



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. iii.

An Act to enlarge and amend the Powers and Provisions of an Act relating to the *Saint Helen's* and *Runcorn Gap* Railway Company.

[26th March 1834.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for making a Railway from the Cowley Hill Colliery in the Parish of Prescott to Runcorn Gap in the same Parish (with several Branches therefrom), all in the County Palatine of Lancaster; and for constructing a Wet Dock at the Termination of the said Railway at Runcorn Gap aforesaid*, the several Persons thereby constituted a Body Corporate by the Name and Style of "*The Saint Helen's and Runcorn Gap Railway Company*" were authorized to make and maintain the said Railway and the several other Works in such Act mentioned, and for the Purposes of such Act to raise by Subscription among themselves the Sum of One hundred and twenty thousand Pounds, and on Loan on the Credit of the said Undertaking a further Sum not exceeding Thirty thousand Pounds: And whereas the said Sum of One hundred and twenty thousand Pounds hath been duly subscribed for in Shares of One hundred Pounds each, and the said Company have also, under the Powers of the said Act, borrowed and taken up at Interest Thirty thousand Pounds, making together the Sum of One hundred and fifty thousand Pounds, the

11 G. 4. c. 61.

[Local.]

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whole

whole of which has been expended in the Execution of the Purposes of the said Act: And whereas the said Railway and other Works have been opened to the Public, but the same are not yet finished, and the said Company have already incurred in the Prosecution of the said Undertaking a considerable Debt beyond the said Sum of One hundred and fifty thousand Pounds by the said recited Act authorized to be raised as aforesaid, and it is expedient that the said Company should be empowered to raise a further or additional Sum of Money for the Purposes of the said Undertaking: And whereas it is also expedient that some of the Powers and Provisions contained in the said Act should be altered, enlarged, or amended, and that further Powers should be given to the said Company: And whereas the Purposes aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things whatsoever in the said recited Act of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth contained shall (except so far as the same are by this Act varied or repealed) be good, valid, applicable, and effectual for carrying this Act into execution.

Powers of
recited Act
extended to
this Act.

Power to
raise 40,000*l.*
on Mortgage.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by any Order of any General or Special General Meeting of the said Company held according to the Directions of the said recited Act, to borrow and take up at Interest on the Credit of the said Undertaking, over and above the Sum already raised by Subscription and on Loan as in the said Act mentioned, any further Sum or Sums of Money, not exceeding in the whole the Sum of Forty thousand Pounds, as to them shall seem expedient, for the Purposes of the said recited Act and of this Act; and the said Company, or the Directors thereof, after any Order shall have been made for such Purpose in manner herein-before mentioned, are hereby empowered from Time to Time to assign the Property of the said Undertaking, and the Rates and Tolls arising or to arise therefrom by virtue of the said recited Act or of this Act, under the Common Seal of the said Company, as a Security for any Money so to be borrowed, with Interest thereon at such legal Rate as may from Time to Time be agreed upon, to such Person, or to his Trustee or Trustees, as shall advance the same, by Mortgage or by Bond respectively, in the like Manner and Form, and with, under, and subject to the like Provisions, Powers, Remedies, Directions, and Regulations, as are in the said recited Act contained concerning the borrowing of Money, or the securing or recovering the same or the Interest thereof; and every Person to whom any Security shall hereafter be made under the said recited Act, and also every Person to whom any Security shall be granted under this Act, and also every Person to whom any Security shall have been made under the said recited Act, who shall consent in Writing to such Alteration in his

Security,

Security, shall be equally entitled one with another to the Rates or Tolls and Property thereby assigned or to be assigned, in proportion to the Sum of Money for which such Security shall have been or shall be executed, without any Preference by reason of the Priority in Date of any such Security, or otherwise howsoever: Provided always, that before any Money shall be borrowed by the said Company under the Authority of this Act Twenty-one Days Notice of the Intention to borrow such Money shall be given by the Clerk to the said Company to every Person to whom any Security shall have been made under the Authority of the said recited Act, and the said Company shall, on the Neglect of any such Person for the said Period of Twenty-one Days to signify his Consent in Writing to such Alteration in his Security, repay to him, out of the first Money to be raised under the Authority of this Act, any Principal Money which he may have advanced under the Authority of the said recited Act.

III. And be it further enacted, That when and so often as the said Company shall be required or shall be desirous to pay off or shall pay off all or any Part of the Monies borrowed or to be borrowed under the Powers of the said recited Act or of this Act, it shall be lawful for the said Company and they are hereby empowered again to raise, in lieu of the Money so paid off or to be paid off by them, so much and such Sums of Money as they shall from Time to Time have paid off or be desirous to pay off, or any Part thereof, from such Person as may be willing to lend the same, on Security of the said Undertaking or the Rates or Tolls thereof, and at such Rate or Rates of legal Interest as the said Company may deem expedient, and so from Time to Time as often as the same shall happen, so nevertheless that the said Company shall not in any Event borrow upon Mortgage or Bond at any One Time more than the several Sums by the said recited Act and by this Act authorized to be borrowed.

In case such Monies are paid off, Company may raise the Amount again.

IV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, by any Order of any General or Special General Meeting of the said Company, to raise, by Contribution among themselves or by the Admission of other Persons as Subscribers to the Undertaking, or by such other Ways or Means as are herein-after mentioned, not only the Whole or such Part of the said Sum of Forty thousand Pounds herein-before mentioned as to them shall seem expedient, for the Purposes of this Act, but also any further or additional Sum of Money to enable the said Company to pay off the Sums already borrowed under the Powers of the said recited Act, or to be hereafter borrowed by the said Company under the Powers of this Act, or any Part of such Monies, not exceeding in the whole the Amount which shall at such Time or Times remain unpaid of the several Sums so borrowed or to be borrowed as aforesaid; and the Amount of the Money so to be raised from Time to Time shall be divided into such and so many distinct and integral Shares of such Value and Amount as will allow a proper Proportion thereof to be appropriated to the then Proprietors of Shares in the said Undertaking respectively,

Powers to create new Shares for the Purposes of this Act and for paying off the Debt.

New Shares to be first offered to the present Proprietors of Shares.

Shares declined by the present Proprietors to be offered to the Public.

New Shares to become Personal Estate.

Directing how Proprietors of new Shares shall vote.

tively, according to their respective Interests in the Joint Stock of the said Company; and the same shall be offered to the then Proprietors of Shares in the said Undertaking in the Proportion of One for every original Share of One hundred Pounds held by them respectively therein, and the same shall vest in and belong to such of the then Proprietors of Shares as shall accept the same, and shall pay the Value or Amount thereof to the said Company at such Times and in such Manner as the same shall be called for by the Directors for the Time being of the said Company; and in case any of the Proprietors of Shares shall refuse or neglect, for One Calendar Month next after Offer of the same by Letter under the Hand of the Clerk of the said Company given to or sent by the Post to them, or left at their usual or last Places of Abode, to accept the Shares so to be appropriated to them, or to pay the Value or Amount thereof respectively to the said Company when called for as aforesaid, then and in every such Case it shall be lawful for the said Company, or for the Directors thereof, and they are hereby empowered, to sell and dispose of such Shares as shall not be accepted and paid for or appropriated as aforesaid, unto such Persons as may be willing to become and shall become Subscribers to and Proprietors of the same, for such Sum or Sums of Money as the said Directors may be able to obtain for the same.

V. And be it further enacted, That every new Share to be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be transmissible and transferable as such; and all Persons who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Shares in the said Undertaking to the Value and Amount of such Shares so by them possessed, as beneficially as the Proprietors of any other Shares in the said Undertaking, but in the Proportion, nevertheless, which the Value and Amount of such Shares respectively so to be created as aforesaid may have or bear to the Value and Amount of the other Shares respectively by the said recited Act created, and under and subject to all the Powers, Provisions, Directions, Remedies, Penalties, Forfeitures, Matters, and Things contained in the said recited Act (so far as the same are not hereby altered or varied) and in this Act relating to any other Shares in the said Undertaking; and all such Persons aforesaid shall be deemed to be and are hereby declared to be thenceforth united to and incorporated with the said Company.

VI. And be it further enacted, That every Person who shall by virtue of this Act have subscribed for and become entitled to Shares shall be allowed to vote in respect of such Shares either in Person or by Proxy at the several Meetings of the said Company, and shall have One Vote for every One hundred Pounds Capital Stock of the said Company created by virtue of this Act subscribed for and held by them respectively, in the same Manner, and subject to the same Stipulations, Provisions, Restrictions, and Limitations, as is and are mentioned or contained in the said recited Act with respect to the

Right of voting by the Proprietors of original Shares of One hundred Pounds.

VII. And whereas by the said recited Act it was enacted, that, for the better ascertaining the Tonnage of certain Articles by such Act charged with the Payment of the Rates therein mentioned, Sixty-three Cubic Feet should be deemed and estimated as and for One Ton of Coal, Cannel, Slack, Charcoal, Culm, Coke, or Cinders, any Usage to the contrary thereof notwithstanding: And whereas it hath been found inconvenient to estimate such Tonnage by such Measurement; be it therefore enacted, That from and after the passing of this Act Three thousand three hundred and sixty Pounds Weight shall for the Purposes of the said recited Act and of this Act be rated and estimated as and for One Ton of Coal, Cannel, Slack, Charcoal, Culm, Coke, or Cinders, any thing in the said recited Act or any Usage to the contrary notwithstanding; and that the same Rates or Tolls shall be payable in respect of such last-mentioned Ton as are by the said recited Act authorized to be levied in respect of Sixty-three Cubic Feet.

Weight of Tonnage of Coal declared.

VIII. And whereas for the greater Security of Passengers and other Persons travelling along the said Railway it is expedient that the locomotive Engines or other Power to be from Time to Time used in drawing or propelling Carriages upon and along the said Railway should be entirely under the Management and Control of the said Company; be it therefore enacted, That no locomotive Engine or other Description of moving Power shall at any Time be used on the said Railway except the locomotive Engines or other Power belonging to or to be provided by the said Company, or by such other Person as may be from Time to Time especially licensed in that Behalf by the said Company; and every such locomotive Engine or other Power shall be under the absolute Control and Management of the said Company, their Engineers, Officers, and Servants; any thing in the said recited Act contained to the contrary notwithstanding.

Locomotive Engines used on the Railway to be under the Control of Company.

IX. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, or otherwise incident thereto, shall and may be defrayed and paid by the said Company out of the Monies received or to be received by them under the Authorities of the said recited Act and this Act, in preference to any other Payment.

Expences of this Act how to be paid.

X. And be it further enacted, That where in the said recited Act or in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be construed to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals; and where the Word "Lands" shall be used, the same shall be construed to include Tenements and Hereditaments; unless in any of the Cases aforesaid it be otherwise

Rules for Construction of certain Terms used in the Act.

[Local.]

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specially

specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

XI. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially noticed as such by all Judges, Justices, and others.

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ANNO QUARTO

GULIELMI IV. REGIS.

Cap. iv.

An Act for building a Bridge over *Stoke* otherwise *Haslar Lake*, which separates *Gosport* from *Haslar*, both in the Parish of *Alverstoke* in the County of *Southampton*, and for making Approaches thereto. [26th March 1834.]

WHEREAS the building a Bridge over that Part of *Stoke* otherwise *Haslar Lake* which separates the ancient Town and Borough of *Gosport* from *Haslar* and *Clay Hall*, both in the Parish of *Alverstoke* in the County of *Southampton*, would be of great Convenience and Advantage to the Inhabitants of the said Town and Parish, and by rendering the Intercourse between His Majesty's Royal Naval Hospital at *Haslar*, His Majesty's Barracks at *Haslar* and *Fort Monckton*, and the Royal *Clarence* Victualling Yard and other public Departments more safe and expeditious, would also be highly conducive to the Interests of His Majesty's Service: And whereas the making and maintaining a Road leading from the Ordnance Archway and Gate at *Gosport* to the said Lake, with proper Approaches to the said Bridge, and the making and maintaining a Road from the South or *Haslar* Side of the said Bridge to the Highway leading from *Haslar* aforesaid to *Clay Hall* aforesaid would increase the Convenience and Advantage to arise from the Erection of such Bridge: And whereas the said Bridge, Roads, and Works will be constructed and made upon Land in the Possession of or occupied by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom,

[Local.] G and

Company of
Proprietors.

and by the principal Officers of His Majesty's Ordnance: And whereas the several Persons herein-after named are willing and desirous to undertake the Erection of such Bridge, and to make and maintain such Roads as are herein-before mentioned, and to be united into a Company for such Purposes; but such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Grant, Daniel Quarrier, John Brett Purvis*, Esquires, the Reverend *Edward Barnard*, Rear Admiral *Henry Garrett*, Rear Admiral *Francis William Austen*, C. B., Rear Admiral *George M^cKinley*, Captain *Thomas Bristow Young*, the Reverend *James Dunne*, the Reverend *Charles Edward Twyford*, the Reverend *Henry Aubery Veck, Henry Charles Burney*, LL.D., *Hugh M^cIntosh, Robert Cruickshank, John Mortimer*, M.D., *John Garrett, James Ross, Joseph Gibson, John Charles Weir, Edward Paddon, Mary Carnell Chadds Barney Spinster, John Jenkins, Benjamin Goodeve, Samuel Bovill, William Betts, Thomas Paul, William John Rundle, James Adams, William Constantine, Alexander Beattie, James Hepworth, James Crook, Thomas Weeks, George Adnams, Robert Hyslop, Thomas Biddle, George Adnams the younger, Barnabas Faulkner, William Ayling the younger, William Wolfe, and Samuel Leaver*, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares of and in the said Bridge, and be duly admitted a Proprietor or Proprietors, their respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for the erecting, making, completing, and maintaining the said Bridge, and making and maintaining the said Roads, Ways, and Passages communicating thereto and therewith, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be and become one Body Corporate, by the Name and Style of "The Company of Proprietors of the *Gosport and Haslar Bridge*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or any Offence indictable by the Laws of this Realm.

