



ANNO QUINQUAGESIMO QUARTO

GEORGI III. REGIS.

Cap. 20.

An Act for watching, lighting, and cleansing the Town of *Gosport*, in the County of *Southampton*; and for amending and rendering more effectual an Act passed in the Third Year of His present Majesty, for better paving the Streets and preventing Nuisances and Annoyances in the said Town.

[4th May 1814.]

WHEREAS an Act was passed in the Third Year of His present Majesty's Reign, intituled *An Act for the better paving of the Streets, and for preventing Nuisances and other Annoyances in the Town of Gosport, in the County of Southampton*: And whereas the Trustees appointed by or under the said Act have proceeded to put the same into Execution, to the great Convenience of the Inhabitants of the said Town and Persons resorting thereto, but have nevertheless found, that the Powers and Provisions of the said Act are very defective, and inadequate to fulfil the beneficial Purposes thereby intended: And whereas since the passing of the said Act several new Streets, Places, or Public Passages have been made, built, or opened in the said Town: And whereas it would be of further Advantage and Convenience, if Power were given to the said Trustees, to cause the several Streets and Public Places and Passages within the said Town, to be properly lighted, and to establish a Nightly Watch therein; and if such Amendments, Improvements, and Alterations, as have been found necessary, were made to or in the said

3 G. 3. c. 56.

[Loc. & Per.]

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Act:

Trustees to
be qualified.

Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person to be hereafter nominated or appointed a Trustee for putting the said recited Act and this Act, or either of them, into Execution, shall be capable of acting as such Trustee but for and during such Time as he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, arising within Gosport aforesaid, or shall be an Inhabitant in Gosport aforesaid, and possessed of or entitled unto a Personal Estate alone, or Real and Personal Estate together, in or out of Gosport aforesaid, to the Amount or Value of Two thousand Pounds, clear of all Incumbrances whatsoever.

Trustees to
be sworn.

II. And be it further enacted, That from and after the passing of this Act, no Person shall be capable of acting as a Trustee for putting the said recited Act and this Act, or either of them, into Execution, unless he shall, before he shall act as a Trustee (except in administering the Oath herein-after mentioned), take and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same), at some Meeting of the said Trustees to be hereafter held under the said recited Act or this Act, the following Oath; (that is to say),

Their Oath.

‘ I A. B. do swear, that I do believe in my Conscience that I am rightly,
‘ truly, and *bond fide*, qualified to act as a Trustee for putting into
‘ Execution an Act of Parliament made in the Third Year of the Reign
‘ of His Majesty King George the Third, intituled [*here set forth the Title*
‘ *of the Act*], and of another Act passed in the Fifty-fourth Year of His
‘ said Majesty's Reign, intituled [*here set forth the Title of this Act*];
‘ and that I will truly and impartially, according to the best of my Skill
‘ and Judgement, execute and perform the several Powers and Autho-
‘ rities reposed in me as a Trustee, by virtue of the said Acts, or either
‘ of them. ‘ So help me GOD.’

And if any Person shall presume to act as a Trustee (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information of any Person or Persons, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid as follows; (that is to say), one Moiety thereof to the Informer or Prosecutor, and the other Moiety thereof to the Clerk and Treasurer for the Time being, employed by virtue of this Act, to be by him applied to the Purposes of the said recited Act and of this Act.

Acts of un-
qualified
Trustees to
be valid.

III. Provided always, and be it further enacted, That all Acts and Proceedings by any Person as such Trustee, in the Execution of this Act or the said recited Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been duly qualified, according to the Directions of this and the said recited Act.

IV. Provided

IV. Provided always, and be it further enacted, That no Trustee shall vote for the Removal or Appointment of the Clerk and Treasurer, Collector and Beadle, or any other Officer to be appointed or employed by virtue of this or the said recited Act, unless he shall have acted as a Trustee at one Public Meeting of the said Trustees at least within Six Calendar Months next before such Removal, or next before such Office or Offices shall have become vacant.

Trustees not to vote in Appointment or Removal of Officers, unless they have acted within Six Months.

V. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk and Treasurer to the said Trustees, upon an Order in Writing, signed by Seven or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof to the said Trustees in the Mode then adopted with respect to their ordinary Meetings; and also by Writing affixed on some conspicuous Part of the Market House of the said Town of Gosport, (the Time of such Meeting not being less than Five Days after such Notice,) and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of any Adjournment.

Meetings on Emergencies.

VI. Provided always, and be it further enacted, That the Clerk and Treasurer, and Collector and Beadle, appointed by virtue and in pursuance of the said recited Act, shall hold and enjoy their respective Offices and Employments, until he or they shall be removed therefrom respectively, by the said Trustees; and every such Clerk and Treasurer, and Collector and Beadle, and all other Officers and Persons employed by the said Trustees in pursuance of the said recited Act or of this Act, (which other Officers and Persons the said Trustees are hereby authorized to employ, either temporarily or permanently as and when they shall think fit,) shall be subject to the Pains, Penalties, Powers of Removal, Rules, and Regulations, as well in the said recited Act as in this Act contained, respecting such Offices and Employments, or the Persons holding the same respectively.

Officers under former Act to retain their Offices.

VII. And be it further enacted, That if any Person shall at any Time assault, obstruct, hinder, molest, or in any Manner abuse any of the said Trustees, or their Clerk and Treasurer, and Collector and Beadle, or other Person or Persons whomsoever, who are or shall be employed to put the said recited Act or this Act in Execution, in the Performance or Execution of his or their Duty, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Punishing Persons preventing Execution of the Act.

VIII. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby authorized and empowered, by and out of the Monies to be raised and received by virtue of the said recited Act, or of this Act, to make and pay such Allowances or Salaries to the Clerk and Treasurer, and Collector and Beadle, and to all other Officers or Persons, employed or to be employed by them in the Execution of the said recited Act or of this Act, as they shall in their Discretion, from Time to Time, think reasonable; and that so much of the said recited Act as limits the Amount of the Salaries to be respectively paid to the said

Trustees to allow Officers Salaries.

Clerk and Treasurer, and Collector and Beadle, shall be and the same is hereby repealed.

Clerk and Treasurer to pay Money and keep an Account of his Payments, &c.

IX. And be it further enacted, That the Clerk and Treasurer for the Time being, appointed by the said Trustees, shall and may, and is hereby authorized and required, out of the Monies to be received by him by virtue of the said recited Act and of this Act, to pay all such Sums of Money as the said Trustees shall from Time to Time draw upon him for, or order him to pay; and the Clerk and Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books, to be by him for that Purpose provided and kept, of all and every his Receipts and Payments under or by virtue or in pursuance of the said recited Act and of this Act; and his Accounts shall once in every Year, at such Time or Times as the said Trustees shall appoint, be audited, and in case the same appear to be just and true, shall be allowed by the said Trustees, and be so certified under their Hands; and after the Accounts shall have been so audited, allowed, and certified, such Allowance and Certificate shall be valid, and a full Discharge to the Clerk and Treasurer for all Monies therein stated to have been by him received, paid, and applied for the Purposes of the said recited Act and of this Act.

Officers not to take any Fee or Reward beyond their Allowance; nor be concerned in any Contract.

X. And be it further enacted, That if any Person or Persons employed by the said Trustees as a Clerk and Treasurer, or Collector and Beadle, or in any other Office or Capacity for carrying this Act or any of the Powers thereof into Execution, shall, over and above such Salary, Allowance, and Reward as shall be appointed, allowed, and approved of by the said Trustees, and over and above such Fees and Charges as may accrue or belong to the Clerk and Treasurer of the said Trustees, acting in the Capacity of a Solicitor, Attorney, or Conveyancer, for the Purposes of the said recited Act or of this Act, exact, take, or accept any Fee or Reward whatsoever, for or on account of any Thing done, or to be done by virtue of this or the said recited Act, or shall be in any Manner interested in any Bargain or Contract made or to be made by the said Trustees for the Purpose of carrying this or the said recited Act into Execution, every such Person so offending shall be incapable of ever serving or being employed under the said recited Act or of this Act, and shall also forfeit the Sum of Fifty Pounds, with Costs of Suit, to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record at *Westminster*.

Trustees may sue and be sued in the Name of their Clerk and Treasurer.

XI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk and Treasurer for the Time being; and that all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of the said recited Act or of this Act, or for or in respect of any other Matter or Thing relating to the said recited Act or this Act, may be brought in the Name of such Clerk and Treasurer, and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Trustees, or any of them, by virtue or on account of this Act, in the Name of such their Clerk and Treasurer, shall abate or be discontinued by the Death, Suspension, or Removal of such their Clerk and Treasurer, or by any Act or Default of such Clerk and Treasurer done or suffered without the Consent or Direction of the said Trustees; but the Clerk
and

and Treasurer of the said Trustees for the Time being shall always be deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Actions or Suits as shall be prosecuted between the said Trustees and their Clerk and Treasurer for the Time being, in which last-mentioned Actions or Suits any one of the said Trustees shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk and Treasurer, or Trustee, in whose Name any Actions or Suits shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this or the said recited Act, all such Costs, Charges, and Expences as such Clerk and Treasurer, or Trustee, shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

Indemnity of
Clerk and
Treasurer,
and Trustees.

