ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. XXV.

An Act for paving, lighting, cleanſing, and otherwiſe improving the Town of *Weſt Cowes*, in the *Iſle of Wight*, in the County of *Southampton*; and for eſtabliſhing a Market within the ſaid Town.

[21ſt *May* 1816.]

WHEREAS the Town of *Weſt Cowes*, in the *Iſle of Wight*, in the County of *Southampton*, is become very populous, and is much reſorted to as a Watering Place, by Perſons paſſing and repaſſing to and from the ſaid *Iſle of Wight*, and is alſo a Place of conſiderable Trade: And whereas the ſaid Town is at preſent very ill paved, and the Streets, Highways, and other Public Paſſages therein, are in many Places very much out of Repair: And whereas it would be beneficial to the Inhabitants of the ſaid Town, and to the Owners of Meſſuages, Lands, Tenements, and Hereditaments within the ſaid Town, and would add much to the Convenience of all Perſons reſorting thereto, if ſo much of an Act paſſed in the Fifty-third Year of His preſent Majeſty's Reign, for amending the Roads and Highways in the *Iſle of Wight*, as relates to the Town of *Weſt Cowes*, and the North Quarter of the Pariſh of *Northwood*, was repealed, and Proviſions were made for paving, watching, lighting, and otherwiſe improving the ſeveral Highways, Streets, Lanes, Ways, Paths, Public Paſſages, and Places within the ſaid Town and North Quarter, and for making a proper Quay for the landing and ſhipping of Paſſengers, Goods, Wares, and Merchandizes, in and from the ſaid Town; and for holding a Market and erecting a Market Houſe within the ſaid Town; but

but such beneficial 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 from and immediately after the Tenth Day of *October* next after the passing of this Act, so much and such Part and Parts of the Parish of *Northwood*, in the *Isle of Wight*, as is and are now known by the Name or Distinction of "The Town and North Quarter," shall be and the same and all Messuages, Lands, and Hereditaments within the same Town and North Quarter are hereby exonerated, freed, released, and discharged from the Operation and Effect of the said Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for amending the Roads and Highways in the* Isle of Wight, and the said Act, and all and every Clauses, Matters, and Things therein contained, shall be and the same is and are hereby repealed, so far as the same relate to the said Town and North Quarter, and all Messuages, Lands, Tenements, and Hereditaments situate within the same; and from and immediately after the said Tenth Day of *October*, the said Town and North Quarter shall for the Purposes of this Act, be and shall for ever constitute and be called and known by the Name of "The Town of *West Cowes*, in the *Isle of Wight*;" and all and every the Highways, Roads, Streets, Lanes, Paths, Public Passages, and Places within the said Town, and also all other the Roads and Highways lying within and between the Boundaries of the said Town, so constituted as aforesaid, and certain Turnpike Gates called *Dallimore's Gate*, and *Debourne Gate*, shall, from and after the said Tenth Day of *October* next, be repaired, amended, kept in Repair and otherwise improved under the Authorities of this Act; and the Commissioners named and authorized by the said Act of the Fifty-third Year of His Majesty's Reign, shall be and they are hereby, from and after the said Tenth Day of *October*, exonerated, released, and discharged from the Repairs thereof.

The Town and North Quarter of Northwood Parish to be included in the Powers of this Act.

Commissioners.

II. And be it further enacted, That the Governor of the *Isle of Wight* for the Time being, the Captain of *Cowes Castle* for the Time being, the Minister of *Cowes Chapel* for the Time being, the Lord of the Manor of *Debourne* for the Time being, Sir *Thomas Tancred* Baronet, Sir *John Coxe Hippesley* Baronet, *George Ward*, *John Nicholas Fazakerly*, *Samuel Osborne*, and *Hare Townsend*, Esquires; *James Hyde Gill* Clerk, *William Pierrepont* Clerk, *Daniel Bennett*, *James Day*, *Charles Day*, *Joseph Kirkpatrick*, *John Eames*, *James Hoskins*, *Jacob Hewit*, *Thomas Ingles*, *Richard Ingles*, *Edward Pittis Knell*, *George Ratsey*, *Matthias*, *Henry Bowen*, *George Lucas*, *Humphrey Harrington*, *Stephen Burridge*, *George Corke*, *Thomas White*, *George Forster Wise*, *William Cooke*, *Benjamin Mew*, *Reader Clarke*, *Richard Pinborne*, and their Successors, to be elected and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into Execution, by the Name of "The Commissioners for improving the Town of *West Cowes*, in the *Isle of Wight*," such Commissioners being respectively duly qualified, and taking and subscribing the Oath or Affirmation in the Words or to the Purport herein-after mentioned and required; and in case of the Death of any of the Commissioners herein named, or of any other Commissioner or Commissioners to be appointed under the Authorities of this Act, or if any Commissioner or Commissioners herein named or so to be appointed,

shall

ſhall neglect to act in the Execution of this Act, for the Space of One whole Year, or ſhall become diſqualified, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or other Commiſſioners, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to elect ſome other Perſon qualified in the Manner herein-after mentioned, in the Place or Stead of the Commiſſioners ſo dying, neglecting, or refuſing to act, Seven Days Notice of the Time and Place of meeting for every ſuch Election being given in Writing ſigned by the Clerk to the ſaid Commiſſioners for the Time being, and affixed to the Door of the Chapel of *Weſt Cowes* aforeſaid; and every Perſon ſo elected, ſhall from the Time of his Election have the ſame Power and Authority for putting this Act into Execution, as if he had been expreſsly named and appointed a Commiſſioner in or by this Act.

