



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxv.

An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of *Southampton*, and for removing and preventing Nuisances and Annoyances therein. [19th July 1844.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better paving, repairing, and cleansing the Streets and other public Passages in the several Parishes and Wards of Saint Michael, Saint John, Holy Rhood, Saint Lawrence, All Saints within the Bar, All Saints without the Bar, and East Street and Bag Row, within the Town of Southampton and Liberties thereof, and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious; and for the lighting and watching the said Streets and public Passages, whereby certain Powers and Authorities were given to Persons therein named, and from Time to Time to be appointed Commissioners for the several Purposes contained in the said recited Act: And whereas another Act was passed in the Fiftieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act made in the Tenth Year of His present Majesty, for paving, repairing, cleansing, lighting, and watching the Streets and other public Passages in the Town of Southampton: And whereas an Act was passed in the* 10G.3. c 25. 50G.3. c.169.*

[Local.] 40 S Thirteenth

13 G. 3. c. 50. Thirteenth Year of the Reign of His said late Majesty, intituled *An Act for better regulating the Poor, and repairing the Highways within the Town and County of the Town of Southampton*: And whereas the Commissioners acting under the Two first-recited Acts have proceeded to carry the same into execution, and have for that Purpose raised and expended considerable Sums of Money, Part of which Money so raised is still due and owing: And whereas the Powers given by the said Two first-recited Acts have been found insufficient for the Purposes for which they were intended, and it is expedient that the same should be repealed, and other Powers and Provisions granted in lieu thereof, and that the said thirdly-recited Act should be partly repealed, and that Provision should be made for better paving, cleansing, watering, lighting, and improving the whole of the Streets, Passages, and Places within the Town and County of the Town of *Southampton* (except the Tything of *Portswood* and the *Southampton Common*), and for removing and preventing Obstructions, Encroachments, Nuisances, and Annoyances therein: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Third, and also the said recited Act of the Fiftieth Year of the Reign of His said Majesty, and all Matters and Things therein respectively contained, and also all the Powers, Provisions, Penalties, Matters, and Things contained in the said recited Act of the Thirteenth Year of the Reign of His said Majesty, so far as they relate to the amending, repairing, and preserving all and every the public Highways, Bridges, and Causeways within the said Town and County of the Town of *Southampton*, shall be and the same are hereby repealed from the Twenty-fourth Day of *July* One thousand eight hundred and forty-four, and that from and after that Day this Act shall be put in execution for the Purposes herein-after mentioned.

Recited Acts
10 G. 3. c. 25.
and 50 G. 3.
c. 169. wholly
and 13 G. 3.
c. 50. partly
repealed.

All Contracts
made by or
with the
Trustees, and
all Rates,
Assessments,
and Orders
for Payment
of Money
under re-
cited Acts,
to remain in
force.

II. And be it enacted, That all Contracts, Bonds, and Engagements heretofore entered into by or with the Commissioners and other Persons acting under and by virtue of the said recited Acts or either of them, in pursuance of the Powers therein respectively contained, and all Rates, Assessments, and Orders for the Payment of any Money by any Person whomsoever under and by virtue of the said recited Acts, shall be in full Force and Effect in the same Manner as if this Act had not been passed; and that the Performance of such Contracts and the Payment of the said several Sums of Money may be enforced by the Commissioners for putting this Act into execution, or any of them, or any other Person interested therein; and the said several Rates and Assessments may be levied and recovered in the same Manner as if such Contracts, Rates, or Assessments had been respectively made, and such several Sums of Money had respectively become due, under and by virtue of this Act.

Officers un-
der 10 G. 3.
and 50 G. 3.

III. And be it enacted, That the Clerk, Surveyor, Collector, and all other Officers and Servants, except the Treasurer, appointed by

virtue and in pursuance of the said Two first-recited Acts or either of them, shall hold and enjoy their several and respective Offices and Employments, together with their several and respective Salaries, Gratuities, and Allowances thereto annexed, until they shall be removed therefrom respectively by the said Commissioners for putting this Act into execution; and every such Clerk, Surveyor, Collector, and other Officer and Servant shall, while he shall continue in Office, be subject to the like Pains and Penalties and Powers of Removal, and to the like Rules and Regulations, as if he had been appointed by virtue of this Act.

to hold their Situations until removed.

IV. And be it enacted, That all Persons acting or who have acted under the said recited Acts and Parts of Act hereby repealed who shall have in their Custody, Power, or Possession any Money collected by virtue of the said recited Acts and Parts of Act, or any Books, Papers, or Writings relating to the Execution of the said recited Acts and Parts of Act, shall forthwith pay and deliver up the same to the said Commissioners, or to such other Persons as they shall appoint to receive the same; and in case of Neglect or Refusal the Persons so neglecting or refusing shall forfeit and pay any Sum not exceeding Fifty Pounds, and also be liable to such Actions as the Commissioners may legally commence for the Recovery of Money, Books, Papers, or Writings so refused or neglected to be paid or delivered up as aforesaid.

Persons who have acted under recited Acts to account for Monies and deliver up Books.

V. And whereas certain Sums of Money, amounting in the whole to the Sum of Two thousand Pounds, were heretofore borrowed, and now remain due and owing, with Interest thereon, on the Credit of the Rates or Assessments for paving, repairing, and cleansing the said Town, as well as an Annuity of Ninety-five Pounds which still remains charged thereon; be it therefore enacted, That the said Sum of Two thousand Pounds, and Interest and Annuity, shall be and the same are hereby charged on the Rates or Assessments by this Act authorized or directed to be assessed or levied, and called the Paving Rates; and that the Securities already given on the said Rates or Assessments, under or by virtue of the said Two first-recited Acts, for the said Sum of Two thousand Pounds and the said Annuity, shall be and they are hereby confirmed as Securities on the said Rates or Assessments called the Paving Rates; and such Money and Interest and Annuity shall be payable to the Persons for the Time being entitled to such Securities.

The Sum of 2,000*l.* and an Annuity borrowed on the Credit of former Acts charged on Rates.

VI. And be it enacted, That the Mayor, Aldermen, and Councilors for the Time being of the Town of *Southampton*, together with Thirty-two other Persons, qualified as herein-after is mentioned, and to be elected by and for the several Parishes in the said Town in the Proportions and Numbers following, (that is to say,) Ten by the Parish of *All Saints*, Ten by the Parish of *Saint Mary*, Four by the Parish of *Holy Rhood*, Four by the Parish of *Saint Michael*, Two by the Parish of *Saint Lawrence*, and Two by the Parish of *Saint John*, and their Successors respectively, shall be and they are hereby appointed Commissioners for carrying this Act into execution; and such Commissioners shall be called and known by the Name of

Commissioners.

“ The

“ The Commissioners for paving, lighting, and improving the Town of *Southampton* :” Provided always, that until the rateable Value of Property rated and assessed to the Relief of the Poor of the said Parish of *Saint Mary* shall be equal to or exceed in Amount the rateable Value of Property rated and assessed to the Relief of the Poor of the Parish of *All Saints*, of which the Poor Rate or Assessment of the said Parishes respectively for the Time being shall be conclusive Evidence, the Number of Commissioners to be elected by the said Parish of *Saint Mary* shall be Eight instead of Ten, and the whole Number of Persons so to be elected Commissioners as aforesaid shall be Thirty only instead of Thirty-two as herein-before provided.

Qualification
of Commis-
sioner.

VII. And be it enacted, That every Commissioner under this Act (except the said Mayor, Aldermen, and Councillors for the Time being) shall be an Inhabitant of or resident within the Limits of this Act, or within Five Miles thereof, and be rated to the Relief of the Poor in the Parish for which he shall be elected a Commissioner in a Sum not less than Twenty Pounds rateable Value, and shall be in his own Right, or in the Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of Lands of the clear yearly Value of Thirty Pounds arising within the said Limits, over and above all Incumbrances, or shall be possessed of Lands and Personal Estate together to the Amount or Value of One thousand Pounds beyond what will satisfy his Debts, such Lands being within the said Limits.

No Bankrupt
or Insolvent
to be a Com-
missioner.

VIII. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person
holding
Office or
concerned in
a Contract
to be a Com-
missioner.

IX. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, or shall derive or be entitled to any Benefit either directly or indirectly therefrom, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Shareholders
of any Joint
Stock Com-
pany not dis-
qualified by
reason of
Contracts.

X. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, or of any Company or Concern engaged in the Manufacture or Supply of Gas, shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners ; nevertheless it shall not be lawful for any such Shareholder or Member of such Company to act as a Commissioner in any Matter relating to any Contract entered into between the Commissioners and such Company.

Commis-
sioner not
incapable of
acting as a
Justice

XI. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

XII. And

XII. And be it enacted, That no Person, except the said Mayor, Aldermen, and Councillors, shall be capable of acting as a Commissioner (except in administering the Declaration herein-after mentioned) until he shall have made and signed before Two or more of the Commissioners a Declaration to the following Effect :

Declaration
by Commis-
sioners.

‘ I *A.B.* do solemnly declare, That I will faithfully and impartially,
‘ according to the best of my Skill and Judgment, execute all the
‘ Powers and Authorities reposed in me as a Commissioner by virtue
‘ of an Act of Parliament, intituled [*here insert the Title of this Act*],
‘ and also that I am an Inhabitant of or resident within the Limits of
‘ the said Act, or within Five Miles thereof, and am rated to the
‘ Relief of the Poor in the Parish of _____ in the Town of
‘ *Southampton* in a Sum not less than Twenty Pounds rateable Value,
‘ and am in my own Right, or in right of my Wife, in the actual
‘ Possession and Receipt of the Rents and Profits of Lands and Here-
‘ ditaments of the clear yearly Value of Thirty Pounds arising within
‘ the said Limits, over and above all Incumbrances [*or am possessed*
‘ of Lands and Hereditaments and Personal Estate together to the
‘ Amount or Value of One thousand Pounds beyond what will
‘ satisfy my Debts, such Lands and Hereditaments being within the
‘ said Limits.’]

XIII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe any Declaration authorized or required by this Act to be made and subscribed, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

False Decla-
ration a Mis-
demeanor.

XIV. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as one of such Commissioners such Person shall make and subscribe the Declaration herein required ; and it shall be lawful for any Persons attending as such Commissioners, whether they shall themselves have made such Declaration or not, to administer such Declaration.

Declaration
to be taken
at the first
Meeting.

XV. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds, and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case ; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, and in default thereof the Plaintiff shall be entitled to a Verdict and Judgment for the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act ; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Penalty on
acting as a
Commission-
er not being
qualified.

[*Local.*]

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XVI. And

Commissioners neglecting to act.

XVI. And be it enacted, That if any Commissioner elected under this Act shall neglect for the Space of Six Months in succession to attend the Meetings of the said Commissioners and act in the Execution of this Act, such Commissioner shall be deemed to have refused to act, and shall cease to be a Commissioner until he shall be re-elected as herein-after mentioned.

Qualification of Electors.

XVII. And be it enacted, That every Male Person who shall be rated to the Rates made for the Relief of the Poor of any of the said several Parishes in respect of any Dwelling House, Office, Shop, Warehouse, Counting-house, or other Building, Lands, Tenements, Hereditaments, or other Property whatsoever, within such respective Parish, except such as are herein-after exempted from the Rates and Assessments levied under this Act, shall be entitled to vote in every Election of Commissioners under this Act for such respective Parish; and that every such Person who shall by the last Rate made for the Relief of the Poor of such respective Parish have been assessed in respect of any such Property not amounting to the rateable Value of Fifty Pounds shall be entitled to give One Vote and no more; and every such Person who shall in such last Rate have been assessed in respect of any such Property to the rateable Value of Fifty Pounds or upwards, whether in One Sum, or more than One Sum or Charge, shall be entitled to give One Vote for every Twenty-five Pounds of such rateable Value, but so nevertheless that no Person shall be entitled to give more than Six Votes; and in Cases where Two or more Persons shall be jointly rated, each of them shall be entitled to vote according to the Proportion and Amount which shall be borne by him of the joint Charge; and where One only of the Persons jointly rated shall attend, he shall be entitled to vote according to and in respect of the whole of the joint Charge: Provided always, that no Person shall be entitled to vote at any such Election unless he shall have paid all Rates made for the Relief of the Poor of such Parish respectively which shall have become payable by him Six Months before the Day of such Election.

Scale of voting.

Proviso as to Payment of Rates.

Churchwardens and Overseers to hold Meeting for Election of Commissioners.

XVIII. And be it enacted, That on the first *Wednesday* in the Month of *August* One thousand eight hundred and forty-four, at the Hour of Ten of the Clock in the Forenoon, the Churchwardens and Overseers, or any Two of them, of each of the said several Parishes, shall hold at some convenient Place within such respective Parish (not being a Church or Chapel) an open Court for the Purpose of electing for the first Time the Number of Commissioners herein-before appointed to such respective Parish; and at such Court it shall be lawful for every Person entitled to vote at such Election to vote for any Number of Persons not exceeding the Number of Persons then to be chosen to be Commissioners for such Parish, by delivering to the Officers presiding at such Election a Voting Paper containing the Christian Name and Surname of the Persons for whom he votes, with their respective Places of Abode, and Quality, Profession, or Trade, and subscribed with the Name of the Person voting, and the Name of the Street, Lane, or Place in which the Property in respect of which he is so rated and entitled to vote is situated; and that the voting at such Election shall finally close at Four of the Clock in the

Afternoon of the same Day: Provided nevertheless, that it shall be lawful for the said presiding Officers respectively to close the Voting or Poll at such Election at any Time before Four of the Clock in case One Hour shall have elapsed during which no Voting Paper shall have been tendered.

XIX. And be it enacted, That the Churchwardens and Overseers of each of the said Parishes shall, Three Days previous to every Election of Commissioners to be held under the Authority of this Act, provide at the Expence of the Commissioners a sufficient Number of Voting Papers, and shall deliver to every Person entitled to vote at such Election, on Application to them for that Purpose by such Person, a printed Paper in such Form as the Commissioners shall direct, to be used and filled up by such Person as a Voting Paper at such Election.

Churchwardens to provide Voting Papers.

XX. And be it enacted, That the said Officers presiding at any such Election shall examine the Voting Papers so delivered as aforesaid, and shall ascertain the Number of Votes given for each of the several Persons voted for, and so many of such Persons being equal to the Numbers of Commissioners then to be chosen as shall have the greatest Number of Votes shall be deemed to be elected Commissioners for such Parish for the respective Periods herein-after mentioned, and from thence until other Commissioners shall be elected in their Stead; and in case of an Equality in the Number of Votes for any Two or more Persons the said presiding Officers shall name from amongst the Persons for whom the Numbers of Votes shall be equal so many as shall be necessary to complete the requisite Number of Commissioners to be chosen; and the said presiding Officers shall, on the Day following the Day of Election, deliver to the Clerk to the Commissioners under the Two first-recited Acts a List signed by them containing the Names of the Persons so elected Commissioners, with the Numbers of Votes given for such Persons respectively, together with the said Voting Papers; and the said Clerk shall file the said Lists and Voting Papers delivered to him as aforesaid with the Papers of the Commissioners acting in the Execution of this Act.

Presiding Officers to ascertain Number of Votes and Persons elected Commissioners.

XXI. And be it enacted, That the Clerk to the Commissioners under the Two first-recited Acts shall cause Notice of all such Elections to be given in One or more Newspaper or Newspapers circulated within the said Town of *Southampton*, and shall also cause a Copy of such Notice to be fixed on the principal outer Door of every Church and Chapel in the said respective Parishes, and also on the Front of the Market Place in the *High Street* of the said Town, and on the Guildhall of the said Town, Seven Days at least previous to every such Election.

Clerk to give Notice of Elections.

XXII. And be it enacted, That it shall be lawful for the Officers presiding at every Election of Commissioners under this Act to provide and hire a Room or other convenient Place for holding such Election, and also to appoint, if they shall think fit, a Clerk or Clerks to take the Poll at such Election, and that it shall be lawful for the Commissioners acting under this Act, at any Meeting subsequent to such

Presiding Officers may hire Room and appoint Clerk to take the Poll at Elections.

such Election, to pay to such respective Churchwardens and Overseers, out of the Rates and Assessments raised under the Authority of this Act, called the Lighting and General Rate, or the Monies borrowed on the Credit of the said Rates and Assessments, any Sum not exceeding One Pound for the Employment of every such Clerk, any Sum not exceeding Five Pounds for the Hire of One or more Room or Rooms or convenient Place or Places for holding such Election, and any Sum not less than Ten Shillings or more than One Pound for the Attendance of the Collector or other Person having the Custody of the Rate or Assessment for the Relief of the Poor, as herein-after required at every such Election.

Poor Rate to be Evidence of Electors Right to vote.

XXIII. And be it enacted, That the Poor Rate or Assessment for the Time being of every such Parish shall be conclusive Evidence of the Right of every such Person rated therein to vote at every such Election, except as to the Payment of Rates payable by him: Provided always, that in case any Question shall arise as to the due Payment by any such Person of the Rates herein-before made payable by him, the Production by such Person of the Receipt from the Collectors of such Rates for the last Rate herein-before made payable by such Person shall be conclusive Evidence of the Payment by him of all Rates the Payment whereof is herein-before required; but nothing herein contained shall prevent the said presiding Officers, in case of the Non-production of such Receipt, from receiving other Evidence of such Payment.

Collectors of Poor Rate to attend Elections.

XXIV. And be it enacted, That the Collector or other Person in whose Custody the Rate or Assessment for the Time being for the Relief of the Poor of every such Parish shall be shall attend every such Election with such Rate or Assessment, and shall produce the same to the said presiding Officers for the Purposes of such Election; and that every such Collector or Person who shall wilfully neglect or fail to attend or be present at such Election shall for such Neglect or Failure forfeit and pay the Sum of Twenty Pounds.

Commissioners how to go out of Office.

XXV. And be it enacted, That the Commissioners so to be elected shall hold Office until the first *Wednesday* in the Month of *August* One thousand eight hundred and forty-seven, when One Half of the Commissioners elected for each Parish, being those who shall have been elected by the smallest Number of Votes, shall go out of Office; and in case the Numbers of Votes for any such Commissioners shall have been equal, the Majority of the Commissioners present at a Meeting to be held for that Purpose within Six Months next preceding the said First Day of *August* One thousand eight hundred and forty-seven shall determine who of such Commissioners shall first go out of Office, and a like Number of Persons shall be elected in each Parish Commissioners in the Stead of those so going out of Office in the Manner herein-before provided with respect to the first Election of Commissioners under this Act; and the remaining Half of the said Commissioners first elected under this Act shall continue Commissioners until the first *Wednesday* in the Month of *August* One thousand eight hundred and fifty, and shall then go out of Office, and a like Number shall be elected in each Parish in their Stead in manner herein-

herein-before directed with respect to such first Election; and the Commissioners chosen in the Stead of those first elected, and all Commissioners chosen in the Stead of others going out periodically, shall hold Office for the Term of Six Years respectively; and at the Expiration of such respective Term of Six Years other Commissioners shall be elected in their Stead in perpetual Succession, in manner herein-before directed with respect to the first Election of Commissioners under this Act.

XXVI. And be it enacted, That in case and as soon as the rateable Value of Property assessed to the Relief of the Poor in the said Parish of *Saint Mary* shall be equal to or exceed in Amount the rateable Value of the like Property in the said Parish of *All Saints* as herein-before mentioned, the Guardians of the Poor within the Town and County of the Town of *Southampton*. for the Time being, or other Officers then executing the Duties of such Guardians; shall, by Writing under their Common Seal or Hands respectively, certify to the Clerk for the Time being to the Commissioners acting in execution of this Act, and also to the Churchwardens and Overseers for the Time being of the said Parish of *Saint Mary*, that the Amounts of such respective rateable Values are equal, or that the rateable Value of such Property in the said Parish of *Saint Mary* exceeds the rateable Value of such Property in the said Parish of *All Saints* by and according to the respective Rates or Assessments for the Relief of the Poor for the said last-mentioned Parishes, as the Case may be.

Guardians of Poor to certify when the rateable Value of Property in St. Mary's equals that in All Saints.

XXVII. And be it enacted, That the Clerk for the Time being of the said Commissioners shall, within Seven Days next after the Delivery to him of a Certificate of the said Guardians or other Officers to the Effect herein-before specified, give or cause to be given, in the Manner herein-before directed with respect to the first Election of Commissioners under this Act, Notice, to be affixed on the principal outer Door of every Church and Chapel in the said Parish of *Saint Mary* in the said Town, and on the Front of the said Market House and Guildhall, for the Election, on a Day to be therein named, of Two additional Commissioners for the said Parish of *Saint Mary*, to complete the whole Number of Thirty-two Commissioners to act in the Execution of this Act; and that on the Day named in such Notice the Churchwardens and Overseers of the said Parish of *Saint Mary* for the Time being, or any Two of such Churchwardens and Overseers, shall proceed to the Election of such Two additional Commissioners; and such Election shall be held and completed in the same Manner in all respects, with the same Power of Selection and Nomination in case of an Equality of Votes, as are herein-before directed and provided with respect to the said first Election of Commissioners.

Clerk to give Notice of Election of additional Commissioners for St. Mary's Parish.

XXVIII. And be it enacted, That such One of the said additional Commissioners as shall be elected by the smallest Number of Votes, and in case of an Equality of Votes, such One as the Majority of the Commissioners under this Act present at a Meeting to be held for that Purpose within Six Months next preceding the then next periodical

How additional Commissioners to go out of Office.

[Local.]

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Election

Election of Commissioners under this Act shall appoint, shall continue in Office until the then next periodical Election, when he shall go out of Office, and another Commissioner shall then be elected in his Stead; and that the other additional Commissioner shall continue in Office until the second periodical Election of Commissioners under this Act which shall take place next after his Election, when he shall go out of Office, and another Commissioner be elected in his Stead; and from thenceforth at every periodical Election of Commissioners Five Commissioners out of the whole Number of Ten Commissioners for the said Parish of *Saint Mary* shall go out of Office, and others be elected in their Stead, in perpetual Succession, in the Manner hereinbefore provided with respect to periodical Elections of Commissioners under this Act.

Elections not to be void for Want of Title of presiding Officer.

XXIX. And be it enacted, That no Election of Commissioners under this Act shall be liable to be questioned by reason of any Defect in the Title or Want of Title of the Persons before whom such Election shall have been had, provided that the Persons before whom such Election shall have been had shall be then in the actual Possession of or acting in the Office giving the Right to preside at such Election: Provided nevertheless, that nothing hereinbefore contained shall prevent any such Election or Act done by any Person from being questioned and set aside by reason of any Fraud or of any Irregularity or Defect other than hereinbefore specified.

Commissioners re-eligible.

XXX. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall, with reference to going out of Office periodically, be considered as a new Commissioner.

Mode of supplying occasional Vacancies.

XXXI. And be it enacted, That if any of the Commissioners elected under the Authority of this Act shall be elected an Alderman or Councillor of the said Town of *Southampton*, or shall die, or, by Writing under his Hand delivered to the Clerk to the Commissioners, shall resign, or shall neglect or refuse to make and subscribe the Declaration hereinbefore required within Six Months after his Election, or shall be disqualified or cease to be a Commissioner from any other Cause than that of going out of Office periodically, it shall be lawful for the remaining Commissioners acting in the Execution of this Act, if they think fit, to elect another Commissioner in his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Power for Electors to require occasional Vacancies to be supplied by Election in same Manner as periodical Vacancies.

XXXII. Provided always, and be it enacted, That Notice shall be given by the Clerk to the Commissioners previously to the Election of any Commissioner under the last-mentioned Provision, by affixing a Notice on the Front of the Market House and Guildhall aforesaid Fourteen Days prior to such Election; and if previously to any such Election a Notice in Writing, signed by Nine Persons rated to the Relief of the Poor respectively to the rateable Value of Twenty Pounds or upwards, and qualified to vote in the Election of Commissioners for the Parish in respect of which such Vacancy shall occur,

or

or by Seven of the Commissioners, shall be given to the Clerk to the Commissioners, or left at his last or usual Place of Abode, or at the Office of the Commissioners, requiring the said remaining Commissioners not to proceed to the Election of a Commissioner in the Room of any Commissioner who shall be so elected an Alderman or Councillor, or shall have died or resigned, or neglected or refused to make and subscribe such Declaration, or have become disqualified or have ceased to be a Commissioner as aforesaid, then the Place of such Commissioner shall be supplied by Election in the same Manner as is herein-before directed with respect to the periodical Election of Commissioners under this Act.

XXXIII. And be it enacted, That if any Churchwarden or Overseer who shall be in Office at the Time appointed for any Election of Commissioners under this Act, which he is required to conduct, preside at, or declare, shall neglect or refuse to conduct, preside at, or declare any such Election, or to do any Act which he is required to do in relation to such Election, every such Churchwarden and Overseer shall for every such Offence forfeit the Sum of Twenty Pounds.

Penalties on Churchwardens, &c. neglecting to hold Elections.

XXXIV. And be it enacted, That the Commissioners for executing this Act shall hold their first Meeting at the Audit House, or some other convenient Place within the said Town of *Southampton*, on the Second *Wednesday* in *August* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and it shall be lawful for the Commissioners present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Town; and if at any such Meeting there shall not be Seven Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting to another Day; and if no Commissioner shall be present it shall be lawful for the Clerk to adjourn such Meeting to the same or any other Place within the said Town; provided that no Adjournment whatever shall be made for a longer Space of Time than Twenty-eight Days.

First and other Meetings.

XXXV. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Five or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Three Days Notice thereof shall be given; and such Meeting shall be held within Seven Days after the Delivery to the Clerk to the Commissioners of the Requisition for holding the same.

Special Meetings.

XXXVI. And be it enacted, That all the Powers of this Act may be exercised by any Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Seven or more Commissioners shall be present at such Meeting.

Quorum of Commissioners.

XXXVII. And

How Notices
of Meetings
are to be
given.

XXXVII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Commissioners Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at
Meetings.

XXXVIII. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

Commis-
sioners may
appoint
Committees.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners to appoint out of their own Body from Time to Time such and so many Committees, either of a general or special Nature, and consisting of such Number of Persons, as they may think fit, for any Purposes which in the Discretion of the Commissioners would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Commissioners for their Approval.

Quorum of
Committees.

XL. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of
Business at
Meeting of
Commis-
sioners and
Committees.

XLI. And be it enacted, That at every Meeting of the Commissioners or Committee the Mayor of the said Town for the Time being shall be the Chairman, and in case of his Absence One other of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Numbers of Votes, whose Name would stand first if the Names of the Commissioners present were alphabetically arranged, shall be Chairman of such Meeting.