Power to
build the
Bridge.

II. And be it further enacted, That it shall and may be lawful to and for the said Company and their Successors, their Deputies, Agents, Servants, Workmen, and Assistants, and they are hereby authorized and empowered, to build or cause to be built a good and substantial Bridge over the said Lake called *Haslar* otherwise *Stoke Lake*, from the Road leading from *Gosport* aforesaid to the said Lake to the opposite Shore or Road leading from the said Lake to *Haslar* aforesaid, with proper and convenient Approaches to the said Bridge at each End thereof, fit and proper for the Passage of Travellers, Coaches, Chaises, Waggon, Carts, and other Carriages, and of such Form, Construction, and Dimensions; and of such Ma-

Materials as the said Company or their Committee of Management shall in accordance with the Plan herein-after referred to think proper, and also to make and maintain a Road leading from the aforesaid Ordnance Archway or Gate to the said Lake called *Stoke* otherwise *Haslar Lake*, and also a Road leading from the South or *Haslar Side* of the said Bridge to the Highway leading from *Haslar* to *Clay Hall* aforesaid, and to support, maintain, and keep the said Bridge and Road, or Approaches, and any Bars, Gates, or Conveniences erected or placed thereon, from Time to Time, in good and sufficient Repair and Condition; and the said Company are hereby also authorized and empowered to cause all Obstructions in the said Lake to be removed, and all Beds of Gravel, Sand, Mud, and other Impediments and Obstructions to be taken away, and also to make, construct, lay, erect, and build all proper or necessary Foundations, Piers for Arches, or other Support of the said Bridge in the Bed of the said Lake, and to do and execute all and every Thing and Things necessary or convenient for erecting, building, making, and maintaining the said Bridge and Works, and Ways or Approaches thereto, and also the said several Roads in accordance with the said Plan.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the making any Erection, Embankment, or Encroachment of any Kind upon the Shores of *Portsmouth Harbour*, or on or in any of the Lakes, Channels, or Waters thereof below the High Water Mark, or within the Flow of the Sea, without the previous Consent of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, to be signified in Writing by the Secretary of the Admiralty, and then only under such Conditions and Limitations as the said Commissioners for executing the Office aforesaid shall deem to be expedient for the Preservation of the said Harbour and of the Port of *Portsmouth*.

No Embankment to be made upon the Shores of the Harbour, without Consent of the Admiralty.

IV. And whereas a Plan or Specification of the said Bridge, and of the Mode in which the same is proposed to be constructed, together with a Map of the Line of the said Roads and Approaches, have been agreed upon with the said Commissioners of the Admiralty and with the principal Officers of His Majesty's Ordnance; be it enacted, That a Duplicate of the said Plan, Specification, and Map shall be deposited at the Offices of the Superintendant of the said Hospital at *Haslar*, and of the Ordnance Storekeeper at *Portsmouth* respectively, for the Inspection of all Persons concerned, at all reasonable Times; and the said Company, in building the said Bridge, or in rebuilding or repairing the same, shall not depart from the said Plan and Specification, or in making the said Roads and Approaches from the said Map, without the Consent in Writing of the Commissioners of the Admiralty and the principal Officers of the Ordnance for the Time being.

Bridge to be built according to the Plan, which shall be deposited as herein required.

V. And be it further enacted, That it shall be lawful for the said Company to enter into and upon the said Lake and upon the Land and Ground in the Possession of and occupied by

Company may enter on Land and Lake to build by

Bridge and
make Road.

Company to
pay an Ac-
knowledg-
ment to Ad-
miralty and
Ordnance.

by the Commissioners of the Admiralty, and the principal Officers of His Majesty's Ordnance as aforesaid, and do all Things necessary for carrying this Act into execution, subject to the Provisions herein contained: Provided always, that the said Company shall and they are hereby required to pay to the said Commissioners of the Admiralty the annual Sum of One Shilling as an Acknowledgment for the Occupation and Use of the Land on which the said Road on the South Side of the said Bridge shall be made, and to the said principal Officers of His Majesty's Ordnance the annual Sum of One Shilling, as an Acknowledgment for the Occupation and Use of the Land on which the said Road on the North Side of the said Bridge shall be made.

Bridge not to
be a County
Bridge.

VI. And be it further enacted, That the said Bridge shall not be adjudged or taken to be a County Bridge, or subject the said County of *Southampton* or the said Parish of *Alverstoke* to the repairing, amending, or supporting the same or the aforesaid Roads, any Law or Statute to the contrary thereof notwithstanding; but the said Bridge and Roads shall be kept in repair by and at the Expence of the said Company of Proprietors.

In case of
the Bridge
becoming
impassable,
Company to
rebuild it or
provide a
Ferry.

VII. And be it further enacted, That in case the said Bridge shall at any Time become impassable or unsafe for Travellers or Carriages the said Company shall and they are hereby empowered to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the Passage of Travellers, Cattle, and Carriages; and in the meantime and until the said Bridge shall be so rebuilt or repaired and made safe and commodious, it shall be lawful for the said Company, during all such Time as the said Bridge shall be impassable or unsafe as aforesaid, to erect, construct, or provide a temporary Bridge, or to provide a proper and convenient Ferry, and Boats and Barges, for the Passage of Travellers, Cattle, and Carriages over the said Lake, as near to the Site of the said Bridge as conveniently may be; and it shall be lawful for such Person or Persons as the said Company shall appoint for that Purpose to demand, collect, and receive, for the Passage of such Travellers, Cattle, and Carriages in or over the said temporary Bridge or Ferry, before they respectively shall be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge, any thing herein contained to the contrary notwithstanding: Provided always, that such temporary Bridge shall continue for such Time only as shall be necessary for repairing and rebuilding the said Bridge, and rendering the Passage over the same safe and commodious, which repairing and rebuilding the said Company are required to carry into effect with as little Delay as possible; provided also, that in case the said Company shall neglect for the Space of One Month to begin to rebuild or repair the said Bridge, after having been thereunto required by the Commissioners of the Admiralty or the principal Officers of His Majesty's Ordnance, by Writing under their Hands, or shall not use due Diligence in such rebuilding or repairing, it shall be lawful for the said Commissioners of the Admiralty or the principal Officers of His Majesty's Ordnance to rebuild or repair the same at the Expence of the said Company of Proprietors; and in

in case the said Company shall not repay the Expences of such rebuilding or repairing within Seven Days after Demand shall have been made thereof, it shall be lawful for the said Commissioners of the Admiralty or for the said principal Officers of the Ordnance, by the Authority of this Act, to enter upon and take Possession in a summary Way of the said Bridge and Roads, and the Toll Houses thereon, and to receive and take the Tolls imposed until the whole of such Expences shall be reimbursed and paid, without bringing or instituting, or being obliged to bring or institute, any Action, Information, or other Proceeding at Law or in Equity for that Purpose.

VIII. And be it further enacted, That from and after the said Bridge shall be built, completed, and erected as aforesaid, the same shall for ever be and remain a public Bridge, and all Persons, with Horses, Cattle, Carriages, and all Foot Passengers, shall have free Liberty (upon Payment of the respective Tolls or annual Compensation by this Act granted) to pass over the same without any Hindrance or Interruption of or by any Person or Persons whomsoever: Provided always, that the Right and Power to close the Roads leading to the said Bridge for One Hour in every Year shall be and the same is hereby reserved to the said Commissioners of the Admiralty and to the principal Officers of the Ordnance.

Bridge to be free on Payment of Tolls.

IX. Provided always, and be it further enacted, That in case the said Bridge shall not be built within Five Years from the passing of this Act, or after having been so built shall be abandoned by the said Company, or become ruinous and impassable, the same shall be wholly taken down and removed, and the Materials thereof shall be vested in, and the Land and Ground on which the same stood and on which the said Roads have been formed shall revert to, the said Commissioners of the Admiralty and the principal Officers of His Majesty's Ordnance respectively.

Bridge to be built within Five Years.

X. And whereas the estimated Expence of building the said Bridge and making the said Road will amount to the Sum of Three thousand nine hundred Pounds, Four Fifths and upwards of which has been subscribed by several Persons under a Contract, binding themselves, their Heirs, Executors, and Administrators, for the Payment of the Sums subscribed by them respectively; be it therefore enacted, That the whole of the said Sum of Three thousand nine hundred Pounds shall be subscribed in like Manner before the Purposes of this Act shall be put in execution.

Estimated Expence being raised, Bridge may be proceeded with.

XI. And be it further enacted, That it shall and may be lawful for the said Company to raise and contribute amongst themselves a competent Sum of Money for making and completing the said Bridge, Roads, and other Works, not exceeding in the whole the Sum of Four thousand five hundred Pounds, and the Money so to be raised and contributed shall be and is hereby declared to be the Joint Stock or Fund of the said Company, and shall be laid out and applied in carrying on the said Undertaking, and for other the Purposes of this Act.

Company to raise a Stock.

[*Local.*]

H

XII. And

Capital to be divided into Shares.

XII. And be it further enacted, That the said Capital or Joint Stock shall be divided and distinguished into equal Parts and Shares of Twenty-five Pounds each; and such Shares shall be numbered in numerical Progression, and shall be and are hereby vested in the said several and respective Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof respectively; and every Proprietor or Proprietors of a Share or Shares shall be entitled to and shall receive a proportionate Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, and received by and under the Authority of this Act, according to the Number of Shares so respectively paid for or possessed; and every Body Politic, Corporate, and Collegiate, or Person or Persons, having or holding any such Share or Shares as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking, in manner herein directed and appointed.

Shares to be Personal Property.

XIII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the Capital or Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Power to compel Payment of Subscriptions.

XIV. And be it further enacted, That the several Persons, and Bodies Politic, Corporate, or Collegiate, who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance for or towards any of the Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively so subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company or their Committee of Management, under and by virtue of the Powers and Directions of this Act, to such Person or Persons and in such Manner and at such Times and Places as shall be directed by the said Company or Committee in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same, with legal Interest thereon from the Time appointed for the Payment thereof, and with full Costs of Suit, in any of His Majesty's Courts of Law or Equity whatever.

Shares to be registered, and Tickets for Shares to be delivered to Subscribers.

XV. And be it further enacted, That the said Company or Committee of Management shall, as soon as the same can be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Capital or Joint Stock, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the Clerk of the said Company, and after such Entry to cause the Common Seal of the said Company to be affixed to such Entry; which said Book shall from Time to Time be altered and

and corrected, and new Books shall from Time to Time be sealed with the said Common Seal, as the Change of Proprietors and Transfers of Shares shall render necessary and expedient; and the said Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Capital or Joint Stock, bearing respectively the same Numbers as in the said Books, and the said Common Seal of the said Company to be affixed to each of such Tickets or Instruments, and thereupon to cause to be delivered to every Subscriber towards the said Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Joint Stock or Undertaking; and every such Subscriber shall pay to the Clerk of the said Company, or there shall be paid to the Clerk by the said Company, out of the Joint Stock or Funds of the Company, Five Shillings and no more for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted as Evidence in all Courts whatsoever of the Title of such Subscriber, his or her Executors, Administrators, Successors, or Assigns, to the Share therein specified; but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share from selling or disposing thereof, or from receiving, annually, or otherwise as the Account shall be made up, his or her Share of the Profits of the said Bridge and Undertaking in respect thereof; which said Ticket shall be in the Words or to the Effect following; (that is to say,)

‘ THESE are to certify, That _____ of _____
 ‘ is [or are] a Member [or Members] of the *Gosport and* Form of
 ‘ *Haslar* Bridge Company, and is [or are] possessed of the Share Ticket.
 ‘ or Number _____ in the said Undertaking for building
 ‘ *Gosport and Haslar* Bridge, subject to the Rules and Regulations
 ‘ of the said Company; and that the said _____, his
 ‘ [or their] Executors, Administrators, Successors, or Assigns,
 ‘ is [or are] entitled to the Profits and Advantages of the said Share.
 ‘ Given under the Common Seal of the said Company, the _____
 ‘ Day of _____ in the Year of our Lord _____
 ‘
 ‘ A. B. Clerk to the said Company.’