XII. 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 Trustees, or any Seven or more of them, to order and appoint such Number of able-bodied Men as Watchmen, to watch within the said Town or Borough of *Gosport*, as they in their Discretion shall think proper; and also to order and appoint for what Time and at what Place or Places the said Watchmen shall respectively be stationed, and in what Manner and how often they shall go their Rounds, and how they shall be armed, and how long they shall continue upon their Duty, and what Wages, Allowance, or Remuneration shall be paid and given to them respectively; and to erect, hire, or otherwise provide a proper Place or Places for the Reception of the Watchmen; and such Watchmen shall use their best Endeavours to prevent as well all Mischiefs happening by Fires, as all Murders, Burglaries, Robberies, and other Outrages, Riots, Breaches of the Peace, Disturbances, and Disorders; and shall, and they are hereby empowered and required to arrest and apprehend all suspicious Persons, Night-walkers, and Persons misbehaving themselves in any Place or Places within the said Town, and shall carry the Person or Persons who shall be so apprehended to the Watch-house, Cage, or Bridewell within the said Town, or to such other Place in the said Town as the said Trustees, or any Seven or more of them, shall from Time to Time, under their Hands, direct and appoint, to be there safely kept until they can conveniently be carried before one or more Justice or Justices of the Peace, to be examined and dealt with according to Law.

Watchmen to
be appointed.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to place and fix Boxes or Stands against the Fronts and Sides of Houses, Buildings, and Places in the Streets, Lanes, Alleys, and Passages in the said Town or Borough, proper for the Use and Accommodation of Watchmen; and in case any Person or Persons shall displace, overturn, damage, injure, or deface any of such Boxes when so placed or fixed, such Person or Persons shall, for every such Offence, forfeit and pay any Sum of Money not exceeding Five Pounds.

Watch Boxes
may be placed
in the Streets,
&c.

XIV. And be it enacted, That the said Trustees may, and they are hereby empowered, if they shall think it necessary, to purchase absolutely, or rent or hire for any Term or Terms of Years, convenient Places or Pieces of Ground within the said Town or Borough, for such Price, Rent, or Term or Terms as can be agreed upon, for the Purpose of erecting

Watch
Houses may
be erected.

[*Lcc. & Per.*]

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Watch-houses,

Watch-houses, and shall and may there erect and build one or more sufficient Watch-house or Watch-houses, with convenient Places of Confinement; and that from and after the Erection of such Watch-houses, it shall and may be lawful to confine therein such Persons and Offenders as may lawfully be apprehended and confined by virtue of the Powers and Authorities given by this Act.

Disabled Watchmen may be rewarded.

XV. And be it further enacted, That it shall be lawful for the said Trustees to cause Rewards in Money to be paid to Watchmen who may be disabled, wounded, or hurt in the Execution of their Duty, as they the said Trustees, or any Seven or more of them, shall think reasonable, to be paid out of any Monies to be raised for the Purposes of the said recited Act or this Act.

Victuallers not to suffer Watchmen to be in their Houses, during the Hours of Duty.

XVI. And be it further enacted, That if any Victualler or Keeper of a Public-house, Tap, or Liquor-shop, or any other Person or Persons, shall knowingly and willingly harbour or divert from Duty any Watchman employed by the said Trustees, or permit or suffer any such Watchman to remain in such his or her Public-house, Tap, or Shop, or Premises thereto belonging, during any Part of the Time appointed for his being on Duty as aforesaid, every such Victualler or Keeper of a Public-house, Tap, or Liquor-shop, or other Person or Persons, shall forfeit and pay any Sum not exceeding Ten Pounds.

Inspector of Watchmen.

XVII. And be it further enacted, That the said Trustees may, and they are hereby required, if they shall think it necessary, to appoint One of the said Watchmen an Inspector, and One or more of the said Watchmen an Assistant Inspector or Assistant Inspectors of all the other Watchmen, which Inspector and Assistant Inspector or Inspectors shall respectively once or oftener, at convenient Times of every Night on which such Watchmen shall be on Duty, visit the several Watch-houses, Stands, and Stations of such Watchmen, in order to ascertain whether such Watchmen do severally perform their Duty in their respective Places or Stations; and in case any such Watchman shall misbehave or neglect his Duty, each such Inspector or Assistant Inspector shall have Power and is hereby authorized to suspend each such Watchman so offending, and to appoint another Watchman in his Stead, until the then next Meeting of the said Trustees, who shall, at such their Meeting, make such Order relative to such Suspension and Appointment as they shall see fit.

Lamps to be set up.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Fourteen or more of them, (being the Majority of the said Trustees who shall be present at any Meeting to be held in pursuance of this Act, of the Time, Place, and Purpose of which Ten Days Notice at the least shall be given by the Clerk and Treasurer, by Writing or Printing signed by him, affixed on some conspicuous Part of the Market-house of the said Town of Gosport, and also at the Door of the Chapel of the said Town,) if they shall think fit, (but not otherwise) from Time to Time, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and other Things for lighting such Lamps, as they shall judge necessary, and to direct the same to be affixed or set up on or against the Walls or Palisades

of all or any of the Houses, Tenements, or Buildings, or against any other Walls or Fences within the said Town or Borough of *Gosport*, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or renewed when and as often as they shall think fit, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and such Hours of the Evening, and to be kept burning for so many Hours, as shall to them the said Trustees seem necessary or proper for the well and sufficient lighting of all or any of the said Streets, Lanes, Public Passages, or Places within the said Town.

XIX. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which shall be erected by or by Order of the said Trustees, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Public Passages, or Places, or any Post, Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace for the said County of *Southampton*, and he is hereby required, upon Complaint to him made by any One or more credible Witness or Witnesses, of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, then, and in every such Case, he, she, or they shall, for each and every such Offence respectively, and if more than One, shall severally forfeit any Sum not exceeding Five Pounds, and shall also make full Satisfaction (to be ascertained by such Justice) to the said Trustees, or other Party injured, for the Damage so done; and in case such Offender or Offenders shall not, upon Conviction, forthwith pay such Penalty by him, her, or them incurred, and also such Satisfaction as aforesaid, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction in the said County of *Southampton*, there to be kept to hard Labour for any Time not exceeding Six Months; but such Offender or Offenders may be discharged before the Expiration of the Time for which he, she, or they shall be committed, upon Payment of such Penalty, and making such Satisfaction as aforesaid; and One Moiety of the said Penalty or Penalties, when recovered, shall be paid to the Informer or Informers, and the other Moiety thereof to the Clerk and Treasurer of the said Trustees, to be applied for the Purposes of this Act; and if any Person or Persons shall negligently or accidentally break, throw down, or otherwise destroy, damage, or injure any of the said Lamps, or any of the Posts, Irons, or Furniture thereof, and shall not, upon Demand made by the said Trustees, or by their Clerk and Treasurer, or other Party injured, make Satisfaction for the Damage so done, it shall be lawful for any

Penalty for
wilfully or
negligently
breaking
Lamps.

any Justice of the Peace for the said County, and he is hereby required, upon Complaint thereof made by One or more credible Witnesses or Witnesses, by Warrant under his Hand, to summon before him the Party or Parties complained of for doing such Damage, and upon his, her, or their appearing, or making Default to appear, (Oath having been made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party, or the Oath of One or more Witnesses or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons complained against, rendering to him, her, or them, upon Demand, the Overplus (if any) after such Sum so awarded, and the Charges of prosecuting such Complaint and of such Distress and Sale, shall be paid.

Pavement,
&c. vested in
the Trustees.

XX. And be it further enacted, That the Property of and in all the present and future Pavements in the Highways, Streets, Lanes, and other Public Passages and Places within the said Town or Borough, as well in the Footways as Carriageways; and of all Materials, Implements, Watch-houses, Boxes, Stands, Lamps, Lamp Irons, Posts, and other Things which were provided for the Purposes of the said recited Act, or shall be provided for the Purposes of this Act; and all the Soil, Dung, Manure, and Dirt, which shall arise or be made in any of the said Streets, Lanes, Passages, and Places, and of all Ashes, Cinders, Dirt, and Rubbish, to be taken and carried away from the Houses into the said Streets, Lanes, Passages, and Places, shall belong to and be the Property of, and the same are hereby vested in the said Trustees, and they are hereby authorized to bring or cause to be brought any Action, or to prefer any Bills of Indictment, as the Case shall require, against any Person or Persons whomsoever, who shall steal, take, or carry away, detain, spoil, injure, or destroy any of the Matters or Things herein so mentioned and vested, or any Part or Parts thereof, and the said Trustees shall have full Power and Authority to sell or dispose of all or any Part of the old Pavement, and other Materials; and such Soil, Manure, Dirt, Ashes, Cinders, and Rubbish, as they shall take and carry away as aforesaid.

Power to get
Materials.