No Resolu-
tion of Com-
missioners to
be revoked at
a subsequent
Meeting un-
less under
certain Cir-
cumstances.

XLII. And be it enacted, That no Resolution, Order, or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Five Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, in case the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution or Order was made, or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by the Majority of the Commissioners present at such subsequent Meeting: Provided always,
that

that no such Revocation or Alteration shall be made at any such subsequent Meeting unless Fifteen Commissioners at the least be present thereat.

XLIII. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Person, for the Execution of any Works, or for any other Matter or Thing, directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works, Matters, or Things to be done, and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

For what
Contracts
may be made.

XLIV. And be it enacted, That every such Contract shall be signed or executed by any Seven of the Commissioners, and by the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners, or the other Parties failing in the Execution thereof.

How to be
signed.

XLV. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment or Information as herein-after mentioned, be held to be the Property of such Commissioners.

Materials for
Works con-
tracted for
to be con-
sidered the
Property of
the Commis-
sioners.

XLVI. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment or Information against any Person who shall steal, take, or carry away, wilfully deface or injure, any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment or Information it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment or Information shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Members thereof.

Indictments,
how to be
preferred.

XLVII. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners, for any of the Purposes of this Act, shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall be discharged out of the respective Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner

Commis-
sioners not
to be personally
liable.

Liability of
their Funds.

sioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners; and all Sums of Money to be recovered by the Commissioners in any such Action or Suit shall be applied to the same Purposes as the Monies to arise from the Rates and Assessments authorized by this Act to be levied are hereby directed to be applied.

Actions or Suits to be brought in the Name of any Two Commissioners or of their Clerk.

XLVIII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions against Commissioners.

XLIX. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office, unless such Action or Suit shall have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner or Commissioners in any such Action or Suit, or unless such Action or Suit shall have been defended without the Order or Direction of the Commissioners under this Act.

Indemnity to Commissioners and Clerk.

L. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners or more as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Proceedings to be entered in a Book, and to be open for Inspection.

LI. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was discussed or determined; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons by whom any such Orders or Proceedings were made,

had,

had, or taken being Commissioners or Members of Committee respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Creditors or Rate-payers or other Persons interested.

LII. And be it enacted, That the Commissioners shall from Time to Time appoint a Treasurer, Clerk, Surveyor, Collector, Street-keeper, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Surveyor, Collector, Street-keeper, and Officers, and appoint others in their Stead: Provided always, that no Commissioner shall vote in the Appointment of any Officer to be appointed under this Act unless such Commissioner shall have attended Three Meetings of the Commissioners at least within Six Months immediately preceding the Meeting for appointing such Officer.

Commis-
sioners to
appoint
Treasurer
and other
Officers.

LIII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person shall offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of
Clerk and
Treasurer to
be separate.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of the Clerk or Treasurer, as the Case may be:

Penalty.

And any Person may sue for such Penalty either by Action of Debt or on the Case in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

LIV. And be it enacted, That if any such Treasurer, Clerk, Surveyor, Collector, or other Officer employed by the Commissioners shall exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed or sanctioned by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by

Officer
taking Fees
to lose his
Office and
forfeit 50*l*.

by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commis-
sioners to
take Security
from all
Officers in-
trusted with
Money.

LV. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for accounting for and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Commissioners so to do, of all Monies by them respectively received, collected, or disbursed for the Purposes of this Act, and when, of whom, and for what the same were so received, collected, or disbursed.

Officers to
account.

LVI. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall, from Time to Time when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy
against Offi-
cers failing
to account.

LVII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Five Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in case of there being no sufficient Distress to answer the same to commit such Officer to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases, (that is to say,)

If

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power;

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

LVIII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer. Commitment not to discharge Sureties.

LIX. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rates and Assessments by this Act authorized to be made, and of every Person paying any such Rate or Assessment, without any Fee being demanded of the Commissioners for such Inspection, but on Payment to the Clerk by every other Person of One Shilling for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, on Payment (except by the Commissioners) of Sixpence for every One hundred Words of such Copy or Extract; and if on Request for that Purpose the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds. Books of Account to be kept, and to be open for Inspection.

LX. And be it enacted, That a General Annual Meeting of the Commissioners shall be held in the Month of *August* in every Year, and at such Meeting the Accounts of the Monies received and expended by the Commissioners shall be produced, and it shall be lawful for all Persons interested to be present, and such Accounts shall be examined by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting. Accounts to be settled and examined at the annual Meeting.

[Local.]

To be final unless appealed from.

ing; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the Town and County of *Southampton*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal, in which Notice the Grounds of such Appeal shall be specified.

Statement of Accounts to be prepared, and to be open for Inspection.

LXI. Provided always, and be it enacted, That Ten Days at the least previously to such annual Meeting as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act, during the preceding Year, and also of all Debts then owing by the Commissioners, and of all Arrears then owing upon any Rate or Assessment, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners or of their Clerk; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statement and Account; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice, by Advertisement in some Newspaper circulated within the said Town, of such annual Meeting, stating in such Notice that the said Statement and Account are at the Office of the Commissioners or of their Clerk ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

Auditors may be appointed.

LXII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Majority of the Rate-payers or Persons then present (not being Commissioners), entitled to vote in the Election of Commissioners under this Act, to nominate; if they think fit so to do Two or more Persons, not being Commissioners, to be Auditors of the said Accounts of the Commissioners; and the Persons so to be nominated Auditors shall have the like Qualification and shall be subject to the like Disqualification or Disability as the Commissioners; and before entering on their Office they shall make and sign, before One of Her Majesty's Justices of the Peace, a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

Auditors to inspect Accounts, and to appeal, if they think fit.

LXIII. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners or of their Clerk, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk of the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the

Appointment of such Auditors; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace for the said Town and County of *Southampton*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

LXIV. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Thirty-first Day of *July* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the said Town and County of *Southampton*, within One Month after the Allowance of the said Account; and such Copy shall be open to the Inspection of all Persons at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection; and the Commissioners shall cause a Copy of such Account to be inserted in One or more Newspaper or Newspapers circulated in the said Town, and a printed Copy thereof to be sent to each of the Commissioners.

Annual Account to be transmitted to the Clerk of the Peace.

LXV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted or authorized to be levied, the several Sums of Money herein-after mentioned; that is to say, any Sum of Money which, together with the Sum of Two thousand Pounds borrowed under the Two first herein-before recited Acts, shall not exceed the Sum of Five thousand Pounds, upon the Credit of the said Rates or Assessments herein-after authorized to be levied, called "the Paving Rate," and any Sum of Money not exceeding the Sum of Twenty thousand Pounds on the Credit of the Rates or Assessments herein-after authorized to be levied, and called "the Lighting and General Rate;" and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates and Assessments respectively, or any Part thereof respectively, to any Person who shall advance or lend such Money, or to such Person as he shall appoint, as a Security for the Payment of the Money to be so borrowed, together with the Interest for the same.

Power to borrow on Mortgage.

LXVI. And be it enacted, That previous to borrowing any Sum or Sums of Money an Order for that Purpose shall be made by the Commissioners at a Meeting to be specially called for that Purpose,

Order for borrowing Money.

at

at which not less than Nine Commissioners shall be present, and of which Five Days Notice shall be given to the Commissioners in manner herein-before directed: Provided always, that nothing herein contained shall be construed to oblige any Person lending or advancing any Money as aforesaid to inquire whether such Order has been made, or such Meeting held, or Notice given as aforesaid.

Form of Mortgage.

LXVII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Seven of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LXVIII. And be it enacted, That all Persons to whom such respective Assignments or Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments respectively, equally one with another, without any Preference in respect of the Priority of advancing such Monies or of the Dates of any such Assignments respectively.

Expences of Mortgages.

LXIX. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same, or out of the Rates or Assessments whereon the same shall be charged.

Register of Mortgages to be kept, and to be open to Inspection.

LXX. And be it enacted, That a Register of such Assignments or Mortgages shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Assignment or Mortgage an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages.

LXXI. And be it enacted, That from Time to Time any Person entitled to any such Assignment or Mortgage may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

LXXII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Assignment or Mortgage, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Assignment or Mortgage in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the
Assignment

Assignment or Mortgage so transferred, or any Money thereby secured.

LXXIII. And be it enacted, That, unless otherwise provided by any Assignment or Mortgage, the Interest of the Money borrowed upon every such Assignment or Mortgage shall be paid half-yearly to the several Parties entitled thereto out of the Rates or Assessments respectively charged therewith.

Interest on Mortgages to be paid half-yearly.

LXXIV. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, notwithstanding they may have previously borrowed the whole of the said respective Sums which they are by this Act authorized to borrow, and to charge the Rates or Assessments whereon the same Sums so paid off shall be respectively charged with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Power to take up Money at a less Rate of Interest.

LXXV. And in order that no undue Preference may be given in paying off any Assignments or Mortgages, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Seven or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand, after the Expiration of the said Six Months: Provided always, that Notice of every such intended Ballot shall be given to all Mortgagees whose Money or any Part whereof shall be proposed to be paid off Seven clear Days before the Day appointed for such

Mode of paying off Mortgages.

[Local.]

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Ballot,

Ballot, and that every such Mortgagee shall be entitled to be present thereat.

Sinking
Fund.

LXXVI. And be it enacted, That the Commissioners shall, after the Expiration of Ten Years after the passing of this Act, appropriate and retain, out of the Monies arising from the respective Rates and Assessments levied under the Authority of this Act, a Sum not less than Five nor more than Ten Pounds *per Centum per Annum* of such Monies, in order to form accumulating Funds for the gradual Payment of the Principal Sums of Money from Time to Time to be borrowed and remaining unpaid on the Credit of the said respective Rates and Assessments; and that as often as each of the said accumulating Funds shall amount to the Sum of Two hundred Pounds, the same shall be applied in Payment of an equal Amount of the said Principal Money now due or hereafter to become due on the Credit or Security of the said respective Rates or Assessments.

Commis-
sioners may
make Bye
Laws to
govern them-
selves and
their Ser-
vants.

LXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, and to repeal or alter any such Bye Laws, as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Five or more of the Commissioners.

Fines for
Breach of
such Bye
Laws.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon themselves, their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Forty Shillings for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of
Notice on
Commis-
sioners.

LXXIX. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate, at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner.

Authentica-
tion of No-
tices.

LXXX. And be it enacted, That every Summons, Demand, Notice, or other such Document under this Act may be in Writing or Print, or partly in Writing and partly in Print; and where any such Document is by this Act directed to be given by the Commissioners it shall be sufficient if the same be signed by One Commissioner, or by the Clerk for the Time being to the Commissioners.

LXXXI. And

LXXXI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or any other wrongful Act in any Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender or Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Act; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of
Amends.

LXXXII. And for the Purpose of opening new Streets and Thoroughfares, and of widening the present Streets and rendering the same more commodious, and of improving the Approaches to the said Town, be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to enter upon and take, and for such Purpose to agree with the Owners of the Lands comprised in the Schedule (D.) to this Act annexed, for the absolute Purchase for a Consideration in Money of all or any of such Lands, or such Parts thereof as the Commissioners may think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Nature or Kind soever: Provided always, that it shall not be lawful for the Commissioners to exercise the Power herein-before contained of purchasing any of the Lands mentioned in the Second Part of the said Schedule (D.), until the Commissioners shall have constructed or acquired such a Number of Main Lines or Main Trunks of Sewers as shall be necessary for draining all Parts of the said Town, and until such Parts of the said Town as shall reasonably require to be lighted shall be properly lighted, and until the several Streets or Highways within the Limits of this Act shall be put in good Order and Repair.

Power to
take Lands
in Schedule
(D.)

LXXXIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of or convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the

Parties
under
Disability
enabled to
sell and
convey.

Lunatics

Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femmes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

LXXXIV. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Consideration how to be paid.

LXXXV. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, or to any Person by way of Compensation for or incident to any Interest therein, shall be paid out of the Monies arising by the Rates or Assessments by this Act authorized to be levied (except the Paving Rate), or out of the Monies herein-before authorized to be borrowed on the Credit of the Lighting and General Rate.

Commissioners interested not to act in Sales, &c.

LXXXVI. Provided always, and be it enacted, That no Person shall act as a Commissioner in any Matter relating to the Sale or Purchase of any such Lands, or of any Estate or Interest therein as aforesaid, in which he shall be personally concerned or interested.

Acceptance of Compensation for Price of or Damage to Lands.

LXXXVII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXXXVIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors,

Surveyors, if they agree, or if not, then the Surveyor nominated by the said Two Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

LXXXIX. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who, by reason of Absence or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

XC. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may be according to the Form in Schedule (C.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Form of Conveyances.

XCI. And with respect to the Costs of the Conveyance of any such Lands purchased by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same, they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Costs of Conveyances.

Taxation of
Costs.

XCVII. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters to be taxed in the usual Manner; and upon Proof of the Service of such Order the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase
Money pay-
able to Par-
ties under
Disability,
amounting to
200*l.*, to be
deposited in
Bank of
England.

XCVIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners for paving, lighting, and improving the Town of *Southampton*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Endorsements thereon, as likewise Endorsements on South Sea Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and such Monies shall remain so deposited until the same be applied to some one or more of the following Purposes; (that is to say,)

12G.1. c. 32.

12G.2. c. 24.

Application
of Monies
deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of
which

which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

XCIV. And be it enacted, That such Money may be so applied as Order for Application. aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment, and Application of the Interest, Dividends, and annual Proceeds thereof, may be made on the like Petition.

XCV. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds be it enacted, That the same shall be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three of the Commissioners; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

XCVI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall Sums not exceeding 20*l.* to be

paid to Parties.

shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Common Rights over Land purchased by Commissioners extinguished.

XCVII. And be it enacted, That whenever the Commissioners shall purchase and take under the Provisions of this Act any Land which shall be subject to any Rights of Common or other Rights vested in or claimed by the Householders or Inhabitants of, or the Inhabitants paying Rates or Scot and Lot in, the said Town, the Commissioners shall not be required to make or pay any Compensation or Satisfaction whatever in respect of any such Rights of Common or other Rights; and after the Commissioners shall have taken possession of any such Land for the Purposes of this Act, under or by virtue of any Conveyance from the Owner thereof, all such Rights of Common and all other Rights whatsoever therein then vested in or claimed by any such Person or Persons shall be for ever extinguished.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

XCVIII. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Monies deposited.

XCIX. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners, or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall

shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

C. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions.

CI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession deemed to be the Owner.

CII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings

Costs in Cases of Money deposited.

[Local.]

41 B

relating

relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except to survey, &c.

CIII. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or entitled to Compensation in respect thereof, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

CIV. And be it enacted, That if the Commissioners, or any of their Contractors by their Order or Direction, shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners, or their Contractors by their Order or Direction, shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Commissioners Right.

CV. And be it enacted, That in the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Notice of Intention to take Lands.

CVI. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to

the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Works authorized by this Act.

CVII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the said Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Parties interested in Lands to state their Claims.

CVIII. And be it enacted, That where according to the Provisions of this Act the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept, under the Hands of any Five or more of them, to the Sheriff, to deliver Possession of the same to the Person appointed in such Precept to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Proceedings in case of Refusal to deliver Possession of Lands.

CIX. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands or of any Interest in any such Lands taken or required for or injuriously affected by the Execution of the Powers of this Act, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in executing the Works authorized by this Act, or if any such Difference arise as to the Amount of the Damages occasioned

Dispute as to Compensation to be settled by a Jury.

occasioned to any such Lands by the temporary Occupation thereof in the Execution of the said Works, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by 2 Justices.

CX. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds, the same shall be settled by Two Justices.

Notice by Commissioners of Intention to have Jury summoned.

CXI. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury as herein-after provided, the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Requisition by Party claiming Compensation to have a Jury summoned.

CXII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Powers of this Act, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

CXIII. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Commissioners shall issue their Warrant to the Sheriff of the Town and County of *Southampton*, under the Hands of any Five or more of them, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute, then to the Coroner of the said Town and County; and if both the said Sheriff and Coroner be so interested, the Commissioners shall issue such Warrant to some Person, having filled the Office of Sheriff or Coroner in the said Town and County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

CXIV. And

CXIV. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place. Provisions applicable to Sheriff to apply to Coroner.

CXV. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose. Summoning of Jurymen.

CXVI. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array. Impanneling of Jury.

CXVII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party. Notice of Inquiry.

CXVIII. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question, and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts. Sheriff to preside;
Witnesses to be summoned.

CXIX. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence. Oaths of Jurymen.

CXX. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Verdict of the Jury to be for Purchase of Lands and for Damages assessed separately.

Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

Value of Interests previously purchased to be deducted.

CXXI. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands, the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

CXXII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be recorded and signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the said Town and County of *Southampton*; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

CXXIII. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where, by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

Particulars of the Costs.

CXXIV. And be it enacted, That such Costs shall be settled by the Sheriff; and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses and Jurymen, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Twenty-one Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress of the Goods and Chattels of the Commissioners, and on Application to any Justice he shall issue his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein,
or

or by any Person entitled to any Compensation, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner or Person as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

CXXV. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Jurymen shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Jurymen shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on
Sheriff and
Jury for
Default.

CXXVI. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Penalty on
Witnesses
making
default.

CXXVII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and before the Commissioners have issued a Warrant for summoning a Jury as aforesaid give Notice in Writing of such Desire, such Question shall be so tried, and for that Purpose the Commissioners shall, by a Warrant under the Hands of Five of the Commissioners, require the Sheriff to nominate a Special Jury for such Inquiry; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties; and on the Days so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty-four in the Manner used and accustomed by the proper Officers of the Superior Courts.

Special Jury-
men to be
summoned at
the Request
of either
Party.

CXXVIII. And

In case of
Deficiency
of Jurymen.

CXXVIII. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty-four who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons, qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons, and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Inquiry shall be attended in all respects with the like Incidents and Consequences as herein-before provided in case of an Inquiry by Common Jury.

Other In-
quiries be-
fore same
Special Jury
by Consent.

CXXIX. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Special Jury-
men not to
attend more
than twice.

CXXX. And be it enacted, That no Special Jurymen shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than twice in a Year.

Reference of
Dispute as
to Compens-
ation to
Justices.

CXXXI. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Commis-
sioners em-
powered to
purchase the
Interest in
Lands the
Purchase
whereof may
have been
omitted by
Mistake.

CXXXII. And be it enacted, That if, at any Time after the Commissioners shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands; provided within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall

be disputed, then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as, according to the Provisions of this Act, the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

CXXXIII. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Alterations made by the Commissioners, and as though the Improvement for which the said Land had been purchased had not been made.

How Value of such Lands to be estimated.

CXXXIV. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Commissioners shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed by the Commissioners, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Commissioners to pay the Costs of Litigation.

CXXXV. And be it enacted, That no Party shall at any Time be required to sell or convey to the Commissioners a Part only of any House or Building if such Party be willing to sell and convey the whole thereof.

Parties not to be required to sell Part of a House.

CXXXVI. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right, or in trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act, and in order thereto the Commissioners may pay or tender to such Mortgagee

Power to redeem Mortgages.

the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest ; and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct ; or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice ; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

Deposit of
Mortgage
Money on
Refusal to
accept Re-
demption.

CXXXVII. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Commissioners, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Commissioners, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due ; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Sum to be
paid when
Mortgage
exceeds
Value of
Lands.

CXXXVIII. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part ; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation ; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend ; and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

CXXXIX. And

CXXXIX. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England*, in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon, and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor by virtue of any Bond or Covenant or other Obligation other than the Right to such Lands shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Deposit of Money when refused on Tender.

CXL. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend; and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Sum to be paid where Part only of mortgaged Lands taken.

CXLI. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the Commissioners, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners

Deposit of such Money when refused on Tender.

missioners to pay the Amount of such Value or Compensation into the Bank of *England*, in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the Commissioners as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Tenants at Will or from Year to Year to cede Possession on Six Months Notice.

CXLII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Commissioners, or at any other Time, when required, after the Expiration of that Period, all such Persons shall respectively deliver up to the Commissioners, or to any Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Commissioners.

Compensation to such Tenants.

CXLIII. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Land so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Land, or, if a Part only of such Land be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Land required from that not required; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CXLIV. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Commissioners, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept to the Sheriff to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled

settled by the Sheriff; and if, on Demand, such Party shall fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

CXLV. And be it enacted, That full Compensation by Payment of a Sum of Money in gross shall be made by the said Commissioners to every Occupier of or Person interested in respect of Loss of Trade and Improvements in any Shops, Inns, Taverns, or retail Warehouses which are authorized to be purchased by virtue of this Act, for any Injury or Damage whatsoever to be sustained by him by reason of the Execution of any Power or Authority hereby given, whereby his Business shall be injured, and for the reasonable Expences of and incident to Removal, where Removal may be necessary, whether such Occupier or other Person shall be the Owner or not; and to all such Occupiers as aforesaid who may not claim Compensation in respect of Loss of Profits, and to all Occupiers of any Houses or Buildings authorized to be purchased by virtue of this Act not consisting of Shops, Inns, Taverns, or retail Warehouses, Compensation for all reasonable Expences of and incident to Removal, where Removal may be necessary; such Compensations respectively to be ascertained by Agreement with the said Commissioners, or some Person on their Behalf; and in case of any Difference concerning the same, then such Compensation shall be ascertained by a Jury, in like Manner as the Value of any Lands authorized to be purchased and taken by the said Commissioners is by this Act directed to be ascertained; and the Amount of such Compensation shall be paid by the said Commissioners to such Occupiers and other Persons interested as aforesaid previous to the Possession of the said Premises respectively being taken.

Compensation for Loss of Trade.

CXLVI. And be it enacted, That it shall be lawful for the said Commissioners to award such Recompence to the Occupiers of Shops, Inns, and Taverns who were in possession of the same Six Months previously to the passing of this Act for the Expences of Removal, or other Damage sustained by such Occupiers in consequence of the Execution of the Powers of this Act, as to the Commissioners shall appear just and reasonable, and their Decision with reference to such Recompence shall be final.

Compensation may be awarded to Occupiers of Shops, Inns, and Taverns.

CXLVII. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Property, the Commissioners may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Commissioners, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Production of Leases.

CXLVIII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of Seven Years from the passing of this Act.

Limiting Time for purchasing Lands.

[Local.] 41 E. 4. CXLIX. And

Property not to be taken without Consent unless specified in Schedule (D.)

CXLIX. And be it enacted, That the Commissioners shall not take for the Purposes of this Act any Property, except such as shall be specified in the Schedule (D.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified, according to the Provisions herein-after contained, to have proceeded from Mistake.

Errors and Omissions to be corrected.

CL. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described in the Schedule (D.) hereto annexed, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the Town and County of *Southampton*; and such Certificate shall be kept by such Clerk of the Peace with the Records of the Sessions of the said Town and County, and thereupon the Schedule (D.) to this Act shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Commissioners to take any such Lands, and to execute the said Works, in accordance with such Certificate.

Power to purchase Lands adjoining those in Schedule (D.)

CLI. And be it enacted, That it shall be lawful for the Commissioners to agree with the Owners of any Lands not comprised in and adjoining or within the Distance of Sixty Feet from the Lands mentioned in the said Schedule (D.) to this Act, as the Commissioners may think it desirable to purchase, for the Purpose of widening or improving any Street, or for affording more commodious Sites for Houses abutting on such Street, for the absolute Purchase of any such Lands not comprised in the said Schedule for a Consideration in Money, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, and Incumbrances affecting any such Lands, and all other Estates or Interests whatsoever therein; and the said Commissioners, after such Purchase made as aforesaid, may order any House or Building, or such Part or Parts thereof as they may think proper, to be taken down and removed, and the Site thereof, and any Ground purchased under this Power, to be disposed of as they shall think fit, for the Improvement of any such Street, or for the Formation of Sites for Houses to abut thereon; and all Powers and Provisions herein contained for the Purchase and taking of the Lands mentioned in the said Schedule (D.), and for ascertaining the Value thereof, and any Damages sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expences attending the Purchase of any such Lands by the Commissioners, save and except the Powers of the compulsory Purchase or taking of the Lands mentioned in the said Schedule (D.), shall be applicable to any such Lands now hereby authorized to be purchased and taken as last aforesaid, in the same

same Manner as if such Lands had been described in the said Schedule.

CLII. And whereas the rapidly increasing Population and Trade of the Town of *Southampton* may render many of the Streets in the said Town too narrow for the convenient Despatch of Business and the Comfort of the Inhabitants, and it would be of great public Advantage if the Commissioners were authorized to make such Alterations in the said Streets as they may from Time to Time think necessary; be it therefore enacted, That it shall be lawful for the Commissioners to agree with the Owners of any Lands within the Limits of this Act for the absolute Purchase thereof for a Consideration in Money, as the Commissioners shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests whatsoever in such Lands; and the said Commissioners, after such Purchase made as aforesaid, may order any House or Building, or such Part or Parts thereof as they may think proper, to be taken down and removed, and the Site thereof, and any Ground so to be purchased by them, or any Part thereof, to be laid into the said Streets, for the widening, enlarging, and rendering more commodious the same, or to be otherwise disposed of for making new Streets, or otherwise for the Improvement of the said Town, as the Commissioners shall think proper; and all Powers and Provisions herein contained for the Purchase and taking of the Lands mentioned in the said Schedule (D.), and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expences attending the Purchase of any such Lands by the Commissioners, save and except the Powers of the compulsory Purchase or taking of the Lands mentioned in the said Schedule (D.), shall be applicable to any such Lands now hereby authorized to be purchased and taken as aforesaid, in the same Manner as if such Lands had been described in the said Schedule.

Commissioners may purchase Houses and Ground for effecting additional Improvements.

CLIII. Provided always, and be it enacted, That the Commissioners shall not exercise the Power of Purchase lastly herein-before contained, or the Power of purchasing Lands adjoining those in Schedule (D.), until they shall have acquired or constructed Main Lines or Main Trunks of Sewers capable of draining the Streets within the Limits of this Act, and until such Parts of the Town as may reasonably require to be lighted shall be properly lighted, and the several Streets or Highways put into good Order and Repair, under the Provisions of this Act.

Commissioners not to purchase for additional Improvements until Main Sewers laid down, &c.

CLIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time and at all Times hereafter to provide and maintain a fit and convenient public Office or Offices within the said Town for holding the Meetings and transacting the Business of such Commissioners, and also to provide Land and Buildings fit and convenient for the Deposit of the Materials, Dirt, Dung, Ashes, and Filth to be swept and collected under the Authority of this Act, and for the Accommodation of all Horses, Carts, Tools, Implements, and

Commissioners may provide a public Office.

and other Articles, Matters, and Things to be used and employed by or by the Direction of the said Commissioners under the Authority of this Act, and for any of such Purposes to purchase or hire any Lands, Messuages, or Buildings, or any Part of any Messuages or Buildings, which shall by the said Commissioners be considered necessary, of and from any Persons who shall be willing to sell or let the same, or otherwise to purchase or hire Ground from any Persons who shall be willing to sell or let the same, and to cause any new Erection or Buildings to be made upon any Land which shall be so purchased or hired, and from Time to Time to let, surrender, give up, or sell the said Office or Offices, or any Part thereof, and all other the Premises aforesaid, and to purchase or hire any other Lands, Messuages, or Buildings, or Parts of Messuages or Buildings, or Land or Ground, whereon to erect any Buildings for the Purposes aforesaid; and the said Commissioners are hereby authorized and empowered to take and accept any Leases or Conveyances of such Lands, Messuages, or Buildings, or Parts of Messuages or Buildings, Land or Ground, to them the said Commissioners in trust for the Purposes aforesaid, and in like Manner to make any Assignments or Conveyances of any such Places, Messuages or Buildings, Land or Ground, that they may think proper to sell as aforesaid; and it shall be lawful for the Commissioners from Time to Time to make and establish such Rules, Orders, and Provisions for the Use and Management of such public Office or Offices, and for airing, warming, lighting, cleansing, and repairing the same, and for the Use and Management of any such Lands and Buildings, and to make such Allowance or Allowances to the Keeper or Keepers of the same public Office or Offices for his or their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the Commissioners.

Lands not wanted to be sold.

CLV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Hands and Seals of Five at least of the Commissioners; and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Fifteen Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CLVI. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to adjoining Owner.

CLVII. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from

from which the same were originally severed; or if there be no such Person, or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons, in succession one after another, in such Order as the Commissioners shall think fit.

CLVIII. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Right of Pre-emption to be claimed within Sixty Days.

CLIX. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained by Two Surveyors, or a Third Surveyor, to be nominated in like Manner as by this Act directed with respect to the Value of any Lands to be purchased from any Party under Disability or Incapacity; and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this Act.

Differences as to Price to be settled as in other Cases.

CLX. Provided always, and be it enacted, That in any Case in which the Commissioners shall have purchased or acquired any House or Land for the Purpose of widening and improving any Street or Road, except Roads passing through Fields within the Town of *Southampton* which they shall not require for such Purpose, it shall be lawful for the Commissioners absolutely to sell and dispose of all or any Part of such House or Land by Auction, and in such Manner as the Commissioners shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Proviso as to Sale of Land adjoining Streets.

Commissioners to make Compensation to the Corporation for Lands of the Corporation taken to widen Bridge Street by conveying to the Corporation Lands mentioned in Schedule (F.)

CLXI. And in order to provide Compensation to the Mayor, Aldermen, and Burgesses for any Lands belonging to them which may be required and taken by the Commissioners for improving the said Street called *Bridge Street*, be it enacted, That in case the Commissioners shall, in pursuance of the Provisions of this Act, enter upon or take any Lands belonging to the Mayor, Aldermen, and Burgesses which are mentioned in the said Schedule (D.) to this Act, and are also mentioned in the Schedule (F.) to this Act, then it shall be lawful for the Commissioners and they are hereby expressly required to purchase or acquire the whole of the Lands which are mentioned in the said Schedule (F.) to this Act; and forthwith after the same Lands shall have been so purchased or acquired, and before the Commissioners shall order any House or Building or any Part of any House or Building on such Lands, or any Part thereof, to be taken down or removed, to convey or assure the Fee Simple and Inheritance in possession, free from all Incumbrances, of the whole of such Lands, except such Part thereof as lies within Twenty-six Feet Eight Inches from the said Street called *Bridge Street*, or to procure the same to be conveyed or assured, unto the Mayor, Aldermen, and Burgesses absolutely, reserving nevertheless to the Commissioners Power under the Authority of this Act to order the several Houses or Buildings mentioned in the said Schedule (F.) to this Act, or such Part or Parts thereof as they may think proper, to be taken down and removed, in like Manner as if the whole of the same several Houses or Buildings, and the Site thereof, had been purchased or acquired and taken by and conveyed unto the Commissioners in pursuance of this Act; and the Conveyance or Assurance so made to the Mayor, Aldermen, and Burgesses shall be full and the only Compensation to them for such of the Lands belonging to them, and which are mentioned in the said Schedule (F.) to this Act, as shall be entered upon or taken by the Commissioners in pursuance of the Provisions of this Act, and the Mayor, Aldermen, and Burgesses are hereby empowered to accept such Conveyance or Assurance accordingly, any Law or Statute to the contrary notwithstanding.

Corporation to hold such Lands as other Lands belonging to them.

CLXII. And be it enacted, That after such Conveyance or Assurance as last aforesaid the Lands thereby conveyed or assured shall be holden by the Mayor, Aldermen, and Burgesses in the same Manner, and with the same Powers, Rights, and Authorities, and subject to the same Restrictions, as Lands vested in them in Fee Simple in possession according to the Laws for the Time being in force for regulating the Municipal Corporation of the Borough of *Southampton* are or ought to be holden by the Mayor, Aldermen, and Burgesses.

Power to borrow a further Sum of 6,000*l*.

CLXIII. And for the Purpose of enabling the Commissioners to purchase and acquire the Lands mentioned in the said Schedule (F.) to this Act, be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest for the Purposes of this Act, on the Credit of either of the Rates or Assessments granted by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Six thousand Pounds; and all the Powers and Provisions in this Act contained respecting the Sums of Five thousand Pounds and Twenty thousand Pounds herein-before authorized to be borrowed,

rowed, and the borrowing, Mode of securing or charging, and Mortgages for the same, and the Interest, Expences, Registry, Transfer, and Payment of such Sums and Mortgages, and the paying off and reborrowing the same at a lower Rate of Interest, and all other Powers incidental thereto respectively, shall be applicable to such further Sum of Six thousand Pounds, in the same Manner as if the same had formed Part of the said Sums of Five thousand Pounds and Twenty thousand Pounds: Provided always, that the Commissioners shall not borrow any Part of the said Sum of Six thousand Pounds until such Certificate as herein-after mentioned shall have been deposited in the Office of the Clerk of the Peace of the said Town and County of *Southampton*.

Deposit of Certificate previous to borrowing 6,000*l*.

CLXIV. And be it enacted, That when the Commissioners shall have entered into such Contracts, or such Arrangements shall have been made as shall be deemed by the said Mayor, Aldermen, and Burgesses sufficient to enable the Commissioners to purchase or acquire, as herein-before directed, the whole of the Lands mentioned in the said Schedule (F.) to this Act, it shall be lawful for the Commissioners and the Mayor, Aldermen, and Burgesses, by some Instrument in Writing under the Hands of any Nine of the Commissioners, and also under the Common Seal of the said Mayor, Aldermen, and Burgesses, to certify that such Contracts or such Arrangements have been made to the Satisfaction of the said Mayor, Aldermen, and Burgesses; and such Certificate shall be deposited in the Office of the said Clerk of the Peace, and a Memorandum under the Hand of such Clerk of the Peace; testifying that such Certificate has been so deposited, shall be full and complete Evidence of the Fact of such Certificate having been duly made and deposited in pursuance of this Act.

When sufficient Contracts or Arrangements have been made for acquiring the Lands mentioned in Schedule (F.) Certificate thereof to be made and deposited with the Clerk of the Peace.

CLXV. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

Effect of the Word "grant" in Conveyances.

A Covenant that, notwithstanding any Act or Default done or suffered by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved

saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners :

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Covenants to run with the Land.

CLXVI. And be it enacted; That all such Covenants, whether expressed or implied, as shall be entered into on the Occasion of any Sales, Purchases, Exchanges, Grants, and Assurances which shall be made in accordance with the Provisions of this Act, as well by or on the Behalf of the Commissioners as by or on the Behalf of the Persons to, by, or with whom such Sales, Purchases, Exchanges, Grants, and Assurances respectively shall be made, shall, if it shall be so declared in the Deed in or from which the same Covenants shall be contained or implied respectively, run with the Lands to which such Covenants respectively shall in any way relate, so as to bind the Covenantors, their Successors, Heirs, Appointees, Executors, Administrators, and Assigns, according to their respective Estates and Interests in the Lands intended to be subject to the Burden of such Covenants, and so as to be enjoyed by the Persons taking either under the Covenantees or under any Acts of the Covenantees according to the respective Estates and Interests of the same Persons in the Lands to which the Benefit of such Covenants shall be intended to be annexed, and whether the Titles of such Persons respectively shall arise by way of Transfer of Seisin, or by way of Use, or under the Exercise of any Powers, or otherwise howsoever.

Land Tax to be made good.

CLXVII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by making the Improvements hereby authorized in the said Town of *Southampton*, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax, the Commissioners shall from Time to Time, until the Improvements shall be completed and assessed to such Land Tax, be liable to make good the Deficiency in the several Assessments for Land Tax arising within the said Town by reason of such Lands having been taken or used for the Purposes of the Improvements; and such Deficiency shall be computed according to the Rental at which such Lands with any Building thereon were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of the said Assessments; nevertheless if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax,

CLXVIII. And

CLXVIII. And be it enacted, That this Act shall extend to all Parts of the Town and County of the Town of *Southampton*, except the Tything of *Portswood* and the Extra-parochial Place called the *Southampton Common*, and all the Powers and Provisions in this Act contained shall and may be exercised and put in force within all such Parts of the said Town and County accordingly.

Limits of the Act.

CLXIX. And whereas certain Parts of the *London and South-western* Railway and the principal Station of the same Railway are situate in or adjoining different Streets of the Town of *Southampton*, and it is desirable for the Purposes of this Act to ascertain and define to which of the said Streets the said Parts and Station respectively shall belong; be it therefore enacted, That the principal Station and Buildings, and so much of the Line of the *London and South-western* Railway as are situate South of the *Itchen Bridge Road*, shall for the Purpose of this Act be held to be situate in the Street or Place called *Terminus Terrace*; and that so much of the Buildings and Line of the said Railway as are situate between the said *Itchen Bridge Road* and *Marsh Lane* shall be held to be situate in the said *Itchen Bridge Road*; and so much of the same Buildings and Line as are situate between *Marsh Lane* aforesaid and *Chapel Road* shall be held to be situate in *Marsh Lane* aforesaid; and so much thereof as are situate between the said *Chapel Road* and *Bevois Street* shall be held to be situate in *Chapel Road* aforesaid; and so much thereof as are situate between *Bevois Street* aforesaid and *Northam Road* shall be held to be situate in *Bevois Street* aforesaid; and so much thereof as shall be situate North of *Northam Road* aforesaid shall be held to be situate, the Southern Moiety thereof in the said *Northam Road*, and the Northern Moiety thereof in the Road or Street which now crosses the Line of the said Railway near *Northam Farm*.

Situation of the London and South-western Railway.

CLXX. And be it enacted, That the Management of all the present and future Streets within the Limits of this Act, being or which by this Act are or shall hereafter be declared to be public Highways, and the Pavements and other Materials as well in the Footways as Carriageways of such Streets, and all Lamps, Lamp Columns, Lamp Irons, and Lamp Posts already erected and fixed, or which shall be erected or fixed by virtue of this Act, and all Cesspools, Grates, Drains, Sewers, Tunnels, Gutters; Erections, or Buildings, Materials, Implements, and other Things, provided for the Purposes of the said recited Acts or of this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, and from all the Cesspools, Drains, Sewers, and Gutters, and all the Ashes, Cinders, and Rubbish to be taken and carried away from all and every the Houses or elsewhere within the Limits of this Act, except such Ashes, Cinders, and Rubbish as shall have been removed or used as herein-after provided, shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to sell and dispose of; for the Purposes of this Act, any of the said Articles and Things, except as aforesaid, as they shall think proper; and the Money arising from the Sale thereof shall be applied as the Money arising from the Lighting and General Rates herein-after mentioned is directed to be applied; and the Person purchasing the same shall have

Streets, &c. vested in the Commissioners.

full Power and Authority to take, carry away, and dispose of the same for his own proper Use and Benefit.

Commis-
sioners to
cause Streets
to be paved,
&c.

CLXXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Carriage-ways of the present or future Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered, in such Manner and with such Materials as they shall think proper; and also to pave or make, with such Materials as they shall think fit, any Causeways, Pavements, or Footways for the Use of Foot Passengers, not being private Property, in or on the Sides of any such Street within the Limits of this Act.

Certain
Streets de-
clared High-
ways.

CLXXII. And whereas certain Streets, Squares, Terraces, Crescents, Courts, Alleys, and Rows of Houses and Buildings, not being public Thoroughfares, but in other respects used by the Public, have been formed and built at the Sides of or near to the public Streets and Highways of the said Town, and within the Limits of the said Two first-recited Acts, and Doubts have arisen whether the same are public Streets or Highways within the Meaning of the said Acts; be it enacted, That from and after the passing of this Act all such Streets, Squares, Terraces, Crescents, Courts, Alleys, and Rows of Houses and Buildings at the Sides of or near to any public Street or Highway within the Limits as well of the said Two first-recited Acts as of this Act shall be and they are hereby declared to be for the Purposes of this Act public Streets and Highways, and shall be paved and repaired, cleansed, lighted, watered, regulated, and improved, by and at the Expence of the Commissioners as such: Provided always, that nothing herein-before contained shall be construed to extend to empower the Commissioners to pave, repair, cleanse, water, regulate, or improve any Place, Road, Footpath, or Way which, until within Six Months before the passing of this Act, shall have been protected or inclosed by any Gate, Posts, or Fence at both Ends thereof.

Commission-
ers may de-
clare future
Streets to be
Highways.

CLXXIII. And with respect to any Street hereafter to be made within the Limits of this Act, not being a public Highway, be it enacted, That, upon the Application of the Owner or Majority of the Owners of the Soil of any such Street, it shall be lawful for the Commissioners or any Seven of them, if they shall think fit, by Writing under their Hands, to declare any such Street to be a public Highway, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners: Provided always, that Fourteen Days Notice shall be given by the Commissioners by Advertisement in some Newspaper circulated within the said Town of their Intention to declare any such Street to be a public Highway as aforesaid.

Costs of
paving
Streets first
Time how to
be defrayed.

CLXXIV. And be it enacted, That the Costs and Expences of paving and putting into repair for the first Time any Street under the Authority of this Act (except Streets within the Limits and assessed to the Rates or Assessments for paving and repairing only under the Authority

Authority of the said Two first-recited Acts) shall be defrayed in the Proportions following; that is to say, where any such Street shall not have been previously paved by the Owners thereof, One Third Part by the Commissioners, to be paid by them out of the Rate herein-after mentioned called the Paving Rate, or the Monies borrowed on the Credit thereof, and Two Third Parts by the Owners and Occupiers of all Houses, Shops, Workshops, Warehouses, Buildings, Lands, Tenements, and Hereditaments (except such as are herein-after exempted from the Rates and Assessments to be levied under this Act) abutting on such Street; and where such Street shall have been previously paved by the Owners thereof, then Two Third Parts by the Commissioners, and One Third Part by such Owners and Occupiers, in manner herein-after mentioned.

CLXXV. And be it enacted, That such Costs and Expences shall be ascertained and fixed by the Commissioners, and the total Amount payable by such Owners and Occupiers shall be certified by the Commissioners in Writing under the Hands of any Seven or more of them.

Commissioners to certify Amount of Costs.

CLXXVI. And be it enacted, That every such Occupier shall pay to the Commissioners, or to their Collector of the Rates or Assessments made under the Authority of this Act, such a Proportion of the total Amount so certified to be payable as the rateable annual Value at which the House, Building, and Hereditaments so occupied by him shall be rated and assessed in the Rate or Assessment herein-after mentioned, called the Lighting and General Rate, for the Time being, shall bear to such total Amount.

Occupier to pay Costs so certified.

CLXXVII. And be it enacted, That in case any such Occupier shall make default in Payment of the Proportion payable by him within Fourteen Days after a Notice in Writing under the Hands of Five of the Commissioners requiring Payment of such Proportion or Sum shall have been delivered to him, or left at his last or usual Place of Abode in *England*, by the said Collector, it shall be lawful for any Two Justices and they are hereby required, on the Information of such Collector, and on Proof upon Oath of the due Service of such Notice, by Writing under the Hands of such Justices, to order the Payment by such Occupier, within a Time to be therein mentioned, of the Proportion or Sums payable by him, together with such Costs as they shall direct; and in case of Default of Payment at such Time to cause the same Proportion or Sum and Costs, by Warrant under their Hands, to be levied by Distress and Sale of the Goods of such Occupier, together with the Costs of such Distress.

In case of Default in Payment of Costs, how to be recovered.

CLXXVIII. Provided always, and be it enacted, That it shall be lawful for every such Occupier, being a Tenant at Rack Rent, who shall have paid such Proportion, whether on the Demand of such Collector or by the Order or under the Warrant of such Justices, to deduct and retain the Amount of such Proportion and Costs out of the Rent due or to become due to the Landlord or Owner of the Hereditaments in respect of which such Proportion shall be payable: Provided also, that in case any such Hereditaments shall be unoccupied,

Occupiers may deduct Amount of Costs paid by them.

occupied, the Amount of the Proportion payable in respect thereof shall and may be recovered from the Owner thereof in like Manner as is herein-before directed with respect to the Occupier, and for that Purpose the Person for the Time being in the actual Possession of such Hereditaments shall be deemed the Owner.

Commissioners to pay Expences of paving in front of Lands, and to purchase old Materials.

CLXXIX. Provided always, and be it enacted, That in case there shall not be any Houses, Buildings, or other Hereditaments (except such Buildings and Lands as are herein-before excepted) immediately abutting on the Whole or on some Part or Parts of any Street which the Commissioners shall have paved or put in repair for the first Time under the Authority of this Act, it shall be lawful for the Commissioners to defray the whole of the Costs and Expence of paving and putting into repair the Whole or any Part or Parts of any such Street, as the Case may be, out of the said Rate called the Paving Rate, or out of the Monies to be borrowed on the Credit thereof.

Future Streets may be declared Highways.

CLXXX. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put into good Order, both as regards Footway and Carriageway, to the Satisfaction of the Commissioners, by the Owner or other Persons interested therein, then, on the Application of any Three or more of such Owners or other Persons, the Commissioners shall by Writing under their Hands declare the same to be a public Highway, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners.

Penalty on Persons altering Pavements.

CLXXXI. And be it enacted, That if any Person shall displace, take up, or make any Alteration in the Pavement, or Foot or Carriage Ways, Gutters, Sinks, Cesspools, Drains, or Watercourses, in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, except when it may be necessary for the repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so displacing, taking up, or altering such Pavement, or Foot or Carriage Way, Gutters, Sinks, Cesspools, Drains, or Watercourses, shall not, within Three Days after Notice in Writing by the Surveyor to the Commissioners, cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have displaced, taken up, or altered such Pavement, or Foot or Carriage Way, Gutters, Sinks, Cesspools, Drains, or Watercourses,

Footways to be kept in repair by the Commissioners.

CLXXXII. And be it enacted, That all Causeways or Footpaths within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up, shall be kept in repair by the Commissioners.

Commissioners may place Fences to Footways.

CLXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going

going on the same, and also to place any Posts in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

CLXXXIV. And be it enacted, That the Commissioners shall put into repair, and from Time to Time maintain and keep repaired, all the Highways heretofore repaired under the Authority of the said recited Act of the Thirteenth Year of the Reign of King *George* the Third, and also all other Highways now made or hereafter to be made within the Limits of this Act.

Commissioners to repair Highways.

CLXXXV. And be it enacted, That it shall be lawful for the Commissioners, subject to all other Provisions of this Act, from Time to Time to make and form such new Streets, Roads, or Ways, and widen, alter, and improve such existing Streets, Roads, or Ways within the Limits of this Act, as they may deem expedient for the Improvement of the said Town: Provided always, that it shall not be lawful for the Commissioners to make or form or begin to make or form, or to purchase Lands for the Purpose of making or forming, any Street, Road, or Way leading from *Saint Michael's Square* to *West Place*, or any Street, Road, or Way along the Shore of the *Southampton Water*, or any Road from *Paradise Road* to the South-western Corner of *Kingsland Place*, or from the *Northam Road* to *Brunswick Terrace*, without the previous Approbation and Consent of the Mayor, Aldermen, and Burgesses of the said Town, in Writing under their Common Seal, to the making of any such Streets, Roads, or Ways.

Commissioners may form new Streets.

CLXXXVI. And be it enacted, That it shall not be lawful for the Commissioners to form or make a Road or Way from, to, and in front of *Saint Mary's Place*, or a Road or Way across the *Porter's Meadow* into *Three Field Lane*, except at the Expence of the Owners of Lands adjoining such respective Roads; and such Expences shall be ascertained and fixed and be recoverable from such respective Owners in the same Manner as the Proportion of the Expences payable by Owners of Lands of paving for the first Time any Street under this Act is herein directed to be ascertained, fixed, and recovered.

Certain Roads not to be made except at the Expence of Owners of adjoining Lands.

CLXXXVII. And whereas in the Year One thousand eight hundred and twenty-seven a Church or Chapel, called the Church of the *Holy Trinity*, was erected in the Parish of *Saint Mary* in the said Town, under the Provisions of a certain Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas Doubts have been entertained whether the said Church or Chapel can be enlarged, or Land be conveyed or held for the Purpose of Enlargement, under the Provisions of the said Act; be it enacted,

Enlargement of Trinity Church.

5 G. 4. c. 103.

[Local.]

41 H

That

That the said Church or Chapel may, with the Consent of the Trustees thereof, be enlarged, by Subscription or otherwise, as by the said last-mentioned Act is provided with regard to original Chapels; and the additional Ground required for such Enlargement may be conveyed and consecrated in like Manner as by the said Act is provided as regards the original Site and Chapel; and such free Sittings shall be set apart as to any Addition as in and by the said Act provided with regard to the original Chapel; but no such Extension shall be made without the Consent of the Bishop of the Diocese first obtained.

Power to agree with the Northam Bridge Company for the Conversion of their Road into a Highway.

36 G. 3. c. 94.

CLXXXVIII. And whereas by an Act passed in the Thirty-sixth Year of the Reign of King *George* the Third, intituled *An Act for building a Bridge over the River Itchen at or near Northam within the Liberties of the Town and County of the Town of Southampton, and for making a Road from the said Town to the said Bridge, and from thence to communicate with the Road leading from West End to Botley in the County of Southampton*, the Company of Proprietors of *Northam Bridge* and Roads were authorized and empowered to build a Bridge over the said River at or near *Northam* within the Liberties of the Town and County of *Southampton*, and to make and maintain a Road from the said Town of *Southampton* to the End of the said Bridge at or near *Northam* aforesaid, and also to set up on the said Road One or more Toll House or Houses, Gate or Gates, Bar or Bars for taking certain Tolls thereby granted; and the said Company, in pursuance of the Powers of the said Act, erected a Bridge called *Northam Bridge*, and formed a Road leading from the South District of the *Southampton Road* at or near the *Weigh Bridge* in the said Town to the said Bridge at or near *Northam* aforesaid, and the same Road is now legally vested in the said Company, and is maintained and kept in repair by them, and the said Company have erected and set up a Toll Gate and Toll Bars thereon: And whereas in consequence of the Vicinity of the said Road to the said Town, and the increased Population and Trade thereof, the taking of Toll on the said Road is inconvenient and burdensome to the Public, and it is expedient that Facilities should be afforded for converting the said Road into a common Highway for the Use of the Public, free from all Toll whatever; be it enacted, That it shall be lawful for the Commissioners, at any Time after the passing of this Act, with the Approbation and Consent of the said Company, to be given at any General or some Special Assembly for that Purpose, to be convened in the Manner in that Behalf directed by the said Act, and testified by some Writing under the Common Seal of the said Company, (and which Consent such Assembly is hereby fully empowered to give, any thing in the same Act contained to the contrary notwithstanding,) to declare by some Instrument under the Hands of Seven or more of the Commissioners that after a Day to be therein named the said Road to the Foot of the said Bridge shall be a common public Highway, and after such Day the same shall be and be deemed a common public Highway, and be used by all Persons whomsoever, without Payment of Toll, and shall be for ever thereafter maintained and repaired, paved, lighted, cleansed, and regulated, with the Footways thereto belonging, by the Commissioners, in the same Manner as the Carriageways,
Footways,

Footways, and Pavements of all other public Highways within the Limits of this Act are hereby directed to be maintained and repaired, paved, lighted, cleansed, and regulated by them; and the said Company shall thenceforth be exonerated and for ever discharged from repairing and maintaining the said Road, and from all Penalties, Forfeitures, Liabilities, and Remedies for not repairing and maintaining the same to which they are or might or would have been liable in case this Act had not been passed; and after the Day so to be named as aforesaid it shall not be lawful for the said Company to take, demand, recover, or receive from any Person whomsoever any Toll or Tolls whatsoever granted by the said last-recited Act or otherwise upon the said Road, or at any Toll House, Toll Gate, or Bar in, upon, or across the said Road, or to erect or set up any Toll House, Toll Gate, or Bar for the Purpose of taking any of the Tolls granted by the said last-recited Act, or otherwise; and all Powers and Authorities granted to or which may be then vested in the said Company for taking Toll shall, so far as the same relate to the said Road, altogether cease and determine, any thing the said last-recited Act or any other Act contained to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to prevent the said Company from taking Toll as heretofore at the said Bridge, or to affect any other of the Rights or Powers of the said Company over or in relation to the said Road, further than the same are expressly altered, taken away, or affected by this present Provision.