XVI. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name or Names shall at any Time hereafter stand in the Register Books of the said Company, either as a Proprietor or as Proprietors of One or more Share or Shares in the said Bridge and Undertaking, whether as original Subscribers, or as Successors, Executors, Administrators, or Assigns of original Subscribers, or as Purchasers, or as Creditor or Creditors on the said Bridge and Undertaking as aforesaid, shall be deemed and taken to be Proprietors of the several Shares standing in the said Books in his or their respective Names, and as Creditors for the Sums mentioned therein, and shall be subject to such Rules, Orders, and Regulations as Proprietors of Shares in the said Bridge and Undertaking are subject and liable to; and all Payments of Interest and Dividends due and to grow due on any such Shares shall be made to such Persons as by the said Books shall so appear to

The Persons whose Names appear in Register to be deemed Proprietors.

‘hereof; and I the said do hereby
 ‘agree to accept and take the said Share [or Shares], subject to
 ‘the same Rules, Orders, Restrictions, and Conditions. As witness
 ‘our Hands and Seals the Day of .’

And in every such Sale the said Transfer, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk of the said Company shall have registered, in a proper Book or Books to be provided by the said Company and kept for that Purpose, an Entry of such Transfer and Sale, for the Use of the said Company, and shall have testified or indorsed the Entry of such Transfer accordingly on the same, for which Five Shillings and no more shall be paid, and the said Clerk is hereby required to enter the same accordingly; and until the same shall have been entered as above directed such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Dividend on such Share or Shares, paid unto him, her, or them, or any Vote or Votes in respect thereof, as Proprietor or Proprietors in the said Undertaking.

Transfers to be registered by the Clerk of the Company.

XIX. Provided always, and be it further enacted, That no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after any Call or Calls shall have been made by the said Committee for any Sum or Sums of Money in respect of such Share or Shares, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid or discharged to the Treasurer of the said Company, or to such Person or Persons as the said Committee shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

No Shares to be sold until Calls shall be paid.

XX. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall for the Purposes of this Act be deemed and taken to be the Proprietor or Owner of such Share or Shares, and all Notices hereby required to be given to the Proprietor or Owner of any Share or Shares in the said Undertaking shall and may be given or sent to such Person whose Name shall so stand first in the Books of the said Company, and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares, for all the Purposes for which such Notice is intended to be given; and such Proprietors or Owners shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall either in Person or by Proxy on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares.

The Person whose Name stands first as a joint Proprietor with others to be deemed the Owner, and be entitled to vote.

[Local.]

I

XXI. And

Proprietor in arrear not to vote at Meetings.

XXI. And be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation or Decision of any Question respecting the Concerns of the said Company, either personally or by Proxy, or as Proxy, until such Time as he shall have paid all such Arrears as may be due from him in respect of such Calls.

Provisions as to Proprietors of Shares by Marriage;

XXII. And be it further enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Share, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers or Separatists, in Writing, containing the Copy of the Register of such Marriage, or the Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the same Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry and Transfer of Sales of Shares in the said Undertaking; and before any Person or Persons who shall claim any Part of the Profits of the said Undertaking by virtue of any Bequest or Will, or in course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, with the Will annexed, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as hereinbefore mentioned; and in all Cases other than hereinbefore mentioned, where the Right and Property of any Share or Shares in the said Undertaking shall pass from any Proprietor or Proprietors thereof to any Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed by One or more credible Person or Persons, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Undertaking: Provided always, that such and similar Entries shall be made in the Register Book of the said Company of all Acquisition or Devolution of Mortgages assigned, or Securities (if any) on the said Tolls, Rates, and Duties, by Sale or Assignment, Marriages, Wills, Intestacy, or by any other Means as aforesaid, in order to ascertain the Parties who shall from Time

by Will, or in course of Administration;

by any other Means.

Provision as to Mortgages or Securities on the Bridge and Undertaking.

to Time be Creditors on the said Undertaking, and entitled to receive the Interest of or Dividend in respect of such Mortgages, Assignments, or Securities as aforesaid, as herein-before directed with respect to Shares in the Joint Stock of the said Company, *mutatis mutandis*; and the Clerk of the said Company shall be entitled to receive for each and every such Entry herein-before directed the Sum of Five Shillings and no more.

XXIII. And be it further enacted, That the Committee of Management of the said Company shall have full Power from Time to Time to make such Calls for Money on the Subscribers to the said Undertaking as they shall find wanting and necessary for the Purposes aforesaid, so that no such Call shall exceed the Sum of Five Pounds at any One Time upon any One such Share in the said Undertaking, and so that such Calls shall not be made but at the Distance of Two Calendar Months at the least from each other, and Ten Days Notice at least shall be given of all such Calls as aforesaid by Advertisement in One or more of the Newspapers printed or circulated in the said County of *Southampton*, or in such other Manner as the said Company shall at any General Assembly direct and appoint, provided that it shall not be lawful to make any further Call upon any Proprietor or Proprietors who shall have paid to the said Company, in obedience to their said Calls or otherwise, the full Amount of the Sum which by his, her, or their Subscription he, she, or they had undertaken to pay for his, her, or their said Share or Shares; nor shall any such Proprietor or Proprietors be liable or accountable to any Person or Persons, nor in any Event whatsoever, respecting or relating to the said Undertaking, for the Payment of any greater Sum or Sums than the Amount of his, her, or their said Share or Shares; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the Money so called for as aforesaid at the Time and Place appointed by such Committee of Management, or within Ten Days next ensuing, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of One Pound for every Share he, she, or they shall have in the said Undertaking, in respect of which such Call or Calls shall not have been paid; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Call or Calls as aforesaid for the Space of One Calendar Month next after the Time so appointed for Payment thereof, then and in every such Case he, she, or they so neglecting or refusing shall, if the said Committee of Management shall so decide, forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors in Trust for and for the Benefit of all the rest of the said Proprietors in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of any of the said General or Special Assemblies, be publicly sold for the Use of the rest of the said Proprietors, whose Shares and Interests shall not have been forfeited as aforesaid; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company under their Common Seal; and the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Member or Members of the said Company

Committee of Management may make Calls, and Shares to be forfeited if Calls are not paid.

to

to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages, and be subject to all the same Liabilities, as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking: Provided nevertheless, that no Forfeiture of any Share or Shares in the said Undertaking shall be or be deemed to be incurred save and except Notice of such Call or Calls in Writing, signed by the Clerk to the said Committee of Management, shall have been given or sent by the Post to or left at the last or usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, and in case the Place or Places of Abode of any such Owner or Owners shall not be known to the Clerk of the said Committee of Management, then such Notice shall be inserted once in the *London Gazette*, nor until all such Share or Shares shall likewise have been declared to be forfeited at some General or Special General Assembly of the said Company.

Directing
the Proceed-
ings in
Actions for
Calls.

XXIV. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of a Share or so many Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such and so many Sum and Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act; and the said Company shall thereupon be entitled to recover what shall appear to be due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Twenty-five Pounds Share, or was made within the Distance of Two Calendar Months from the last preceding Call, or without Notice given as herein mentioned.

Power to
raise Money
by Mort-
gage.

XXV. And be it further enacted, That it shall be lawful for the said Company, at a Special Meeting for that Purpose to be called, of which Seven Days Notice shall be given by Advertisement in some Newspaper, or otherwise as the Majority of Proprietors or Committee of Management at any Meeting shall direct, to agree to borrow and take up at Interest, upon Credit, and by way of Mortgage of the said Bridge and Tolls arising therefrom, of and from any Person or Persons who shall be willing to advance and lend the same, any such

such Sum or Sums of Money, not exceeding the Sum of One thousand five hundred Pounds, as to them shall seem meet and convenient; and they are hereby authorized and empowered to assign and make over the said Bridge and Works, and the Rates and Tolls to arise by virtue of this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, by the Deed of Mortgage according to the Form following; (that is to say,)

WE, the Gosport and Haslar Bridge Company, in consideration of the Sum of _____ to us paid by A. B. of _____, do hereby, by virtue of an Act passed in the Fourth Year of the Reign of King *William* the Fourth [*set forth the Title of this Act*], bargain, sell, or transfer unto the said A. B. all and singular the Rates and Tolls arising by virtue of the said Act, and also the said Bridge, and all the Right, Title, and Interest of us the said Company of, in, and to the same, to hold unto the said A. B., his Executors, Administrators, and Assigns, until the said Sum of _____, together with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be fully paid and discharged. Given under our Seal the Day of _____

Form of Mortgage.

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made shall be equally entitled as Mortgagee or Mortgagees to his, her, or their Proportion or Proportions of the said Rates, Tolls, and Premises according to his, her, or their respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Bridge and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Date thereof, and an Account of the Name or Names of the Party or Parties, with their proper Additions, to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall within Ten Days next after the Date thereof be written and inserted (*gratis*) in One or more Book or Books to be kept for that Purpose by the Clerk to the said Company; and every such Mortgagee or Mortgagees, and all and every Person and Persons to whom any such Mortgage or Mortgages shall be transferred or assigned, or shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit to his, her, or their Mortgage or Security to any Person or Persons whomsoever; which Transfer shall and may be made according to the Form following; (that is to say,)

I A. B. of _____ in consideration of the Sum of _____ paid to me by C. D. of _____ do hereby transfer a certain Mortgage made by the Gosport and Haslar Bridge Company, Number _____ being dated the Day of _____ for securing the Principal Sum of _____, and

Form of Transfer of Mortgage.

[Local.]

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4° GULIELMI IV. *Cap. iv.*

and the Interest now due and hereafter to become due thereon,
 and all my Right and Property therein, to the said *C. D.*, his Ex-
 ecutors, Administrators, and Assigns. In witness whereof I have
 hereunto set my Hand and Seal this Day of
 in the Year of our Lord

Entry of
 Transfer of
 Mortgage to
 be made by
 the Clerk.

And every such Transfer shall be produced and certified to the Clerk to the said Company, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sums of Money thereby transferred, in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry such Clerk shall be paid the Sum of Five Shillings and no more; and after such Entry made every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns to the full Benefit of the original Mortgage; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Assignments at any Time afterwards to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money to be so borrowed by Mortgage as aforesaid shall be paid from Time to Time to the several Persons entitled thereto in preference to any Interest or Dividend due and payable by virtue of this Act to the said Company or to any of them.

Subscribers
 to have Votes
 in proportion
 to their
 Shares.

XXVI. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons, who shall by virtue of this Act have subscribed or undertaken for One or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have and be entitled at any General Assembly or Meeting as aforesaid to One Vote for each and every of such Shares so subscribed or undertaken for as aforesaid, but so nevertheless that no One Proprietor or Subscriber to the said Undertaking shall be entitled to more than Twenty Votes in respect of any Number of Shares which may be held by him therein; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand of such other Person; every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; the Appointment of which Proxies may be made according to the Form following; (that is to say,)

Votes may
 be given by
 Proxy.

Form of
 Proxy.

I *A. B.* of One of the Company
 of Proprietors of the *Gosport* and *Haslar* Bridge, do hereby
 nominate, constitute, and appoint *C. D.* of to be my
 Proxy, in my Absence and in my Name to vote or give my Assent
 or Dissent to any Business, Matter, or Thing relating to the said
 Undertaking, that shall be mentioned or proposed at any Assembly
 of the said Company, in such Manner as the said *C. D.* shall think
 proper, according to his Opinion and Judgment, for the Benefit of
 the said Undertaking or any thing appertaining thereto. In witness
 whereof I have hereunto set my Hand the

‘ Day of
‘ and

One thousand eight hundred

And every Election of Committees and Officers, and every Question, Matter, or Thing whatsoever, which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company to be held by virtue of this Act, shall be finally determined by the Majority of Votes then present by Principals and Proxies, computing such Votes in manner aforesaid; and no Person shall be Proxy for more than Ten absent Proprietors; and at every such Meeting One of the Proprietors then present shall be appointed Chairman, who shall not only be entitled to vote according to his Number of Shares as a Proprietor and a Proxy, but in case of an Equality of Votes upon any Question shall also give and be entitled to give, as such Chairman, another or the decisive and casting Vote.

Elections to be determined by the Majority of Votes present.

XXVII. And be it further enacted, That for the better managing and conducting the Affairs of the said Company there shall be a Committee of Management of Seven or more Proprietors, and that the said *William Grant, Daniel Quarrier, John Brett Purvis, Edward Barnard, Edward Paddon, Thomas Bristow Young, George M^cKinley, John Mortimer, Benjamin Goodeve, and James Dunne* shall be the first Committee of Management, and shall continue until the next General Meeting to be held after the Meeting hereinbefore directed to be holden within One Calendar Month after the passing of this Act, and until others shall be chosen in their Stead, unless any Member of the said Committee of Management shall die or be removed, or shall dispose of his Stock so as to reduce the same below Two Shares: Provided always, that no Person or Persons shall be capable of being elected or of serving upon such Committee of Management unless he shall possess and hold in his own Right Two Shares of or in the Capital Stock of the same Company.

Committee of Management.

XXVIII. And be it further enacted, That the said Company shall at their General Assembly to be holden on the First *Monday* in the Month of *June* in each Year, or some Adjournment thereof, elect by Ballot Seven or more Members of the said Company, qualified as aforesaid, to be the Committee of Management of the said Company; and such Seven or more Persons so elected shall continue in Office for the Space of One Year, or until the ensuing General Annual Meeting of the said Company, in case they shall so long live and continue such Proprietors of the said Undertaking, and also until others or another shall be duly elected into their or any of their Places, in case they shall continue such Proprietors respectively; but every or any Member of any such Committee whose Office shall have expired shall nevertheless be re-eligible, and may be re-elected a Member of the Committee of Management for any ensuing Year: Provided always, that no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, or being a Dealer, either directly or indirectly, in any Stone, Bricks, Iron, Timber, or other Article, Matter, or Thing, purchased, sold, furnished, or provided by or for the Use of the said Company, or for any of the Purposes of this Act, shall be capable of serving or of being chosen to serve on any such Committee.