XXI. And be it further enacted, That the said Trustees, or any Surveyor or other Person to be employed under their Authority, shall and may, and they are hereby empowered to dig for, take, and carry away any Gravel or other Materials, fit and proper for the paving and covering the Pavements in the said Highways, Streets, Lanes, Passages, and Places, or which they shall judge necessary or fitting to be used in and about the said Highways, Streets, Lanes, Passages, and Places, the Pavements thereof, or any other Purposes whatsoever, in the Execution of this or the said recited Act, or any of the Powers or Authorities herein or therein contained, in such and the same Manner, and in and from the same Places, and under the same Regulations, Restrictions, and Penalties as Surveyors of the Highways are empowered by Law to do.

XXII. And

XXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to new pitch and pave, or repair any of the Streets, Lanes, Highways, Foot Paths, Public Passages, and Places in the said Town or Borough, and from Time to Time, when and as often as they shall think proper, to cause all or any of the present or future Pavements in the several Highways, Streets, Lanes, Passages, and Places in the said Town or Borough, already erected or made, or which shall hereafter be erected or made therein, both in the Carriage and Footways, to be taken up, raised, lowered, altered, relaid, pitched, paved, or repaired in such Manner as the said Trustees may think proper; provided that sufficient Footways in the said several Highways, Streets, Lanes, Passages, and Places where the same can properly be set out and left, shall be laid with a Pavement of Flag Stones, or Flatners, and the Remainder of the said Highways, Streets, Lanes, Passages, and Places shall be paved with good Pebbles, Quarry Stones, Lime Stones, or other good and lasting Materials as they shall judge necessary and proper; and also to cause the said several Highways, Streets, Lanes, Passages, and Places to be cleansed, and all Annoyances, Obstructions, Nuisances, and Encroachments therein to be removed, and the present and all future Drains, Sinks, Gutters, and Watercourses for conveying the Water off and from the said Highways, Streets, Lanes, Passages, and Places, to be amended, repaired, cleansed, and scoured, and new ones to be made, when and as often, and in such Manner as the said Trustees shall think proper.

Paving Streets.

XXIII. And be it further enacted, That the said Trustees shall have full Power to buy or rent from any Person or Persons willing or desirous to sell or let Lands, either within or out of the said Town or Borough, for the depositing of Stone and other Materials for Paving, Soil, Ashes, Cinders, and Rubbish, and for Water Drains, in case they shall think proper so to do; and the Purchase Money or Rent thereof shall be paid out of the Money arising by virtue of this Act; and the Property thereof shall be and is hereby vested in the said Trustees, for the Purposes of this Act.

Purchase of Lands for depositing Materials.

XXIV. And be it further enacted, That all Persons inhabiting within the said Town or Borough, or within such Parts thereof as shall be directed by the said Trustees, shall, from and after the passing of this Act, cause the Foot Paths before or on the Sides of their respective Houses, Buildings, and Walls, and other Fences, to be swept and cleansed every Day before Ten of the Clock in the Forenoon (*Sundays* excepted;) and also cause the Dirt, Soil, Ice, Snow, and Rubbish, arising from such sweeping and cleansing, to be immediately taken and carried away, or laid in the said Streets, Lanes, Public Passages and Places, near to the said Foot Paths, without obstructing the Way or Road, or the free Course or running of the Gutters; and every Person making Default herein, shall for every such Default, forfeit and pay any Sum not exceeding Five Shillings.

Foot Paths to be swept.

XXV. And be it further enacted, That the respective Occupiers of Houses and other Buildings within the said several Streets and other Places already paved, or to be paved, cleansed, or lighted, by virtue of this Act, shall, at their own Costs and Charges, within such Time and in such

Sign Boards and other Obstructions to be removed.

[Loc. & Per.]

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Manner

Manner as the said Trustees shall from Time to Time by Notice in Writing, under the Hand of the Clerk and Treasurer, to be delivered to such Occupiers, or left at their respective Dwelling Houses, direct and appoint, cause all Signs and Shew Boards, which now or hereafter shall belong to or be fixed up, near or against such respective Houses or other Buildings as aforesaid, to be fixed or placed flat on the Fronts thereof, and all Sign Irons, Sign Posts, Barbers Poles, and other Posts, Bow Windows projecting over the Footways so as to obstruct the same, Pent Houses, Porches, Sheds, Butchers Hooks, Spouts, Water Pipes, Steps, Bars, or projecting Window Blinds, and Cellar Windows, Doors, Gates, Hatchways, and all and every other Matter or Thing which the said Trustees, or any Seven or more of them, shall adjudge to be, or cause or occasion any Nuisance, Annoyance, Encroachment, or Obstruction in the said Streets, Lanes, Passages, and Places, either in the Footway or Carriageway, to be removed, altered, or otherwise reformed; and also to cause the Water to be conveyed from the Roofs, Cornices, and Pent Houses of or belonging to such respective Houses or other Buildings, by proper and sufficient Pipes or Trunks, to be fixed to the Sides or other Parts of such Houses and other Buildings respectively, in such Manner as the said Trustees, by Writing signed by their Clerk and Treasurer, shall direct; and in case the Occupier of any such House or other Building as aforesaid, shall neglect or refuse to cause any such Sign, Shew Board, Sign Iron, Sign Post, or other Post, Bow Windows, Pent House, Spout, Water Pipe, Step, Porch, Shed, Butchers Hooks, Bars, or Window Blind, Cellar Window, Door, Gate, Hatchway, or other Encroachment, Obstruction, Projection, or Annoyance as aforesaid, to be removed, altered, or reformed, or to cause the Water to be conveyed from the Roofs, Cornices, or Pent Houses of or belonging to such House or other Building, within such Time and in such Manner as in such Notice shall be expressed, it shall be lawful for the said Trustees to cause the same to be done, and to cause the Costs and Charges attending the same to be levied by Distress and Sale of the Goods and Chattels of such Occupier so neglecting or refusing; and if the Tenant of any such House or other Building shall remove, alter, or reform any such Encroachments, Obstructions, or Annoyances as aforesaid, it shall be lawful for him or her to deduct and retain the Charges and Expences thereof, and also any Money which shall or may be levied upon his or her Goods and Chattels as aforesaid, out of his or her Rent, and the Owner, Proprietor, or Landlord of every such House or other Building, is hereby required to allow the same accordingly: Provided always, that in case any House Steps shall be taken down, altered, or removed under this Act, the same shall be so taken down, altered, or removed, at the Cost and Expence of the said Trustees, to be paid for out of the Funds granted and established for the Purpose of this Act.

Names of
Streets to be
fixed up, and
Houses num-
bered.

XXVI. And be it further enacted, That the said Trustees shall and may cause to be painted, engraved, or described in Stone, Wood, or otherwise, to be affixed on a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of each of the said Streets, Lanes, Passages, and Places, the Name by which each respective Street, Lane, Passage, and Place is properly and usually called or known; and may also cause every House, Building,
Shop,

Shop, or Warehouse, in each of the said Streets, Lanes, and Places, to be marked and numbered in such Manner as they shall judge most proper for distinguishing the same; and in case any Person or Persons shall wilfully destroy, pull down, injure, obliterate, or deface any such Names, Descriptions, Marks, or Number, or any Part or Parts thereof, or cause or procure the same to be done, every Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XXVII. And be it further enacted, That in all Cases where any Number painted or put on any House or Tenement within the Limits aforesaid, under the Direction of this Act, shall be altered, defaced, or rubbed out, and the Offender therein shall not in the mean Time be discovered, the Owner or Occupier of any such House or Tenement, where the Number or Numbers shall have been altered, defaced, or rubbed out, shall, upon Personal Notice given him, her, or them, or upon Notice in Writing left at his, her, or their last or most usual Place of Abode, by the Clerk and Treasurer to the said Trustees, or by such other Person or Persons as the said Trustees shall direct or appoint, cause the same Number to be in the same or like Manner painted or put on each House or Tenement within Seven Days after such Notice, and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Names to be reinstated when obliterated.

XXVIII. Provided always, and be it further enacted, That no Bulk Window, Bow Window, or Projecting Window, hereafter to be built, either on the Ground Floor, Chamber Floor, Attic Story, or any other Floor or Story, shall in any Case be allowed to project more than Three Feet, including the Moulding, from any Part of any House or other Building, into any Street, Court, Road, Lane, Row, Way, Alley, or Public Passage in the Town of *Gosport* aforesaid; and wherever the Footway in any such Street, Road, Court, Lane, Row, Way, Alley, or Public Passage, shall be less than Seven Feet, and more than Three Feet in Width, no Bulk Window, Bow Window, or Projecting Window, on any Floor or Story, shall be allowed to project more than One-Sixth Part of the Width of such Footway; and wherever the Footway shall be less than Three Feet in Width, no Bulk Window, Bow Window, or Projecting Window whatever, on any Floor or Story, shall be allowed to be continued, or to be erected or built hereafter; and no Bulk Window, Bow Window, or Projecting Window, shall in any Case be permitted or allowed to be fixed, or rested on the Ground or Pavement, or within Twelve Inches thereof; and no Bulk Window, Bow Window, or Projecting Window whatever, on any Floor or Story, shall be continued, erected, or made, permitted, or suffered, to any House or Building, situate in any Place where, from the particular Situation of such House or Building, any Bow Window, Bulk Window, or Projecting Window, would, in the Opinion of the said Trustees, or any Fourteen or more of them, be inconvenient or incommodious to Passengers, although the Footway in such Place may exceed Three Feet in Width; and if any Bow Window, Bulk Window, or Projecting Window shall at any Time hereafter be erected, made, or continued contrary hereto, the said Trustees, or any Fourteen or more of them, shall and may use the like Measures for the Removal, Alteration, or Regulation thereof, and the Charges and Expences

Regulation of Bulk Windows and Bow Windows.