CLXXXIX. And in order to provide against any Neglect to repair and maintain the said *Northam Bridge Road*, in case the same shall, under the Provision lastly herein-before contained, be declared a public Highway, whereby the Tolls of the said Company at the said Bridge may be affected, be it enacted, That in case at any Time or Times after the said Road shall have been declared a public Highway as aforesaid the same or any Part or Parts thereof shall be insufficiently repaired or maintained by the Commissioners, it shall be lawful for any Two Justices, upon the Complaint in Writing of the Clerk or Surveyor of the said Company, and either on the View of such Justices, or on other Evidence of the insufficient Repair of the said Road, or any Part or Parts thereof, by Writing under their Hands delivered to the Clerk to the Commissioners, or left at the Office of the Commissioners or their Clerk, to order the Commissioners to repair and amend and put into good Order and Condition the said Road, or such Part or Parts thereof as shall be mentioned in such Order, within a reasonable Time to be named in such Order; and in case the Commissioners shall not repair and amend and put into good Order and Condition the said Road, or such Part or Parts thereof as aforesaid, according to the Tenor of such Order, it shall be lawful for the same or any other Two Justices, on the Application of the Clerk or Surveyor of the said Company, and on Proof before them of the Nonperformance of such Order, by Writing under their Hands, to authorize and order the said Company, or their Surveyor and other Officers, to perform and execute the Order so made by such or such other Justices, and to forthwith repair and amend the said Road, or such Part or Parts thereof as aforesaid, and put the same into good Order and Condition; and the Costs and Expence of repairing, amending,

Provision for subsequent Maintenance of the Road.

amending, and putting into good Order and Condition the said Road, and incident thereto, and of the said several Proceedings before Justices in relation thereto, shall be ascertained and settled by any Two Justices; and the Amount so ascertained and settled, after Demand and Nonpayment thereof by the Commissioners, shall and may be recovered from the Commissioners in the same Manner as Money adjudged to be paid by them for which no other Mode of proceeding is hereby prescribed is herein-after directed to be recovered: Provided always, that no such Order shall be made by any Justices, unless Seven Days previous Notice be given to the Commissioners, by leaving the same at the Office of the Commissioners or of their Clerk, requiring them to show Cause before such Justices why any such Order should not be made.

Hedges to be trimmed.

CXC. And be it enacted, That the Owners or Occupiers of Land next adjoining to every Road shall at proper Seasons of the Year cut, prune, or trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto overhanging the Road so as to impede or annoy any Carriage or Person travelling thereon, in such Manner that the Road may not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Road to the Damage thereof; and in case any such Owner or Occupier shall not cut, prune, or trim any Hedge, or cut down, prune, or lop the Branches of any such Trees, Bushes, or Shrubs, within Three Days after Notice for that Purpose given him by the Surveyor of the Commissioners, it shall be lawful for such Surveyor to cause such Hedge to be cut, pruned, or trimmed, or such Branches to be cut down, pruned, or lopped; and the Expence of such respective cutting, pruning, or lopping shall be paid by such Owner or Occupier, and be recovered from him by Distress in case of Nonpayment thereof on Demand.

Power to take Materials for Pavements from Waste Lands without Payment, or from private Lands, making Compensation.

CXCI. And be it enacted, That it shall be lawful for the Commissioners or any Surveyor, or any Person to be employed by them under an Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, or other Materials fit for paving and covering the Pavements, and pitching or repairing any Streets, within the Limits of this Act, or for any Purposes of this Act, in and from any waste or common Land, or common River or Brook or Pit, within the Limits of this Act, or within any adjoining Parish or Place, without paying for the same, they the Commissioners or other Persons filling up or levelling the Pits; and also to search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the Limits of this Act or any adjoining Parish, such Lands not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or any inclosed Ground planted with Trees for Ornament; and also to go for or in search of, and to carry away, such Materials, when found, through and over the Lands of any other Person, not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or any inclosed Ground planted with Trees for Ornament, they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying

paying the respective Owners and Occupiers of such Lands reasonable Compensation for such Materials, and for the cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands.

CXCII. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to search for, dig, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands, until Ten Days Notice in Writing shall have been given to the Owner and Occupier thereof to appear before a Justice to show Cause why such Materials shall not be taken from such Lands; and in case such Owner and Occupier shall not attend pursuant to such Notice, or shall not show sufficient Cause why such Materials should not be taken from such Lands, it shall be lawful for such Justice to authorize such Person as the Commissioners shall appoint to dig and carry away such Materials at such Times as to such Justice shall seem fit.

Materials not to be taken from private Lands but by Order of a Justice on Ten Days Notice.

CXCIII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll or repair or expend any Money on any Road within the Limits of this Act after the First Day of *January* next.

No Turnpike Tolls within Limits of Act.

CXCIV. And be it enacted, That the Commissioners shall be liable to be indicted at Common Law for the Want of sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as the Inhabitants of any Parish are now by Law liable to be indicted.

Commissioners liable to Indictment for Want of Repairs.

CXCV. And be it enacted, That from and after the passing of this Act the Inhabitants of the several Parishes within the Limits of this Act shall be and are hereby absolutely exonerated and indemnified of and from the Payment of all Rates, Assessments, Impositions, Penalties, and Forfeitures which they would or might by any Law or Statute relating to Highways have been subject or liable to for or on account of repairing the Highways within the said several Parishes, or any Part thereof, in case this Act had not been passed.

Inhabitants rated under the Act to be free from Highway Rate.

CXCVI. And be it enacted, That the Commissioners shall from Time to Time cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be constructed in or under any Street within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, deepened, cleansed, and completed as to them shall seem necessary, and to carry and continue the same into and through any Lands within the Limits of this Act.

Power to construct Common Sewers.

CXCVII. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well, or Pump being carried into or through his
[Local.] 41 I Lands,

Compensation to be made for Injury thereby.

Lands, the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him.

No House to be built until the Site is drained.

CXCVIII. And be it enacted, That after the passing of this Act it shall not be lawful to erect any House or Building within the Limits of this Act unless a Drain be first constructed to the Satisfaction of the Commissioners, of such Material, of such Size, at such Level, and with such Fall as they shall direct, which Drain shall lead from the intended Site of such House or Building to such Common Sewer, Common Drain, or Common Watercourse as the Commissioners shall direct; or if there be no such Common Sewer, Common Drain, or Common Watercourse within Ten Yards of any Part of the intended Site of such House or Building, then to such Cesspool or other Place as the Commissioners shall direct, not more than Ten Yards from some Part of such intended Site.

Drains from Houses into Common Sewers to be made by Owners, &c.

CXCIX. And be it enacted, That in all Cases where any House or Building erected or built within the Limits of this Act, whether before or after the passing hereof, shall not be drained by a sufficient Drain communicating with some Common Sewer, Common Drain, or Common Watercourse to the Satisfaction of the Commissioners, and where a Sewer, Drain, or Watercourse of sufficient Size under the Jurisdiction of the Commissioners, which they shall think fit to be used for draining such House or Building, shall pass along any Street in front of or behind any Part of such House or Building on a sufficiently lower Level than the Cellar or lowest Floor of such House or Building, it shall be lawful for the Commissioners to give Notice in Writing, signed by any Surveyor or Officer appointed by them for that Purpose, to the Occupier or Owner of such House or Building, requiring such Occupier or the Owner thereof, within such reasonable Time as shall be appointed by the Commissioners, to construct a covered Drain, of such Materials, of such Size, at such Level, and with such Fall as the Commissioners shall direct, from the said House or Building to the said Sewer, Drain, or Watercourse.

on their Default, to be made by Commissioners.

CC. And be it enacted, That if the Owner or Occupier of such House or Building shall refuse or neglect, during Twenty-eight Days next after the said Notice shall have been delivered to such Occupier or Owner, or left at such House, to begin to construct such Drain, or shall thereafter fail to carry it on and complete it with all reasonable Despatch, it shall be lawful for the said Commissioners to construct the same; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices, may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and be applied to the same Purposes as the Lighting and General Rate is herein-after directed to be applied; and it shall be lawful for the Occupier of any House or Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges, in the first instance, or having repaid the same to the Commissioners, to deduct and retain the Amount thereof out of his Rent; and the Proprietor or Landlord of every such House or Building so held at Rack Rent is hereby

hereby required to allow the same accordingly, except only in Cases where the Wash, Soil, or Nuisance so carried off by such Drain shall have been originally occasioned by such Occupier in the Way of his Trade or Calling, in which Case he shall bear the Expence of altering or removing the same.

CCI. And be it enacted, That whenever any House or Building shall be rebuilt within the Limits of this Act, the Level of the lowest or Basement Floor shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses to be built after the passing of this Act, and for that Purpose the Levels shall be taken and determined under the Direction of the Commissioners; and whenever any House shall be taken down as low as the Ground Floor for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

Old Foundations to be raised on rebuilding.

CCII. And be it enacted, That the Level of every new Street, Square, Terrace, Crescent, Court, Alley, Row of Houses, House, or Place which shall be made or laid out within the Limits of this Act, and also the Level of every Street and Place in which any new Common Sewer or Common Drain shall be made, shall be fixed under the Direction of the Commissioners; and every Person who shall intend to make or lay out any new Street, Square, Terrace, Crescent, Court, Alley, Row of Houses, House, or Place shall give or cause to be given to the Commissioners Notice of such Intention by Writing delivered to their Clerk or left at the Office of the Commissioners; and the Level so fixed by the Commissioners shall thereafter be kept and observed by all Persons raising any House or other Building in such Street, Square, Terrace, Crescent, Court, Alley, Row of Houses, House, or Place: Provided nevertheless, that in case the Commissioners shall not cause such Level to be fixed within the Space of Twenty-one Days from the Time of the Delivery of such Notice as aforesaid, it shall be lawful for the Person causing such Street, Square, Terrace, Crescent, Court, Alley, Row of Houses, House, or Place to be made or laid out to proceed with the same as if such Level had been fixed as aforesaid; and in every such Case every Change of the Level which the Commissioners shall afterwards deem requisite, and of the Works consequent thereon, shall be made by and at the Expence of the Commissioners.

New Streets to be levelled under Direction of Commissioners.

CCIII. And be it enacted, That the Commissioners shall, within Three Years after the passing of this Act, lay out and expend, out of the Money to be raised under the Authority of this Act (except the Money to be borrowed on the Credit of the Paving Rate), a Sum not less than Ten thousand Pounds in the Purchase and Construction of such good and proper main and other Sewers as shall be necessary for draining the Streets within the Limits of this Act; and shall in each Year during the Period aforesaid apply a Sum not less than Five hundred Pounds out of the Monies to be raised by the said Lighting and General Rate for the Purpose aforesaid.

Commissioners to lay out 10,000*l.* in the Purchase and Construction of Sewers in first Three Years.

CCIV. And

Communica-
tion of pri-
vate Drains
with Com-
mon Sewers.

CCIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit, a Sum not exceeding Five Pounds.

Occupiers to
repair pri-
vate Drains.

CCV. And be it enacted, That the Occupier of any House or Land from which any Branch or private Drain now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses shall repair and cleanse the same when required by and according to the Direction of the Commissioners.

Payment for
Use of Sewer.

CCVI. And be it enacted, That the several and respective Owners or Occupiers of every House or Building abutting on or being on the Side of any Common Sewer or Drain belonging to the Commissioners, or acquired or constructed by them under the Authority of this Act, who shall be desirous of carrying a Branch Sewer or Drain from any House or Building into such Common Sewer or Drain under the Provisions herein-before contained, or who shall be required by the Commissioners, in manner herein-before directed, to construct and carry a Branch Sewer or Drain from any such House or Building into such Common Sewer or Drain, shall pay to the Commissioners, or to their Collector of the Rates or Assessments authorized by this Act to be levied, for the perpetual Right as appurtenant to such respective House or Building to use such Common Sewer or Drain, the several and respective Sums of Money herein-after mentioned; that is to say, in case the rateable annual Value or Sum at which any such House or Building shall be rated or assessed in the Rate or Assessment herein-after mentioned, called the Lighting and General Rate, shall not exceed Fifteen Pounds, the Sum of Two Pounds; in case such rateable annual Value shall exceed Fifteen Pounds and not exceed Twenty Pounds, the Sum of Two Pounds Ten Shillings; in case the same shall exceed Twenty Pounds and not exceed Thirty Pounds, the Sum of Three Pounds; in case the same shall exceed Thirty Pounds and not exceed Fifty Pounds, the Sum of Four Pounds; in case the same shall exceed Fifty Pounds and not exceed Seventy-five Pounds, the Sum of Five Pounds; in case the same shall exceed Seventy-five Pounds and not exceed One hundred Pounds, the Sum of Six Pounds; in case the same shall exceed One hundred Pounds and not exceed One hundred and fifty Pounds, the Sum of Seven Pounds Ten Shillings; in case the same shall exceed One hundred and fifty Pounds and not exceed One hundred and seventy-five Pounds, the Sum of Eight Pounds Fifteen Shillings; and in case the same shall exceed One hundred and seventy-five Pounds, the Sum of Ten Pounds.

Recovery of
such Pay-
ments.

CCVII. And be it enacted, That if any such Owner or Occupier shall make default in Payment of the Sum so payable by him within
Fourteen

Fourteen Days after a Notice in Writing under the Hands of Five of the Commissioners requiring Payment of such Sum shall have been delivered to him, or left at his last or usual Place of Abode in *England*; by the said Collector, it shall be lawful for any Two Justices and they are hereby required, on the Information of such Collector, and on Proof upon Oath of the due Service of such Notice, by Writing under the Hand of such Justices, to order the Payment by such Owner or Occupier respectively, within a Time to be therein named, of the Sum so payable by him, together with such Costs as they shall direct; and in case of Default of Payment at such Time to cause the same Sum and Costs, by Warrant under their Hands, to be levied by Distress of the Goods of such respective Owner or Occupier, together with the Costs of such Distress: Provided always, that it shall be lawful for every such Occupier, being a Tenant at Rack Rent of any such House or Building, who shall have paid the Sum so payable in respect of such House or Building, whether on the Demand of such Collector or by the Order or under the Warrant of such Justices, to deduct and retain the said Sum and all Costs paid by him in respect thereof out of the Rent due or to become due from him to the Landlord or Owner of the House or Building in respect whereof such Sum shall have been payable.

CCVIII. And be it enacted, That the several and respective Sums of Money last herein-before mentioned shall and may be applied in and towards the making, constructing, and purchasing Sewers and Drains, and the Purchase of Lands, and in making Compensation to Persons in respect thereof, and in and towards the widening, Formation, and Improvement of Streets and Roads, and paying off Monies due or borrowed under the Authority of this Act, and for all other the Purposes to which the Lighting and General Rate is herein-after made applicable. Application of such Payments.

CCIX. And whereas several of the Owners of Houses or Buildings at the Sides of or near to the said Common Sewers mentioned or referred to in the Schedule (E.) to this Act have from Time to Time, before the passing of this Act, purchased of and from the Constructors or Owners of such Common Sewers, or otherwise lawfully acquired, the perpetual Right to use the same as appurtenant to such respective Houses or Buildings; be it enacted, That the Owner and Occupier for the Time being of every House or Building in respect whereof or as appurtenant whereto such Right shall have been purchased or otherwise lawfully acquired shall and may at all Times hereafter use and enjoy such respective Common Sewers in common with all other Persons having for the Time being the Right to use the same, and as appurtenant to such respective House or Building, without Interruption by the Commissioners, or any claiming under them. Reservation of Right to use Sewers.

CCX. And whereas the several Common Sewers mentioned in the Schedule (E.) to this Act have been constructed by and at the Expence of the several Persons named in such Schedule as the Owners thereof, or of Persons through whom they or some of them claim, and it is expedient that the same Common Sewers, and all other Common Sewers and Drains within the Limits of this Act, should be vested in Power to purchase private Sewers.

[Local.]

the Commissioners; be it enacted, That it shall be lawful for the Commissioners to purchase and take the said Common Sewers mentioned or referred to in the said Schedule (E.) to this Act, and to agree with the Owners of any other private Common Sewers or Drains now being in and under any of the Streets within the Limits of this Act which the said Commissioners shall and may require, or deem it desirable to purchase for the Purposes of this Act, in the same Manner as they are authorized to purchase any Lands described in Schedule (D.) to this Act; and all Powers and Provisions herein contained for the Purchase of the Lands mentioned in Schedule (D.) to this Act, and for ascertaining the Value thereof, and the Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Money of any such Lands by the Commissioners, shall be applicable to all such Common Sewers and Drains as the Commissioners shall purchase and take under the Authority of this Act in the same Manner as if such Powers and Provisions were herein set forth: Provided always, that it shall not be lawful for the Commissioners to take any such Common Sewers or Drains for the Purposes of this Act, except those specified in the said Schedule (E.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission of the same from such Schedule shall be certified, in the Manner herein-before directed with respect to Omissions in the Schedule (D.) to this Act, to have proceeded from Mistake: Provided also, that it shall not be lawful to take any Common Sewer mentioned in the said Schedule (E.) after the Expiration of Seven Years from the passing of this Act, without the Consent of the Owners and Occupiers thereof as aforesaid.

Owners to
furnish List
of Houses
using
Sewers.

CCXI. And be it enacted, That whenever the Commissioners shall give Notice to the Owners or Owner of any of the Common Sewers mentioned or referred to in the said Schedule (E.) to this Act of their Intention to purchase the same under the Provisions of this Act, the Owners or Owner to whom such Notice shall be given shall, within Twenty-one Days after such Notice, deliver to the said Commissioners or their Clerk a Statement in Writing of the Houses or Buildings in respect whereof the Right to use and enjoy such Common Sewer shall have been theretofore purchased or lawfully acquired; and such last-mentioned Owners or Owner shall sign such Statement, and therein declare that the same is true, and contains the whole Number of Houses and Buildings in respect whereof such Right shall have been purchased; and it shall be lawful for the Commissioners to deduct and retain for the Purposes of this Act, from and out of the Purchase Money or Compensation payable to the Owner or Owners of and for such Common Sewer, such Sum of Money as shall be equal to the gross Amount which would have been payable to the Commissioners, under the Provisions herein-before contained, by the Owners of such last-mentioned Houses and Buildings in case all such Owners had carried Branch Sewers or Drains into such Common Sewer under the Authority of this Act.

Other
Sewers
vested in
Commis-
sioners.

CCXII. And whereas divers Common Sewers and Drains have from Time to Time been constructed in Streets and Places within the said Town by public Subscription, or by the Owners or Occupiers of
Houses

Houses and Buildings near such Common Sewers or Drains, or otherwise, and the same are used as appurtenant to or by the Occupiers of such Houses and Buildings, and it is expedient that all such Common Sewers and Drains should be vested in the Commissioners acting in the Execution of this Act; be it enacted, That all Common Sewers, Drains, and Watercourses now being within the Limits of this Act, and belonging to or used by the Owners or Occupiers of Houses and Buildings, or as appurtenant thereto, whether constructed by public Subscription, or by such Owners or Owner, or by any other Person or Persons, shall from and after the passing of this Act be vested in the said Commissioners, and be maintained and repaired by them; excepting nevertheless the Common Sewers mentioned in the said Schedule (E.) to this Act, and except Common Sewers now used and repaired exclusively by the Person or Persons by whom the same were respectively constructed, or Persons claiming through them, and by Owners and Occupiers of Houses and Buildings to whom such Constructors or Persons have granted the perpetual User thereof.

CCXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted in a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Houses to be numbered and Streets named.

CCXIV. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Door, projecting Foot Scraper, Window, Step, Cellar-hole Door or Window, Cellar Flap, Sign, Sign Post, Sign Iron, Barber's Pole, Stall Blocks, Bulks, Butcher's Hooks, Showboard, Window Shutter, Post, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into or over, encroaching upon, or endangering or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same, in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same, in such Manner as shall have been directed by the Commissioners.

Future Projections to be removed on Notice.

CCXV. And with regard to all Obstructions or Projections of a like Kind to those before mentioned which have been erected or placed against or in front of or forming Part of any House in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any

Existing Projections to be removed and Compensation made.

any

any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into or over, or encroaching upon, or endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be, or of which it shall form Part, Thirty Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CCXVI. And be it enacted, That all Doors, Gates, Rails, and Bars, not being underground Doors, hereafter to be erected within the Limits of this Act, leading to any House, Building, Yard, or Land, and which shall open upon or towards any Street, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Commissioners or their Surveyor to alter the same; and the Expences of such Alteration shall be paid to the Commissioners by the Person who shall have caused such Door, Gate, or Bar to be constructed, and such Person shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Commissioners.

CCXVII. And be it enacted, That if any such Door, Gate, Rail, or Bar already erected shall have been so constructed as to open outwards towards or upon any Street, it shall be lawful for the Commissioners to alter the same, so that no Part thereof shall in opening or when open project over any public Way.

Commissioners to order Land adjoining Streets to be fenced in.

CCXVIII. And be it enacted, That with respect to all such Land as is or may be the Property of private Persons which shall not be built upon, and shall lie next adjoining to any Street within the Limits of this Act, or Land laid out or left for a Street so as to be dangerous to Passengers, it shall be lawful for the Commissioners, if they shall think it necessary, to give Notice in Writing, to be signed by the Clerk to the Commissioners, to the Owner of such Land, to fence in the same in a proper and sufficient Manner; and if such Owner shall neglect or omit to fence in the same in manner aforesaid for the Space of Five Days next after such Notice, the Commissioners shall cause the same to be done in such Manner as they shall think proper, and the Expences thereof shall be recovered from such Owner or Owners by Distress.

Ruinous or dangerous Houses to be taken down or secured.

CCXIX. And whereas it may happen that some of the Houses or Buildings within the Limits of this Act may be in so ruinous a Condition that Passengers are in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stone, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householdors living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall

shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors; and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and on a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or affixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not proceed to repair or take down the same within the Time so limited, and afterwards prosecute the same with reasonable Despatch, the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down or secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

CCXX. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly. The Expence to be levied on the Owner.

CCXXI. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same, and in default of Payment, on Demand in Writing by the Commissioners, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid than what he could lawfully deduct from the Rent due to such Owner at the Time of the Demand made upon him for such Charges in case he shall pay the same, or any Part thereof, on Demand, or at the Time of issuing the Warrant of Distress in case such Charges, or any Part thereof, shall be levied by Distress. In default of the Owner, any subsequent Occupier to be liable.
Occupier not to pay more than he can deduct from his Rent.

CCXXII. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment Commissioners may sell the Materials.

of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

Where Houses are taken down, Commissioners may take Land to improve the Streets.

CCXXIII. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase and take, with the Consent of the Parties interested therein, any Part of the Site of such House or Building, or of the Land occupied therewith; and it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell and convey Lands for the Purposes of this Act, to sell and convey Lands for the Purposes lastly herein-before mentioned.

Projecting Houses when taken down to be set back.

CCXXIV. And be it enacted, That when any House or Building any Part of which now projects beyond the regular Line of the Street, or beyond the front Wall of the House or Building on either Side thereof, in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street or the Line of the adjoining House or Building in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House or Building being set back according to the Provisions herein contained.

New Houses to have Party Walls.

CCXXV. And be it enacted, That no House or other Building shall be erected within the Limits of this Act unless the same shall have at each End thereof, if adjoining any other House or Building, a Party Wall made substantially of Brick or Stone, if made with Bricks to be Nine Inches thick, and if of Stone Twelve Inches thick at the least, with proper Cement or Mortar, and binding Timbers from the Foundation up to the Line of the Roof.

Houses built contrary to the Act to be taken down.

CCXXVI. And be it enacted, That it shall be lawful for the Commissioners to cause any House or Building which shall be rebuilt or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act, and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building so altered or rebuilt.

New Buildings not to be erected

CCXXVII. And be it enacted, That after the passing of this Act it shall not be lawful, except with the Consent of the Commissioners,

to erect any new House, Building, or Fence within the Distance of Fifteen Feet from the Centre of any Street hereafter to be formed within the Limits of this Act; and in case any Person shall erect any such House, Building, or Fence contrary to this present Provision, it shall be lawful for the Commissioners to proceed to take down the same in the like Manner as they are by this Act authorized to proceed with respect to Houses built contrary to the Regulations of this Act; provided that nothing herein contained shall be construed to authorize the rebuilding or Alteration of any House, Building, or Fence within the Distance aforesaid erected previously to the passing of this Act where the same shall be contrary to any of the Provisions of this Act.

within
Fifteen Feet
of the Centre
of Highways.

CCXXVIII. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced or set forward for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Houses may
be set for-
ward.

CCXXIX. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Seven Days next after Service of any Order of the Commissioners for that Purpose, put up and for ever afterwards keep in good Condition a Shute or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to such Building from the Roof to the Ground, to carry off the Water from the Roof thereof, in such Manner that the Water from such House or Building shall not fall upon the Persons passing near the same.

Waterspouts
to be affixed.

CCXXX. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Surface Water to be conveyed from such House or Building either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement, into the Common Sewer; and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

Drains to be
formed to
convey Sur-
face Water
into the
Gutter.

CCXXXI. And be it enacted, That it shall not be lawful for any Person to make or construct under any Street within the Limits of this Act, without the previous Consent of the Commissioners, any Arch, Vault, Cellar, or Drain; and whenever any such Arch, Vault, Cellar, or Drain shall be constructed, the same shall be substantially made, and so as not to interfere with the Drains or Sewers under the Control of the Commissioners without their Consent; and if any such Arch, Vault, Cellar, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Commissioners to fill up the same,

Construction
of Vaults
and Drains.

same, and to recover the Expences incurred thereby from the Person making such Arch, Vault, Cellar, or Drain.

Vaults and
Drains to be
kept in re-
pair.

CCXXXII. And be it enacted, That all Arches, Vaults, Cellars, or Drains under any Streets within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupiers shall forfeit a Sum not exceeding Twenty Shillings for every Day such Arch, Vault, Cellar, or Drain shall continue out of substantial Repair, after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Coverings
for Cellar
Doors to be
made.

CCXXXIII. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act as an Entrance into any Coal Arch, Vault, or Cellar, or for the Purpose of admitting Light into any Room or Cellar, the Covering or Grating to such Opening shall be made, by the Occupier of such Arch, Vault, Room, or Cellar, of Iron or such other Material, of such Dimensions and in such Manner, as the Commissioners shall direct, and such Covering or Grating shall from Time to Time be kept in good Repair or altered by the Occupier of such Arch, Vault, Room, or Cellar; and if the Occupier of any such Arch, Vault, Room, or Cellar shall not within a reasonable Time make or alter such Covering or Grating, or shall make or alter any such Covering or Grating contrary to the Directions of the Commissioners, or shall not keep the same when made or altered in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Houses
not to be
thatched.

CCXXXIV. And be it enacted, That no House or Building hereafter to be built, rebuilt, or newly covered in or near any Street within the Limits of this Act shall be thatched wholly or in part; and in case any such House or Building shall be so thatched the Owner thereof shall forfeit the Sum of Forty Shillings for every Month during which the same or any Part thereof shall continue to be thatched.

Houses
altered or
rebuilt not to
project be-
yond Line
of the Street.

CCXXXV. And be it enacted, That whenever any of the exterior Parts abutting on any Street of any House, Shop, or Building within the Limits of this Act shall be altered or rebuilt, it shall not be lawful for the Owner or Occupier of any such House, Shop, or Building to rebuild, alter, or erect such exterior Parts thereof so as to project beyond the Face or front Wall of the House or Building on each Side thereof, or in case of there being no House or Building adjoining, then beyond the Line of the Street, without the previous Consent of the Commissioners; and if any Person shall rebuild or alter such exterior Parts of any House, Shop, or Building without such Consent as aforesaid he shall for such Offence forfeit and pay any Sum not exceeding

exceeding Five Pounds, and the further Sum of Twenty Shillings for every Week such rebuilding or Alteration shall remain without such Consent.