Appointment of Committee of Management by the Proprietors.

XXIX. And

For supply-
ing Vacan-
cies in
Committee.

XXIX. And be it further enacted, That when and as often as any Member of the Committee of Management appointed or to be elected by virtue of this Act shall die, or shall cease to be a Proprietor of Two Shares in the said Undertaking, or be otherwise disqualified for acting as a Member of such Committee, or shall by Writing under his Hand, delivered to the Clerk of the said Company, decline or refuse to act, it shall be lawful for the said Committee of Management, or for the remaining Members thereof, to elect some other Proprietor to be a Member of the said Committee; and every such Proprietor so elected to fill any such Vacancy shall continue in his Office as a Member of the said Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued had he lived or continued a Proprietor of Two Shares in the said Undertaking.

Committee
to appoint a
Chairman.

XXX. And be it further enacted, That the said Committee of Management shall and may, at every Meeting to be holden by them during the Continuance of their said Office, appoint a Chairman by and out of the said Committee of Management, and that no Member shall have more than One Vote upon any Question that may be agitated at the said Meeting, except in case of an Equality of Votes, and in that Case the Chairman shall have the decisive or casting Vote, although he might have given One Vote before.

First Gene-
ral Meeting
of Company.

XXXI. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act in execution shall be held at some convenient Place in the said Town of *Gosport* or Parish of *Alverstoke* within One Month next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, and the Proprietors of the said Undertaking then and there assembled shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and all future General Assemblies of the said Company of Proprietors, except such Special General Assemblies as herein-after mentioned, shall be held on the First *Monday* in the Month of *June* in each and every Year, or on some other Day within the same Month in case the said Company shall at any Time or Times by public Notice appoint such other Day, and all of which Meetings shall be held at such Place or Places as the Committee of Management herein-after appointed for the Time being may direct, of which future General Assemblies Seven Days previous Notice at least shall be given by Public Advertisement to be inserted in One or more Newspaper or Newspapers printed or circulated in *Gosport* aforesaid, or in any Town near or contiguous thereto, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and in case no Place or Places shall have been so appointed, then such General Assembly shall be holden where the last General Assembly was holden; and all such General Assemblies may be adjourned from Time to Time and from Place to Place as shall be found expedient; and at such General Assemblies it shall be the Duty of the Committee of Management of the said Company to report
to

to the Proprietors at large the State of the said Undertaking, and their Proceedings in carrying this Act into execution; which Report shall be fairly entered into the Book or Books of the Company kept for that Purpose by the Clerk; and a Copy of the same shall be left at the Clerk's Office for the Perusal of the Proprietors, who shall have Access thereto during such Hours as the said Office is or shall be usually open.

XXXII. And be it further enacted, That the said Company of Proprietors shall have Power and Authority, at any General Assembly or Special General Assembly convened for that Purpose, to remove and displace any Member or Members of the Committee of Management nominated and appointed by virtue of this Act, and thereupon elect any other Person or Persons in his or their Room or Stead, or in the Room or Stead of any other Member of the said Committee who may die, or be removed, or be disqualified, or cease to be a Proprietor in the said Undertaking; and it shall be lawful for the said Company of Proprietors, at any General or Special General Assembly convened for that Purpose, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye Laws, and Orders for the good Government of the said Company, and of the said Committee of Management; and of their Servants, Agents, and Workmen, and for the Superintendence and Management of the said Undertaking, and from Time to Time to alter and repeal the said Bye Laws, Rules, Orders, and Regulations, or any of them, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Bye Laws, or Orders, as to such General or Special General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; and all such Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the said Company, and printed, shall be binding upon and observed by all Persons concerned, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and such Rules, Orders, and Bye Laws shall be subject to Appeal in manner herein-after directed; and all Accounts of Money received, laid out, and disbursed on account of the said Undertaking, or on any of the Works thereunto belonging, by the Treasurers, Receivers, Collectors, Clerk or Clerks, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in or about the said Undertaking, or the Works thereunto belonging, shall be laid before the said General or Special General Assembly, to be audited and settled; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places within the Limits herein-before mentioned as shall at such General or Special General Assembly be thought proper and convenient.

General Assemblies may make Bye Laws, &c.

Accounts to be laid before them.

XXXIII. And be it further enacted, That it shall be lawful for Five or more of the Proprietors of the said Undertaking, holding in the

[*Local.*]

L

aggregate

Special Meetings may be convened.

aggregate Twenty-five Shares or upwards, to call a Special General Meeting of the said Company by public Notice, specifying the Objects for which such Special General Meeting is so called, and appointing the same to be held on some Day to be mentioned in such Notice not earlier than Eight Days after the Publication of such Notice; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors of the said Undertaking as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters only specified in such Notice as aforesaid; and all such Acts of the Proprietors or the major Part of them assembled at every such Special General Meeting shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

Appoint-
ment of
Officers.

XXXIV. And be it further enacted, That the said Company or the Committee of Management may and they are hereby authorized from Time to Time to elect or appoint a Treasurer, Clerk, and Engineer, Architect, Surveyor, Collector, or other Officers for transacting the Business of the said Company; and it shall be lawful for the said Company from Time to Time to remove and displace any such Treasurer, Clerk, Engineer, Architect, Surveyor, Collector, or other Officers, or any of them, or any other Person or Persons who may be hereafter elected and appointed to their respective Offices, and may also from Time to Time elect, choose, and appoint, in manner aforesaid, any other Person or Persons to act as Treasurer, Clerk, Engineer, Architect, Surveyor, Collector, and other Officer, in the Room of such of the said Officers as shall happen to die or resign, or be removed from their respective Offices; and the said Company shall allow and pay such Salaries or other Emoluments to the said Officers, or any of them, as at any General or Special Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Company or Committee shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, for the due and faithful Execution of his Office, before he shall enter thereupon, and may also take sufficient Security from any other of their Officers or Servants for the due and faithful Execution of their respective Offices, if the said Company shall think proper.

Security.

Clerk and
Treasurer
not to be
the same
Person.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Committee of Management to appoint the Person who may be appointed to act as Clerk to the said Company or Committee in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, nor to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Company or Committee; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of
any

any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company or Committee (other than that of Treasurer), every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXXVI. And be it further enacted, That every such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company so to be appointed as aforesaid shall, under his or their Hand or Hands, at such Time or Times and in such Manner as the said Company of Proprietors or such Committee of Management shall direct, deliver to the said Company of Proprietors or to such Committee of Management, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, or other Officer or Servant of the said Company, and Person or Persons respectively, received by virtue or for the Purposes of this Act, and how much thereof hath been paid, laid out, and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payment, and shall pay all such Monies as shall remain in his or their respective Hand or Hands to the said Company or their Committee of Management, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person shall refuse to produce or deliver up such Accounts, Receipts, or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company or to their Committee of Management, or to such Person or Persons as they shall respectively appoint, within Three Days after being thereunto required by the said Company or by their Committee of Management, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands to the said Company or to their Committee of Management, or as they shall respectively direct and appoint, then and in either of the Cases aforesaid the said Company may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the said Treasurer, Engineer, Architect,

Officers, &c.
to account.

Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company or by their Committee of Management, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more Justice or Justices of the Peace of the said County of *Southampton*, or other the County, City, or Place wherein the said Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing without some reasonable Excuse shall be and reside, such Justice or Justices may and he and they is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing to be brought before him or them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice or Justices that any of the Monies that shall have been collected, raised, or received by virtue of this Act shall be in the Hands of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons, such Justice or Justices may and he and they is and are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer or Officers, Person or Persons shall still persist in refusing or neglecting to deliver up all such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, to the said Company or Committee of Management, or other Person or Persons as they respectively shall appoint, then and in any or either of the Cases aforesaid such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place in which such Justice or Justices shall be acting, and there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company or with the said Committee of Management, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company or to such Committee of Management;

ment; but no Treasurer, Engineer, Architect, Surveyor, Clerk, Collector, Receiver, Officer, or Person so committed for Want of sufficient Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XXXVII. And be it further enacted, That all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee of Management may be done and exercised by the major Part of the Persons present at their respective Meetings, the whole Number present not being less than Three; and every such Committee of Management shall from Time to Time make a Report of their Proceedings to the General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Committee of Management shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places, as they shall think fit; and the said Committee of Management shall and may make or cause to be made Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making, continuing, and completing the said Bridge, Causeway, or other Works hereby authorized to be made, and all and every Part or Parts thereof; and the said Committee of Management shall (subject as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company.

Powers of
Committee

XXXVIII. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the General and Special General Meetings of the said Company as of the Committee of Management, shall be entered in a Book or Books to be provided by or at the Expence of the said Company, and to be kept for that Purpose by the Clerk to the said Company, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, so signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and before all Judges, Justices, and others.

Orders and
Proceedings
to be enter-
ed in a
Book.

XXXIX. And be it further enacted, That proper Books of Account and other Matters relating to the said Bridge and Undertaking shall be kept, and the same shall be deposited under the Direction of the said Company or the Committee of Management at such Place or Places as they shall from Time to Time appoint, and every Proprietor or Proprietors, at all reasonable Times, shall have free Access to the same, for his, her, or their Inspection, without Fee or Reward; and in One or more of such Book or Books to be provided by the said Company for that Purpose the Clerk to the said Company shall enter and keep a true and perfect Account of the Names and Places of Abode of the several Members of the said Company and Proprietors of Shares in the said Undertaking, and of the several Persons who shall from Time to Time become Owners or Proprietors of or entitled to any Share or Shares, and of all Acts, Proceedings, and Transactions of the said Company, and of all

Book of Ac-
counts, &c.
to be kept,
which shall
be deemed
to be the
Property of
the Com-
pany.

[*Local.*]

M

Receipts,

Receipts, Payments, and Disbursements under this Act, and of the several Articles, Matters, and Things for which such Payments and Disbursements have been made; and each of the several Members and Proprietors of any Share or Shares in the said Undertaking, and Persons entitled to any such Share or Shares, and every Creditor under this Act, shall and may at all convenient Times have recourse to and peruse and inspect the several and respective Books, or any of them, kept in pursuance of this Act or for the Purposes thereof, *gratis*, and may demand and take Copies thereof or of any Part thereof, without Fee or Reward; and if any such Clerk shall refuse to permit or shall not permit any Proprietor, or Person so interested, or Creditor, as aforesaid, to inspect or peruse such Books, or any or either of them, or to take any such Copy or Copies, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and all and every the Books kept in pursuance of this Act or for the Purposes thereof, and all Accounts, Writings, and Papers whatsoever which shall be in the Custody of any Treasurer, Superintendent, Engineer, Surveyor, Clerk, Collector, and every other Officer and Person to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said Bridge or Undertaking, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be, the Right and Property of the said Company.

Public
Notices how
to be given.

XL. And be it further enacted, That all public Notices by this Act directed to be given of any General or Special General or other Meetings of the Proprietors, or of any Adjourned Meeting, or of or for any other Matter or Purpose, and not otherwise provided for by this Act, shall be given by Advertisement to be inserted in some Newspaper or Newspapers usually circulated in the County of *Southampton* and in or near the said Town of *Gosport*, or otherwise, as the Majority of the said Proprietors or Committee of Management shall at any Meeting as aforesaid direct.

Meetings to
settle Ac-
counts.

XLI. And be it further enacted, That any General Annual Meeting, or any General Meeting specially called for the Purpose, shall have full Power to call for, audit, and settle the Accounts of the said Company and of the Committee of Management, and of the Treasurers, Receivers, or Collectors of the Rates, and the other Officers of the said Company.

As to making
up Account
and Division
of Profits
annually.

XLII. And in order to ascertain the Amount of the clear Profits of the said Undertaking, be it further enacted, That the said Company or the Committee of Management shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced Three Days at the least before each General Annual Meeting, of the Monies received and Monies paid for or by the said Company or Committee, or otherwise, by virtue of this Act, shewing the Particulars and Amount of the Charges and Expences attending the erecting, making, supporting, maintaining, and carrying on the said Bridge, Undertaking, and Works, and of all other the Receipts and Expenditure of the said Company or Committee; and at the General Annual Meeting of the said Company to

be from Time to Time holden as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Annual Meeting shall declare otherwise, and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* upon the several Sums invested by the respective Proprietors in the Joint Stock of the said Company as such Meeting or Meetings shall think fit to appoint and determine: Provided always, that no Dividend shall be declared or paid until the General Annual Meeting which shall be holden next after the Expiration of Six Calendar Months from the passing of this Act; provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share or Shares after a Day appointed for Payment of any Call for Money in respect thereof until such Call shall have been paid.