Expences thereof shall be borne and defrayed in the like Manner as is herein provided with respect to the Removal and Regulation of the several Projections and Encroachments herein mentioned: Provided nevertheless, that the said Trustees shall bear and defray out of the Rates or Assessments herein-before directed to be made, the Expences of taking down, altering, or regulating any Bow Window, Bulk Window, or Projecting Window already made, which they shall judge necessary to be taken down or altered as aforesaid.

Heards to be erected.

XXIX. And be it further enacted, That if any Person or Persons shall make or cause to be made any Mortar, or deposit or cause to be deposited any Bricks, Stones, Lime, Sand, or any other Materials for building or repairing any House, Shop, or other Building, or for any other Purpose whatsoever, or shall sift, screen, or slack, or cause to be sifted, screened, or slacked, any Lime in any Street, Passage, or Place within the said Town, (except within a Hoard or Inclosure to be erected for that Purpose,) he, she, or they so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Buildings to be covered with Thatch.

XXX. And be it further enacted, That it shall not be lawful, from and after the passing of this Act, for any Person or Persons to cover, or cause to be covered, any House or other Building within any Part of the said Town, in the Whole or in Part, with Thatch or Straw; and all and every Person and Persons offending in such Respect, shall forfeit and pay the Sum of Twenty Shillings for every Week such House or other Building shall continue with such Covering of Thatch or Straw as aforesaid.

For preventing Annoyances in the Streets.

XXXI. And be it further enacted, That if any Person or Persons shall run, draw, drive, carry, or place on the Foot Paths or Flag Pavements in any of the said Streets, Lanes, Public Passages, or Places, any Coach, Waggon, Cart, Dray, Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or other Carriage whatsoever, or roll any Tub or Cask other than for the necessary loading or unloading thereof, upon, or out of any Carriage, or empty the Contents thereof, or drag any Timber or Log of Wood, or other heavy Material along or upon or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle on any of the said Foot Paths or Flag Pavements aforesaid, or wilfully or negligently suffer any Horse or other Beast or Cattle to go astray, be, or remain on any such Footways, or shall kill, slaughter, finge, scald, dress, or cut up any Cattle, Swine, or other Beast, in any of the said Streets, Lanes, Public Passages, or Places, or cause or permit any Blood to run from any Slaughter House, Butchers Shop, or Shamble, into the same, or any of them, or the Drain of any Sty, Cot, Court, or Yard wherein any Sort of Swine shall be kept or fed, to run into any of the said Streets, Lanes, Public Passages or Places, to the Annoyance of any of the Inhabitants of the said Town, or shall hoop, cleanse, wash, fire, or burn, or scald any Cask, or hew or saw, or cause to be hewn or sawn any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or repair, place, bream, or dress any Wherry Boat or other Vessel, or shoe, bleed, farry, or dress any Horse, Mare, or Gelding, or other Beast or Cattle, (except in Cases of Accident,) or turn or drive loose any Horse, Mare, or Gelding, Mule or Ass, or fly any Kite in any of the said Streets, Lanes, Public Passages or Places; or if any Person or Persons shall permit or suffer any Dog whatever to be

be at large within the said Town or Borough of *Gosport*, or the Parish of *Alverstoke*, during such Time as any Justice or Justices of the Peace of the County of *Southampton* shall have by the public Crier, or otherwise, ordered or directed the Dogs within the said Town or Borough of *Gosport*, or Parish of *Alverstoke*, to be tied up or properly secured from an Apprehension or Suggestion to him or them of the Prevalency of Canine Madness; 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 if any Person shall set, place, or expose to Sale, or cause to be set, placed, or exposed to Sale any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing whatsoever, upon, or projecting over, or fastened or affixed to the Wall adjoining the Foot Paths of any of the said Streets, Lanes, Public Passages, or Places within the said Town or Borough of *Gosport* aforesaid; or hang up or expose to Sale any Goods, Wares, Merchandize, or other Matter and Thing, upon any Flap Window, or otherwise; or if any Person shall at any Time leave open any Cellar Door or Grate, in any of the said Streets, Lanes, Public Passages or Places, or shall beat or shake any Carpet or Mat therein after Seven of the Clock in the Morning in Summer, or Eight of the Clock in the Morning in Winter, or shall make or assist in making any Fires, commonly called Bonfires, or set fire to, or let off any Gun, Pistol, Squib, Serpent, Fire Balloon, Cracker, Rocket, or Fire Works, within any of the said Streets, Lanes, Public Passages or Places; or if any of the Inhabitants of the said Town shall cause, or permit or suffer to be removed any Ashes, Cinders, Dust, Dirt, Filth, Soil, Dung, or Rubbish, from any House, Shop, Building, Warehouse, or Yard, within the said Town, and shall wilfully or negligently permit or suffer the same to lay in any of the said Streets, Lanes, Public Passages or Places, in the said Town, for any longer Time than for the loading and carrying away the same, or shall suffer the same to annoy his or their Neighbour or Neighbours, or permit or suffer the Soil or Contents of any Privy or Necessary House, Pigsty, or Dunghill, to remain in any of the said Streets, Lanes, Public Passages or Places, after the Hour of Seven of the Clock in the Morning between the First Day of *April* and the First Day of *October* in each and every Year, and after the Hour of Eight of the Clock in the Morning between the First Day of *October* and the First Day of *April* in each and every Year; every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXII. And be it further enacted, That if any Person shall use any Waggon, Cart, Sledge, Dray, Wheelbarrow, Truck, or Hand Cart, or such like Carriage, within the said Town or Borough, not having the Name and Place of Abode of the Owner thereof printed in large White Capital Letters on a Black Ground, in the Front or on the off Side of such Waggon, Cart, Sledge, Dray, Wheelbarrow, Truck, or Hand Cart; or if any Waggon, Cart, Sledge, Dray, Wheelbarrow, Truck, or other Carriage whatsoever, shall be left or remain in any of the said Highways, Streets, Lanes, or other Public Passages or Places, with or without Horses or other Cattle, for any Time longer than shall be actually necessary for the loading or unloading thereof; or if any Stage Coach, Diligence, Post-chaise, or other Carriage let to hire, shall be left or remain in any such Highway, Street, Lane, Public Passage or Place, with or without

Penalties on leaving Carriages in the Streets.

[*Loc. & Per.*]

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Horses,

Horses, for any longer Time than shall be reasonable and necessary for the taking up or setting down the Passengers, or of loading or unloading their Luggage; or if any Horse or other Beast or Cattle, Waggon, Cart, Sledge, Dray, Wheelbarrow, Truck, Hand Cart, Coach, Diligence, Post-chaise, or other Description of Carriage, shall be placed or remain upon any Part of the Cross Ways, in either of the said Highways, Streets, Lanes, Public Passages or Places, so as to obstruct or prevent any Person or Persons from having the free Use of the said Cross Way; or if any Stonehorse or Stallion shall be brought and exhibited in any of the Streets, Lanes, Public Passages or Places of the said Town; or if any Sort of Swine shall be kept or fed in any Sty or Cot adjoining to any of the said Streets, Lanes, Public Passages or Places, not well and sufficiently walled in, so as to prevent the same from becoming a Nuisance to the Inhabitants of the said Town; or if any Person shall bait, or cause to be baited any Bull, in the Manner called Bull-baiting, in any of the Streets, Lanes, or Public Passages of the said Town or Borough of *Gosport*; or if any Swine, Goat, or other Beast shall be permitted to wander or be at large in any of the said Streets, Lanes, Public Passages or Places; or if any Timber, Bricks, Stones, Dung, Wood, Goods, Wares, or Merchandize, or other Materials or Things, shall be laid or placed, and left to remain in any of the said Streets, Lanes, Public Passages or Places, for any longer Time than shall be actually necessary for moving or housing the same; or if any broken Glass or Earthenware, or other Nuisance or Annoyance shall be thrown, cast, or laid in any of the said Streets, Lanes, Public Passages or Places, (except Ashes, Sand, or Sawdust, in the Time of Frost only, and to prevent Accidents,) and suffered to remain for any longer Time than shall be necessary for removing the same; or if any Person or Persons shall throw out, or pour down upon any of the said Foot Pavements or Carriage Ways, any Slop or foul Water, or permit the same to run into the said Streets, Lanes, Public Passages or Places, otherways than by such Drains as shall be made under or through the said Foot Pavements, by the Order or Direction of the said Trustees, (except in Cases of Fire), then and in every such Case the Owner or Driver of every such Waggon, Cart, Sledge, Dray, Wheelbarrow, Truck, or Hand Cart, Stage Coach, Diligence, Post-chaise, or other Carriage; and the Owner of any such Stonehorse or Stallion, Swine, Goat, or other Beast, Timber or other Things as aforesaid; and the Person who shall so throw, cast, or lay any Dung, Filth, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, or Slop or foul Water, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for any Person or Persons to impound any such Waggon, Cart, Sledge, Dray, Wheelbarrow, Truck, Hand Cart, Coach, Diligence, Post-chaise, or other Carriage, Material, or Thing so left or remaining as aforesaid, and also any such Swine, Goat, or other Beast, so wandering or being at large as aforesaid, in the common Pound or other Place near thereto, and the same to detain in such Pound or Place, until the said Penalty, together with the Costs and Charges of keeping and removing the same, shall be fully paid and satisfied; and if such Penalty and Expenses shall not be paid within Five Days after the same respectively shall be so impounded, it shall be lawful for such Person or Persons as shall be appointed by the said Trustees for that Purpose, to sell and dispose of the same, and the Overplus (if any) of the Money, arising by such Sale, shall be paid to the Owner or Owners thereof respectively.