CCXXXVI. And be it enacted, That before the Owner or Occupier of any House or Building hereafter to be erected within the Limits of this Act shall commence the Erection of any House or Building in any Street already or hereafter to be set out within the Limits of this Act, such Person shall, previously to the Commencement of such Erection, give a Notice in Writing to the Surveyor for the Time being of the said Commissioners, or at the Office of the Commissioners, of such his Intention, such Notice to be left at the usual Place of Abode of such Surveyor at least Ten Days previous to commencing the Erection of such House or Building; and if any Person shall proceed to erect any such House or Building without first giving such Notice he shall forfeit and pay any Sum not exceeding Ten Pounds.

No new Building to be erected without Notice to the Surveyor.

CCXXXVII. And be it enacted, That every Person who shall build or take down any House or other Building whatsoever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected before commencing the same sufficient Hoards or Fences, in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Hand-rail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Hand-rail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience, and shall in all Cases in which the same shall be necessary to prevent Accidents light or cause the same to be sufficiently lighted during the Night from Sun-setting to Sun-rising; and if any such Person shall refuse or neglect to erect any such Fence or Hoard or Platform with such Hand-rail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not whilst the said Hoard or Fence is standing keep the same sufficiently lighted during such Time as aforesaid, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Hoards to be set up during Repairs.

CCXXXVIII. And be it enacted, That it shall be lawful for the Commissioners to order such Hoards or Fences to be enlarged, extended, widened, narrowed, or lessened, or otherwise to regulate the same from Time to Time as they in their Discretion shall think proper, and on Disobedience of such Order to cause the same to be done, and the Expences thereof shall be borne and defrayed by and recovered from the Person by whom such Hoard or Fence was erected; and any Person who shall, without Consent of the Commis-

Commissioners may order Hoards to be altered.

sioners, replace such Hoard or Fence, shall for such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for not lighting Deposits of Building Materials or Excavations at Night.

CCXXXIX. And be it enacted, That when any Building Materials, Rubbish, or other Things not vested in the Commissioners by virtue of this Act shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall at his own Expence cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night, from Sun-setting to Sun-rising, during the Time such Materials, Hole, or Excavation shall remain; and such Person shall at his own Expence cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed, until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

CCXL. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

Dangerous Places to be repaired or inclosed.

CCXLI. And be it enacted, That if any Building or Excavation or any Land or Place contiguous to any Street within the Limits of this Act shall for Want of sufficient Repair, Protection, or Inclosure be dangerous to the Passengers along such Streets, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

Commissioners may close Streets during Repairs.

CCXLII. And be it enacted, That it shall be lawful for the Commissioners during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Commissioners or under their Authority, to close such Street or any Part of the same by such Ways or Means as they shall think fit.

In default of the Party liable, the Commissioners to

CCXLIII. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for

for other Purposes herein-before mentioned, and it is necessary to execute the Works, and provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done. recover the Expence incurred thereby.

CCXLIV. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land (without designating by which of the said Parties the same ought to be done), and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding a Moiety of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land; and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him as if the same had been actually paid to him as Part of such Rent. Occupiers to recover against Owners in certain Cases.

CCXLV. And be it enacted, That in all Cases (except as herein-before mentioned) where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land (without designating as aforesaid), the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein; but no Person, being the Lessor of a Term originally granted for a longer Period than Twenty-one Years, shall be deemed to be an Owner from whom any such Expences shall be recovered; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid, on Demand or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner he shall allow the same, Adjustment between Owners and Occupiers.

same, or so much thereof as shall not be repaid by him, to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Streets to be swept and cleansed.

CCXLVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be swept and cleansed, and the Dirt, Ashes, and Rubbish (except any such as shall be sold or reserved by the Occupiers for their own Use) to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers allowed to use their own Ashes, &c.

CCXLVII. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep, sell, or remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, or as shall be reserved for Manure, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the Street Scavengers to be performed under Penalties.

CCXLVIII. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing or watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers; and such Scavengers or their Servants shall, on such Days, and at such reasonable Hours, and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises from which they shall contract or be employed to collect Dirt, Ashes, and Rubbish within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use and Benefit under the Provisions herein-before contained, and carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Occupiers obstructing Scavengers.

CCXLIX. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from the House or Premises of such Occupier.

CCL. And

CCL. And be it enacted, That if any Person other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty on other Persons than Scavengers removing Dirt.

CCLI. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall, when necessary for keeping the Footways in a proper State of Cleanliness, once in every Day (*Sundays* excepted), before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands, and in Times of Frost and Snow at any Time of the Day thereafter, being thereunto required by the Commissioners or their Surveyor, within One Hour after being so required; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Owner of any House let out by him into divided Apartments shall be deemed the Occupier.

Occupiers to cause Footways to be swept.

CCLII. And be it enacted, That it shall be lawful for the Commissioners to compound for such Time as they think fit with any Person liable to sweep or clean any Footway under the Provisions of this Act for sweeping and cleaning the same in the Manner by this Act directed.

Commissioners may compound for sweeping Footways;

CCLIII. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

or may themselves cause them to be swept.

CCLIV. And be it enacted, That it shall be lawful for the Commissioners to build, form, and erect such Urinals, Necessaries, and other similar Conveniences in such Situations as they shall deem proper for the Accommodation of the Public, and to defray the Expence thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expence of keeping the same in good Order, out of the Lighting and General Rate herein-after mentioned; and the Commissioners are hereby authorized to make and establish such Rules and Bye Laws, with Penalties for Breaches thereof, not exceeding Forty Shillings, for the Regulation of the Conveniences so built, formed, and erected, as they shall think fit.

Public Conveniences to be formed.

CCLV. And be it enacted, That if any Boiling House for Offal, Hogsty, uninclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Six inhabitant Rate-payers in the Vicinity thereof, to inquire into the Matter of such Complaint; and if the Commissioners shall consider such Building, Place, or Matter of which such Complaint shall be

Commissioners may order Nuisances to be abated.

made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made to discontinue or remedy the same.

Penalty for Disobedience of Commissioners Order.

CCLVI. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Five Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or not remedied after the Expiration of Five Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Commissioners shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Five Days after the Determination of such Appeal, and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

No Slaughter-houses in future to be erected without a Licence.

CCLVII. And be it enacted, That no Place shall be used or occupied as a Slaughter-house within the Limits of this Act which has not been so used or occupied previously to the Commencement of this Act, or unless a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, shall have been previously obtained from the Commissioners; and in case any Person shall use as a Slaughter-house any Place within the Limits of this Act, not heretofore used as such, without having first obtained such Licence as aforesaid, such Person so offending shall for each Offence forfeit a Sum not exceeding Five Pounds for such Offence, and a like Penalty for every Day after the first upon which the said Offence shall be continued.

Penalty for suffering Dogs to go at large after Notice.

CCLVIII. And be it enacted, That if any Person shall, after reasonable public Notice given by any Justice directing all Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Limits of this Act during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Dogs suspected to be mad may be destroyed.

CCLIX. And be it enacted, That it shall be lawful for any Street-keeper or other Officer appointed by virtue of this Act, or for any Police Constable, to destroy any Dog or other Animal within the Limits of this Act reasonably suspected to be in a rabid State, or to have been bitten by any Dog or Animal reasonably suspected to be in a rabid State.

Penalty for suffering mad Dogs to be at large.

CCLX. And be it enacted, That the Owner of any such Dog or Animal who shall permit the same to go at large within the Limits of this Act after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Ten Pounds.

CCLXI. And

CCLXI. And be it enacted, That if any Horse, Cattle, or other Animal shall at any Time be found at large in any of the Streets within the Limits of this Act without any Person therewith claiming the same, it shall be lawful for any Street-keeper or other Officer appointed by virtue of this Act, or for any Police Constable, or for any of the Inhabitants or Persons residing within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in the common Pound of the Town of *Southampton*, or in such other Place as the Commissioners shall appoint for that Purpose, and to detain the same therein until the Owner thereof shall for each Animal so impounded pay a Sum of Money not exceeding Ten Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Expences of impounding and keeping the same.

Power to impound stray Cattle.

CCLXII. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the Commissioners, to sell or cause to be sold any such Animal, but previous to such Sale Five Days Notice thereof shall be given or left at the Dwelling House or Place of Abode of the Owner of such Animal if the Owner thereof shall be known, or if not then Notice of such intended Sale shall be given by Advertisement to be inserted Five Days before such Sale in some Newspaper published or circulated within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay on Demand: Provided always, that such Animal shall be redeemable at any Time before the Sale thereof on Payment of the said Sum and all Expences.

Power to sell stray Cattle for Penalty and Expences.

CCLXIII. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One Justice be committed by him to the Common Gaol or House of Correction of the said Town, there to remain without Bail for any Time not exceeding Three Months.

Persons guilty of Pound-breach or Rescue of Distress to be committed for Three Months.

CCLXIV. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in any Place within the Limits of this Act he shall forfeit any Sum not exceeding

Penalty for exposing unwholesome Meat.

exceeding Five Pounds for every such Offence; and it shall be lawful for any Justice of the Peace to order the Street-keeper or other Officer appointed by virtue of this Act, or any Police Constable, to seize and destroy such unwholesome Meat or Provisions.

Penalty for conveying offensive Matter at improper Times.

CCLXV. And be it enacted, That every Person who within the Limits of this Act shall empty or begin to empty any Privy between the Hours of Five in the Morning and Twelve at Night, or remove along any Thoroughfare any Nightsoil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter between the Hours of Five in the Morning and Twelve at Night, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit a Sum not exceeding Sixty Shillings; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty on Blacksmiths not shutting out the Light of their Forges from Streets after Sunset.

CCLXVI. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings; provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

Penalty for setting Chimnies on fire.

CCLXVII. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney of any Building within the Limits of this Act he shall for every such Offence forfeit a Sum not exceeding Five Pounds; provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for having Chimney on fire.

CCLXVIII. And be it enacted, That if the Chimney of any Person shall, from the Omission, Neglect, Carelessness, or Fault of himself or Servant, catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings.

Stagnant Water not to remain after Notice.

CCLXIX. And be it enacted, That no Person shall suffer any waste or stagnant Water to remain in any Cellar, Apartment, or Place, or on any Ground, belonging to or occupied by him, so as to be a Nuisance to any Person or injurious to Health; and every Person who shall suffer any such Water to remain after receiving Notice from the Surveyor, Street-keeper, or other Officer of the Commissioners to

remove the same shall for every Offence be liable to a Penalty not exceeding Forty Shillings.

CCLXX. And be it enacted, That if any Person shall be convicted before any Justice of being drunk within the Limits of this Act he shall forfeit for every such Offence the Sum of Five Shillings; and if he shall not immediately upon Conviction, or within such Time as the Justice before whom he be convicted shall direct, pay such Fine with Costs; it shall be lawful for any Justice to commit such Offender to the Gaol or House of Correction for the said Town for any Time not exceeding Three Days, unless such Fine and Costs shall be sooner paid. Punishment for Drunkenness.

CCLXXI. And be it enacted, That from and after the passing of this Act every Person who within the Limits of this Act shall use any Dog or Goat for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow shall be liable to a Penalty of not more than Forty Shillings for each Offence. Dog Carts prohibited.

CCLXXII. And be it enacted, That it shall be lawful for any Householder within the Limits of this Act, personally or by his Servant or any of his Family, or by the Street-keeper or a Constable, to require any Street Musicians or Singer to depart from the Neighbourhood of the House of such Householder on account of the Illness of any Inmate of such House, or other reasonable Cause; and every Person who shall sound or play upon any Musical Instrument or sing in any Street near any House after being so required to depart shall be liable to a Penalty of not more than Forty Shillings. Street Musicians to depart when desired.

CCLXXIII. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, in any Street within the Limits of this Act, shall commit any of the following Offences; (that is to say, Forty Shillings Penalty for certain Offences.)

Every Person who shall, to the Annoyance of the Public, expose for Show, Hire, or Sale (except in a Market lawfully appointed for that Purpose), or feed or fodder, any Horse or other Animal; or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment; or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident); or clean, dress, exercise, train or break, or turn or leave loose, any Horse or Animal; or clean, make, or repair any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who shall suffer to be at large any unmuzzled ferocious Dog; or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:

Every Person who, by Negligence or ill Usage in driving Cattle, shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:

[Local.]

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Every

Every Person who shall slaughter any Cattle, or singe, scald, dress, or cut up any Carcase or any Part thereof (except in the Case of any over-driven Cattle, or any Cattle which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the public Safety or other Circumstances may require to be killed on the Spot):

Every Person having the Care of any Waggon, Cart, or Carriage who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins and holding the same; or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same; or shall not keep the Waggon, Cart, or Carriage to the left or near Side (except in case of actual Necessity, or some sufficient Reason for Deviation); or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care:

Every Person who shall, to the Danger or Annoyance of the Public, drive any Horse or other Animal drawing any Waggon, Cart, or other such Carriage (not being on Springs) at any faster Rate than a common Walk:

Every Person who shall ride or drive furiously, or so as to danger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers (except Hackney Carriages under Hire or standing for Hire in any Place appointed for that Purpose by the Commissioners); and every Person who, by means of any Waggon, Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare:

Every Person who shall draw any Timber, Stone, or other weighty Article, without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose:

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage without having to guide and direct the hind Wheels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof:

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, except where necessary in going to or returning from any House, Building, or Land; or fasten any Horse or other Animal, so that it may stand across or upon any Footway:

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing Place, Stool, Bench, Stall, or Showboard, on any Footway or Carriageway; or shall place
any

any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Seven Feet in Height at the least in every Part thereof from the Surface of such Footway :

Every Person who shall place, hang up, or otherwise expose to sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or in front or outside of any House, Shop, or Building at which the same shall be so exposed :

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway adjoining any Street or Highway (except for the Purpose of loading or unloading any Cart or Carriage or of crossing the Footway) :

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel, intended for any House, to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof :

Every Person who shall place any Line, Cord, or Pole across any Street or over any Footway or Roadway, or hang or place any Clothes thereon, to the Danger or Obstruction of any Person :

Every Person who shall carry or convey, or cause to be carried or conveyed, the Carcase or any Part of the Carcase of any newly slaughtered Cattle without a sufficient Cloth Covering to the same :

Every common Prostitute or Night-walker loitering or being in any Thoroughfare or public Place, for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers :

Every Person who shall wilfully, openly, or indecently expose his Person :

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers :

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :

Every Person who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms :

Every Person who shall discharge any Fire-arms, or throw or discharge any Stone or other Missile to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework :

Every Person who shall wilfully or wantonly pull or ring any Door Bell or knock at any Door without any lawful Excuse ; or who shall wilfully and unlawfully extinguish the Light of any

any Lamp, or destroy or damage the Glass or other Part of such Lamp:

Every Person who shall fly any Kite, drive any Hoop on the Footways, or play at any Game to the Annoyance of the Inhabitants or Passengers; or who shall make or use any Slide upon Ice or Snow to the common Danger of the Passengers:

Every Person who shall burn, dress, or cleanse any Cork, or cleanse, hoop, fire, wash, or scald any Cask or Tub; or hew, saw, bore, or cut any Timber or Stone; or slake, sift, or screen any Lime:

Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials, or the Rubbish thereby occasioned, according to the Provisions herein-before contained):

Every Person who shall beat or shake any Carpet, Rug, or Mat (except before the Hour of Eight in the Morning).

Forty Shillings Penalty for certain other Offences.

CCLXXIV. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Every Person who shall fix or place any Flower Pot or Box in any front upper Window, or on the front Parapet of any House adjoining any Street, without sufficiently guarding the same against being blown or thrown down:

Every Person who shall throw or cast from the Roof, or any Part of any House or other Building, any Slate, Brick, Part of any Brick, Wood, Rubbish, or other Material or Thing:

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling; or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever; or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, Paling, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden:

Every Person who shall bathe or wash himself in the Sea or on the Sea-shore, within the Limits of this Act, after Ten of the Clock in the Morning, without the Aid and Assistance of a proper Machine or Tent in which to dress and undress himself:

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room underground, without a sufficient Fence or Hand-rail, or leave defective the Door, Window, or other Covering of any Vault or Cellar, or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who shall throw or lay any Dirt, Dust, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, on any Street; or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream or Watercourse, Pond or Reservoir for Water; or cause any offensive Matter to run from

any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the Freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:

~~Every Person who shall keep any Pigsty or any Swine in or near any Street, or in or near any Dwelling, so as to be offensive to any Person:~~

Every Person who shall, within the Distance of One hundred Yards from any Dwelling House, burn any Rags or any offensive Substance, so that the same shall be a common Nuisance:

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground within One hundred Yards of any Dwelling House, so as the same may become a Nuisance or Annoyance to any Inhabitant.

CCLXXV. And be it enacted, That in case it shall appear, to the Satisfaction of the Justice by or before whom any Person shall be convicted of any Offence for which any Penalty is imposed under this Act, that any Person has sustained bodily or personal Injury therefrom, it shall be lawful for such Justice, in addition to the Penalty for such Offence, and on the Application of the Person sustaining such Injury, to adjudge such Offender to pay to such Person, by way of Compensation for the Injury sustained by him, such Sum as the said Justice shall think fit, not exceeding Ten Pounds, which Sum shall be levied with and in addition to the Penalty for such Offence: Provided always, that the Payment of such Compensation shall be a Bar to all Proceedings at Law by the Person injured for the Recovery of Damages in respect of any such Injury as aforesaid.

Justices may award Compensation for personal Injury.

CCLXXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Power to Commissioners to light the Streets.

CCLXXVII. And whereas the Commissioners acting in the Execution of the said Two first-recited Acts have entered into a Contract with *John King* and *Martin Maddison*, both of the said Town of *Southampton*, Esquires, on behalf of themselves and the other Members of a Company called the *Southampton Gas Company*, by Articles of Agreement bearing Date the Seventh Day of *October* One thousand eight hundred and forty, for lighting the said Town with Gas for the Term of Twenty-one Years from the Twenty-ninth Day of *September* One thousand eight hundred and forty; be it enacted, That nothing in this Act contained shall be construed to affect, annul, or make void the said Contract or Articles of Agreement, or

Existing Contract with *Southampton Gas Company* to continue in force.

any of the Clauses, Conditions, Powers, Provisions, or Agreements therein.

Commis-
sioners may
contract for
lighting the
Streets.

CCLXXVIII. And be it enacted, That, subject to the Contract or Agreement aforesaid, it shall be lawful for the Commissioners from Time to Time to contract, for any Period not exceeding Twenty-one Years at any one Time, with the Owners of the Gas Works now existing within the said Town, or with the Owners of any Works hereafter to be made or erected within the said Town, for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets: Provided always, that if the Commissioners and the Owners of the said Gas Works, or any of them, shall not agree as to the Price to be paid for such Supply, then such Price shall be ascertained by Two Persons, one of whom shall be appointed by the Commissioners, and the other by the other Party, or in case they shall not agree about the same then by such third Party as shall have been nominated for that Purpose by such Two Persons before they shall have entered upon the Matter of such Reference; and in case such Owners shall refuse to agree with the Commissioners for such Supply of Gas, or shall refuse to appoint a Referee in manner aforesaid, or (such Referees having been appointed) shall refuse to supply such Gas at the Price fixed by such Referees or their Umpire as aforesaid, then it shall be lawful for the Commissioners to manufacture Gas, and to provide and purchase Gasometers, and all Apparatus and Machinery necessary for the Purpose, and to purchase or rent any Land not exceeding Two Acres which may be necessary for the Establishment of such Manufacture.

Owners of
Gas Works
may lay
Pipes, &c.
in Streets.

CCLXXIX. Provided always, and be it enacted, That, notwithstanding any thing herein contained, it shall be lawful for the Owners for the Time being of the Gas Works now existing within the said Town, so long as the same Works shall be in existence and used as Gas Works, or for any Person under their Control or Direction, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they may deem necessary, under the Superintendence of the Surveyor to the Commissioners, doing as little Damage thereby as may be, and fully and effectually repairing the same; provided that it shall not be lawful for such Owners to erect or continue any Lamp, Lamp Post, or Lamp Iron against any Dwelling House, except with the Consent of the Owner and Occupier thereof.

Power to
break up
Streets and
lay down
Pipes, &c.

CCLXXX. And for the Purpose of enabling the Commissioners or any Person or Company with whom they may contract to light the said Streets or any of them, be it enacted, That it shall be lawful for the Commissioners or any Company or Person with whom they may contract for lighting the said Streets or any of them, under the Control and Direction of the Commissioners, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he might deem necessary for lighting the same, and also to lay, place, and fix against any Houses, Buildings, and Inclosures such Pipes,
Lamp

Lamp Posts, Lamp Irons, Lamps, and other Works as they may deem necessary for the Purposes aforesaid, the Commissioners and such Company or Person doing as little Damage as may be, and fully and effectually repairing the same.

CCLXXXI. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Service Pipes to be kept fully charged.

CCLXXXII. And be it enacted, That it shall be lawful for the Commissioners, if they shall manufacture Gas for lighting the Streets within the Limits of this Act, to supply any Inhabitant within the said Limits with Gas, on such Terms and Conditions as shall be agreed upon between the Commissioners and such Inhabitant; and for the Purpose of supplying any such Inhabitant with Gas the Commissioners shall have the same Powers of breaking up the Soil and Pavement of any Street, and laying and fixing any Pipes and other Work therein, as are hereby granted to the Commissioners for the Purpose of lighting any Street within the Limits of this Act.

Power to Commissioners to supply Individuals with Gas.

CCLXXXIII. And be it enacted, That if any Person shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, Post, or other Apparatus, Article, Matter, or Thing, used in the Supply of Gas within the Limits of this Act, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, either by Confession or on the Oath or Affirmation of One credible Witness before Two or more Justices of the Peace, shall forfeit and pay to the said Commissioners, or to the Owners of such Pipe, Plug, Post, Apparatus, Article, Matter, or Thing, any Sum not exceeding Five Pounds, and Treble the Amount of the Damages done or occasioned by such Offence, the same to be ascertained by such Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Gaol or House of Correction of the said Town, there to remain for any Time not exceeding Thirty Days.

Penalty for damaging Pipes.

CCLXXXIV. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, Well, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, Well, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalties on Gas-makers for corrupting Water within the Limits of the Act.

CCLXXXV. And

Penalty to be sued for in Superior Courts within Twelve Months.

CCLXXXV. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance of the Offence.

CCLXXXVI. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall have been recovered or not,) the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, or by such other Person as aforesaid; and such Penalty shall be paid to such last-mentioned Person respectively.

Daily Penalty during Escape of Gas after Notice.

CCLXXXVII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice upon such Person, or his Agent or Manager, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then such Person shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape,

Position of Gas Pipes with reference to Water Pipes.

CCLXXXVIII. And be it enacted, That every Pipe for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and, if the Width will admit thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

Manner of laying the Gas Pipes.

CCLXXXIX. And be it enacted, That in laying down any such Gas Pipe no Two of such Gas Pipes shall be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near
as

as may be in its Place in the Trench ; and the Jointing with the other Pipes to be added thereto shall be made after the Pipes shall be so laid in the Trench with proper Materials; and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

CCXC. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

Penalty for laying Gas Pipes contrary to the Act.

CCXCI. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Penalty on Gas-makers if Water contaminated.

CCXCII. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence to the Person whose Water shall be contaminated or affected a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Daily Penalty during the Continuance of the Contamination after Notice.

CCXCIII. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such digging and Examination are intended to take place.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CCXCIV. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon Examination it shall appear that the Water has not been contaminated or affected by the Gas of such

The Expences to abide the Result of the Examination.

Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CCXCV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CCXCVI. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Penalty for wilfully damaging Lamps.

CCXCVII. And be it enacted, That if any Person shall wilfully break, throw down, take, convey, or damage any Lamp, or any Part thereof, within the Limits of this Act, or any of the Posts, Irons, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Persons carelessly damaging Lamps to make good the same.

CCXCVIII. And be it enacted, That in case any Person shall carelessly, negligently, or accidentally break or otherwise damage any of the said Lamps, or the Irons, Posts, or Furniture thereof, and shall not, immediately upon Demand, make Satisfaction to the said Commissioners, or to any other Owner thereof, (as the Case may be,) for the Damage done thereto, it shall be lawful for any Justice to award such Sum of Money as a Satisfaction for such Damage as such Justice shall think reasonable, not exceeding the Value of the Lamp or other Article so injured or damaged, and the Costs and Charges of repairing and replacing the same respectively.

Commissioners may water Streets and provide Wells, Pumps, &c.

CCXCIX. And be it enacted, That it shall be lawful for the Commissioners, as often as they shall think fit, to cause all or any of the Streets within the Limits of this Act to be watered, and for that Purpose from Time to Time to sink Wells, and lay, erect, and place Pipes, Conduits, and Pumps in any of the said Streets, and to remove and alter the same when and as the Commissioners shall think proper.

Licensing Carriages.

CCC. And be it enacted, That the Commissioners shall, on Application to them for that Purpose, from Time to Time license any Hackney Carriages of a proper Kind or Description to ply for Hire within the Limits of this Act.

Licences may be re-

CCCI. And be it enacted, That any such Licence may, for the Misconduct of the Proprietor or Driver of such Hackney Carriage, be suspended

suspended or revoked by the Commissioners or any Two Justices as they shall deem right; and that when the Licence of any Person shall be revoked by Two Justices it shall not be lawful for the Commissioners to again license such Person without the Consent of Two Justices.

voked for
Misconduct.

CCCII. And be it enacted, That before any such Licence shall be granted under the Provisions of this Act a Requisition for the same, in such Form as the Commissioners shall from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence shall be applied for; and in every such Requisition there shall be truly specified and set forth the Christian Name and Surname and Place of Abode of the Person applying for such Licence, and of every Person who shall be a Proprietor or part Proprietor of such Carriage, or who shall be concerned either solely or in Partnership with any other Person in the keeping, using, employing, or letting to hire of such Carriage; and in case any Person, on applying for such Licence, shall neglect or omit to specify truly in such Requisition as aforesaid the Name of any Person who shall be a Proprietor or part Proprietor of such Carriage, or who shall be concerned as aforesaid in keeping, using, employing, or letting to hire of such Carriage, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Persons ap-
plying for
Licences to
sign a Re-
quisition for
the same.