XLIII. And be it further enacted, That the Capital or Joint Stock of the said Company, and all and every the Sum or Sums of Money to be subscribed or raised by virtue of this Act, and Tolls and other Monies accruing to the said Company by virtue of this Act, shall be laid out and applied, in the first place, in discharging all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, and of the Surveys, Plans, and Estimates, and other Expences preparatory and incidental thereto, together with Interest for any Money advanced by any Person or Persons for such Purposes or any of them, and after Payment of all such Costs, Charges, and Expences, and Interest, then in, for, or towards the making, completing, and repairing the said Bridge, and the Roads and Approaches thereto, and other Works by this Act directed to be made, and for other the Purposes of this Act.

Money raised to be applied in the first place in defraying the Expences of obtaining the Act, and afterwards in building the Bridge, and other the Purposes of this Act.

XLIV. And be it further enacted, That it shall be lawful for the said Company or the Committee of Management, or such Person or Persons as the said Company shall for that Purpose authorize or appoint, to contract with any Person or Persons for erecting, constructing, building, making, or repairing the said intended Bridge, Roads, Approaches, and Works, or any or either of them, and to do any other Work for the Purposes of this Act, in such Manner and for such Sum or Sums of Money as the said Company or Committee, or the said Person or Persons so to be authorized or appointed as aforesaid, shall think proper; and all Contracts in Writing entered into pursuant to any Order made at any Meeting of the said Company, or made by the Committee of Management, shall be binding on all Parties who shall sign the same, his, her, and their Executors and Administrators, and Actions and Suits may be maintained thereon and Damages recovered against the Parties failing in the Execution thereof.

Company may contract for constructing, &c. the Bridge and making the Approaches.

XLV. And be it further enacted, That it shall be lawful for the said Company or the Committee of Management to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Bridge or Road, when, where, and as they shall judge necessary, One or more Gates or Turnpikes, and also One or more Toll Houses, with

Power to erect Toll Gates, &c.

with Outbuildings and Conveniences suitable thereto, and from Time to Time to take down and remove or to alter the same as they shall think proper and direct or appoint.

Tolls to be taken.

XLVI. And be it further enacted, That as soon as the said Bridge shall be made fit for the Passage of Carriages, Horses, Cattle, and Passengers, it shall and may be lawful for the said Company or the Committee of Management, or the Collector to be appointed by the said Company or Committee, or by any Lessee or Lessees of the Tolls, from Time to Time and at all Times hereafter to demand, collect, and receive, before any Horses, Beasts, Cattle, Carriages, or Foot Passengers shall be permitted to pass or repass over the said Bridge, such Tolls as the said Company shall from Time to Time think proper, not exceeding the respective Sums following; (that is to say,)

Tolls.

For every Horse or other Beast (not exceeding Two) drawing any Coach, Stage Coach, Chariot, Chaise, Hearse, or other such like Carriage with Four Wheels, the Sum of Sixpence :

For every Horse or other Beast (exceeding Two) drawing any Coach, Stage Coach, Chariot, Chaise, Hearse, or other such like Carriage with Four Wheels, the Sum of Sixpence :

For every Horse or other Beast drawing any Chaise, Chair, or other such like Carriage with less than Four Wheels, the Sum of Three-pence :

For every Horse or other Beast drawing any Waggon, Stage Waggon, Van, Caravan, Wain, or Dray, or other such like Carriage with Four Wheels, the Sum of Four-pence :

For every Horse or other Beast drawing any Cart, Van, Wain, or Dray, or other such like Carriage with less than Four Wheels, the Sum of Four-pence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence :

For every Ox, Cow, Calf, or Head of Neat Cattle, the Sum of One Penny :

For every Hog, Pig, Sheep, or Lamb, the Sum of One Halfpenny :

For every Foot Passenger (except the Person employed in driving any Waggon, Cart, or other such like Carriage), the Sum of One Penny :

For every Person riding in any Waggon, Wain, Cart, or other such like Carriage (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire), or who shall ride upon any Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of One Penny :

And for every Coach, Waggon, Cart, or other Carriage not drawn by Horses or other Beasts, but propelled or moved by means of Steam or Machinery, the Sum of One Shilling shall be payable and be paid for each Wheel whereon the same shall run.

Tolls to be paid upon Carriages affixed to others.

XLVII. And be it further enacted, That when any Coach, Chariot, Chaise, or any other Carriage whatsoever with Four Wheels shall pass through the said Toll Gate or Toll Bar erected by virtue of this Act, affixed, tied, or secured to any Waggon, Cart, or other Carriage, the same Toll and no more shall be demanded and taken for
or

or in respect of such Coach, Chariot, Chaise, or other Carriage as if the same had passed through drawn by Two Horses; and when any Chair, Cart, or other Carriage whatsoever, with Two Wheels only, shall pass through such Toll Gate or Toll Bar, so affixed, tied, or secured to any Waggon, Cart, or other Carriage as aforesaid, the same Toll and no more shall and may be demanded and taken for or in respect of such Chair, Cart, or other Carriage with Two Wheels only as if the same had passed through drawn by One Horse only; and when any Horse shall be fastened to but not used in drawing any Waggon, Cart, or other Carriage, such Horse shall not be liable to a higher Toll than Two-pence: Provided always, that if any Coach, Chariot, Chaise, Chair, Cart, or other Carriage so affixed, tied, or secured to any Waggon or Cart shall have any Goods conveyed therein other than the Harness thereto belonging, and such Articles of Package as may be necessary for the Protection of such Carriages, the same shall be liable to the whole Toll hereby imposed; each Carriage with Four Wheels paying the same as if drawn by Two Horses, and each Carriage with Two Wheels paying as if drawn by One Horse.

XLVIII. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending, or going to attend, or returning from having attended, His Majesty or any of the Royal Family. Exemption.

XLIX. And whereas the Ferry across the said Lake has long been maintained and supported at a heavy Expence to the Public, and in consideration of the great Convenience and Advantage which will accrue by the Erection of the said Bridge, the Commissioners of the Admiralty and the principal Officers of His Majesty's Ordnance have respectively agreed upon the Payment of a certain annual Sum for the free Use and Enjoyment of the said Bridge by Persons when engaged on Duty in the Public Service; be it therefore enacted, That upon the Payment to the said Company of the respective annual Sums of Fifty Pounds by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and of Fifty Pounds by the principal Officers of His Majesty's Ordnance, no Toll shall be demanded or taken for any of the Officers or Persons belonging to the Royal Hospital at *Haslar* aforesaid, and their Families and Servants there residing, or any of the Patients therein, or for any Officer, Sailor, Soldier, or Person then actually engaged on Duty in the Service or Employment of the Admiralty, Army, or Ordnance Departments, or any Workmen employed by any such Departments, or by any Contractors under any such Departments, who may pass either by Day or by Night, when employed on any public Works, or any Members of the Families of any such Workmen employed to carry Provisions to such Workmen during working Hours, nor for any Horses or Carriages on or in which any of the several Persons so exempted shall alone be conveyed when on Duty in the public Service, nor for any Horses or Carriages employed in carrying Guns, Provisions, or Equipments on the public Service, or any Naval, Ordnance, Barrack, or Commissariat Stores; and if any Person shall claim and take the An annual Sum to be paid by Admiralty and Ordnance, for their Officers and Servants.

[*Local.*]

N

Benefit

Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Power to
lessen the
Tolls.

L. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, from Time to Time to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Company shall think proper; and from Time to Time afterwards to advance any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls granted by this Act: Provided always, that it shall not be lawful for the said Company to lessen or reduce the said Tolls, or any of them, unless at a Meeting of the said Company of which Eight Days public Notice shall be given.

Tolls may be
compounded
for.

LI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to compound, for any Term not exceeding One Year at One Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts, or Cattle, travelling on the said Bridge, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle, or for the said Tolls payable in respect of Foot Passengers only; and such Composition Money shall be paid in advance, monthly, and in default of such Payment the Composition or Agreement with the Person so making Default shall from thenceforth be void.

Punishing
Toll Col-
lectors
for misbe-
having.

LII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by any such Lessee or Lessees, or by the said Company or Committee of Management, to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board, in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and every such Collector shall place or cause to be placed on the Front of the Toll House or Toll Gate at which such Collector shall be stationed a Board containing the usual Name of the Bridge and of the Toll Gate where the Board shall be fixed, and also the List of the Tolls payable at such Bridge or Gate; and if any Collector of the said Tolls shall not place such Boards respectively as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Company or Committee of Management, made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim

claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading such Boards respectively, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Horse, Beast, Cattle, Carriage, or Passenger from passing over the said Bridge, or through the said Toll Gate, or shall make use of any scurrilous or abusive Language to any Proprietor, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided also, that if any Person or Persons shall at any Time assault, obstruct, hinder, or molest any Collector who shall or may be employed, by virtue of or in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Penalty on
obstructing
Collectors.

LIII. And be it further enacted, That if any Person or Persons shall wilfully evade the Payment of the said Tolls or any of them, or any Part thereof, or if any Person or Persons, having the Care of any Horses, Beasts, or Carriages passing through any such Toll Gate, shall refuse to pay the proper Toll, or any Part thereof, or shall wilfully or fraudulently pass through any Toll Gate to be erected by virtue of this Act with any Horse, Cattle, Carriage, or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or Cattle from any Carriage, or after having passed through any such Toll Gate shall put on an additional Horse or Beast to any such Carriage, or shall leave or cause to be left upon or near to the said Bridge any Horse, Cattle, Beast, or Carriage, or shall unload or cause to be unladen any Goods, Merchandize, or other Things from or out of any Carriage, or put or cause to be put or placed any Goods, Merchandize, or other Things upon or in any Carriage, with intent to evade Payment of any of the said Tolls, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishment as he, she, or they shall be otherwise liable to by Law.

Penalty on
evading
Tolls.

LIV. And be it further enacted, That if any Person or Persons subject to the Payment of any of the Tolls by this Act granted or made payable shall, after Demand thereof made, either at the Gate where such Tolls shall be collected, or after passing through the same, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, and themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing, upon or for which such Toll is hereby imposed, together with the Harness, Bridles, Reins (except the

Tolls may be
distrained
for.

the Bridle or Reins apart from the Horse or Horses), Saddles, Gears, or Accoutrements, or their Loading, or a sufficient Part thereof, or any of the Goods or Chattels of or belonging to or in the Possession of the Person or Persons so then and there neglecting or refusing to pay the Tolls as aforesaid; and if such Toll, or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Thing or Things so distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted, to be ascertained or determined, in case of Dispute concerning the same, by some Justice of the Peace for the County of *Southampton*.

For settling
Disputes
concerning
Tolls.

LV. And be it further enacted, That in case any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, or about the Amount of the Toll due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the County or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Toll due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue), and the Overplus (if any), after Payment of such Costs, and the Cost of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors of
Tolls not to
be deemed
incompetent
Witnesses.

LVI. And be further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed by the said Company or by the Committee of Management, or by the Lessee or Lessees of the Tolls, to collect the same, or being Lessee and Collector or any other Person or Persons acting by or under the Authority of the said Company or Committee of Management, or Lessee of the Tolls, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation by reason of his, her, or their being so appointed or interested, or being Lessee, or being paid to collect the Tolls, or acting or being paid to act, under the Authority of the said Company or Committee of Management, or Lessee or Lessees.

LVII. And

LVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly to be held under or by virtue of this Act to lease or demise all or any of the said Tolls, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, for any Term of Years not exceeding Three Years at any one Time, for such Rent payable at such Times and under such Covenants or Agreements as they shall think fit, the said Company of Proprietors taking such sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised for Payment of such Rent and Performance of such Covenants or Agreements as they shall think fit, which Rent shall be applied for the Purposes of this Act; and if the said Letting shall be by public Bidding, the said Company shall at such public Letting have and be entitled to One or more public Bidding or Biddings for such Tolls by their Clerk or Treasurer or other Person by them authorized.

Power to farm Tolls.

LVIII. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or let to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, or such other Person or Persons as he or they shall authorize or appoint, to occupy and enjoy the Toll House or Toll Houses at which the said Tolls so let are to be collected and to arise, with all the Appurtenances and Conveniences to the same Toll House or Toll Houses belonging, for the Purpose of collecting such Tolls during so long Time only as such Lessee or Lessees shall regularly and duly pay his, her, or their Rent or Rents, and perform the Covenants and Agreements and Conditions of such Demise or Letting, but no further or otherwise; and that such Lessee or Lessees, and the Person or Persons so to be by him, her, or them appointed (such Rents and Covenants being duly paid and performed), shall and may demand and take the said Tolls so leased, demised, or let, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever as any Collector of the said Tolls appointed by the said Company is by virtue of this Act authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Collector or Collectors, or any Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed in pursuance of this Act is subject or liable to.

Powers given to Lessees or Persons appointed.

LIX. And be it further enacted, That in case any Collector of the said Tolls, Rates, or Duties, or any other Officer, Agent, or Servant of the said Company, who shall quit or be dismissed from such Offices, shall refuse to deliver up the Possession of any Toll House, Counting-house, or Office, or any Dwelling House, Buildings, and Appurtenances, or any Books, Papers, or other Matters and Things belonging to the said Company, in his Possession, Custody, or Power, in right of his or their Appointment or Appointments to such Office or Offices, within Three Days after Notice given to him or them, or left at any such Buildings or Dwelling Houses, under the Hand of

If discharged Collector or other Officer in possession of Houses, &c. of the Company refuse to quit, any Justice may remove him.