XXXIII. And

XXXIII. And whereas the Lane called *Bemister's Lane*, leading out of the *Middle* or *High Street* into *South Street*, and the Lane called *Roberts's Lane*, leading out of *South Street* into *The Church Path*, and the Alley called *Burnham's Alley*, leading out of *Cold Harbour* into *North Street*, in the said Town or Borough of *Gosport*, are narrow and not adapted for Carriages, Horses, or Cattle to pass through the same; and it may hereafter happen that other Lanes, Alleys, or Public Passages may be made or opened in the said Town or Borough, through which it would be improper and inconvenient for Carriages, Horses, or Cattle, to pass or repass; be it therefore further enacted, for the preserving the Pavement as much as may be, and preventing Inconveniences to Passengers and others passing through such Lanes, Alleys, or Public Passages, any or either of them, That in case any Person or Persons shall run, draw, drive, or place on the Pavement, in either of such Lanes, Alleys, or Public Passages, any Coach, Waggon, Cart, Dray, Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or other Carriage, or roll any Tub or Cask, or drag any Timber or Log of Wood, or other heavy Material, along or upon, or shall ride, drive, or lead any Horse or other Beast or Cattle, or suffer the same to go astray, be, or remain on the Pavement in either of such Lanes, Alleys, or Public Passages, every Person offending in either of the said Cases, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall be construed to prevent the Carriage of any Goods or other Necessaries to the Occupier of any House in either of such Lanes, Alleys, or Public Passages, so that the same be unloaded and carried into such House without any Delay.

For preserving the Pavement and preventing Inconveniences in Bemister's Lane, Roberts's Lane, and Burnham's Alley.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, if they shall think fit (but not otherwise), to cause the said Highways, Streets, Lanes, and other Public Passages and Places, to be watered as often as they shall think fit, and also to cause any Well or Wells to be dug and sunk, and any Pump or Pumps to be erected in such Places as they shall think proper, within the said Highways, Streets, Lanes, and other Public Passages and Places, for the Purpose of watering the same, or for any other Purpose, and to cause the same to be removed or altered, and the Expences thereof to be defrayed out of the Monies to be raised by this Act.

Trustees may cause the Streets, &c. to be watered.

XXXV. And be it further enacted, That in case any Hogstye, Privy, stinking or offensive Bones, Dung, Carrion, Blood, Offal, Night Soil, Dirt, or Rubbish, or any Matter or Thing whatsoever, on any Wharf, or in any Yard, Garden, Privy, or Premises, within or adjoining to the said Town or Borough of *Gosport*, shall, in the Opinion of the said Trustees, or any Five or more of them, be a Nuisance or Annoyance to any of the Inhabitants of the said Town or Borough of *Gosport*, or other Person or Persons, it shall be lawful for the said Trustees, or any Five or more of them, by Notice in Writing under the Hand of their Clerk and Treasurer, to order every such Nuisance or Annoyance to be altered or removed, in such Manner as the said Trustees, or any Five or more of them, shall direct; and in case the same shall not be so altered or removed within Two Days after such Notice given to the Person or Persons who ought to alter or remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Shillings for every Day the same shall continue unaltered or unremoved after the Expiration of the said Time.

Trustees may cause Nuisances to be removed.

XXXVI. And

Blinds to be regulated.

XXXVI. And be it further enacted, That no Person or Persons whomsoever shall erect, set up, put, or place, or continue any Blind, Shade, Coverlid, or Awning, or any Matter or Thing whatsoever, to protect the Windows in the Front of their several Houses, Shops, or Buildings on the Ground Floor from the Sun or other Effects of the Weather, projecting into any of the said Streets, Lanes, or other Public Passages or Places in the said Town or Borough of *Gosport*, unless the same shall be well and sufficiently propped and supported in a good and firm Manner, with proper Fastenings, so as to stand and be fixed Seven Feet at the least from the Pavement there free and clear, without any Fastening whatever to the Pavement or Pitching, by any Pole, Rod, Cord, Line, Rope, or otherwise, upon Pain of forfeiting, for every such Offence, any Sum not exceeding Twenty Shillings.

Purchase of Houses, &c. for widening Streets.

XXXVII. And whereas many Parts of the Streets and Public Passages in the said Town or Borough are narrow and inconvenient, and in order to widen and improve the same, it is necessary that Power should be given to the said Trustees to purchase Houses, Buildings, and Grounds; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, or any Fourteen or more of them (being the Majority of the said Trustees who shall be present at any Meeting to be held in pursuance of this Act, of the Time, Place, and Purpose of which Ten Days Notice at the least shall be given by the Clerk and Treasurer, by Writing affixed on some conspicuous Part of the Market-house of the said Town of *Gosport*, and also at the Door of the Chapel of the said Town), and they are hereby authorized and empowered, at any Time or Times hereafter, when they shall think fit, to widen the said Foot-paths, Highways, Streets, and Lanes, or any Passage or Avenue leading into or through the same, to treat, contract, and agree for and purchase from the Owners, Proprietors, and Occupiers of, and all other Persons interested in such Dwelling Houses, Buildings, Lands, Grounds, or Tenements, for the Purchase thereof, or so much or such Parts thereof as they the said Trustees shall judge necessary to be purchased for effecting the Purposes of this Act, and to cause such Dwelling Houses or Buildings, or so much thereof as they shall judge necessary, to be taken down, and the Scite thereof, and the Ground to be so purchased to be made Part of the said Streets, Lanes, Passages, and Public Places, for the Purpose of widening and improving the same, making any new Entrances into the said Town, or forming any new Streets or Public Passages; and for effecting those Ends, and other the Purposes of this Act, it shall and may be lawful for all Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Guardians, Committees of Lunatics or Idiots, Executors, Administrators, and all other Trustees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infant or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, who are or shall be seised, possessed of, interested in, or entitled to any Dwelling Houses, or other Buildings and Grounds, to treat, contract, and agree with, and absolutely sell, convey, assign, or surrender to the said Trustees, or to such Person or Persons as they shall appoint, all or any such Dwelling Houses, or other Buildings and Grounds, or any Part thereof, or any Estate, Term of Years, or other Interest therein; and that all such Contracts, Agreements, Sales, and Conveyances which shall be so made shall be good and valid

valid in the Law, to all Intents and Purposes, to convey the said Premises, and the Rights, Title, Property, Claim, and Demand whatsoever of such Person or Persons of, in, and to the same; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees, and all other Persons, shall be and are hereby indemnified for what they shall do therein by virtue of or in pursuance of this Act.

XXXVIII. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Corporation, whether Aggregate or Sole, Spiritual or Lay, or any Femes Covert, or any Tenant for Life, or Tenant in Tail, General or Special, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever interested in such Dwelling Houses, Buildings, or Grounds, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof, or wherein, or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Trustees, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent and Meaning of this Act, or shall not, or cannot produce or make out a clear Title to the Premises they are in Possession of, or to the Interests they claim therein, to the Satisfaction of the said Trustees; or if any Dispute or Difference shall arise touching such Purchase or Purchases, then and in every such Case it shall and may be lawful to and for the said Trustees to cause it to be enquired into, and ascertain, by and upon the Oaths of a Jury of Twelve indifferent Men of the said Town or Borough, (which Oaths the said Trustees are hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon account of the taking or using of such Dwelling Houses, Buildings, or Grounds, for the Purposes aforesaid; and in order thereto the said Trustees are hereby empowered and required, from Time to Time, to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer), and they shall order and cause the said Jury to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers of the said Premises, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Re-

Jury to be
summoned
in case of
Dispute as
to Value.

