any House or other Building, or with the Owner or Owners, Proprietor or Proprietors, of any Piece or Parcel of Land or Ground, for the Purchase of such House or Building, or such Part or Parts thereof, or of such Piece or Parcel of Land or Ground, for the Use of the Publick, and to pay for the same out of the Monies arising from the said Rates or Assessments, such Sum or Sums of Money as shall be agreed upon by and between the said Commissioners, or any Fourteen or more of them, and such Owner or Owners, Proprietor or Proprietors; and the said Commissioners, or any Fourteen or more of them, shall order such House or Building, or such Part or Parts of such House or Building, to be taken down and removed; and the Expences attending the taking down and removing the same shall be paid by the said Commissioners, or any Fourteen or more of them, out of the Monies arising from the said Rates or Assessments; and the Scite of such House or Building, or of such Part or Parts of such House or Building, and such Piece or Parcel of Land or Ground so purchased by the said Commissioners, or any Fourteen or more of them, shall be laid into the said Streets, Courts, Roads, Lanes, Ways, Alleys, and Publick Passages, for the widening, enlarging, and rendering more commodious, the same, or otherwise disposed for making such new Ways or Passages, as the said Commissioners,

Commissioners may purchase Houses and Land.

missioners, or any Fourteen or more of them, shall think proper, and shall for ever after be deemed and taken to be Part of the said Publick Streets, Courts, Roads, Lanes, Ways, Alleys, and Publick Passages.

Corporations, &c may sell Houses and Ground.

And whereas it may happen that some Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or others, are or may be seised or possessed of the said Houses, Buildings, Lands, or Hereditaments, and such Person or Persons, or Bodies Politick, Corporate, or Collegiate, Corporation 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 therefore further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Feme-coverts, 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 Commissioners, or any Fourteen or more of them, for the Purchase of such Houses, Buildings, Lands, or Hereditaments, or any Part or Parts thereof, 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.

Commissioners not to act where interested.

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

Commissioners may inspect Poors Rates.

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

or more of them, or such Person or Persons as they shall appoint for that Purpose, to inspect, examine, or peruse, the Rates to be made for the Relief of the Poor of the said Parish of Portsmouth, without any Fee or Reward; and the Overseers of the Poor of the said Parish shall, when thereunto required by the said Commissioners, or any Seven or more of them, deliver true Copies of such Rates, or any Part thereof, to the said Commissioners, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same, paying for such Copies after the Rate of One Shilling for every One hundred Names.

Penalty on Persons obstructing Officers.

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

Penalty on Persons wilfully damaging the Works.

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

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

Form of Conviction.

Borough of
County of
to wit.

or

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

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

Fees to be taken by Justices, &c.

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

Not to extend to Fees at Sessions.

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

Constable intitled to no Fee or Reward.

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

And be it further enacted, That if any Person or Persons shall be guilty of any Offence, Neglect, or Omission, against this Act, or any of the Powers or Directions herein contained, and shall be thereupon summoned before any One or more Justice or Justices of the Peace; or if any Person or Persons shall be convicted by any One or more Justice or Justices of the Peace, of any such Offence, Neglect, or Omission; every such Person and Persons shall pay the Costs of such Summons or Conviction, according to the Fees herein before directed to be taken by Justices of the Peace, or their Clerks; and the Distress to be taken, in consequence of such Conviction, shall be for such Costs, as well as the other Monies for which such Distress shall be made; any Statute, Law, Custom, or Usage, to the contrary in any wise notwithstanding. Offenders to pay the Expence of Summons and Conviction.

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

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

And be it further enacted, That the Charges and Expences of obtaining and passing this Act shall be paid out of the first Monies to be raised by the Rates or Assessments Money may be borrowed,

to

to be collected by virtue of this Act, or the Money to be borrowed on the Credit thereof.