[Local.]

O

the

the Clerk of the said Company, by Direction of the said Company or the Committee of Management, or if the Widow or any of the Family of any such Collector or other such Officer, Agent, or Servant who shall so die as aforesaid, or any other or others who shall be in possession of the Premises by any Means whatsoever, shall refuse to deliver up such Houses or Offices, Dwelling Houses, and Appurtenances, Books, Papers, and other Matters and Things, within Three Days after Notice shall have been given or left on the Premises signed as aforesaid, then and in every or any such Case or Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place wherein the Premises shall be situate, or where such Books, Papers, and other Matters and Things shall then be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistants as shall be necessary, to enter such Counting-houses or other Offices, Dwelling Houses, Buildings, and Premises, with the Appurtenances, in the Daytime, and thereout and therefrom to remove all Persons whomsoever who shall be found therein, together with their Goods and Chattels, and take Possession of all Books, Papers, Matters, and Things which shall be found therein, belonging to the said Company, and to deliver Possession thereof to the said Company or Committee, or to whom they shall appoint to receive the same.

For preventing wilful Damage to the Bridge.

LX. And be it further enacted, That if any Person shall wilfully or maliciously damage the said Bridge or any Part thereof, or any Toll Gate, Turnpike, or Toll House belonging thereunto, or shall wilfully or maliciously remove or take away any Works, Materials, or Things thereunto belonging, or belonging to the said Company, or in any way direct or procure the same to be done, or shall be aiding or assisting therein, whereby the said Bridge or the Works thereto belonging may be injured, or shall moor or fasten any Ship, Lighter, Barge, Boat, Keel, Wherry, or other Vessel, or any Float or Raft to the same or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also pay and defray the Amount of the Damage so done as aforesaid, and the Value of the Materials or Things taken therefrom, and the Expence of replacing the same; the Amount of which Damage and Expences shall and may be recovered in the same Manner as any Penalty or Forfeiture may be recovered under this Act.

Penalty on wilfully destroying Table of Tolls.

LXI. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board or Table of Tolls put up or placed to any Toll House or Toll Gate in pursuance of this Act, or shall obliterate or deface any Inscription, Word, or Figure thereon, or shall assist, aid, or concur in any such Offence, he or she shall on Conviction forfeit and pay to the said Company a Sum not exceeding Ten Pounds for every such Offence over and above the Amount of the Damage done.

Penalty on Persons obstructing the Bridge without Cause.

LXII. And in order that a clear Passage along the Approaches, Ways, or Passages to and from the said Bridge, and that the said Bridge and Approaches may at all Times for the Convenience of the

Public

Public be kept and maintained free and uninterrupted, be it further enacted, That if any Person or Persons shall do, or cause or permit to be done, any Act, Matter, or Thing whatsoever, whereby or by means whereof the Passage of the said Bridge, or the Approaches thereto, shall be interrupted or obstructed, impeded or prevented, and shall not shew sufficient Cause in extenuation, to be allowed by the Justice before whom Complaint of the Offences shall be made, every such Person or Persons whosoever shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, or otherwise damage the said Bridge or the Works thereof, or any Part thereof, or shall ride or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway to be made on the Side or Sides of any Part of the said Bridge or the Approaches thereto, or shall wilfully obstruct the Passage thereof; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if the Driver of any Waggon or other Carriage meeting any other Waggon or Carriage shall not keep his Waggon or Carriage on the Left or Near Side, or if any Person shall in any Manner wilfully prevent any other Person from passing him or her, or his or her Carriage, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage or of His Majesty's Subjects on the said Bridge, Roads, or Approaches; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Bridge or Approaches thereto, with any Instrument so as to damage the said Bridge or Approaches thereto or any Part thereof, or if any Person or Persons shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, or play at Football or any other Game upon the said Bridge, Roads, or Approaches thereto; or if any Person or Persons shall leave any Waggon, Wain, Cart, or Carriage, without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, in, upon, or on the Sides of the said Bridge or Approaches thereto, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Annoyance whatsoever, upon any Part of the said Bridge, Roads, or Approaches thereto, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of any Person travelling thereon; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also pay and defray the Amount of Damages done as aforesaid, together with the Expences thereof, to be ascertained and recoverable as herein-before mentioned.

For Preventing Nuisances on the Bridge.

LXIV. And be it further enacted, That after the said Bridge to be erected by virtue of this Act shall be made passable and opened for Carriages, Horses, Cattle, and Passengers, if any

Penalty on Use of any other Bridge or Ferry.

any Person or Persons erecting or causing to be erected any other Bridge within Two thousand Yards of the said Bridge to be erected by virtue of this Act, or any Person or Persons acting under the Authority of such Person or Persons, shall permit or suffer any Horse, Beast, or Carriage to pass or go over the same, or if any Person or Persons (except the said Company, or any Person or Persons acting under their Authority,) shall use any Boat, Barge, Float, Raft, or other Vessel in ferrying or carrying any Horse, Beast, Carriage, or Passenger for Hire across the said Lake, within the Limits aforesaid, every Person or Persons so offending shall, for every Horse, Beast, Carriage, or Passenger so permitted or suffered to pass over such other Bridge, and for every such Horse, Beast, Carriage, or Passenger so ferried across the said Lake, forfeit and pay any Sum not exceeding Five Pounds, to be recovered in manner herein-after mentioned.

Surveyors to impound Cattle found straying on the Roads or Bridge.

LXV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying on the said Bridge or Roads, or by the Sides thereof, it shall be lawful for the Surveyor, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Parish or Place where the same shall be, or in such other Place as the said Committee of Management shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days next after such Impounding, it shall and may be lawful to and for the said Committee of Management to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been, on Demand.

Punishing Persons guilty of Pound Breach.

LXVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, 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 or before such Cow, Horse, Ass, Swine, or other live Stock or Cattle seized or so 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 of His Majesty's Justices of the Peace for the County or Place where the
Offence

Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the said County of *Southampton*, or to the Bridewell at *Gosport* aforesaid, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

LXVII. And be it further enacted, That in all Cases where any Damages or Charges are by this Act directed to be paid, and the Manner of ascertaining the Amount thereof shall not be specified or provided for, the Amount of such Damages and Charges, in case of Nonpayment or of any Dispute respecting the same, shall be settled, ascertained, and determined by some Justice or Justices of the Peace for the said County of *Southampton*; and the Justice and Justices aforesaid is and are hereby authorized and required, on Nonpayment of the Amount of such Damages and Charges, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, in manner directed by this Act for levying of any Penalties or Forfeitures.

Damages and Charges in Cases of Disputes to be settled by Justices.

LXVIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously and to the Prejudice of the said Undertaking break, throw down, or destroy any of the Works to be erected and made by virtue of this Act, every such Person shall be judged guilty of Felony; and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Punishments and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm; or, in mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petty Larceny.

Destroying the Works, Felony.

LXIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace for the said County of *Southampton* to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Justices may proceed by Summonses in the Recovery of Penalties.

LXX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend to give Evidence before any Justice or Justices of the Peace touching any

Compelling Witnesses to attend.

[Local.]

P

Matter

Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor, or the Person or Persons accused, shall refuse or neglect to appear at the Time or Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges; without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined, or shall not answer upon Oath, (or, in case of a Quaker or Quakers, or a Separatist or Separatists, on solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For punish-
ing Persons
giving false
Evidence.

LXXI. And be it further enacted, That all and every Person or Persons who in any Examination to be taken upon Oath by virtue of this Act shall wilfully give false Evidence, or otherwise forswear themselves before any Justice or Justices of the Peace, acting as such in the Execution of this Act; shall or may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of Perjury are by the Laws in being subject and liable to.

Recovery of
Penalties
and For-
feitures.

LXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act, or by any Bye Law made in pursuance hereof, inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not otherwise herein directed,) shall; upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath or Affirmation of any credible Witness or Witnesses (which Oath or Affirmation such Justice is in every Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, if any, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not forthwith be paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Three Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the

Satisfaction of any such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Liberty, or Place where the Offender shall be or reside, or to the Bridewell in *Gosport* aforesaid, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Forfeitures, Penalties, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Company, and applied and disposed of for the Purposes of this Act.

LXXIII. And be it further enacted, That it shall and may be lawful for any of the said Company, or their Collectors and other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance (and which all By-standers and other Persons, on Demand, are hereby required to give), to seize and detain any Person or Persons guilty of any Offence against this Act, and who may be unknown to the said Company, Collectors, or other Officers so seizing or detaining such Person or Persons, and to convey him, her, or them before any One or more of the Justice or Justices of the Peace for the County or Place where any such Offence shall be committed, without any other Warrant or Authority than this Act for so doing, and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing
transient
Offenders.

LXXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say,)

Form of
Conviction
of Offenders.

‘ to wit. } BE it remembered, That on the _____ Day of
‘ _____ in the Year of our Lord One thousand
‘ eight hundred and _____ A. B. is convicted before
‘ me, C. D. [or before us, C. D. and E. F.] One [or Two] of His
‘ Majesty’s Justices of the Peace for the County of _____
‘ by virtue of an Act of Parliament made in the Fourth Year
‘ of the Reign of His Majesty King *William* the Fourth [here set
‘ forth the Title of this Act, and specify the Offence, and the Time and
‘ Place when and where the same was committed, as the Case may be].
‘ Given

‘ Given under my Hand and Seal [*or* our Hands and Seals] the Day
‘ and Year first above mentioned.’

Proceedings
not to be
quashed for
Want of
Form.

LXXV. And be it further enacted, That no Order, Judgment, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, or the Appointment of the Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage which he, she, or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass or on the Case, at the Election of the Person or Persons so aggrieved.

Plaintiff not
to recover
unless No-
tice of
Action is
given and no
Amends ten-
dered.

LXXVI. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LXXVII. And

LXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors or of their Committee of Management, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in every such Case such Person or Persons may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the County, City, or Place in which the Cause of Appeal shall arise, first giving Ten Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at the said General or Quarter Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall in a summary Way either hear and determine the said Appeal at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such County, City, or Place, and also may award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices in their said General or Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Allowing an Appeal.

LXXVIII. Provided always, and be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act after Six Calendar Months after the Fact committed; and every such Action or Suit shall be laid, brought, and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall have been brought before Thirty Days Notice shall have been given, or after a sufficient Satisfaction made and tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the

Limitation of Actions.

[Local.]

Q

Defendant

Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant shall recover full Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

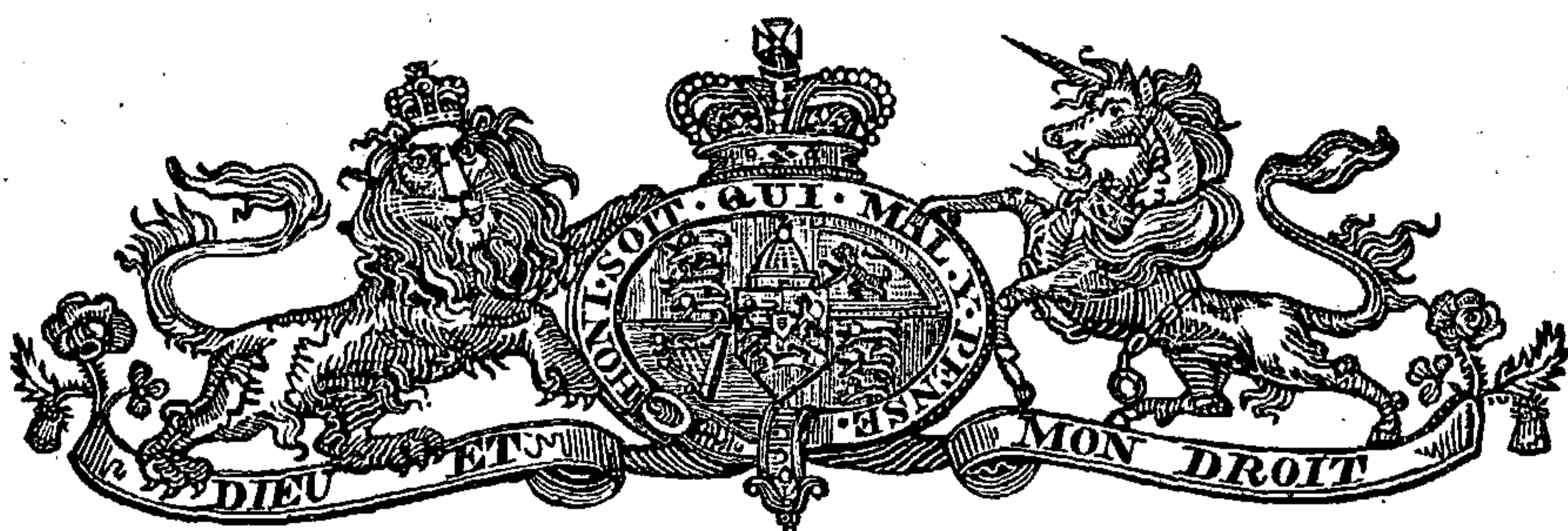
Declaring
what shall
be good
Service of
Notice on
the Com-
pany.