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remainder,

mainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in such Dwelling Houses, Buildings, or Grounds, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England*, in Manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning such Jury, the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the said County of *Southampton*, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriff is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned, to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn, shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein; and on any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall, without sufficient Excuse, neglect or refuse to appear, or refuse to be sworn or be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Five Pounds upon any One Person for One Offence.

Expences
of Jury.

XXXIX. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on Behalf of the said Trustees, for any such Dwelling Houses, Buildings, or Grounds, or for Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgment thereupon, shall be paid by the said Trustees out of the Monies to arise by virtue of the said Act and this Act; but if a Verdict shall be given for no

greater or for a less Sum than shall have been so previously offered by or on the Behalf of the said Trustees, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Premises in question; provided, that whenever by Absence any Person or Persons shall have been prevented from treating with the said Trustees, the Whole of such Costs and Expences shall be borne and paid by the said Trustees; and whenever any Costs or Charges shall or may be payable to the said Trustees, such Costs or Charges shall and may be deducted out of the Sum to be paid by the said Trustees to the said Owners or Persons respectively interested.

XL. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, or capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Compensation
Money
amounting to
200 l.

XLI. Provided

When less
than 200 l.
and exceeding
20 l.

XLII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less
than 20 l.

XLII. Provided also, and be it further enacted, That where such Money so agreed to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles, or
where Parties
cannot be
found.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded, to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Interest thereof, according

according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XLIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Messuages, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuages, Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Messuages, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Respecting
disputed
Titles.

XLV. Provided also, and be it further enacted, That where, by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this or the said recited Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of
Chancery
may order
Expences
of Purchases
to be paid by
the Trustees.

XLVI. And be it further enacted, That every Mortgagee of any Messuages, Buildings, Lands, and Hereditaments, which shall be purchased or acquired by the said Trustees in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Six

Mortgagees
to convey.

[*Loc. & Per.*]

3 U

Calendar

Calendar-Months Notice in Writing given to him, her, or them, from the said Trustees, or any Person authorized by them, of paying off the Principal and Interest Money which shall be due on such Mortgages respectively, shall, at the End of the said Six Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premises to the said Trustees, or to such Person or Persons as they shall nominate and appoint, in Trust for the Uses and Purposes of this Act; and if any such Mortgagee, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do, then all Interest on every such Mortgage, from the Expiration of the said Six Calendar Months after any such Notice, shall cease and determine.

Tenants at
Rack Rent
to give up
Possession
on Notice.

XLVII. And be it further enacted, That in case the said Trustees, or any Person or Persons authorized by them, shall, after any Messuages, Buildings, Lands, or Hereditaments, shall be purchased in pursuance of this Act, give Six Calendar Months Notice, in Writing, to all or any of the Tenants at Rack Rent, or Occupiers of such Messuages, Buildings, Lands, or Hereditaments, to quit or deliver up the Possession thereof, then every such Tenant shall, at the End of every such Six Calendar Months, peaceably and quietly deliver and yield up the Possession of the said Premises so by him, her, or them respectively held or occupied, whether upon Demise, Lease, or otherwise, to the said Trustees, or to the Person or Persons who shall be appointed by them to take Possession thereof; and all Leases, Demises, or Agreements for renting or holding the same, at Rack Rent or otherwise, theretofore made, shall, from the End of the said Six Calendar Months, be absolutely void and of none Effect, as against the said Trustees, or any of them; and the said Trustees shall, and they are hereby required to make such Satisfaction and Compensation, to every such Tenant and Lessee as aforesaid, in case he or she shall be required to quit before the Expiration of his or her Term in the Premises, as the said Trustees shall deem just and reasonable; and in case any Difference or Dispute shall arise, touching or concerning the same, such Satisfaction and Compensation shall be settled and determined by a Jury in Manner herein-before directed, when any Dispute or Difference shall arise touching the Purchase Money to be paid for any Lands, Tenements, or Hereditaments to be taken or made use of for the Purposes of this Act; and if any Person or Persons so in Possession shall refuse to give up such Possession at the Expiration of such Six Calendar Months after such Notice, it shall and may be lawful for the said Trustees to issue their Precept or Precepts to the Constables of the said Town or Borough for the Time being, or to any or either of them, to cause Possession thereof to be delivered to such Person or Persons who shall be in such Precept or Precepts nominated to receive the same; and the said Constable or Constables is and are hereby respectively required to deliver Possession, according to such Precept or Precepts, of the Premises therein mentioned; and to levy such Costs as shall accrue by Means of the issuing and executing of every such Precept or Precepts, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused
to

be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed, with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Building or Buildings, Piece or Parcel of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Former
Limitation
of Rate
repealed.

LI. And be it further enacted, That so much of the said recited Act as directs that the Rate or Assessment for repairing the Pavement and cleansing the several Streets, Lanes, Public Passages and Places in any One Year, should not exceed the Sum of Sixpence in the Pound, according to the Value of the Houses, Buildings, or Lands, in and belonging to *Gosport* aforesaid, shall be and the same is hereby repealed.

Trustees may
make Rates
on Occupiers
not exceeding
Two Shillings
and Sixpence
in the Pound.

LII. And, for defraying the Charges and Expences of carrying the Purposes of this and the said recited Act into Execution; be it further enacted, That from and after the First Day of *June* One thousand eight hundred and fourteen, One or more Rate or Rates, Assessment or Assessments, shall once in the Year, or oftener, if it shall be thought needful by the said Trustees, be made, laid, or assessed by the said Trustees, or any Seven or more of them, (being the Majority of the said Trustees who shall be present at any Meeting to be held in pursuance of this Act, of the Time, Place, and Purpose, of which Ten Days Notice at the least shall be given by the Clerk and Treasurer, by Writing affixed on some conspicuous Part of the Market House of the said Town of *Gosport*, and also at the Door of the Chapel of the said Town,) upon all and every Person and Persons who do or shall inhabit, hold, receive, or occupy any Dwelling House, Shop, Warehouse, Mill, Wharf, Tolls, Cellar, Vault, Stable, Coach House, Brewhouse, Brewing Offices, Granary, Malthouse, Storehouse, or other Buildings, Yard, Garden, Orchard, Land, Pleasure Ground, Paddock, or Hereditaments within, or hereby intended to belong to the said Town or Borough of *Gosport*, in such competent Sum and Sums of Money as the said Trustees, or any Seven or more of them, shall yearly and in every Year order and direct, so as such Rate or Assessment shall not exceed in any one Year the Sum of Two Shillings and Sixpence in the Pound, according to the yearly Value of any such Dwelling House, Shop, Warehouse, Mill, Wharf, Tolls, Cellar, Vault, Stable, Coach House, Brewhouse, Brewing Offices, Granary, Malthouse, Storehouse, or other Buildings, Yard, Garden, Orchard, Land, Pleasure Ground, Paddock, or Hereditaments, and the first Year for which such Rate or Assessment shall be made, shall commence and be computed from the

Twenty-fifth Day of *March* One thousand eight hundred and fourteen; But no Persons shall be charged with or to any Rates or Assessments to be made by virtue of this Act, or by virtue of the said recited Act, or either of them, for or in respect of any Churches, Chapels, Meeting Houses, or other Buildings, Tenements, or Hereditaments within or hereby intended to belong to the said Town or Borough of *Gosport*, which are exclusively appropriated to Public Religious Worship, or to Public Religious Worship and the gratuitous Instruction of the Poor: Provided always, that the said Trustees, or any Seven or more of them, shall and may, if they think proper, at any Meeting, amend any such Rate or Assessment, Rates or Assessments, after the same shall have been made and signed, by inserting the Name of any Person who ought to have been, but had not been rated or assessed, or by striking out the Name of any Person who had been, but ought not to have been rated or assessed, or by altering the Sum or Sums charged in any such Rate or Assessment on any Person or Persons, or in any other Manner which the said Trustees shall think proper, for making the same a just and equal Rate or Assessment, without wholly setting aside or quashing the same.

Trustees
may amend
Rates.

LIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or for any other Person or Persons by them appointed, at all reasonable Times, to inspect, without Fee or Reward, the Books of Assessment of the Land Tax, Property Tax, and Assessed Taxes, of or for, or which do or shall relate to the said Town or Borough of *Gosport*, and Parish of *Alverstoke*, or either of them, and also to require and have Copies thereof, and Extracts therefrom, which Inspections the Collectors of the Land Tax and other Taxes, or other Officer or Officers, Person or Persons having the Custody of such Books and Assessments, are hereby required to permit and suffer, and also to make and deliver to the said Trustees, or such other Person or Persons, to be by them appointed as aforesaid, true Copies or Extracts of all and every, or any of such Assessments, upon being paid Two-pence a Sheet for each and every such Copies or Extracts so taken, each Sheet to be computed at and contain One hundred and fifty Words; and in case any such Collector or Collectors of the Land Tax, and other Taxes, or other Officer or Officers, Person or Persons having the Custody of any such Books or Assessments, shall neglect or refuse to do so within Five Days after the Order of the said Trustees, or any Five or more of them, for that Purpose shall be produced and shewn to him or them, or left at his or their last or most usual Place of Abode, then and in every such Case, he or they so refusing or neglecting, shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Trustees, &c.
may inspect
Public Rates.