And forasmuch as the Monies to be raised by the Rates or Assessments 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 Commissioners, or any Fourteen or more of them, from time to time, upon the Credit of the Rates or Assessments 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 in the Whole the Sum of One thousand five hundred Pounds; and may, and they, or any Fourteen or more of them, are hereby authorized and impowered, by Writing under their Hands and Seals, or under the Hands and Seals of any Fourteen or more of them, to mortgage or assign over the said Rates or Assessments, or any Part or Parts thereof, to any Person or Persons whomsoever, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof: Which said Sums of Money so to be borrowed (the Charges of procuring and obtaining this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for that Purpose for which the said Rates or Assessments are hereby granted, and to and for no other Use or Purpose whatsoever.

and Commissioners may assign over the Rates.

And be it further enacted, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, of the said Rates or Assessments shall be made, his, her, or their Executors or Administrators, or any other Person or Persons who shall be intitled to the Money thereby secured, and his, her, and their Assignee or Assignees, may, and is and are hereby impowered, from time to time, to transfer or assign over his, her, or their Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons; and all Persons who shall be possessed of such Securities shall be Creditors in equal Degree without Preference in respect to the Priority of his, her, or their advancing such Money.

Securities may be assigned.

And be it further enacted, That if the Collector of the Monies to be raised by virtue of this Act, or the Beadle to the said Commissioners for the time being, or any Constable, Headborough, Tythingman, or other Peace Officer, or the Clerk officiating in the Parish Church of

Collectors and Beadles not doing their Duty, to be subject to a Penalty.

of Portſmouth for the time being, or any or either of them, ſhall refuſe, neglect, or omit, to do, perform, or execute, all or any of the Articles, Matters, or Things, in and by this Act directed to be done, performed, or executed, by them reſpectively; every ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings: Provided, that nothing herein contained ſhall be conſtrued to deprive the ſaid Commiſſioners, or any of them, of any Action or Actions, Suit or Suits, againſt every ſuch Collector or Beadle, or their or either of their Securities, for the Non-performance of any Covenant or Agreement entered into by the ſaid Collector or Beadle, or their Securities.

Penalties how to be recovered.

And be it further enacted, That all Penalties and Forfeitures by this Act incurred (the Manner of recovering whereof is not otherwiſe particularly directed) ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One more Juſtice or Juſtices of the Peace for the Borough of Portſmouth, or for the County or Place where ſuch Offender or Offenders ſhall be or reſide; which Warrant the ſaid Juſtice or Juſtices is and are hereby impowered and required to grant, upon the Information of 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 diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Commiſſioners, or any Seven or more of them, and ſhall be applied (if not otherwiſe directed to be applied by this Act) for and towards the Purpoſes of this Act, in ſuch and the ſame Manner as the Money ariſing from the Rates or Aſſeſſments herein before-mentioned is directed to be applied; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be paid, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he or they is and are hereby 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 Goal of the Borough of Portſmouth, or County or Place where the Offender or Offenders ſhall be or reſide, for any Time not exceeding

One Calendar Month, or until such Penalties or Forfeitures shall be paid; and in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, any Inhabitant within the said Town of Portsmouth shall be admitted to give Evidence, the Rate or Assessment charged as aforesaid upon any such Inhabitant by virtue of this Act notwithstanding.

Inhabitants may be Witnesses.

Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless Information shall be given of such Offence or Offences within Three Calendar Months next after the Offence committed; save and except the Penalties in and by this Act inflicted for Non-payment of the Rates or Assessments in and by this Act directed to be made,

Information of Offences to be given within Three Months.

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 or 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 that the same be not mitigated or reduced to less than One Fourth Part thereof.

Justices may mitigate Penalties.

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

Parties making Distresses, not deemed Trespassers for want of Form;

nor the Parties distraining deemed Trespassers *ab initio*.

Provided always, That when 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 Recovery of Costs in other Cases by Law.

Proviso.