LXXIX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Chairman or any Member of the said Committee of Management for the Time being, or left at his usual Place of Abode, or upon the Clerk of the said Company for the Time being, or at the Office of such Clerk, or left at his usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Public Act.

LXXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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Printers to the King's most Excellent Majesty. 1834.



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. v.

An Act for better assessing the Poor and other Rates on small Tenements within the Parish of *Sculcoates* in the East Riding of the County of *York*. [26th March 1834.]

WHEREAS the Parish of *Sculcoates* in the East Riding of the County of *York* is large and populous, and it is expedient that better Provision should be made for the rating of Tenements under a certain yearly Value towards the Poor and other Rates within the said Parish, and for the Collection of such Rates: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Owners of all Houses, Buildings, Tenements, and Hereditaments within the said Parish of *Sculcoates* the yearly Rent or Value whereof respectively shall not amount to Ten Pounds, or which, whatever the yearly Rent or Value may be, shall be let to weekly or monthly Tenants, or which shall be let in separate Apartments, furnished or unfurnished, for any Period of Time whatever, shall be rated to and shall pay the Rates for the Relief of the Poor and all other Rates lawfully made within the said Parish for or in respect of such Houses, Buildings, Tenements, and Hereditaments, instead of the actual Occupiers thereof.

Owners of Tenements under 10l. per Annum, or which are let in separate Apartments, to pay the Rates made in the Parish.

II. And be it further enacted, That whenever the Name of the Owner of any such House, Building, Tenement, or Hereditament shall not be known to the Churchwardens and Overseers of the said Parish, or to other the Persons lawfully making any Rate within such Parish, it shall be sufficient to rate such Owner in the Rate Books of the Churchwardens and Overseers of the said Parish, or of other the Persons lawfully autho-

Owner may be rated without naming him.

[Local.]

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rized to make any Rate within the said Parish, as the Owner of such House, Building, Tenement, or Hereditament, within the Meaning and for the Purposes of this Act, by the Title or Designation of "The Owner," without stating the Name of such Owner; and the Person so rated by such Title or Designation shall be liable to pay and shall pay the said Rate.

Defining
"Owner."

III. And in order to prevent any Dispute touching the Meaning of the Word "Owner" under this Act, be it enacted, That the Person receiving or authorized to receive the Rents of any House, Building, Tenement, or Hereditament within the said Parish, either on his own Account or as Agent of any other Person, or the Mortgagee receiving the Rents of such House, Building, Tenement, or Hereditament, shall be deemed the "Owner" of the same for the Purposes of this Act.

Power to
make Com-
position with
the Owners
of Houses
for Payment
of Rates.

IV. And be it further enacted, That whenever the Owner of any such House, Building, Tenement, or Hereditament shall have been rated as herein-before mentioned, it shall be lawful for the Churchwardens and Overseers of the Poor of the said Parish, or any Two of them, and for all other Persons lawfully making any Rate within the said Parish, if they respectively shall think proper, to compound with him for the Payment of the Rates to which under the Provisions of this Act he shall have become liable at such a reduced yearly Proportion or Amount as the said Churchwardens and Overseers, or any Two of them, or as the said other Persons lawfully making the Rate, shall respectively think proper, such reduced Proportion or Amount not being less than One Half of the actual Rent at which such House, Building, Tenement, or Hereditament shall be let, or less than One Half of the annual Value of such House, Building, Tenement, or Hereditament, and from Time to Time to renew or to alter or discontinue any such Composition; and all such Compositions shall be entered in the Rate Book of the said Churchwardens and Overseers, or of the said other Persons lawfully making the Rate.

Owner, not
being a resi-
dent House-
holder, made
liable to
Action of
Debt for
Rates.

V. And be it further enacted, That where any Rate or Composition made within the said Parish shall remain unpaid by the Person by this Act made liable to the Payment thereof for the Space of Six Calendar Months after the same respectively shall have become due, and the Person so made liable to the Payment of such Rate or Composition shall not be a resident Householder within the said Parish, it shall be lawful for the Churchwardens and Overseers of the Poor of the Parish for the Time being, or other the Persons for the Time being lawfully making such Rate or Composition respectively, whether the said Rate or Composition shall have become due in their own Time or in the Time of their Predecessors, to recover the same in manner herein-after mentioned with respect to the Recovery of Rates and Compositions to the Payment of which the several Owners of Houses, Buildings, Tenements, and Hereditaments are by this Act made liable, or, at the Option of the said Churchwardens and Overseers or other Persons as aforesaid, to bring an Action of Debt for the same against the Person so made liable as aforesaid in any of His Majesty's superior Courts of Record, in which Action it shall be sufficient for the Plaintiffs to declare that the Defendant is indebted to the said Plaintiffs for certain Rates or for certain Compositions for Rates (as the Case may be); and upon the Trial of any such Action the Books of Rates of the said Churchwardens and Overseers, or of other the Persons lawfully making such Rates or Composition as aforesaid, or examined Copies of any such Books respectively, shall be received

received as Evidence of the Rates and of the Composition so made: Provided always, that before any such Action shall be commenced a Notice signed by the said Churchwardens and Overseers or by any Two or more of them, or by other the Persons lawfully making such Rates or Composition as aforesaid, or by any Two or more of them, shall be left at the Dwelling House or last known Place of Abode of the Person so made liable to the said Rates or Compositions; which said Notice shall state that certain Rates or that certain Compositions for Rates (describing them) are due from such Person, and that at the Expiration of Twenty-one Days from the Delivery of the said Notice an Action at Law will be commenced for the Recovery of such Rates or for such Compositions (as the Case may be), unless the same shall in the meantime be discharged; provided also, that no such Action shall be commenced under the Authority of this Act after the Expiration of Twelve Calendar Months from the Time when such Rate or Composition (as the Case may be) shall have become due; provided also, that no Action of Debt shall be brought under the Provisions of this Act against any of the People called *Quakers* for or in respect of any Ecclesiastical or Church Rate within the said Parish, but the same shall and may be levied and recovered by Warrant of Distress and Sale under the Hand and Seal of some Justice of the Peace for the East Riding of the County of *York*.

VI. And be it further enacted, That where the Owner of any House, Building, Tenement, or Hereditament within the said Parish shall have been rated in pursuance of this Act, and the Rate shall have remained due and unpaid for the Space of Two Calendar Months, the Person renting or occupying the same shall and may, at the Discretion of the said Churchwardens and Overseers or of any Two of them, or of other the Persons lawfully imposing the Rate, be called upon and required to pay such Rate, or any Composition for the same; and in case of Nonpayment thereof the Goods and Chattels of such Person shall be liable to be seized, distrained, and sold for such Nonpayment, as if such Person had been rated in such Rate, or had entered into such Composition: Provided always, that no Person so renting or occupying as aforesaid shall be required to pay nor shall his Goods or Chattels be seized or distrained for any greater Sum than the Amount of the Rent actually due from him for and in respect of the House, Building, Tenement, or Hereditament which shall have been so rated, or in respect of which such Composition shall have been made as aforesaid, at the Time of such Requisition to pay, or of such Seizure and Distress respectively; provided also, that no Action of Debt shall be brought against any Person so renting or occupying as aforesaid for any Rate or Composition by this Act directed or authorized to be made.

Goods of Occupiers liable to be distrained to a certain Extent.

VII. And be it further enacted, That every Person so renting or occupying as aforesaid, who shall be required to pay and shall pay the Amount of such Rate or Composition, or on whose Goods and Chattels the said Amount shall have been levied, may deduct the same, together with the Costs and Charges (by him paid) of making such Distress and Sale, from the Rent then due or thereafter to become due by him for renting or occupying of the Premises in respect of which such Rate or Composition shall have been made (unless such Occupier shall be in the Possession of such Premises under or by virtue of any Agreement, verbal or written, made before the passing of this Act, or unless there be some Agreement to the contrary between such Person and his Lessor or Landlord), and the Receipt for the Amount so paid or levied by the Person lawfully

Occupiers paying Rates authorized to deduct same from Rent.

lawfully authorized to receive the same shall be a sufficient Discharge to the Person so renting or occupying as aforesaid against his Lessor or Landlord for the Amount in such Receipt mentioned, and the Receipt in Writing under the Hand of such Person so authorized as aforesaid shall, on Proof of his Handwriting, be Evidence of such Receipt.

Tenants by virtue of Agreements made before the passing of this Act to repay the Rates to their Landlord unless otherwise agreed.

VIII. Provided always, and be it further enacted, That when any Person shall at the Time of the passing of this Act be in the Occupation of any House, Building, Tenement, Hereditament, or separate Apartment in the said Parish of *Sculcoates*, as Tenant thereof, by virtue of any Agreement, written or verbal, entered into before the passing of this Act, and the Owner thereof shall be rated in respect thereof in any Rate under the Authority of this Act, or shall compound for the Rates in respect thereof, it shall be lawful for such Owner to recover of and from the Tenant of such House, Building, Tenement, Hereditament, or separate Apartment any Sum of Money which such Owner shall pay for any Rate or Composition so rated or imposed upon him in respect of such Premises whilst the same shall be so held or occupied by such Tenant under any such Agreement, or a proportionate Part thereof, and for the Recovery thereof such Owner shall have and be entitled to all such Remedies as Landlords by any Law or Statute have or are entitled to for the Recovery of Rent in arrear from their Tenants, unless in such Agreement it shall have been expressly agreed that the Landlord or Owner shall bear or pay the Rates in respect of such Premises.

Occupier compellable to disclose the Name of the Owner.

IX. And be it further enacted, That if on the Request of the said Churchwardens and Overseers or of any Two of them, or of other the Persons lawfully authorized to impose any Rate within the said Parish, the Tenant or Occupier of any House, Building, Tenement, or Hereditament within such Parish shall refuse or wilfully omit to disclose, or shall wilfully mis-state to the said Churchwardens and Overseers or other Persons as aforesaid, the Name of the Owner of such House, Building, Tenement, or Hereditament, or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice of the Peace for the East Riding of the County of *York*, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, to summon by Writing under his Hand the Person who shall have so refused, or wilfully omitted or mis-stated as aforesaid, to appear, at the Time and Place to be mentioned in such Summons, before such Justice or before some other Justice for the said Riding, and which Summons shall be served either by Delivery thereof to the Person summoned or by leaving the same at his Dwelling House or last known Place of Abode; and if the Person summoned shall neglect or refuse to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justice, upon Proof, in case of such Neglect or Refusal to attend as aforesaid, of the due Service of the said Summons, to commit the Person who shall have so refused or wilfully omitted or have made such wilful Mis-statement to the Common Gaol or House of Correction of the said Riding, there to be kept without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless he shall sooner, upon Oath to be administered to him by some Justice for the said County, disclose or make known the Name of the Owner or of the Person receiving or authorized to receive such Rents as aforesaid.

X. And

X. And be it further enacted, That it shall be lawful for the Inhabitants of the said Parish in Vestry assembled to elect some Person or Persons to be a Collector or Collectors of the Poor Rates, County Rates, Church Rates, and Highway Rates, all or any of them, lawfully made within the said Parish, and to make such Allowance to the said Collector or Collectors as to such Vestry shall seem proper; and it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the East Riding of the County of *York*, and they are hereby required, by Warrant under their Hands and Seals, to appoint the Person or Persons so elected by the said Vestry to be the Collector or Collectors of the said Rates, and to direct such Allowance as herein-before mentioned to be paid to such Collector or Collectors respectively, out of the Rates by him or them received; and the Appointment of every such Collector so made by the said Justices shall remain in force until the Death or Resignation of such Collector, or until the said Appointment shall be revoked at some subsequent Vestry of the Inhabitants of the said Parish; and every Collector so appointed in manner herein-before mentioned shall have full Power and Authority to demand and receive the Rates herein-before mentioned which he shall be so appointed to collect.

Power to appoint Collectors of the Rates within the Parish.

XI. And be it further enacted, That the Inhabitants of the said Parish in Vestry assembled shall and they are hereby required to take sufficient Security from every Collector to be appointed under the Authority of this Act for the due and faithful Execution of his Office, and such Security shall be by Bond, with Two or more sufficient Sureties, and in such Penalty as the Inhabitants of the said Parish in Vestry assembled shall direct; and such Bond shall be made to the Churchwardens and Overseers of the Poor of the said Parish, or to any Two or more of the Persons lawfully making the Rate for the Collection of which such Collector shall be appointed (as the Case may require), and may, on any Breach of the Conditions thereof, be put in force by and in the Names of the Churchwardens and Overseers of the Poor of the said Parish for the Time being, or of other the Persons as aforesaid (as the Case may require); and no Action or other Proceeding on such Bond shall abate or be discontinued by reason of the Death of any of the Churchwardens or Overseers or other Persons as aforesaid named in such Action or Proceeding, or by the Removal or going out of Office of any of them respectively.

Collectors to give Security for faithful Execution of Duty.