CCCIII. And be it enacted, That there shall be specified in every such Licence the true Christian Name and Surname and Place of Abode of the Person and of every Person who shall be a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence shall be granted, or who shall be concerned either solely or in Partnership with any other Person in the keeping, using, employing, or letting to hire of such Carriage, and the Number which shall be painted or marked on the Plates to be fixed on such Carriage, together with such other Clauses and Conditions as the Commissioners shall think fit.

What shall
be specified
in the Li-
cences.

CCCIV. And be it enacted, That for every such Licence there shall be paid to the Clerk to the Commissioners such Sum as the Commissioners shall direct, not exceeding the Sum of Five Shillings; and every such Licence shall be in force for One Year from the Time mentioned in such Licence.

Fee on
Licence.

CCCV. And be it enacted, That so often as any Person named as the Proprietor or One of the Proprietors in any Licence to keep, use, employ, and let to hire any Hackney Carriage under the Provisions of this Act shall change his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing signed by him to the Clerk to the Commissioners, specifying in such Notice his new Place of Abode; and such Proprietor shall at the same Time produce such Licence at the Office of the Clerk to the Commissioners, who shall, by himself or some other accredited and proper Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and if any Person named as the Proprietor or One of the Proprietors of any Hackney Carriage in any such Licence as aforesaid,

Notice to be
given by Pro-
prietors of
Hackney
Carriages of
any Change
of Abode.

Penalty, 40s.

said shall change his Place of Abode, and shall neglect or omit to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, he shall forfeit any Sum not exceeding Forty Shillings.

Penalty on Proprietor plying with Hackney Carriages without Licence.

CCCVI. And be it enacted, That if the Proprietor of any Hackney Carriage plying for Hire shall permit the same to be used as a Hackney Carriage plying for Hire within the Limits of this Act without having obtained a Licence for such Carriage as aforesaid, or if any Person shall be found driving, standing, or plying for Hire with any Hackney Carriage for which such Licence as aforesaid shall not have been previously obtained, or shall lend or part with his Licence or Badge, every Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence.

Licensing Drivers of Carriages plying for Hire.

CCCVII. And be it enacted, That the Driver of every Hackney Carriage, and every Errand, Message, and Luggage Porter, plying for Hire within the Limits of this Act, shall be licensed by the Commissioners before he shall act as Driver of any Hackney Carriage, or as an Errand, Message, or Luggage Porter; and that every such Licence shall, within Seven Days after the granting thereof, be registered at the Office of the Commissioners or their Clerk, a Certificate of which Registry shall be given to every such Person upon Payment of the Sum of One Shilling and Sixpence; and every Person neglecting to register his Licence shall forfeit for every such Neglect a Sum not exceeding Twenty Shillings; and such Licence shall be in force for One Year from the Time mentioned in such Licence.

Penalty on acting without such Licence.

CCCVIII. And be it enacted, That if any Person shall act as such Driver or Porter as aforesaid without having obtained such Licence, or shall lend or part with his Licence or Badge, or if the Proprietor of any such Hackney Carriage shall employ any Person as the Driver thereof who shall not have obtained such Licence, every such Person and every such Proprietor shall for every Offence respectively forfeit a Sum not exceeding Twenty Shillings.

Proprietor to retain Licence of Driver in his Employ;

and to produce same when summoned.

Justices may endorse Convictions for Offences upon Licences.

Penalty on Proprietor for Neglect.

CCCIX. And be it enacted, That if the Proprietor of any such Hackney Carriage shall permit or employ any licensed Person to act as the Driver thereof, then and in every such Case such Proprietor shall require to be delivered to him and shall retain in his Possession the Licence of such Driver during such Time as such Driver shall remain in his Employ; and in all Cases of Complaint where the Proprietor of a Hackney Carriage shall be summoned to attend before a Justice, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver if he shall then be in his Employ; and if any Driver complained of shall be adjudged guilty of the Offence alleged against him, it shall be lawful for such Justice to make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any Proprietor shall neglect to require to be delivered to him and to retain in his Possession the Licence of any Driver during such Period as such Driver shall remain in his Employ, or shall refuse

refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

CCCX. And be it enacted, That when and so often as any Driver shall leave the Service of the Proprietor by whom he shall have been employed, and shall not have been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver shall have been guilty of any Misconduct, then and in any such Case such Proprietor shall not return the Licence of such Driver, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before any Justice to answer the said Complaint, and such Justice, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon the Inquiry it shall appear that the Licence of such Driver has been improperly withheld, it shall be lawful for such Justice to direct immediate Re-delivery of such Licence, and to award such Sum of Money as he shall think proper to be paid by such Proprietor to such Driver by way of Compensation.

Proprietor to return Licence to Driver when quitting his Service if he has behaved well; if otherwise, Proprietor to summon him.

Compensation in case of Licence improperly withheld.

CCCXI. And be it enacted, That it shall be lawful for any Justice before whom any Driver, or Errand, Message, or Luggage Porter, shall be convicted of any Offence under this Act, if such Justice in his Discretion shall think proper, to suspend for any Period not exceeding Two Months the Licence granted to such Driver or Porter; and it shall also be lawful for any Justice, upon Proof that any Driver or Porter has been convicted of Felony, or upon the Conviction before him for a Second Offence of any Driver or Porter, to revoke the Licence granted to such Driver or Porter; and whenever the Licence of any such Driver or Porter shall be suspended or revoked as aforesaid, it shall be lawful for any Justice to require any Proprietors to deliver up forthwith to such Justice the Licence of such Driver or Porter, if the same shall then be in his Possession, or to require such Driver or Porter to deliver up forthwith to such Justice his Licence and Badge; and if any Proprietor, Driver, or Porter shall, upon being so required, refuse or neglect to deliver up such Licence or Badge, or either of them, he shall forfeit any Sum not exceeding Five Pounds; and every Justice to whom any Licence or Badge shall be delivered up shall forthwith transmit the same to the Clerk to the Commissioners, who shall, at the Expiration of the Period for which any such Licence shall have been suspended, re-deliver such Licence with the Badge to the Person to whom it shall have been granted.

Licences may be suspended, and for certain Offences revoked, by Justices.

CCCXII. And be it enacted, That in case any Driver of any Hackney Carriage, or any Errand, Message, or Luggage Porter plying for Hire, shall at any Time whilst he is hired or driving or attending any such Carriage within the Limits of this Act wilfully or negligently do or cause to be done any Hurt, Spoil, or Damage to any Person, his Goods or Chattels, or shall be guilty of any Breach of Peace or Misbehaviour in his Employment, then and in every such Case it shall be lawful for any Justice to issue his Warrant to apprehend any such Offender, and in a summary Way proceed to convict him of any such

Penalty on Coachmen, &c. misconducting themselves.

Offence, and to fine such Person so offending in any Sum not exceeding Five Pounds.

Order for Overcharge by Hackney Coachman, &c. to be included in Conviction, and returned to aggrieved Party.

CCCXIII. And be it enacted, That whenever the Proprietor or Driver of any Hackney Carriage plying for Hire, or any Errand, Message, or Luggage Porter, shall be convicted of taking and receiving as and for a Fare, or for the Work and Labour done by him, a greater Sum than is or shall be authorized by any Bye Law made under and by virtue of this Act, it shall be lawful to include in the Conviction of such Proprietor or Driver or such Porter an Order for the Payment of the Sum so overcharged, over and above the Penalty and Costs which shall be imposed for every such Offence, and upon Payment or Recovery of the said Overcharge to cause the same to be returned to the Party aggrieved, whose Evidence shall be admissible in proof of the said Offence.

Recovery of Fares of Hackney Coaches, Porters, &c.

CCCXIV. And be it enacted, That if any Person shall refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage plying for Hire, or to any Errand, Message, or Luggage Porter, such Fare or Rate as shall be authorized to be taken and received by the Bye Laws to be made as herein directed, such Fares or Rates may, together with Costs, be recovered as any Penalty imposed by this Act before Justices in a summary Way.

Penalty for damaging Coach.

CCCXV. And be it enacted, That if any Person shall cut, wilfully break, or injure any such Hackney Carriage plying for Hire, such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same.

Commissioners empowered to make Bye Laws with respect to Hackney Carriages, Drivers, Porters, &c.

CCCXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit for all or any of the Purposes following; (that is to say,)

For holding annual or other Meetings for granting Licences to the Proprietors and Drivers of Hackney Carriages, and to Errand, Message, and Luggage Porters:

For regulating all Hackney Carriages plying for Hire within the Limits of this Act:

For regulating the Conduct of the Proprietors and Drivers thereof respectively in their several Employments, and whether they shall wear any and what Badges:

For regulating the Days and Hours within which they may exercise their Calling:

For regulating the Numbers of such Hackney Carriages plying for Hire:

For regulating the Number of Persons to be carried by Hackney Carriages, and what Number of Horses or other Animals are to draw the same, and how such Hackney Carriages shall be furnished or provided:

For fixing and altering the Stands of such Hackney Carriages, and the Distance to which such Hackney Carriages may be compelled to take Passengers, not exceeding Five Miles from the said Town,

to be measured and ascertained from the Guildhall of the said Town:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for such Hackney Carriages, as well within the Town as within the said Limits of Five Miles therefrom:

For securing the safe Custody and Re-delivery of any Property which may be accidentally left in Hackney Carriages:

For punishing Misconduct of the Drivers of and Persons attending such Hackney Carriages, whether in the way of Imposition by demanding or receiving more than the regular Fare or otherwise, and as well within the Town as within the said Limits of Five Miles therefrom:

For fixing or altering the Stands of all Porters and other Persons plying for Hire within the said Town:

For regulating all such Porters, and what Loads, Rates, Fares, or Prices shall be allowed to be taken by Errand, Message, or Luggage Porters plying for Hire, and in what Manner they shall behave and conduct themselves, and for punishing Extortion, Imposition, Misconduct, or Misbehaviour in such Errand, Message, and Luggage Porters respectively:

And the Commissioners may, from Time to Time as they shall think fit, repeal any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be signed by Five of the Commissioners, and be printed and published as herein-after mentioned.

CCCXVII. And be it enacted, That it shall be lawful for the Commissioners by the Bye Laws so to be made by them to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Five Pounds for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or Part only of such Penalty to be recovered.

Bye Laws may be enforced by Penalties.

CCCXVIII. And be it enacted, That no Bye Law to be made in pursuance of this Act (except such as may relate solely to the Commissioners or to their Officers or Servants) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the Town and County of *Southampton*; and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to such Court for that Purpose, and to allow of or disallow the same as to such Court may seem meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers printed or circulated within the Limits of this Act One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection; and no such Bye Law, when so confirmed, shall be of any Force or Effect until

Bye Laws to be confirmed at Quarter Sessions.

until the Expiration of Seven Days after the same shall have been published and affixed in manner herein-after mentioned.

A Copy of the proposed Bye Laws to be open for Inspection.

CCCXIX. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the Office of the Commissioners or their Clerk; and it shall be lawful for all Persons at all reasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Bye Laws.

CCCXX. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards, and affixed in the Office of the Commissioners or of their Clerk, or in such conspicuous Place within the Limits of this Act as the Commissioners shall direct; and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding on all Parties.

CCCXXI. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Persons whomsoever, and shall be sufficient to justify all Persons acting under the same.

Proof of making Publication of Bye Laws.

CCCXXII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Recorder of the said Town for the Time being, who shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for damaging Boards fixed for Publication of Bye Laws.

CCCXXIII. And be it enacted, That if any Person shall pull down or destroy, damage or deface, any Board fixed in any Office or Place in pursuance of this Act for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every Person during any such Damage shall also be liable to pay for or make good all Damage done, and the Expences occasioned thereby.

Penalty on Owners of Carts not having

CCCXXIV. And be it enacted, That the Proprietor of every Cart, Waggon, Dray, Truck, or other such Carriage, whether public or private, shall paint or cause to be painted, either in the Mode prescribed by an Act passed in the Fifth and Sixth Years of His late Majesty

Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, or in One or more straight Line or Lines upon some conspicuous Part of the Right or Off Side of his Cart, Waggon, Dray, Truck, Hand Truck, or other such Carriage, or upon the Off-side Shaft thereof, before the same shall be used in any Street, his Christian Name and Surname, or the Style and Title by which he is commonly designated, or the Style or Firm by which his Trade or Business is carried on, and the Place of his Abode, at full Length in large legible Letters in White upon Black Ground, or Black upon White Ground, not less than One Inch in Height, and of a proportional Breadth, and continue the same thereafter so long as such Cart or Carriage shall be used as aforesaid; and every Proprietor of any Cart, Waggon, Dray, Truck, Hand Truck, or other such Carriage who shall use or allow the same to be used within the Limits of this Act without being painted in the Manner directed by the said last-mentioned Act or this Act, or the Name or Style, Title, Firm, or Description painted thereon as aforesaid, or after such Name, Style, Title, Firm, or Description, or any Part thereof, shall have become and be illegible, shall for every such Offence forfeit a Sum not exceeding Twenty Shillings.

Name, &c.
thereon.

CCCXXV. And be it enacted, That if any Person shall drive or act as the Driver of any Cart, Waggon, Dray, Truck, Hand Truck, or other such Carriage, whether public or private, within the Limits of this Act, not having the Proprietor's Name, Style, Title, Firm, or Description painted and remaining legible thereon, and shall refuse to tell or discover the true Christian Name and Surname and Place of Abode or Trade of the Proprietor of the same, or to tell and make known his own Christian and Surname and Place of Abode, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings.

Refusal by
Driver to
disclose
Owner's
Name.

CCCXXVI. And be it enacted, That no Licensed Victualler or other Person shall open his House within the Limits of this Act for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors, or permit the same to be sold, drunk, or consumed therein, on *Sundays, Christmas Day, Good Friday*, or any Day appointed for a public Fast or Thanksgiving, before the Hour of One in the Afternoon, under a Penalty not exceeding Five Pounds for each Offence; provided that nothing herein contained shall extend to prevent Refreshment to Travellers.

Public
Houses not
to be opened
on Sundays,
&c. before
One o'Clock.

CCCXXVII. And be it enacted, That if any Person shall, within the Limits of this Act, keep open for the Sale of any Goods whatever any Shop or other Building, or sell or expose for Sale any Goods whatever, on the Lord's Day commonly called *Sunday*, except such Goods as may now by Law be sold on that Day, he shall, on being convicted thereof before any Justice, forfeit and pay for the First Offence any Sum not less than Five Shillings nor more than Twenty Shillings, and for the Second and every subsequent Offence any Sum not less than Twenty Shillings nor more than Five Pounds, as the Justice before whom any such Person shall be convicted shall adjudge.

Shops to be
closed on
Sundays.

[Local.]

41 S

CCCXXVIII. And

Power to
restrain and
regulate
public
Shows, &c.

CCCXXVIII. And be it enacted, That it shall be lawful for any Two Justices to regulate all public Shows, Exhibitions, and Entertainments within the Limits of this Act, and, except during the Time of any public Fair, to prohibit any such, and also the Use of any Buildings or Booths or Apartments therein for Dancing, Music, or other Entertainment, as shall appear necessary for preserving proper Order and Decorum, and for preventing Disturbance, Annoyance, or Interruption in the Neighbourhood, and from Time to Time to make and establish Regulations and Prohibitions, except as aforesaid, for those Purposes; and if any Person shall, after Notice from any Justice of such Regulation or Prohibition, continue any Show, Exhibition, or Entertainment, or use or permit to be used any Building or Booth or Apartment therein for Dancing, Music, or other Entertainment, contrary to or in breach of any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on
Coffee Shop
Keepers
harbouring
disorderly
Persons.

CCCXXIX. And be it enacted, That every Person having or keeping a House, Shop, Room, Cellar, or Vault within the Limits of this Act, wherein ready-made Tea or Coffee or Refreshments or Provisions of any Kind shall be drunk, used, or consumed, (whether the same shall be kept or retailed therein, or brought or procured elsewhere,) who shall knowingly permit or suffer common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at and continue in his House, Shop, Room, Cellar, or Vault, or to play at any Game with Cards or Dice therein, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

The Houses
of convicted
Coffee Shop
Keepers to
be open to
Police at all
Times.

CCCXXX. And be it enacted, That it shall be lawful for all Constables and Officers of Police at all Times to enter into any House, Shop, Room, Cellar or Vault within the Limits of this Act where ready-made Tea or Coffee or Refreshments or Provisions of any Kind shall be so drunk, used, or consumed as aforesaid, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault shall, within Twelve Months previous to such Entry, have been convicted of knowing permitting or suffering common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons, to assemble at the same and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, shall in such Case refuse to admit, or shall not, on Application, admit, such Constable or Officer into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

Power to
levy Paving
Rates.

CCCXXXI. And in order to raise Money for paving, relaying, repairing, and keeping in repair the Footways of the Streets, Courts, Lanes, Rows, Ways, Alleys, and public Passages and Places within the Limits of this Act, and of paying all Principal and Interest Monies and Annuity raised under the said Two first-recited Acts, and to be borrowed under the Authority of this Act, for any of such Purposes,

Purposes, and One Third Part of the Costs, Charges, and Expences of obtaining and passing this Act, be it enacted, That it shall be lawful for the Commissioners twice in every Year after the passing of this Act, to be computed from the First Day of *August* One thousand eight hundred and forty-four, or oftener if they shall think it necessary, to make One equal and separate Rate or Assessment, to be signed by Seven or more of the Commissioners, and called the "Paving Rate," upon the Occupiers of the several Houses, Shops, Workshops, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments (except as herein-after mentioned) within the Limits of this Act, according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year the Sum of Sixpence in the Pound on such annual Value.

CCCXXXII. And in order to raise Money for maintaining and keeping in repair the Carriageways and Roads, and sweeping, cleansing, lighting, watering, draining, widening, and improving the Streets, Courts, Lanes, Rows, Ways, Alleys, and public Passages and Places within the Limits of this Act, and for purchasing Lands, and purchasing and constructing Sewers and Drains, and paying all Costs and Expences attending the same, and for defraying the Salaries of all Officers acting in the Execution thereof, and all incidental Charges and Expences attending the Execution of the Powers of this Act, and which are not herein otherwise specially provided for, and for paying all Principal and Interest Monies which may be borrowed under the Authority of this Act for any of such Purposes, and also Two Third Parts of the Costs, Charges, and Expences of obtaining and passing this Act, be it enacted, That it shall be lawful for the Commissioners twice in every Year after the passing of this Act, to be computed from the First Day of *August* One thousand eight hundred and forty-four, or oftener if they shall think it necessary, to make One equal Rate or Assessment, to be called the "Lighting and General Rate," upon the Occupiers of the several Houses, Shops, Workshops, Warehouses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments (except as herein-after mentioned) within the Limits of this Act, according to the annual Value of the same, so as such last-mentioned Rates or Assessments do not exceed in any One Year the Sum of One Shilling in the Pound on such annual Value.

Power to
levy Light-
ing and
General
Rates.

CCCXXXIII. Provided always, and be it enacted, That no Rate or Assessment of any Kind or Description, or for any Purpose whatsoever, shall be made, levied, or collected by virtue of this Act upon or in respect of any Chapel, Meeting House, Synagogue, or other Place of religious Worship, Cemetery, Burial Ground, Charity School, charitable Institution, or upon or in respect of the Audit House, Guildhall, Gaols, Police Stations, Workhouse, or any Arable, Meadow, or Pasture Land, or Gardens used by Gardeners in their Trade, within the Limits of this Act.

Certain
Buildings
exempted
from Rates.

CCCXXXIV. And be it enacted, That no House, Shop, Warehouse, Building, Yard, Garden, Land, Tenement, or Hereditament situate in any Street, Way, or Place not heretofore rated and assessed to the Rate or Assessment made for paving, repairing, and cleansing the

Streets not
to be rated
till paved.

the Streets under the Authority of the said Two first-recited Acts shall be or be liable to be rated or assessed to the Rate or Assessment herein-before authorized to be levied, called the "Paving Rate," unless and until the Footways of the Street, Way, or Place wherein such House, Building, or Hereditament may be situate shall be paved or repaired by the Commissioners under the Authority of this Act with Flatners or other Stones or Materials used for paving.

No House to be rated to Lighting and General Rate until lighted or drained.

CCCXXXV. And be it enacted, That no House, Shop, Warehouse, Building, Yard, Garden, Land, Tenement, or Hereditament shall be assessed to the said Lighting and General Rate until the Street in which the same shall be situate shall be properly lighted, or a Common Sewer laid down or acquired therein by the Commissioners; and that when any such Street shall be lighted only, and not sewered as aforesaid, the Person rated or assessed in respect of any House or other Hereditament situate therein shall be liable to pay Two Third Parts only of the said Rate; and that when any such Street shall be sewered only, and not lighted as aforesaid, the Person rated or assessed in respect of any House or other Hereditament therein shall be liable to pay One Third Part only of such Rate; and when any such Street shall be both lighted and sewered as aforesaid such Person shall be liable to pay the full Amount of the said Rate in respect of any House or Hereditament situate therein.

Rate to be open to Inspection of Rate-payers.

CCCXXXVI. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all reasonable Times, and any such Persons may take Copies or Extracts from such Rate on Payment of the Sum of One Shilling for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Rates to be made and published.

CCCXXXVII. And be it enacted, That every Rate made under this Act shall be published by affixing a Notice of the making thereof on the Front of the Market Place and Guildhall of the said Town; provided that it shall not be necessary, in any Proceedings to levy and recover such Rate, to prove the Publication thereof.

Rates to be vested in the Commissioners.

CCCXXXVIII. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable, at such Time as they shall direct, to the Collectors to be appointed by them.

Value of Property to be according to Poor Rate.

CCCXXXIX. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained and fixed according and by the next preceding Assessment for the Relief of the Poor in the several Parishes within the Limits of this Act.

Poor Rates to be open to Inspection by Commissioners.

CCCXL. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Books of Assessment or Rates towards the Relief of the Poor of the several Parishes within the Town of *Southampton* aforesaid,

aforesaid, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Books, Rates, or Assessments respectively shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

CCCXLI. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein, shall be received as Evidence of the Rates imposed by virtue of this Act. Rate Books to be Evidence.

CCCXLII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendments shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him. Rates may be amended.

CCCXLIII. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act; and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates. Occupiers may be rated if they think fit.

CCCXLIV. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates, but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Session. Appeal to Special Sessions on the Ground of Inequality of Rates, &c.

CCCXLV. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated; nor shall any Order of such Justices be of any Force pending an Appeal concerning the same. Determination of Special Sessions to be final unless appealed from.

same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may appeal to Quarter Sessions against Rate.

CCCXLVI. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, he may appeal to the next General or Quarter Sessions; but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners.

Court of Quarter Sessions to make such Order as they think reasonable.

CCCXLVII. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Quarter Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

CCCXLVIII. And be it enacted, That the Court of Quarter Sessions shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in such Court for amending or quashing the Rates for the Relief of the Poor within their Jurisdiction upon Appeals against such Rates; and shall likewise have, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in such Court for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their Jurisdiction.

Liability to Rates not to disqualify Witnesses or Justices.

CCCXLIX. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding under this Act, or be disabled to act as a Justice in the Execution of the same, or as Sheriff, Coroner, Under Sheriff, Juror, or otherwise.

Rates to be recovered by Distress.

CCCL. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Ten Days after Demand thereof in Writing by the Commissioners or their Collector, any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CCCLI. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons,
and

and may be to the Effect mentioned in Schedule (G.) to this Act annexed.

CCCLII. And be it enacted, That in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant, and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Constables to assist in making Distress.

CCCLIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Power to Commissioners or Justices to remit Rate.

CCCLIV. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the rateable Value whereof respectively shall not exceed Ten Pounds, or which shall be let for any less Period than by the Quarter, or in separate Tenements or Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Owners to pay the Rates in certain Cases.

CCCLV. And be it enacted, That the Rates or Assessment aforesaid shall not be payable for or in respect of any Property hereby made liable to be rated or assessed for or during the Time the same shall be empty, unoccupied, or unemployed.

Empty Property exempted.

CCCLVI. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Where the Owner's Name is unknown.

CCCLVII. And in order to prevent any Dispute touching the Word "Owner" for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof on his own Account, or as Agent for any other Person, shall be deemed the "Owner" of the same for the Purposes of such rating.

Receiver of Rents to be deemed the Owner.

CCCLVIII. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

Tenants under existing Leases to repay the Owner.

CCCLIX. And

In default of
Owner for
Six Months,
Occupier to
pay.

CCCLIX. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him, on Application being made to him for that Purpose.

Owner to
repay the
Occupier.

CCCLX. And be it enacted, That if the Amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Owner of any rateable Property, shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any), paid by him from the Rent due or to become due from him to such Owner.

Remedy
against Per-
sons quitting
before Pay-
ment of
Rates.

CCCLXI. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector, on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside, or his Goods be found, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be
apportioned
on Holder
quitting.

CCCLXII. And be it enacted, That when any Owner or Occupier who shall be rated to any Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the Payment of such Rate by him, such Owner or Occupier shall be liable to pay a Portion only of the whole of such Rate proportionate to the Time during which he continued to be Owner or Occupier; and in every such Case, if any Person shall become the Owner or Occupier of any Property so rated as aforesaid during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons
entering on
unoccupied
Property to
pay a Por-
tion of the
Rate.

CCCLXIII. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall

shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

CCCLXIV. And be it enacted, That the Money which shall arise by the Rate herein-before mentioned, called the "Paving Rate," and which shall from Time to Time be borrowed on the Credit thereof, or which shall be recovered and received on account of the Expences of paving any Street for the first Time, shall be applied, in the first place, in the Payment of One Third Part of the Expences of obtaining and passing this Act, or incident thereto; and in paying the Interest of the said Sum of Two thousand Pounds, and the said Annuity, respectively borrowed and granted under the said Two first-recited Acts, and hereby charged on the said Paving Rate, and the Interest of all Monies to be from Time to Time borrowed on the Credit of the said Paving Rate; and afterwards in defraying the Expences of paving, relaying, and keeping in repair the Footways of the Streets within the Limits of this Act; and in paying the said Principal Sum of Two thousand Pounds, and all Principal Sums to be from Time to Time borrowed on the Credit of the said Rates, in such Order as is herein-before directed.

Application
of Paving
Rate, &c.