LIV. And whereas several Houses within the said Town or Borough of *Gosport* may be by the Landlords or Owners thereof let out into Lodgings or Tenements to divers Tenants or poor People, whereby it may be difficult or inconvenient to rate such Houses, and to recover such Rates and Assessments when made; for Remedy thereof, be it enacted, That the said Trustees, or any Seven or more of them, shall and may rate or assess the Landlord or Owner of any House which shall be let to or occupied by Two or more Tenants, or which shall be assessed on an

Rates on
Houses let
to divers Te-
nants to be
paid by the
Landlord.

[*Loc. & Per.*]

3 X

annual

annual Value not amounting to Ten Pounds, and the Landlord or Owner of every such House shall pay the same accordingly; and that every Person renting or occupying any such House as aforesaid, shall be liable and compellable to the Payment of the said Rates or Assessments, to be recovered in Manner herein directed, but such Person so renting or occupying any such House as aforesaid, shall not be liable and compellable to the Payment of the said Rates or Assessments beyond the Rent actually due by him or her in respect of the said Premises; and that every such respective Occupier or Occupiers who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them, to such respective Lessee, or Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or shall be levied on him, her, or them, by virtue of this Act.

Houses, &c.
unoccupied
not rateable.

LV. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay any Rate or Assessment to be made, under the Authority of this or the said recited Act, for or in respect of any Messuage, House, or other Building, which shall be unoccupied and unfurnished during the whole Quarter of a Year, in or for which the Quarterly Portion, or Rate or Assessment demanded, shall have become or accrued due.

Power to
distrain for
Recovery of
Rates.

LVI. And for the better enforcing the Payment of the Rates or Assessments, to be made by virtue of this Act; be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments, shall refuse or neglect to pay the Money rated or assessed upon him, her, or them, and all Arrears due thereon, or if any Person or Persons liable to pay any of the said Rates or Assessments, shall at any Time begin to remove his, her, or their Goods or Furniture from the House or Premises, in his, her, or their Occupation, within the Limits of this Act, or to sell or dispose of such Goods or Furniture therein, by Public Auction, or sell, dispose of, or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or rated in respect of such House (in which the current Quarter shall be considered as due), that then and in any of the said Cases it shall be lawful for the Collector for the Time being to the said Commissioners, to collect and levy such Rates or Assessments, and all Arrears due thereon; and the Rate or Assessment for such Quarter, wherein such Removal or Sale shall begin to be made as aforesaid (although previous to the Time for Payment of the Rate or Assessment for such Quarter) 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 of *Southampton*, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, or beginning to remove, take away, or sell any such Goods or Furniture as aforesaid, and if within Five Days next after such Distress shall be made, the said Rates or Assessments and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such

Part

Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

LVII. And for the more effectually enabling the said Trustees to execute the Purposes of this Act and of the said recited Act; be it further enacted, That it shall and may be lawful for the said Trustees, or any Eight or more of them, (being the Majority of the said Trustees who shall be present at any Meeting to be held in pursuance of this Act, at which Meeting Fourteen Trustees at the least shall attend), and they are hereby authorized and empowered from Time to Time, when they shall judge necessary, to borrow and take up at Interest any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, upon the Credit of the Rates and Assessments herein-before granted or authorized to be raised, and by any Writing or Writings under their Hands and Seals, to mortgage, demise, grant, or assign, over the said Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance and lend such Money, or his or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with the Interest for the same; and every such Mortgage or Assignment shall be in the Words, or to the Effect following, (*videlicet*) ,

For borrow-
ing Money.

‘ BY virtue of an Act of Parliament passed in the Fifty-fourth Year
 ‘ of the Reign of His present Majesty King George the Third, inti- Form of
 ‘ tuled [*here insert the Title of this Act*] We Assignment.
 ‘ of the Trustees appointed by virtue of the said
 ‘ Act, in Consideration of the Sum of
 ‘ advanced and lent by *A. B.* upon the Credit and for the Purposes of
 ‘ the said Act, do grant, bargain, sell, and demise unto the said *A. B.*
 ‘ his Executors, Administrators, and Assigns, such Proportion of the
 ‘ Rates or Assessments arising by virtue of the said Act, as the said Sum
 ‘ of doth or shall bear to the whole Sum which
 ‘ may at any Time be borrowed or become due and owing or charged
 ‘ upon the Credit of the said Act, to be had and holden from the
 ‘ Day of in the Year
 ‘ until the Sum of with Interest at
 ‘ *per Centum per Annum* for the same, shall be
 ‘ repaid and satisfied. In Witness whereof we have hereunto set our
 ‘ Hands and Seals, this Day of in the Year
 ‘ of our Lord

And every such Assignment shall be good, valid, and effectual, and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

LVIII. And

Money may
be raised by
Annuities
not exceeding
10 per Cent.

LVIII. And be it further enacted, That in case the said Trustees, or any Eight or more of them, shall think it adviseable or more advantageous to raise all or any Part of the Money necessary for the Purposes of this Act and of the said recited Act, by granting Annuities for Lives instead of Assignments as aforesaid, then it shall be lawful for the said Trustees, or any Eight or more of them, (being the Majority of the said Trustees who shall be present at any Meeting to be held in pursuance of this Act, at which Meeting Fourteen Trustees at the least shall attend), and they are hereby authorized and empowered by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Clerk and Treasurer to the said Trustees, any Sum or Sums of Money for the absolute Purchase of an Annuity or Annuities, to be paid and payable during the natural Life of every Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of the Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so as that no such Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for a Year, and so that the whole Money to be raised upon Mortgage, and by the granting of Annuities as aforesaid, do not exceed the Sum of Two thousand five hundred Pounds; and the Grant of every such Annuity shall be in the Words, or to the Effect following, (*videlicet*):

The whole
Money to be
raised not
to exceed
2,500l.

Form of
Grant of
Annuity.

‘ WE of the Trustees appointed by or
‘ in pursuance of an Act of Parliament made in the Fifty-fourth
‘ Year of the Reign of King *George* the Third, intituled [*here set forth*
‘ *the Title of this Act*] in Consideration of the Sum of
‘ paid by to the
‘ Clerk and Treasurer appointed in pursuance of the said Act, do hereby
‘ grant unto the said Executors, Admi-
‘ nistrators, and Assigns, an Annuity or yearly Sum of
‘ out of the Rates or Assessments granted or arising by
‘ virtue of the said Act, which Annuity or yearly Sum of
‘ shall be paid to the said Executors,
‘ Administrators, and Assigns, at upon the
‘ in every Year during the natural Life of
‘ and the first Payment thereof shall be
‘ made upon the next ensuing the Date of these
‘ Presents. In Witness whereof we have hereunto set our Hands and
‘ Seals, the Day of in the Year of our
‘ Lord

Interest and
Annuities to
be paid Quar-
terly.

And every such Grant shall be good, valid, and effectual in Law, and every Annuity so to be granted as aforesaid, shall be and is hereby charged upon, and shall be payable and paid out of the said Rates or Assessments; and the Purchaser of every such Annuity, his or her Executors, Administrators, and Assigns, shall have, receive, and be entitled to such Annuity out of the said Rates or Assessments during the Term of the natural Life of the Person for whose Life such Annuity shall be granted; and every such Annuity, and also the Interest arising on every Mortgage or Assignment to be made by virtue of this Act, shall be payable and paid by the Clerk and Treasurer to the said Trustees by equal Quarterly Payments, the

the first Payment thereof respectively to be made at the Expiration of Three Calendar Months next after the Date of the respective Securities.

LIX. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed or raised by Mortgage, or for the Annuities granted as aforesaid, and their respective Executors, Administrators, and Assigns, at any Time by Writing, under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, which Transfer may be in the Words, or to the Effect following; (*videlicet*),

‘ I A. B. being entitled to the Sum of _____ (or an Form of
 ‘ Annuity of _____) secured to Transfer.
 ‘ _____ Executors, Administrators, and
 ‘ Assigns, by virtue of a Mortgage or Assignment (or Grant of Annuity)
 ‘ bearing Date the _____ Day of _____ under the
 ‘ Hands and Seals of _____ of the Trustees acting in
 ‘ the Execution of a certain Act of Parliament, made in the Fifty-fourth
 ‘ Year of the Reign of His Majesty King George the Third [*here set forth*
 ‘ *the Title of this Act*] upon the Credit, or arising out of the Rates or
 ‘ Assessments granted by the said Act, do hereby transfer all my Right
 ‘ and Title in and to the same, and other Money now due and owing
 ‘ thereon, unto _____ Executors, Administrators,
 ‘ and Assigns. Dated the _____ Day of _____ in the Year
 ‘ of our Lord _____

And Copies of all Mortgages or Assignments, and Grants of Annuities which shall be made in pursuance of this Act, and Extracts or Memorials of all Transfers thereof, shall be entered in a Book to be kept for that Purpose by the Clerk and Treasurer to the said Trustees, which Extracts or Memorials shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward, and for the Entry of every such Transfer the said Clerk and Treasurer shall be paid by every Person to whom such Transfer shall be made, the Sum of Five Shillings, and no more; and after such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his or their respective Executors, Administrators, and Assigns, to the Benefits of the Security thereby transferred.