XII. And be it further enacted, That all Collectors so elected and appointed shall under their respective Hands, and at such Times and in such Manner as the said Churchwardens and Overseers, or Two of them, or other the Persons lawfully making the Rate for the Collection of which such Collector shall have been appointed, shall direct, deliver up to the said Churchwardens and Overseers or to such other Persons as aforesaid (as the Case may require), or to such Persons as they respectively shall appoint, all Rate Books and other Books, Papers, and Documents in their Possession or Custody respecting their Office, and also true and perfect Accounts in Writing of all Matters committed to their Charge by virtue of this Act, and also of all Monies which shall have been from Time to Time collected and received by them for or on account of any of the said Rates, and of all Payments and Disbursements made by them thereout or on account thereof, and to whom the same shall have been made, together with proper Vouchers for such Payments and Disbursements, and shall pay all such Monies as may remain due from them to the said Churchwardens and Overseers or other Persons as aforesaid (as the Case may require), or to such Persons as they respectively shall appoint to receive the same;

Collectors to account.

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and

and if any such Collector, when thereunto required by Writing under the Hands of the said Churchwardens and Overseers, or of other the Persons as aforesaid (as the Case may be), or of Two of them respectively, given to or left at the last or usual Place of Abode of such Collector, shall refuse, or if for the Space of Seven Days after being so thereunto required as aforesaid he shall neglect to deliver up to the said Churchwardens and Overseers or to the said other Persons as aforesaid (as the Case may require), or to such Person as they respectively shall appoint to receive the same, such Rate Books and other Books, Papers, and Documents, and to render such Accounts, and to produce and deliver up such Vouchers, and to pay over all Monies remaining in his Hands as hereinbefore mentioned, then and in every such Case, on Complaint made by the said Churchwardens and Overseers or by the said other Persons hereinbefore mentioned (as the Case may be), or by Two of them respectively, or by such Persons as they respectively shall appoint, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the East Riding of the County of *York*, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Collector to be brought before him, and on his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Churchwardens and Overseers or as the said other Persons as aforesaid (as the Case may be) might have done; and if by the Confession of the said Collector, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected or received by such Collector shall remain due from him, such Justice may and he is hereby required, on Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods or Chattels of such Collector shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, and if such Collector shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver up to such Justice the several Vouchers relating to such Accounts, or to deliver up such Rate Books and other Books, Papers, and Documents as aforesaid, the said Justice may and he is hereby required to commit such Collector to the Common Gaol or House of Correction of the East Riding of the County of *York*, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered the Vouchers (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be due from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Churchwardens and Overseers or other Persons as aforesaid for such Money and Charges, and have paid the Composition Money (and which Composition the said Churchwardens and Overseers and other Persons as aforesaid are hereby respectively empowered to make), or have given Satisfaction in respect of such Vouchers, Books, Papers, and Documents to the said Churchwardens and Overseers, or to such other Persons as aforesaid, as the Case may require: Provided always, that no such Collector who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XIII. And be it further enacted, That all Rates and Compositions to the Payment of which the several Owners of Houses, Buildings, Tenements, and Hereditaments are by this Act made liable may be levied and recovered from such Owner and the Payment thereof be enforced in the same Manner as other Rates and Compositions for similar Purposes within the said Parish may by Law be levied and recovered and the Payment thereof enforced from Occupiers within the said Parish.

Rates made under this Act to be collected as similar Rates may by Law be collected.

XIV. And be it further enacted, That every Summons or Warrant of Distress for Nonpayment of any Rate or Composition to the Payment of which the several Owners of Houses, Buildings, Tenements, and Hereditaments are by this Act made liable, or for any other Money becoming due under the Authority of this Act, may include several Persons as well as one Person, and several Sums in respect of several Houses, Buildings, Tenements, and Hereditaments of which the same Person may be Owner.

Warrants of Distress for Nonpayment of Rates may include several Persons, &c.

XV. And be it further enacted, That all Rates to the Payment of which the several Owners of Houses, Buildings, Tenements, and Hereditaments are by this Act made liable may be appealed against in the same Manner as other similar Rates within the said Parish may be appealed against: Provided nevertheless, that any Person aggrieved by any such Rate may, if he shall think proper, appeal in the first instance to the Parties who shall have made such Rate, who may hear such Appeal, and determine the Matter thereof, and make such Order therein, and deal with the Matter in such Manner as the Justices of the General or Quarter Sessions of the Peace may do in Cases of like Appeals; and the Determination and Order of such Parties as aforesaid shall be binding and conclusive, unless the Person aggrieved thereby shall, within the Space of Seven Days next after such Determination, Order, or Decision, give Notice in Writing of Appeal therefrom to the next General or Quarter Sessions of the Peace to be held not less than Four Calendar Months after the making of such Determination, Order, or Decision; and in case of such last-mentioned Appeal, the Justices of the Peace then present shall hear such last-mentioned Appeal, and shall deal with and determine the same in the same Manner as if the Party aggrieved had in the first instance appealed to the General or Quarter Sessions of the Peace: Provided also, that in case any Owner shall be rated in respect of any House, Building, Tenement, or Hereditament as in this Act mentioned, and shall appeal against such Rate, either to the Party making such Rate or to the General or Quarter Sessions of the Peace, and shall thereby seek to increase the Assessment of such House, Building, Tenement, or Hereditament so as to throw the Burthen thereof on the Person renting or occupying the same, or if the Person so renting or occupying the same shall be rated in respect of such House, Building, Tenement, or Hereditament, and shall appeal against such Rate, either to the Party making such Rate or to the General or Quarter Sessions of the Peace, and shall thereby seek to diminish the Assessment of such House, Building, Tenement, or Hereditament so as to throw the Burthen thereof on the Owner of the same, then and in either of such Cases the said Parties, or the said Justices of the Peace, as the Case may be, shall not hear such Appeal until satisfactory Proof shall be given before them that the Person so renting or occupying as aforesaid, or the Owner as aforesaid, (as the Case may be,) shall have had Ten Days Notice of such Appeal by Writing under the Hand of the Party intending to appeal, either by Service thereof upon him or by Delivery thereof at his usual or last Place of Abode.

Rates made under this Act may be appealed against, as in similar Cases of Rates within the Parish.

XVI. And

Rate Books
to be inspect-
ed gratis.

XVI. And be it further enacted, That all Books of Rates of the said Churchwardens and Overseers or of other the Persons lawfully imposing Rates within the said Parish, and all Indexes of such Books respectively, shall, between the Hours of Ten and Twelve of the Clock in the Forenoon of every Day (except *Sunday*), be open for the Inspection of all Persons rated towards any Rates within the said Parish to the Payment of which Rates such Persons may by this Act be made liable, without Fee or Reward, and all Persons as aforesaid may take Copies of or Extracts from such Books respectively without Fee or Reward; and in case the Person having the Care of any such Book or of any such Index shall refuse to permit or shall not permit any Person so liable to the Payment of such Rates as aforesaid to inspect the same, and to take Copies or Extracts thereof as aforesaid, he shall forfeit and pay the Sum of Ten Pounds for every such Offence, to be recovered in a summary Manner by Information on Oath or Affirmation before some Justice of the Peace for the East Riding of the County of *York*, and by Warrant of Distress under the Hand of such Justice, which Penalty, when levied, shall be applied to the Use of the Poor of the said Parish; and for the more convenient Reference to such Rate Books by Persons so liable as aforesaid an Index to every such Book shall be kept in alphabetical Order of the Names of the several Persons so made liable as aforesaid.

General
Power to
Justices to
administer
Oaths, &c.

XVII. And be it further enacted, That in all Cases in which any Justice of the Peace is by this Act authorized to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

For paying
the Expences
of the Act.

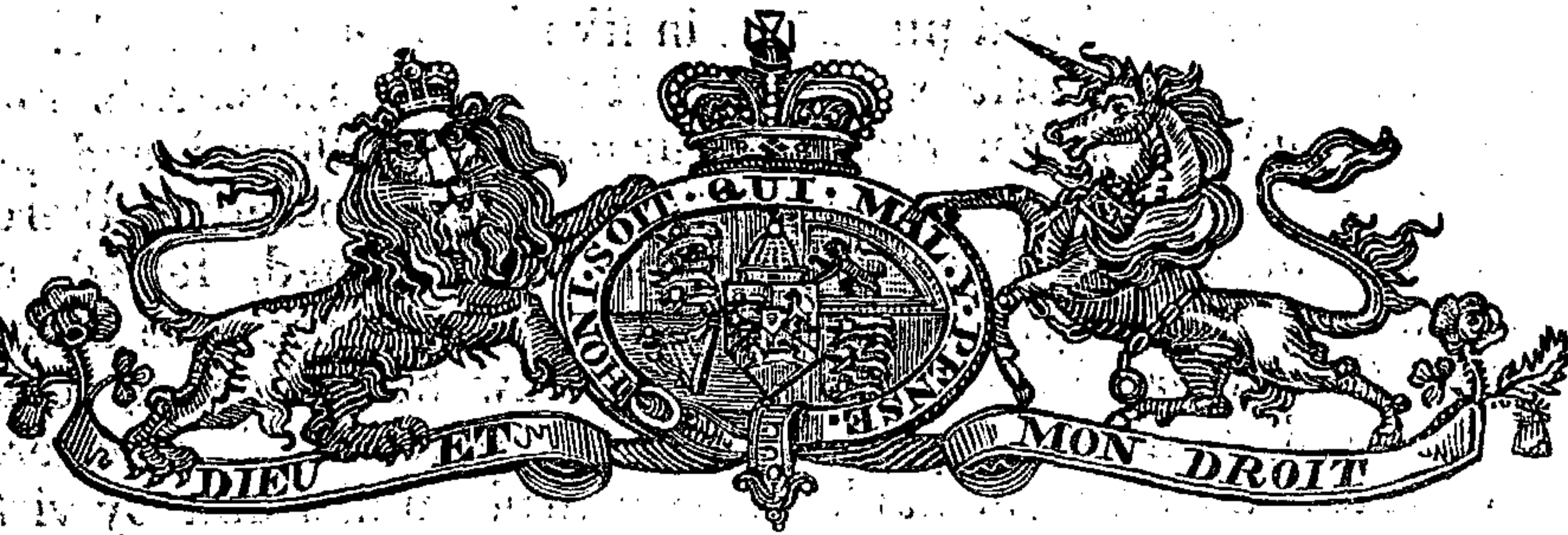
XVIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining this Act, and all other Charges incident thereto, shall be paid and defrayed out of the first Monies which shall come into the Hands of the said Churchwardens and Overseers by virtue of the Rates for the Relief of the Poor of the said Parish.

Rules for the
Interpreta-
tion of certain
Terms used
in the Act.

XIX. And be it further enacted, That where in this Act any Word or Words is or are used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals; and the Words "Mortgagee receiving the Rents" shall be understood to include any other Description of Incumbrancer in possession as well as a Mortgagee; unless in any of the Cases aforesaid it be otherwise specially provided for, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

XX. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.



ANNO. QUARTO

GULIELMI IV. REGIS.

Cap. vi.

An Act to repeal an Act passed for better assessing and recovering the Poor and other Rates upon small Tenements within the Parish of *Liverpool* in the County Palatine of *Lancaster*.

[26th *March* 1834.]

WHEREAS by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better assessing and recovering of the Rates for the Relief of the Poor, and of the Ecclesiastical or Church Rates, upon small Tenements within the Parish of Liverpool in the County Palatine of Lancaster*, it was amongst other things enacted, that where any House, Building, Office, Apartment, or Tenement within the said Parish should be rated or assessed at a yearly Value not exceeding the Sum of Twelve Pounds, the immediate Lessor, Landlord, or Owner, or the Person receiving or authorized to receive the Rents thereof, either on his own Account or as the Agent of any other Person or of any Body Corporate, or the Mortgagee receiving the Rents of any such House, Building, Office, Apartment, or Tenement, should from and after the passing of the said Act be rated and assessed to and should pay the Rates or Assessments for the Relief of the Poor, and the Ecclesiastical or Church Rates of the said Parish, for and in respect of such House, Building, Office, Apartment, or Tenement, instead of the Occupier thereof; and it was further enacted, that the Rates or Assessments directed to be made by that

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Act

Act should be allowed and published in like Manner and under the same Powers and Authorities as other Rates or Assessments made within the said Parish for the like Purposes are allowed and published, and the Rates, Assessments, and Compositions thereby directed or authorized to be made might be collected, levied, and recovered, and the Payment thereof enforced, in the like Manner as Rates for similar Purposes might by Law be collected, levied, and recovered, and the Payment thereof enforced: And whereas various Rates and Assessments have been made under and by virtue of the said Act: And whereas the said recited Act has occasioned much Discontent in the said Parish, and has tended indirectly to the Impoverishment and Oppression of the Occupiers of the Tenements within the said Parish not exceeding the annual Value of Twelve Pounds, and it is expedient that the said recited Act should be repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Provisions therein contained, shall be and the same are hereby repealed.

Recited Act
repealed.

Not to affect
Rates already
made.

II. Provided nevertheless, and be it further enacted, That this Act shall not extend to repeal or affect any Rate or Assessment already made in pursuance of the said recited Act, but every Rate and Assessment made pursuant to the said Act before the passing of this Act shall and may be collected, levied, and recovered, and the Payment thereof enforced, in such and the like Manner as if this Act had not been passed.

Expences of
Act.

III. And be it further enacted, That the Costs, Charges, and Expences of and in relation to this Act shall be paid and discharged by the Churchwardens and Overseers of the Poor of the said Parish out of the Rates collected and levied by them for the Relief of the Poor.

Public Act.

IV. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.