CCCLXV. And be it enacted, That the Money which shall arise by the Rate herein-before mentioned, called the "Lighting and General Rate," or which shall from Time to Time be borrowed on the Credit thereof, and all other Monies to be received by the Commissioners under this Act on any account whatever, (except the Paving Rates and Monies borrowed on the Credit thereof, and Sums received for paving as last aforesaid,) shall be applied, in the first place, in the Payment of Two Third Parts of the Costs and Expences of obtaining and passing this Act or incident thereto, and then in Payment of the Interest of all Monies to be from Time to Time borrowed on the Credit of the said Lighting and General Rates, and afterwards in defraying the Expences of maintaining and repairing the several Carriageways and Roads, and lighting, cleansing, watering, and draining the several Streets, within the Limits of this Act, and of widening and improving the same, and of constructing and maintaining Sewers and incident thereto, and in the Purchase of any Lands or Sewers hereby authorized to be purchased, and in the Payment of all Expences relating thereto, and in defraying the Salaries of and Allowances to all Officers acting in the Execution of this Act, and all Charges and Expences incurred in carrying the several Purposes of this Act into execution, or in any way incident thereto, and in paying off the Principal Sums to be from Time to Time borrowed on the Credit of the said Lighting and General Rate, in such Order as is herein-before directed.

Application
of Lighting
and General
Rate.

CCCLXVI. And be it enacted, That in case there shall appear, by the annual Account herein-before directed to be made out by the Commissioners, to be a Surplus or Balance of the Paving Rate in the Hands of the Commissioners or their Treasurer in any Year, it shall be lawful for the Commissioners, at some Meeting to be specially called for the Purpose, and at which not less than Twenty-one Commissioners shall be present, to transfer such Surplus or Balance to the

Application
of surplus
Paving Rate.

[Local.]

41 U

Account

Account of the Lighting and General Rate; and the same shall, after the Order of the Commissioners directing such Transfer, be applied to the Purposes of the said Lighting and General Rate accordingly.

Justices may administer an Oath.

CCCLXVII. And be it enacted, That any Justice may administer an Oath to any Person appearing as a Complainant or Witness before him in any Matter of which he shall have Cognizance by means of this Act.

Damages to be ascertained with the Penalty.

CCCLXVIII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCCLXIX. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by Two or more Justices, and the same shall be levied by Distress.

For ascertaining Compensation.

CCCLXX. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of Money from Commissioners;

or from the Treasurer.

CCCLXXI. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of the Treasurer.

CCCLXXII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid, it shall be lawful for him

him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

CCCLXXIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person, or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any One or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justice or Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be summarily recovered before One or more Justices.

CCCLXXIV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid, or within such Time as such Justice or Justices shall thereby appoint, the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justices shall issue their Warrant of Distress accordingly.

Penalties to be levied by Distress.

CCCLXXV. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the said Justices whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall, by Warrant, cause such Offender to be committed to Gaol, there

Imprisonment in default of Distress.

there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application
of Penalties.

CCCLXXVI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That such Penalties or Forfeitures shall be paid to the Commissioners or their Treasurer, to be applied for and towards such Purposes of this Act in the same Manner as the Monies arising from the Lighting and General Rate are herein-before directed to be applied, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Commissioners, and then the whole of such Penalty or Forfeiture shall be paid to the Informer.

Penalties to
be sued for
within Six
Months.

CCCLXXVII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Damages to
be ascer-
tained with
the Penalty.

CCCLXXVIII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Penalty on
Witness
making
default.

CCCLXXIX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without any reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined on Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient
Offenders.

CCCLXXX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Street-keeper, Officer, or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Street-keeper, Officer, or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such

such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

CCCLXXXI. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (H.) to this Act annexed. Form of Conviction.

CCCLXXXII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts. Informalities.

CCCLXXXIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied under the Warrant of any Justice by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

CCCLXXXIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information or Complaint, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CCCLXXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, if they shall see Cause, to pay and apply such Part of the Penalties and Forfeitures to be recovered for any Offence or Offences committed against this Act as they shall think proper, not exceeding One Moiety of such Penalties or Forfeitures, to or for the Use of the Informer or Informers of such respective Offence or Offences, any thing herein contained to the contrary notwithstanding. Reward to Informers.

CCCLXXXVI. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice or of the Commissioners under the Provisions of this Act, he may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Three Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after Notice enter into Recognizances, with Two sufficient Sureties, before Parties may appeal to Quarter Sessions on giving Security.

a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCCLXXXVII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or the Court may, if it think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if it think fit, mitigate any Penalty or Forfeiture, or it may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as it may judge reasonable; and the Court may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as it may think reasonable.

Costs.

Monies advanced for obtaining this Act to be repaid with Interest.

CCCLXXXVIII. And be it enacted, That if any Person shall advance, pay, or lend any Money towards defraying the Expence of obtaining and passing this Act he shall be repaid the same, together with Interest for the same at a Rate not exceeding Five Pounds *per Centum per Annum*, out of the first Monies to be raised by virtue of this Act.

Not to take the Lands, &c. of the South-western Railway Company without Consent.

CCCLXXXIX. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Commissioners to take or enter upon any of the Lands or Grounds belonging to the *London and South-western Railway Company*, or to alter, vary, or interfere with the said *London and South-western Railway*, or any of the Works thereof, further or otherwise than shall be necessary for the Purpose of constructing and repairing from Time to Time such Sewers, Pipes, Drains, and Watercourses as it shall or may be necessary to form in, through, or under the same for effecting the cleansing, lighting, and draining of the Messuages, Lands and Hereditaments, Streets and Places, adjoining or near to the said Railway, without the Consent in Writing of the said *London and South-western Railway Company* in every Instance for that Purpose first had and obtained; and no such Sewer, Pipe, Drain, or Watercourse shall be so made or repaired until a Plan and Specification of the Work intended to be done shall have been transmitted or delivered to the said Company or their Engineer Fourteen Days previously to the Commencement of such Work; and in case the said Company or their Engineer shall object to the Works stated in such Plan and Specification, it shall be lawful for the said Company, or their Engineer or other Officer, after giving Notice to the Commissioners, to make Application in Writing to any Two Justices, and the said Justices shall hear and determine the Matter of such Objection as in Cases of summary Proceedings before Two Justices under this Act, and shall make such Order for varying, directing, suspending, or restraining, or otherwise touching such Works, or the Execution thereof, as to such Justices shall seem fit.

Saving the Rights of the South-

CCCXC. Provided always, and be it enacted, That, except as lastly herein-before expressly mentioned, nothing in this Act contained shall extend

extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *London and South-western Railway Company*.

western
Railway
Company.

CCCXCI. Provided always, and be it enacted, That nothing in this Act contained shall extend to authorize or empower the said Commissioners, without the Consent of the *Southampton Dock Company*, incorporated by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Dock or Docks at Southampton*, to enter into or upon or otherwise use or interfere with any of the Lands, Tenements, Hereditaments, Works, or other Property of the said Company, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said *Southampton Dock Company*.

Rights of
Southamp-
ton Dock
Company
reserved.

6 W. 4. c. 29.

CCCXCII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpreta-
tion of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether aggregate or sole:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, Moravians, or Separatists, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Person exempted by Law from the Necessity of taking an Oath:

The Word "Justice" shall mean Justice of the Peace acting within the Limits of this Act:

The Word "Sheriff" shall mean the Sheriff of the Town and County of *Southampton*:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough and County of the Town of *Southampton*:

The Word "Street" shall include any Square, Street, Crescent, Terrace, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Limits of this Act, as well Footway as Carriageway:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act:

The Words "Hackney Carriage" shall include any Coach, Fly, Omnibus, Chariot, Car, Cabriolet, Gig, Sociable, or other such like Carriage.

CCCXCIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

No. _____

By virtue of an Act passed in the _____ Year of the Reign of Her Majesty Queen Victoria, intituled, &c., we of the Commissioners appointed under or by virtue of the said Act, in consideration of the Sum of _____ paid to the Treasurer of the said Commissioners by *A. B.* of _____ for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments authorized by the said Act to be levied, and therein called the Paving Rate, [or the Lighting and General Rate, *as the Case may be,*] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of _____ with Interest at _____ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the _____ Day of _____ One thousand eight hundred and _____

SCHEDULE (B.)

Form of Transfer of Mortgage.

No. _____

I *A. B.* of _____ in consideration of the Sum of _____ paid to me by *C. D.* of _____ do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number _____ made by the Commissioners for executing an Act passed in the _____ Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*], to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and Interest, [*or, if such Transfer be by Endorsement, the within Security,*] and all my Right and Interest in and to the Money thereby secured, and in and to the Rates or Assessments thereby assigned. In witness whereof I have hereunto set my Hand and Seal, the _____ Day of _____ One thousand eight hundred and _____

SCHEDULE (D.)

FIRST PART.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>To widen Love Lane Bridge.</i>				
Saint Mary	Stable, Yard, and Archway under Bridge, Love Lane, and Northam Road.	William Harris	- - -	William Harris.
Ditto	Part of Garden, East Side of Love Lane Bridge.	Thomas Bradby	- - -	Charles Twynam.
Ditto	Shed and Toll House, detached Garden.	The Company of Proprietors of Northam Bridge and Roads.	- - -	John Dundee and Elizabeth Dundee and Mary Bull.
<i>To widen Saint Mary's Churchyard Road by the Deanery.</i>				
Ditto	Part of the Deanery, Kitchen Garden, East Side of Saint Mary's Churchyard, and South Side of Chapel Road.	Earl of Guilford, Rector of Saint Mary's, Southampton.	- - -	Sarah Llewellyn.
Ditto	Barns, Yard, and Sheds adjoining the Road by Saint Mary's Churchyard.	Ditto	Charles Fox	Charles Fox.
Ditto	Part of the Deanery Pleasure Grounds near Saint Mary's Churchyard.	Ditto	- - -	Mary Ann Harrison and Messenger Harrison.
<i>To widen Marsh Lane Road on the North Side.</i>				
Ditto	The Deanery Meadow, North Side of Marsh Lane (Strip from).	Earl of Guilford, Rector of Saint Mary's.	- - -	Henry Board.
<i>To widen Orchard Lane, East Street End.</i>				
Ditto	Strip of Building Land, East Side of Orchard Lane, near East Street.	George Hunt or James Warner.	- - -	-
Ditto	Ditto	John Bray	- - -	John Bray.
Ditto	Ditto, and Sheds thereon.	James Brown	- - -	James Brown and John Bray.
Ditto	Ditto, and Shed or Storehouse thereon.	Thomas Atkinson Gates.	- - -	Matthew Reynolds, John Young.
Ditto	Ditto, and Workshops thereon.	John Young	- - -	John Young.
Ditto	Ditto	Ditto	- - -	Ditto.
Ditto	Ditto	George Hunt or James Warner.	- - -	

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Mary	House and Yard, East Side of Orchard Lane, No. 1.	Mary Oakley, Widow.	-	William Mansbridge.
Ditto	Ditto, Ditto, No. 2.	Edward Lanham	-	Hannah Ruddle. Charles Ingram.
Ditto	House, Shop, and Yard, Ditto, No. 3.	William Morse	-	John Kean Harvey.
Ditto	House and Yard, Ditto, No. 4.	Mary Brown, Widow	-	Mary Brown, Widow.

To widen Part of Bridge Street on the North and South Sides.

All Saints	Dwelling House and Cornfactor's Shop and Stores in front of St. George's Market.	The Mayor, Aldermen, and Burgesses of Southampton.	Richard Eldridge (James Quick, and James Norman, Sub-Lessees).	John Smith.
Ditto	Baker's Shop in front of Ditto.	Ditto	Ditto Ditto	John Smith.
Ditto	Sheds, Storehouses, Stable, and Pig Market in St. George's Market.	Ditto	Ditto	James Quick and James Norman.
Ditto	Fruiterer's Shop in front of Saint George's Market.	Richard Eldridge	James Quick and James Norman.	George Smithers.
Ditto	Barber's Shop	Ditto	Ditto	Thomas Barnes.
Ditto	Part of Saint George's Market used as Green Market.	Ditto	Ditto	Henry Powell and Rebecca Warren.
Ditto	Strip of Land adjoining Saint George's Market Eastward, used as a public Way.	The Mayor, Aldermen, and Burgesses of Southampton, or Richard Eldridge.	-	-
Holy Rhood	House and Shop, No. 24, Bridge Street.	The Mayor, Aldermen, and Burgesses of Southampton.	Mary Coombes	William Hobbs.
Ditto	House and Milk Shop, No. 25, Ditto.	Ditto	Ditto	William Roberts.
Ditto	Tenement and Shop, Part of No. 26, Ditto.	Ditto	Mary Coombes, Hannah Primer, Sub-Lessee.	Benjamin Bown.
Ditto	House and Shop, No. 26, Ditto,	Ditto	Ditto	Hannah Primer.
	Ditto, No. 27, Ditto	Ditto	Mary Coombes	Joseph West.
	House and Shop, No. 28, Ditto.	Provost and Scholars of Queen's College, Oxford.	Thomas Primer	Frances Primer.
Ditto	House Shop, and Yard, No. 39, High Street.	Ditto	Ditto	James Cocks.
	Ditto, Part of No. 39, Ditto.	Ditto	Ditto	Susan Primer and Caroline Primer.

To widen Butcher Row or West Street.

Saint Lawrence	House, Shop, and Yard, No. 142, High Street.	William Bown and Ann his Wife.	-	William Bown.
	Ditto, Butcher Row, North Side.	Ditto	-	David Davis.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Michael.	House and Yard, Butcher Row, North Side.	Provost and Scholars of Queen's College, Oxford.	Isaac Fletcher -	James Thomas Hayden.
	Tenement in Ditto -	Ditto - -	Ditto - -	George Rawlings.
	Ditto Ditto -	Ditto - -	Ditto - -	Void.
	Ditto Ditto -	Ditto - -	Ditto - -	Thomas Howard.
Ditto	Warerooms and Printing Offices in Ditto.	Ditto - -	Ditto - -	Isaac Fletcher, Andrew Forbes, and Thomas Fletcher.
	House in Two Tenements, Butcher Row, North Side.	The Mayor, Aldermen, and Burgesses of Southampton.	Isaac Fletcher -	William Deurbetz.
	Workshop and Ware-room behind last-mentioned House.	Isaac Fletcher -	- - -	Isaac Fletcher, Andrew Forbes, and Thomas Fletcher.
Ditto	House and Bakehouse, Butcher Row, North Side.	Joseph Woodrow and Charlotte Martill.	George Strugnell	George Strugnell.
Ditto	Five Tenements behind said House and Bakehouse.	Ditto Ditto	- - -	Joseph Woodrow, William Higgs, Charlotte Martill, Richard Owen, John Ward.
	Passage, Yard, Privy, and Ashpen, Butcher Row, North Side.	Ditto Ditto	- - -	Used by the above Occupiers of the Five last-mentioned Tenements.
Ditto	House, Shop, and Yard, Butcher Row, West Side.	William Carley -	- - -	John Cox.
Ditto	Tenement and Yard behind said House.	Ditto - -	- - -	William Carley.
Ditto	Lodging House and Garden, Butcher Row, West Side.	Elizabeth Rogers -	- - -	Elizabeth Rogers.
Ditto	Eating House, Offices, and Yard, Ditto.	John Knigh -	- - -	Harriet New.
Ditto	House in Tenements, Ditto, Ditto.	Harriet Hunt, George Hunt.	- - -	Sarah Beare, Thomas Waters, Ann Drake, Samuel Grossmith, and William Longford.
Ditto	House, Candle Factory, Stables, Yard, and Garden, Ditto, Ditto.	John Knight -	- - -	Mary Baker.
Ditto	House, Shop, and Yard, No. 16, Butcher Row.	Edward Hicks.	- - -	William Sutherland.
	Bonded Vault, No. 1, under same House, No. 16.		- - -	Maria Steele.
	House, Shop, and Yard, No. 17, Butcher Row.		- - -	John Thomas Beckingham and William Birch.
Ditto	Bonded Vault, No. 2, under said House, No. 17.		- - -	Maria Steele.
Ditto	Spread Eagle Inn, House and Yard, East Side of Butcher Row.	James Hunt and George Hunt.	- - -	Charles Richards.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Michael.	House, Shop, and Yard, No. 2, French Street.	Provost and Scholars of Queen's College, Oxford.	Henry Bloomfield Lankester, William Lankester, and John Lankester.	William Lankester and Joseph Lankester.
Ditto	House and Workshop, No. 3, Ditto.	Ditto	Sophia Sheldon	Sophia Sheldon.
Ditto	House and Yard, No. 4, Ditto.	John Jolliffe	- - -	William Roberts.
Ditto	Garden, East Side of French Street.	Ditto	- - -	John Ellis Turner.
Ditto	South-eastern Corner of House, Corner of St. Michael's Square.	The Mayor, Aldermen, and Burgesses of Southampton.	Peter Guilleband.	Cornelius Candy.
	Bonded Vault, No. 13, under said House, Ditto.			James Blatch.

York Buildings Road, to be dedicated to the Public, and the arched Gateway to be removed.

All Saints	Roadway extending from Hanover Buildings to the South Side of York Buildings arched Gateway, called York Buildings Road.	The Mayor, Aldermen, and Burgesses of Southampton.	James Hunt and George Hunt.	The Occupiers of Property in York Buildings, and the Public.
Ditto	York Buildings arched Gateway, with Garden Ground over same.	Ditto	James Hunt and George Hunt.	James Hunt and George Hunt.
Ditto	Pump-house and Shrubbery, South of said arched Gateway.	James Hunt and George Hunt.	- - -	Ditto.
Ditto	Roadway, extending from the South Side of York Buildings Gateway to East Street.	Ditto	- - -	The Occupiers of Property in York Buildings, and the Public.

New Road along Saint Mary's Place, on the East Side of Hoglands.

Saint Mary	Part of Hoglands Common Field adjoining Chapel and Cooke Streets.	Earl of Guilford, Rector of Saint Mary's, Southampton.	William Smart, and George Stephens and Sophia his Wife, John Young.	William Smart, and George Stephens and Sophia his Wife, John Young, and the rated Inhabitants of the Borough.
Ditto	Part of Hoglands Common Field adjoining Mr. Harrison's Garden.	William Howard	- - -	William Howard and the rated Inhabitants of the Borough.
Ditto	North-west Corner of Garden adjoining Hoglands.	John Butler Harrison	- - -	John Butler Harrison.
Ditto	Part of Hoglands Common Field,	Ditto	- - -	Benjamin Ransom, William Ransom, and the rated Inhabitants of the Borough.
Ditto	Ditto	Edward Fox	- - -	Ditto, Ditto, & Ditto.
Ditto	Ditto	Charles Fox	- - -	Charles Fox and Ditto.

[Local.]

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Mary	Part of Hoglands Common Field.	George Hunt and James Warner.	- - - Samuel Westall Ditto Ditto Charles Turner Richard Hopkins Perkins. Richard Bell Mary Brown Ditto William James Elizabeth Emery Ditto John Ransom Ditto Thomas Waight William Haysom Thomas Tigg and James Rowe Charles Turner Ditto Thomas Baldo Charlotte Young, Widow. Ditto	George Hunt and the rated Inhabitants of the Borough. Elizabeth Morse, Widow. John Pinhorn. Elizabeth Westlake. Edward Hickes. William Hibbs. Joseph Hill senior. James Ames. John Sargent. James Skelton. George Sharpe. William Harris. Mary Durkin, Widow. Harriet Ayton, Widow. James Cluett. Frederick Martin. James Rowe. John Norton. Charles Turner. Thomas Baldo. Edwin Alfred Garland. Giles Bowditch.
Ditto	Roadway in Hoglands Common Field, in front of Saint Mary's Place.	George Hunt, James Warner.		

New Road in front of South Front Kingsland Place.

Saint Mary	Part of Hoglands Common Field in front of Kingsland Place.	George Hunt, James Warner, the Victoria Road Committee.	- - -	The rated Inhabitants of the Borough.
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New Road from Paradise Row to the South-west Corner of Kingsland Place.

All Saints	Part of Houndwell Common Field, North of Hanover Buildings.	John Sadleir Moody	- - -	John Sadleir Moody and the rated Inhabitants of the Borough.
Ditto	Ditto, near the Canal	John Smith	- - -	John Smith and Ditto.
Ditto	Ditto, Ditto	Richard Kelly	William Bennett	John Smith and Ditto.
Ditto	Ditto, Ditto	Edward How	- - -	Charles Thomas and Ditto.
Ditto	Ditto, Ditto	John White	- - -	Thomas Matcham and Ditto.

New Road, along the West Front of Kingsland Place and Portland Place, to Northam Road.

Saint Mary	Part of Houndwell Common adjoining West Front Roadway of Kingsland Place.	The Mayor, Aldermen, and Burgesses of Southampton.	William Jones	William Jones and the rated Inhabitants of the Borough.
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Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
All Saints	Part of Houndwell Common adjoining West Front Roadway of Kingsland Place, and Site of the Canal.	John Watkins Drew, William Holden.	- - -	John Watkins Drew, William Holden, and the rated Inhabitants of the Borough.
Ditto	House, Shop, Bakehouse, Yard, and Passage, No. 4, Canal View.	Joseph Hill junior	Francis Bowditch	Francis Bowditch.
Ditto	House and Yard, No. 3, Ditto	William Holden	-	Thomas Kent.
	Ditto, No. 2, Ditto - Ditto, No. 1, Ditto -			
Ditto	Icehouse situated in the Canal.	Samuel Clarke, William Oke and Mary Anne his Wife, and Charles Fox.	- - -	Mary Ann Whitehead, Widow.
Ditto	Garden Land adjoining Portland Cottage on the West, formerly the Canal and Tunnel.	Ditto Ditto	- - -	John Kellow and Henry Olding.
Saint Mary	House, Offices, Garden, and Stable, called Portland Cottage, South End of Portland Place, extending to the North Front Kingsland Place.	John Kellow	- - -	Henry Olding.
All Saints	Roadway in front of Portland Place.	John Kellow	- - -	John Witt.
		Mary Barrow	- - -	Mary Barrow.
		Sophia Stephens	- - -	Thomas Stepney Chudleigh.
		Ditto	- - -	John Upham.
		James Newlyn	- - -	James Newlyn.
		Ditto	- - -	Robert Randall Chubb.
Ditto	Roadway in front of Portland Place and Part of East Magdalen's Common Field, West of Ditto.	Samuel Clarke, Wil-Oke and Mary Anne his Wife, and Charles Fox.	- - -	The Occupiers of Portland Place, and Thomas Matcham.
Ditto and Saint Mary's.	The Northam Bridge Road and Footpath near East Magdalen's and the Glebe.	The Company of Proprietors of the Northam Bridge and Roads.	-	-

From the Northam Road by Charlotte Place and Brunswick Place.

Saint Mary	Part of Glebe Lands fronting Northam Road and adjoining East Magdalen's Common Field.	The Earl of Guilford, Rector of St. Mary's Southampton.	- - -	James Ingram.
Ditto	Strip of the Glebe Land on the West Side, and adjoining East Magdalen's Common Field.	Ditto	- - -	Alfred Oakley.
Ditto	Ditto Ditto Ditto	Ditto	- - -	Ditto.
Ditto	West End of Roadway called Compton's Walk.	The Reverend William Anthony Fitzhugh.	-	-

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Mary	Roadway and Shrubbery in front of Brunswick Terrace.	James Thompson -	- - -	James Thompson.
		Ann Bowerman and John Bowerman.	- - -	Rebecca Johnson.
		Richard Dyer -	- - -	William Read.
		Mrs. Kellow -	- - -	Charles Ubsdell.
		Jane Trodd -	- - -	John Walter Frogget.
		John Spink -	- - -	Thomas Williams.
		Ditto -	- - -	John Goater.
		Rawson Boddam Gardineer, Trustee for the Children of Joseph Elwell.	- - -	Georgiana Rayne and Matilda Rayne.
		Reverend Thomas Adkins.	- - -	Joseph Bovill.
All Saints	Strip of Land and Part of Footway on the Eastern Side of East Magdalen's Common Field, and adjoining the Glebe.	Samuel Clarke, William Oke and Mary Anne his Wife, John Oke, Robert Rouby Oke, and Charles Fox.	- - -	William Oke and Charles Fox.
Ditto -	Ditto Ditto -	Provost and Scholars of Queen's College, Oxford.	William Oke and Charles Fox.	Ditto.
Ditto -	Ditto Ditto -	Samuel Clarke, William Oke and Mary Anne his Wife, John Oke, Robert Rouby Oke, and Charles Fox.	- - -	Ditto.
Ditto -	Ditto Ditto -	Provost and Scholars of Queen's College, Oxford.	William Oke and Charles Fox.	Ditto.
Ditto -	Ditto Ditto -	Samuel Clarke, William Oke and Mary Anne his Wife, John Oke, Robert Rouby Oke, and Charles Fox.	- - -	Ditto.
Ditto -	Strip of East Magdalen's Common Field round the North Side, between Brunswick Terrace and the London Road.	Ditto Ditto	- - -	Ditto.
Ditto -	Brunswick Place Roadway.	Ditto.	- - -	-

New Road from Love Lane End, by the Cross Pond, into the Avenue at Rockstone Place.

All Saints	Part of the Turnpike from Southampton to Winchester, through Swathling.	The Trustees of the South District of the Southampton Turnpike.	-	-
Ditto -	Waste Land adjoining the Avenue near the Cross Pond, the Avenue Footway.	The Mayor, Aldermen, and Burgesses of Southampton.	-	-

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>To widen the Road from the Platform to the Dock House.</i>				
Saint Mary	The Platform	The Mayor, Aldermen, and Burgesses of Southampton.	—	—
Ditto	Part of the Shore, being Land reserved for a Tramway.	The Southampton Dock Company.	—	—
Ditto	The Old Sea Beach, and public Walk thereon.	The Mayor, Aldermen, and Burgesses of Southampton.	—	—
Ditto	Road or Highway from the Quays to the Marsh.	—	—	—
Ditto	Part of the Porter's Meadow Common Field, at the South Side.	Provost and Scholars of Queen's College, Oxford.	—	Provost and Scholars of Queen's College, Oxford, and the rated Inhabitants of the Borough.
<i>New Road across Porter's Meadow into Three Field Lane End.</i>				
Ditto	Part of the Porter's Meadow Common Field from Three Field Lane to the Beach Road.	Provost and Scholars of Queen's College, Oxford.	—	Provost and Scholars of Queen's College, Oxford, and the rated Inhabitants of the Borough.

SCHEDULE (D.)

SECOND PART.

To widen Marsh Lane Road on the South Side.

Saint Mary	Marsh Lane Roadway, leading from East Street to Cross House.	—	—	—
Ditto	Stone-yard and Shed, South Side of Marsh Lane.	Provost and Scholars of Queen's College, Oxford.	John Diston Powles, Alfred William Powles (John Foote Hattatt, Sub- Lessee).	The Commissioners of Southampton Pavement.
Ditto	Workshops, Yard, Stables, Sheds, and Sawpits, Marsh Lane, South Side.	Ditto	John William Beavis.	John William Beavis and Edward Hickes.
Ditto	Yard, Sheds, Stables, and Piggery, South Side of Marsh Lane.	Ditto	Daniel Brooks (John Smith and George Dawes, Sub- Lessees).	George Grant, and his Under-tenants, Henry Willis, John Bartlett, William Pope, and Thomas Barnes.
Ditto	Yard, Stables, and Workshop, South Side of Marsh Lane, and at the Corner of same.	Ditto	Ditto Ditto	John Smith and George Dawes.