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

Persons aggrieved may appeal to the Quarter Sessions.

this Act, such Person or Persons shall and may, within Three Calendar Months next after the Cause of Complaint shall arise, appeal to the Justices of the Peace for the Borough of Portsmouth; such Appellant or Appellants first giving, or causing to be given, Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer to the said Commissioners; and within Two Days next after such Notice, entering into a Recognizance or Recognizances before some Justice of the Peace in and for the said Borough, with Two sufficient Sureties, conditioned to try such Appeal mentioned in such Notice, and abide the Order, and pay such Costs, as shall be awarded by the Justices of the said Borough; and the Matter of such Appeal shall be heard and determined by the said Justices for the said Borough at the next General Sessions of the Peace to be held in and for the said Borough, or any Adjournment thereof, or at any Adjournment of the then last General Sessions of the Peace in and for the said Borough, which of the Three shall first happen next after the Expiration of Twenty Days from the Day of giving such Notice; and the said Justices at such Sessions or Adjournment, upon due Proof of such Notice being given, and of the entering into such Recognizance or Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, or Respondent or Respondents, as they the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive, to all Parties concerned or interested therein.

Notice of Appeal to be given.

Recognizance to be entered into.

Provided always, and be it further enacted, That it shall be lawful to and for the said Justices of the Peace, at such General Sessions or Adjournment thereof, to adjourn the Matter of such Appeal; and the same shall be finally heard and determined by the said Justices at the then next General Sessions of the Peace to be held in and for the said Borough, or at any Adjournment of the then last or next General Sessions of the Peace for the said Borough, which of the Three shall first happen next after the Expiration of Fourteen Days from the Day of such Adjournment.

Justices may adjourn, &c.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and

Writings to be without Stamps.

and Seals of, or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in the Execution of, any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, Justice or Justices of the Peace, or any of them, or any Transfer or Assignment of any of the Securities aforesaid made by any Person or Persons, or any Conveyance to the said Commissioners, or any of them, or any other Deed or Instrument whatsoever, touching this Act or the Execution thereof, shall be charged or chargeable with any Stamp-duty whatsoever.

Proceedings not to be quashed 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, or be removed or removeable 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.

nor removeable by *Certiorari.*

Rents for Incroachments, &c. how to be regulated.

Provided always, and be it further enacted, That if any Rent or Acknowledgement shall be now paid to the Mayor, Aldermen, and Burgesses, of the Borough of Portsmouth by any Person or Persons for any Incroachment, Projection, Buildings, Lands, or Tenements, which shall be taken down, removed, or otherwise disposed of, by virtue of, and for the Purposes of, this Act, the Rent or Acknowledgement for the same shall, from the taking down, removing, or disposing thereof, wholly cease and be no longer payable; and if any Part or Parts only of such Incroachment, Projection, Buildings, Lands, or Tenements, shall be taken down, removed, or disposed of, a due Proportion of such Rent or Acknowledgement shall be payable and be paid for the Remainder thereof; and such Proportion shall be settled and determined by the said Commissioners, or any Fourteen or more of them, and shall be recovered in the same Manner as the said Rent or Acknowledgement was before recoverable.

Limitation of Actions,

And be it further enacted, That no Action or Suit shall be brought, commenced, or prosecuted, against any Person or Persons for any Thing done in pursuance of this Act, unless Twenty one Days Notice thereof shall be first given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plain-

Plaintiffs, or unless the same shall be commenced before the Expiration of Six Months next after the Fact committed, or unless Tender of reasonable Amends hath not or shall not have been made by or in Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid and brought in the County of Southampton; and the Defendant or Defendants in any Action or Suit to be commenced for any Thing done in pursuance of this Act shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by the Authority of this Act: And if such Matter or Thing shall appear to have been so done; or if it shall appear that such Action or Suit was brought before Twenty one Days Notice thereof was given in Writing to the Clerk or Treasurer of the said Commissioners, signed by the Plaintiff or Plaintiffs; or if it shall appear that such Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed; or if it shall appear that Tender of reasonable Amends was made by or in Behalf of the Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced or brought; or such Action or Suit shall be brought in any other County or Place than the County of Southampton; that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law. 50

General Issue

Treble Costs.

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

Defendant to pay Damages into Court, &c.

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.

Commissioners on recovering to be intitled to Double Costs.

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

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.