LX. Provided always, and be it further enacted, That if at any Time after the said Trustees shall have so borrowed or raised the said Sum of Two thousand five hundred Pounds, the same or any Part thereof, shall be paid off and discharged, it shall and may be lawful for the said Trustees, or any Eight or more of them (being the Majority of the said Trustees who shall be present at any Meeting to be held in pursuance of this Act, at which Meeting Fourteen Trustees at the least shall attend), again to borrow and take up the same, or any other Sum or Sums of Money, so as that the Sum or Sums of Money to be borrowed or raised, shall not

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at

at any Time exceed in the Whole the said Sum of Two thousand five hundred Pounds.

Power to borrow Money at lower Interest to discharge Securities at a higher Rate.

LXI. And be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Trustees from Time to Time to charge the said Rates or Assessments in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Provision for Payment of Creditors by Ballot.

LXII. And in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rates or Assessments to be made and raised respectively by virtue of this Act; be it further enacted, That the said Trustees (if there shall be more Creditors than one) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as may be, and put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel, by the Clerk and Treasurer to the said Trustees; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk and Treasurer, to be given to, or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor, to give Three Calendar Months Notice to such Creditor of the said Trustees' Intention to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day, and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money to be so paid off, shall from and after the Day so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid, but the Principal Money, in respect whereof such Notice shall be given, and also the Interest thereof, to the Day to be so specified, shall nevertheless be payable on Demand.

Application of the Money.

LXIII. And be it further enacted, That all the Monies to arise by or from the Rates or Assessments hereby authorized or directed to be made, collected, or levied, and by or from the Rates or Assessments payable in pursuance of the said recited Act, and which may be borrowed on the Credit thereof, or advanced for Annuities thereupon as aforesaid; and also all other Money which is or shall come to the Hands, Custody, or Power of the said Trustees, or their Clerk and Treasurer, by virtue or for the Purpose of the said recited Act or this Act, shall be applied and disposed

posed of, in the first Place in the Payment and Discharge of all Costs, Charges, and Expences, preparatory to, and attending the applying for and obtaining and passing this Act, and legal Interest of the Money advanced for defraying such Costs, Charges, and Expences; and afterwards from Time to Time, in paying and discharging the Interest and Principal of the Monies to be borrowed, and the Annuities to be granted by virtue of this Act, and towards defraying the Charges and Expences of paving and repairing the Pavements of the several Streets, Lanes, and other Passages and Places within the said Town or Borough aforesaid, and in cleaning, lighting, and watching the same, and all other Charges and Expences of carrying the said recited Act and this Act into Execution, and to and for no other Use, Intent, or Purpose whatsoever.

LXIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Person residing within the Limits of the said Act and this Act, shall be deemed incompetent to give Evidence, by reason of such Person being charged with, and liable to pay any Rate or Assessment by virtue thereof.

Persons paying Rates not incompetent Witnesses.

LXV. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation, to be made by virtue or in pursuance thereof, shall or may cause the Conviction to be drawn in the Words or to the Effect following; (that is to say),

‘ **B**E it remembered, That on the _____ Day of _____ in _____ the Year of our Lord _____ is convicted _____ before me, [or, us] _____ His Majesty’s Justices of the Peace for the County of *Southampton*, of having [as the Offence shall be], and I [or, we] the said _____ do adjudge him [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.’

Rates not to be quashed by reason of any Appeal against them.

LXVI. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at the General Quarter Sessions of the Peace, to be held in and for the County of *Southampton*, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate or Assessment, with respect to the other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment, it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

LXVII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be levied by Distress and Sale of the Offender’s Goods and Chattels; by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Southampton*, (which

Recovery and Application of Penalties and Forfeitures.

(which Warrant such Justice is hereby empowered to grant), upon the Confession of the Party or Parties, or upon Information of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and the Penalties and Forfeitures when recovered, shall be paid to the Treasurer or Treasurers, or such other Person or Persons as the said Trustees at any Meeting shall appoint for that Purpose, and be applied for the Purposes of this Act; and in case such sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Southampton*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner fully paid and satisfied.

Trustees may contract.

LXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to enter into any Contract or Contracts for lighting, watching, and paving the several Streets, Lanes, Roads, Public Passages or Places within the Town or Borough of *Gosport* aforesaid, or any of them, or for furnishing Materials, or any other Matters or necessary Things whatsoever, or for either of the Purposes aforesaid, or any other the Purposes of this Act; and the said Trustees shall, and they are hereby required to take Security from the Person or Persons who may undertake such Contract or Contracts, for the due Performance of his, her, and their Contract or Contracts.

Trustees may compound for Penalties.

LXIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time to compound and agree with any Person or Persons against whom any Action or Suit shall be brought, commenced, or prosecuted for any Penalty contained in any Contract to be entered into as aforesaid, for any Breach or Non-performance thereof, for such Sum of Money as the said Trustees shall think proper, and also to mitigate, compound, or lessen any of the Forfeitures incurred under this or the said recited Act, so as the Sums so compounded or agreed for be not less than the Injury or Damage sustained by Breach or Non-performance of any such Contract, and all Costs and Expences which shall be occasioned thereby.

So much of Act as relates to Notice during Divine Service repealed.

LXX. And be it further enacted, That so much of the said recited Act as relates to any Public Notice being given within the Chapel of *Gosport*, during the Time of Divine Service therein, in relation to the Execution of the said recited Act or the present Act, shall be and the same is hereby repealed; and that from and after the passing of this Act, every such Public Notice as last aforesaid shall be affixed on or to the Door of the said Chapel.

Trustees empowered to make Bye Laws.

LXXI. And be it further enacted, That the said Trustees, or any Fourteen or more of them, (being the Majority of the said Trustees, who shall be present at any Meeting to be held in pursuance of this Act, of the Time, Place, and Purpose, of which Ten Days Notice at the least shall be

be given by the Clerk and Treasurer, by Writing affixed on some conspicuous Part of the Market House of the said Town of *Gosport*, and also at the Door of the Chapel of the said Town), shall and may make, order, and constitute such and so many Bye Laws, Rules, and Ordinances, as to them shall seem meet and convenient for the effectually carrying into Execution the Purposes of this Act, and to alter, change, revoke, repeal, or make void the same from Time to Time, as often as the said Trustees, or the major Part of them, not being less than Fourteen, shall adjudge necessary and convenient; and to fix and appoint reasonable pecuniary Penalties, not exceeding Twenty Shillings, for the Non-observance or other Breach of any Bye Laws, Rules, and Ordinances, or any Part of them; and the said Trustees shall cause the said Bye Laws, Rules, and Ordinances to be printed and distributed, and stuck up or placed in some conspicuous Places in the said Town or Borough; and such Bye Laws, Rules, and Ordinances so made, printed, distributed, and stuck up, shall be binding upon and observed by all Persons whomsoever, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Rules, and Ordinances, be not contrary or repugnant to the Provisions and Directions of the said Act or this Act, or to the Laws of *England*, and shall be subject to Appeal in Manner directed by the said recited Act.

LXXII. And be it further enacted, That if any Action or Actions shall be brought by the said Trustees against any Person or Persons, for any 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 Treble 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 of Law. Treble Costs.

LXXIII. And be it further enacted, That this present Act shall be deemed and taken as Part of the said recited Act, as much and in the same Manner, to all Intents and Purposes whatsoever, as if the several Clauses, Powers, and Authorities herein contained, had been enacted and inserted in the said recited Act; and all Clauses, Provisions, Authorities, Penalties, Descriptions, Matters, and Things therein contained, for the Purposes and due Execution thereof, are hereby declared to be extended to, and shall and may operate and be performed, exercised, and put in force (in all Cases where the same are not repealed, varied, or altered by this Act) save and except such Parts thereof as relate to any Exemption from Stamp Duties, for the due Execution of this Act, as fully and effectually, to all Intents and Purposes, as if such Clauses, Provisions, Authorities, Penalties, Descriptions, Matters, and Things, had been made Part of this present Act. This Act consolidated with the former Act.

LXXIV. And be it further enacted, That nothing in this Act contained shall extend to affect the Rights or Privileges of the Proprietors of the new Market Place in the Town or Borough of *Gosport*, in respect to the holding of Fairs and Markets therein, pursuant to an Act passed in the Saving of Rights of Proprietors of the new Market Place.

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Fifty-first

Fifty-first Year of the Reign of His present Majesty, intituled *An Act for erecting a new Market Place in the Town or Borough and Manor of Gosport, in the County of Southampton.*

Public Act. LXXV. And be it further enacted, That this Act shall be and be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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