[Local.]

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>New Street, through York Street, from East Street to Hoglands.</i>				
Saint Mary	House and Garden, Lower East Street, No. 54.	Stephen Adams	- - -	Harriet Cozens.
Ditto	- Ditto, No. 53, Lower East Street.	Ditto	- - -	William Taylor.
Ditto	- Dwelling House, Shop, Drying Stores, Sheds, and Piggery, No. 52, Lower East Street.	Ditto	- - -	Stephen Adams.
Ditto	- House and Bakehouse, Corner of Ogle Place and York Street.	Ditto	- - -	Eleazer Mowle.
Ditto	- Two Tenements and Yard adjoining, and fronting East Side of York Street.	John Read	- - -	Fanny Davies and Sarah Hounson.
Ditto	- Tenement and Yard, East Side of York Street.	James Wyatt	- - -	William Dent.
Ditto	- Four Tenements adjoining, with Yard, Stable, Smithery, and Passage, situated on the East Side of York Street and Corner of York Square.	William Osborne	- - -	Elizabeth Read, George Waterhouse, William Talbot, and Henry Orchard.
Ditto	- House and Tenements, No. 2, Houndwell Buildings, and extending to York Square.	Mary Challis and Ann Challis.	- - -	George Harper, William Ashton.
Ditto	- House and Yard, No. 1, Houndwell Buildings, Corner of York Street.	- - -	- - -	John Gatehouse.
				Henry Board.
Ditto	- Tenements East Side of York Street.	- - -	- - -	Samuel Skelton.
				Ditto Ditto
Ditto	- Tenement, West Side of York Street.	- - -	- - -	William Wren.
				- Tenement adjoining Ditto, Ditto.
Ditto	- House adjoining Ditto, and Rooms over York Street Entrance, called Skinner's Folly, No. 18, Houndwell Buildings.	- - -	- - -	Elizabeth Page.
				George Goddard.
Ditto	- House and Yard adjoining Ditto, No. 17, Ditto.	- - -	- - -	Mark Garrett.
				Lucy Diddams.
				Walter Cole.

To widen Bridge Street on the South Side.

Holy Rhood	The Nag's Head Inn, Coach-house, Stables, Yard, and Outbuildings, No. 42, High Street, and extending to the Back of the Walls.	Edmund Cooper	- - -	Charles Purkis and Elizabeth Felton.
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Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
HolyRhood	House and Shop, No. 41, High Street.	The Mayor, Aldermen, and Burgesses of Southampton.	Charles Cray	Jonathan Webb.
Ditto	House and Shop, No. 40, High Street.	Ditto	Ditto	William Elliston.
Ditto	Office, Cellars, and Drying Loft, No. 1, Bridge Street.	Ditto	Ditto	Charles Cray.
Ditto	House and Shop, Part of No. 1, Ditto.	Ditto	Ditto	Thomas Porter and D. Porter.
Ditto	Ditto Ditto	Ditto	Ditto	James Rands and Thomas Cowper.
Ditto	Ditto Ditto	Ditto	Ditto	William Creed.
Ditto	The Nag's Head Tap, No. 2, Bridge Street.	Ditto	Edmund Cooper	Charles Purkis, Elizabeth Felton, and Thomas Baker.
Ditto	House, Shop, and Yard, No. 3, Ditto.	Ditto	William Henry Larbalestier.	William Hatherley.
Ditto	Ditto, No. 4, Ditto.	Ditto	John Kellow (Charles Collis, Sub-Lessee).	Charles Collis.
Ditto	House and Shop, No. 5, Ditto.	Ditto	Jane Staples (Charles Collis, Sub-Lessee).	Charles Collis.
Ditto	House, Shop, and Bakehouse, No. 6, Ditto.	Ditto	George Laishley	James Fanstone.
Ditto	House, Shop, and Yard, No. 7, Ditto.	Ditto	Ditto	Elizabeth Sweetingham.
Ditto	Ditto, No. 8, Ditto	Ditto	John Francis	George Wade.
Ditto	Ditto, No. 9, Ditto	Ditto	William Footner and Anna Lintott.	Henry Patience.
Ditto	Ditto, No. 10, Ditto	Ditto	Charlotte Cornish	William White.
Ditto	Ditto, No. 11, Ditto	Ditto	John Witt and Jacob Todd.	Charles Patience.
Ditto	House, Shop, and Yard, No. 12, Bridge Street.	Ditto	John Witt and Jacob Todd.	James Symes.
Ditto	House, Shops, and Yard, No. 13, Ditto.	Ditto	Sarah Draper, Executrix of Bourne Hall Draper.	John Rimer and Benjamin Morris.
Ditto	House, Bakehouse, and Yard, No. 14, Ditto.	Ditto	Charles Cray and William Henry Roe.	Joseph William Cane.
Ditto	Ditto, No. 15, Ditto	Ditto	William Richardson and Jeremiah Gasser.	William Richardson and Joseph William Cane.

New Street through Blue Anchor Lane, from St. Michael Square, to West Place.

Saint Michael.	House, Shop, Tenement, Workshop, Dying-house, and Yard, No. 10, Saint Michael's Square, West.	Colson Bernard	-	George Pope.
Ditto	House and Yard, No. 11, Saint Michael's Square, West.	Sarah Nicolle	-	Isaac Willington.
Ditto	Ditto, No. 12, Ditto	Ditto	-	Alice Brandreth and Isabella Clarke Brandreth.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Michael.	House and Shop, No. 13, St. Michael's Square, West.	The Mayor, Aldermen, and Burgesses of Southampton.	Andrew Henry Carr, John Jones and Elizabeth his Wife.	William Bemister junior.
Ditto	Workshops, Warerooms, Yard, and Sheds, Blue Anchor Lane.	John Jones and Elizabeth his Wife, and Andrew Henry Carr.	- - -	Ditto.
	Tenement, Ditto -	Ditto -	- - -	James Yeates.
	Ditto, Ditto -	Ditto -	- - -	Charles Morant.
	Ditto, Ditto -	James Hunt and Edward Hunt.	- - -	Thomas Penny.
	Eight Tenements in Hunt's Court, West Place.	Ditto - -	- - -	John Nichols, Jeremiah Bower, William King, Henry Nichols, Thomas Beazley, William Ruffles, John Silvester, William Pierce.
Ditto	Lodging-house in Ditto, Ditto.	Ditto - -	- - -	George Wilson.
	Cellar under Lodging-house in Hunt's Court and Blue Anchor Lane.	Ditto - -	- - -	Cornelius Starks senior.
	Yard to Hunt's Court -	Ditto - -	- - -	Common to the Occupiers of above Tenements.
Ditto	Lane or Passage called Blue Anchor Lane, extending from Saint Michael's Square to West Place.	-	-	-
Ditto	Part of Town Wall and Gateway, West Place, leading to Hunt's Court, and Tenements.	The Mayor, Aldermen, and Burgesses of Southampton.	- - -	Common to the Occupiers of above Tenements.
Ditto	House and Yard, West Place.	William Howard -	- - -	Joseph Tealing.
Ditto	Ditto, Ditto	Ditto - -	- - -	Thomas Bartlett.
Ditto	Part of Town Wall, Ditto	The Mayor, Aldermen, and Burgesses of Southampton.	William Howard	Joseph Tealing, Thomas Bartlett.
Ditto	Garden, Back of Simnel Street.	James Warren -	- - -	Sarah Kirvell.
Ditto	Four Tenements in Locke's Court, West Place.	Sarah Locke, Widow.	- - -	Joseph Silvester, Ann Cousins, Sarah Burton, Elizabeth Piercey, Widow.
	Yard to Locke's Court, Ditto.	Ditto - -	- - -	Common to the Occupiers of above Tenements.
Ditto	Part of Town Wall, and Archway in same.	The Mayor, Aldermen, and Burgesses of Southampton.	Sarah Locke -	Ditto.
Ditto	Lodging-house, Corner Simnel Street and West Place.	Sarah Locke -	William Brookman.	William Brookman.

Parish:	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Saint Michael.	The Cross Guns Public-house and Yard, Corner of West Place and Castle Lane.	James and George Hunt.	- - -	James Henry Lock.
Ditto -	Slaughter-house, and Yard adjoining, in Castle Lane.	George and John Hunt.	- - -	George Wareham.
<i>Terrace Road along the Shore from the Long Rooms to Blechynden Terrace.</i>				
Saint Michael.	West Place Road, and Footway to Tin Shore.	—	—	—
Ditto -	Stable, Garden, and Entrance to the Long Rooms, and Part of Court in front of Shop, West Place.	The Mayor, Aldermen, and Burgesses of Southampton.	Jonathan Webb.	Jonathan Webb and Thomas Clarke.
Ditto -	Dung-yard and Ash-pit adjoining the North End of the Long Rooms Garden.	Ditto - - -	- - -	William Starling.
Ditto -	Slaughter-house, Yard, and Stable, West Side of the Cross Guns Public House.	Ditto - - -	Cornelius Starks senior.	John Wareham senior.
Ditto -	The Sea Shore and Mudlands at back of the Cross Guns, and North Side of Long Rooms.	Ditto.	—	—
All Saints	The Shore and Mudlands under the Town Wall, from the Cross Guns to End of Orchard Street.	Ditto.	—	—
All Saints	Slaughter-house, Shed, and Yard at the Bottom of Orchard Street, and West of the Town Wall.	Ditto - - -	Henry Swayne Rice.	Sarah Draper, Widow.
Ditto -	The Shore and Mudlands from End of Orchard Street to North End of Portland Terrace.	Ditto - - -	Samuel Bovill.	—
Ditto -	The Shore, Slipway, and Mudlands from the North End of Portland Terrace to Mr. Pilgrim's Kitchen Garden.	Ditto, or William Henry Roe, James Whitchurch.	—	—
Ditto -	The Shore and Mudlands from the South End of Mr. Pilgrim's Kitchen Garden to King John's Pond.	The Mayor, Aldermen, and Burgesses of Southampton, or the Reverend William Anthony Fitzhugh.	Charles Pilgrim.	—
Ditto -	The Shore and Mudlands Southward of King John's Pond.	The Mayor, Aldermen, and Burgesses of Southampton.	Ditto.	—
Ditto -	The Shore and Mudlands from King John's Pond to the Garden occupied by William Hewitt.	Ditto, or Robert Hamilton Fotheringham.	—	—

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
All Saints	The Shore and Mudlands Southward of Hewitt's Garden.	The Mayor, Aldermen, and Burgesses of Southampton, or Reverend John Dene, and Arthur Wavell.	Thomas Sloane Moody.	—
Ditto -	The Shore and Mudlands at the Back of Milford Place.	The Mayor, Aldermen, and Burgesses of Southampton.	Charles Pratt.	—
Ditto -	Ditto Ditto Ditto	Ditto - -	George Dominy.	—
Ditto -	The Shore and Mudlands Southward of Blechynden Villas.	Ditto - -	James Whitchurch.	—
Ditto -	The Shore and Mudlands opposite Blechynden Terrace.	The Mayor, Aldermen, and Burgesses of Southampton, or James Whitchurch.	—	—
Ditto -	Land, Part of Garden in front of Blechynden Terrace Roadway.	Ditto Ditto -	- -	Robert Hunt, Charles Arthur Day, George Borrett, William Bohun Bowyer, Thomas Trick, and Joseph Hill junior.
Ditto -	Part of Blechynden Terrace Roadway and Blechynden Street.	James Whitchurch.	—	—
<i>To widen Pound Tree Lane on the South Side.</i>				
Ditto -	South-west Corner of House and Shop, Above Bar, and North Side of Pound Tree Lane.	Henry Lannoy Hunter.	- - -	Francois Giraud.
Ditto -	Lodging House, Shop, and Garden, No. 9, Above Bar Street.	John White -	- - -	James Ingram and Joseph Francis Sharpe.
Ditto -	House, Shop, Stable, and Yard, No. 10, Above Bar, and South Side of Pound Tree Lane.	Sir Henry Charles Paulett, Baronet.	Thomas Rickson Burden, or John Hewitt, or Thomas Neale, or James Harris.	James Harris.
Ditto -	House, Shop, and Yard, South Side of Pound Tree Lane.	Ditto - -	Ditto - -	William Jones.
Ditto -	Stable, Slaughter-house, and Yard, Ditto.	Ditto - -	Ditto - -	James Harris.
Ditto -	House, Brewhouse, Store, and Loft, Ditto.	Ditto - -	Thomas Rickson Burden, William Henry Linden.	Francis Langford and Jeremiah Pratt.
Ditto -	Stable, Shed, Dwelling House, and Yard, Ditto.	Ditto - -	Thomas Rickson Burden, Thomas Chamberlayne.	Thomas Chamberlayne.
<i>To widen Hanover Buildings.</i>				
Ditto -	House and Shops, No. 31, Above Bar Street, and South Side of Hanover Buildings.	The Mayor, Aldermen, and Burgesses of Southampton.	Samuel Long and James Wentworth Buller; Charles Brenton, Sub-Lessee.	Elizabeth Spurrier, Henry Pullem, and Joseph Spurrier Pierce.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
All Saints	Furniture Warehouse and Show-room and the Polytechnic Institution, South Side of Hanover Buildings.	The Mayor, Aldermen, and Burgesses of Southampton.	Abraham Clarke; and the Trustees of the Polytechnic Institution, Sub-Lessees.	John Traffes Tucker; and the Trustees of the Polytechnic Institution, videlicet, John Traffes Tucker, George Doswell, Charles Purkis, Thomas Morgan, and John Fletcher.
	House and Yard, East Side of Ditto.	Ditto - -	Ditto Ditto	Samuel White.
	House, No. 19, Hanover Buildings.	Ditto - -	George Randall Hookey and Sarah Goodfellow.	George Smith.
Ditto	House, Stone-yard, and Workshops, No. 20, Ditto.	Ditto - -	Ditto -	George Smith, and Ann Harley, Widow.
Ditto	Tenement situated in said Stone-yard.	Ditto - -	Ditto -	William French.
	House, Shops, and Stores, No. 30, Above Bar, and North Side of Hanover Buildings.	Ditto - -	Thomas Potter, Francis Potter Beamish and Eleanor Dormer his Wife, and Martha Dormer Symes; William Parson, Sub-Lessee.	William Parson.
Ditto	House and Shops, North Side of Ditto.	Ditto - -	Ditto Ditto	William Savage.
Ditto	House and Shop, North Side of Hanover Buildings.	Ditto - -	Ditto -	John Read.
Ditto	Ditto, Ditto -	Ditto - -	Ditto -	James Manning.
Ditto	Workshop, Ditto -	Ditto - -	Ditto -	John Traffes Tucker.
Ditto	Storehouse, Ditto - Yard and Sheds behind said Storehouse and the adjoining House, Ditto.	Ditto - -	Ditto -	William Parson.
		Ditto - -	Ditto -	Ditto.
Ditto	House and Beer Shop, North Side of Hanover Buildings.	Ditto - -	Sarah Locke, Widow.	James Osman.
Ditto	House and Garden, Ditto.	Ditto - -	Ditto -	Sarah Locke, Widow.
Ditto	House, School-room, and Garden, Ditto.	Ditto - -	Ditto -	William Sims.
Ditto	Livery Stables and Yard, Vincent's Walk.	Ditto - -	Thomas Potter, Francis Potter Beamish and Eleanor Dormer his Wife, and Martha Dormer Symes, William Parson, William C. Spooner, and William Richardson, Sub-Lessees.	James Tilbury.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>To make a new Road from Vincent's Walk to York Street, through Houndwell and Hoglands.</i>				
All Saints	Part of Footway and Roadway, South End of Vincent's Walk.	John Smith	- - -	John Smith and the rated Inhabitants of the Borough.
Ditto	Part of Houndwell Common Field, extending from Vincent's Walk to Hoglands.	John Sadleir Moody	- - -	John Sadleir Moody and Ditto.
Ditto	The Canal Tunnel or Archway under Hanover Buildings Road, and Part of Houndwell Common Field.	Ditto	- - -	James Roe.
Ditto	Site of Town Pond and Elm Trees at North End of Paradise Row.	Ditto	- - -	John Sadler Moody and the rated Inhabitants of the Borough.
Saint Mary	Part of Houndwell Common Field adjoining the Rope Walk.	William Howard	- - -	William Howard and Ditto.
Ditto	Part of Ditto between Houndwell Gardens and the Old Rope Walk.	Thomas Glasspool and John Bull, John Carter, John Carter junior, William Starmes Carter.	- - -	Thomas Glasspool and John Bull, John Carter, John Carter junior, William Starmes Carter, and the rated Inhabitants of the Borough.
Ditto	Part of Ditto, adjoining the South Side of the Old Rope Walk.	Austin Gaulton	- - -	Austin Gaulton and Ditto.
Ditto	Ditto Ditto	John Young	- - -	John Young and Ditto.
Ditto	Ditto Ditto	John Twynam	- - -	John Twynam and Ditto.
Ditto	Ditto Ditto	Robert Meaden	- - -	Robert Meaden and Ditto.
Ditto	Ditto Ditto	Thomas Glasspool and John Bull, John Carter, John Carter junior, William Starmes Carter.	- - -	Thomas Glasspool and John Bul, John Carter, John Carter junior, William Starmes Carter, and Ditto.
Ditto	Ditto Ditto	John Ewer	- - -	John Ewer and Ditto.
Ditto	Part of Ditto, North Side of Houndwell Buildings or Saint George's Place.	Earl of Guilford Rector of Saint Mary's Southampton.	- - -	The rated Inhabitants of the Borough.
Ditto	Ditto Ditto	Ditto	John Ewer	John Ewer and Ditto.
Ditto	Ditto Ditto	Ditto	William Smart, and George Stephens and Sophia his Wife, John Young.	Williams Smart, and George Stephens and Sophia his Wife, John Young, and Ditto.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
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New Road from South-western Corner of Kingsland Place to East End of Pound Tree Lane.

All Saints	Part of Houndwell Common Field between the South-west Corner of Kingsland Place and the East End of Pound Tree Lane.	The Mayor, Aldermen, and Burgesses of Southampton.	William Jones -	William Jones and the rated Inhabitants of the Borough.
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New Road from Vincent's Walk to Houndwell Cottage.

All Saints	Part of Houndwell Common Field between Houndwell Cottage and Vincent's Walk.	The Mayor, Aldermen, and Burgesses of Southampton.	William Jones -	William Jones and the rated Inhabitants of the Borough.
Ditto -	Part of Houndwell Common Field between Houndwell Cottage and Vincent's Walk.	John White -	- - -	Thomas Matcham and the rated Inhabitants of the Borough.
Ditto -	Ditto Ditto -	Edward How -	- - -	Charles Thomas and Ditto.
Ditto -	Roadway called Vincent's Walk, and Part of Houndwell Common Field, East of Ditto.	Richard Kelly -	William Bennett	John Smith and Ditto.
Ditto -	Ditto Ditto Ditto	John Smith -	- - -	Ditto.
Ditto -	Part of Footway and Roadway, South End of Vincent's Walk.	Ditto.	- - -	-
Ditto -	Part of Houndwell Common Field, East of Vincent's Walk.	John Sadleir Moody	- - -	John Sadleir Moody and Ditto.

SCHEDULE (E.) of Sewers referred to in the foregoing Act.

Parish.	Description and Situation of Sewer.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
All Saints	Sewer extending from Rockstone Place, by Carlton Crescent, to Mr. Fitzhugh's Land.	Edward Toomer -	- - -	Occupiers of Houses in Rockstone Place and Part of Carlton Crescent.
Ditto -	Sewer extending from Carlton Crescent into the Tideway.	Edward Rose Breton, Arthur Atherley Hammond, John Giffard, Thomas Bradby, William Oke, John Rubie, John Mott.	- - -	Occupiers of Houses in Part of Carlton Crescent, and some of the Houses in the adjacent Streets, &c.
Ditto -	Sewer extending from near the Turnpike Gate to Portland Street.	George Henderson, George Atherley, John King, Charles Davies.	- - -	Occupiers of some of the Houses in Anglesea Place and Places adjacent.

[Local.]

[42 C]

Parish.	Description and Situation of Sewer.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
All Saints	Sewer from Windsor Terrace and Beckford Terrace into the Tideway.	William Henry Roe, James Whitechurch.	- - -	Occupiers of Houses in Windsor Terrace and Places adjacent.
Ditto -	Sewer extending from Above Bar Street, through Portland Street and Terrace, into the Tideway.	Samuel Bovill	- - -	Occupiers of Houses in Portland Street and Portland Terrace.
Ditto -	Sewer extending from Bar Gate to and through Part of East Street.	William Lankester	- - -	Occupiers of Part of High Street and Part of East Street.
Ditto -	Sewer extending from Albion Place into the Tideway.	Martin Maddison	- - -	Occupiers of Houses in Albion Terrace.
Saint Mary	Sewer extending from Love Lane to Onslow Road.	Thomas Chamberlayne.	- - -	Occupiers of Houses in Cranbury Place.
Ditto -	Sewer extending from the South Hants Infirmary to Chamberlayne Place.	Ditto.	-	-

SCHEDULE (F.)

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
FIRST PART.				
<i>Immediately adjoining Bridge Street.</i>				
Holy Rood	House and Shop, No. 41, High Street.	The Mayor, Aldermen, and Burgesses of Southampton.	Charles Cray	Jonathan Webb.
Ditto -	Ditto, No. 40, Ditto	Ditto - -	Ditto - -	William Elliston.
Ditto -	Office, Cellars, and Drying Loft, No. 1, Bridge Street.	Ditto - -	Ditto - -	Charles Cray.
Ditto -	House and Shop, Part of No. 1, Ditto.	Ditto - -	Ditto - -	Thomas Porter and D. Porter.
Ditto -	Ditto Ditto -	Ditto - -	Ditto - -	James Rands and Thomas Cowper.
Ditto -	Ditto Ditto -	Ditto - -	Ditto - -	William Creed.
Ditto -	The Nag's Head Tap, No. 2, Bridge Street.	Ditto - -	Edmund Cooper	Charles Purkis, Elizabeth Felton, and Thomas Baker.
Ditto -	House, Shop, and Yard, No. 3, Ditto.	Ditto - -	William Henry Larbalestier.	William Hatherley.
Ditto -	Ditto, No. 4, Ditto.	Ditto - -	John Kellow (Charles Collis, Sub-Lessee).	Charles Collis.
Ditto -	House and Shop, No. 5, Ditto.	Ditto - -	Jane Staples (Charles Collis, Sub-Lessee).	Charles Collis.
Ditto -	House, Shop, and Bakehouse, No. 6, Ditto.	Ditto - -	George Lashley	James Faustone.

Parish.	Description and Situation of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Holy Rood	House, Shop, and Yard, No. 7, Bridge Street.	The Mayor, Aldermen, and Burgesses of Southampton.	George Lashley	Elizabeth Sweetingham.
Ditto -	Ditto, No. 8, Ditto	Ditto - -	John Francis -	George Wade.
Ditto -	Ditto, No. 9, Ditto	Ditto - -	William Footner and Anna Lintott.	Henry Patience.
Ditto -	Ditto, No. 10, Ditto	Ditto - -	Charlotte Cornish	William White.
Ditto -	Ditto, No. 11, Ditto	Ditto - -	John Witt and Jacob Todd.	Charles Patience.
Ditto -	Ditto, No. 12, Ditto	Ditto - -	Ditto -	James Symes.
Ditto -	House, Shops, and Yard, No. 13, Ditto.	Ditto - -	Sarah Draper, Executrix of Bourne Hall Draper.	John Rimer and Benjamin Morris.
Ditto -	House, Bakehouse, and Yard, No. 14, Ditto.	Ditto - -	Charles Cray and William Henry Roe.	Joseph William Cane.
Ditto -	Ditto, No. 15, Ditto	Ditto - -	William Richardson and Jeremiah Gasser.	William Richardson and Joseph William Cane.

SECOND PART.

Not immediately adjoining Bridge Street.

Holy Rood	The Nag's Head Inn, Coach-house, Stables, Yard, and Outbuildings, No. 42, High Street, and extending to the Back of the Walls.	Edmund Cooper -	- - -	Charles Purkis and Elizabeth Felton.
Ditto -	House, No. 43, East Side of High Street.	The Mayor, Aldermen, and Burgesses of Southampton.	Late Thomas Taylor's Executors, Mrs. Charlotte Wills (William Jones, Sub-Lessee).	William Jones.
Ditto -	Tenement in Taylor's Passage, used as a Storehouse.	Ditto - -	Frederick Bowker (Samuel Parmiter, Sub-Lessee).	Samuel Parmiter.
Ditto -	Tenement in Taylor's Passage.	Ditto - -	Late Thomas Taylor's Executors (Edward Wilkins, Sub-Lessee).	Joseph Dawkins.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	Joseph Sweetingham.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	John Bessant.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	James Ellyett.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	James Martin.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	Elizabeth Stephens.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	Richard Silverthorn.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	Ditto.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	Joshua Pearce.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	James Hatch.
Ditto -	Ditto - - -	Ditto - - -	Ditto - - -	John Veal.
Ditto -	Slaughter-house, Stables, Shed, and Pigsties.	Ditto - - -	Ditto - - -	William Bartlett.

SCHEDULE (G.)

Form of Warrant of Distress.

To wit. } To Collector [or One of the Collectors] of the Rates under an Act passed, &c., intituled, &c., and to all Constables.

Whereas the under-mentioned Persons, now or late Owners or Occupiers of Premises within the ... have been duly rated in or are liable to the Payment of a Rate or Rates made on the ... Day of ... under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the ... ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid, these are therefore in Her Majesty's Name to require you or any of you forthwith to levy the said several Sums, due as herein-before mentioned, by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables ... respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal this ... Day of ... in the Year

of our Lord One thousand eight hundred and ...

Sums due. £ ... s. ... d. A.B. C.D. ...

SCHEDULE (H.)

Form of Conviction.

Be it remembered, That on the ... Day of ... in the Year of our Lord ... A.B. is convicted before me C.D. One of Her Majesty's Justices of the Peace for the ... of ... [here describe the Offence generally, and the Time and Place when and where committed,] contrary to an Act passed in the Year of the Reign of Queen Victoria, intituled, [here insert the Title of this Act]. Given under my Hand and Seal the Day and Year first above written.

LONDON: Printed by GEORGE E. EYRE, and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty, 1844.