Qualification of Commiſſioners.

III. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in any Caſe in the Execution of this Act, (other than and except the Governor of the *Iſle of Wight* for the Time being, the Captain of *Cowes Caſtle* for the Time being, the Miniſter of *Cowes Chapel* for the Time being, and the Lord of the Manor of *Debourne* for the Time being), who ſhall not in his own Right or in the Right of his Wife, be in the actual Poſſeſſion, Enjoyment, and Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, ſituate within the ſaid Town and the Limits thereof, of the clear Yearly Value of Twenty Pounds, (above Reprizes and Incumbrances) or a Perſonal Eſtate alone to the Amount or Value of Five hundred Pounds; nor ſhall any Perſon (except as aforeſaid) be capable of acting as a Commiſſioner in the Execution of this Act (except in adminiſtering the Oath or Affirmation herein-after mentioned), until he ſhall have taken and ſubſcribed before One of the ſaid Commiſſioners (who is and are hereby empowered to adminiſter the ſame), an Oath or Affirmation, in the Words or to the Effect following; (that is to ſay),

Oath to be taken by Commiſſioners.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm], that I am really and *bonâ fide* in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*], now in the actual Poſſeſſion, Enjoyment, and Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, ſituate within the Town of *Weſt Cowes*, of the annual Value of Twenty Pounds, or am poſſeſſed of a Perſonal Eſtate of the Value of Five hundred Pounds, over and above what will pay my juſt Debts; and that I will faithfully, truly, and impartially, according to the beſt of my Skill and Judgment, execute and perform all and every the Powers and Authorities veſted and repoſed in me as a Commiſſioner, by virtue of an Act paſſed in the Fifty-ſixth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act*]. So help me GOD.'

Penalty on Perſons not qualified acting as Commiſſioners.

And if any Perſon, not qualified in Manner hereinbefore mentioned to act as a Commiſſioner, ſhall preſume to act as ſuch in the Execution of the Powers hereby given, or any of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds, to be recovered on the Information or Proſecution of any Perſon or Perſons whomſoever, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than one

one Imparlance, ſhall be allowed; and every Perſon ſo ſued or proſecuted ſhall prove that he was at the Time of acting qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon had acted as a Commiſſioner in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Commiſſioner or Commiſſioners in the Execution of this Act, though not duly qualified, ſhall, previous to his or their being ſo convicted, be as valid and effectual as if ſuch Perſon or Perſons had been duly qualified as aforeſaid.

Commiſſioners not to act if intereſted.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act during the Time he ſhall hold any Office or Place of Profit under the ſaid Commiſſioners (except the Office of Treaſurer) or during ſuch Time as he ſhall have any Share or Intereſt in any Contract to be performed relating to the Execution of any of the Powers of this Act.

Meeting of Commiſſioners.

V. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall meet together at The *Vine Inn*, or ſome other proper and convenient Place, within the ſaid Town of *Weſt Cowes*, on the Third *Wedneſday* next after the paſſing of this Act, in order to put this Act into Execution, and ſhall and may then, and from Time to Time afterwards, adjourn themſelves to meet at the Place aforeſaid, or at any other convenient Place within the ſaid Town, as they or the major Part of them preſent at ſuch Meeting ſhall appoint; and Three Days Notice of ſuch Adjournment ſhall be given to the Commiſſioners reſiding within the ſaid Town, by the Clerk to the ſaid Commiſſioners, except in ſuch Caſes where the Adjournment ſhall be from Day to Day; and that in every ſuch Notice the Time of Meeting of the ſaid Commiſſioners ſhall be mentioned or ſet forth; and if it ſhall happen that there ſhall not appear at any ſuch Meeting of the ſaid Commiſſioners a ſufficient Number to act, then the Commiſſioners preſent, or in caſe no Commiſſioner ſhall attend, then the Clerk to the ſaid Commiſſioners ſhall adjourn ſuch Meeting to ſuch future Day, ſo that no Adjournment be for a longer Time than Fourteen Days.

Commiſſioners to pay their own Expences, and appoint a Quorum of Commiſſioners for executing this Act.

VI. And be it further enacted, That at all Meetings to be holden in purſuance of this Act, the ſaid Commiſſioners ſhall defray their own Expences, but no Act of the ſaid Commiſſioners ſhall be valid unleſs made or done at ſome Public Meeting to be held in purſuance of this Act; and that all Powers and Authorities by this Act granted to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the major Part of them preſent at any Public Meeting, the whole Number preſent at ſuch Meeting not being leſs than Five; and that a Chairman ſhall and may be appointed at every ſuch Meeting, and in caſe of an equal Number of Votes upon any Queſtion (including the Chairman's Vote) the Chairman ſhall have the caſting Vote.

No Order to be revoked unleſs at a Special Meeting.

VII. And be it further enacted, That no Order made by the ſaid Commiſſioners ſhall be revoked or altered at any ſubſequent Meeting, unleſs at ſome Meeting to be holden for that expreſs Purpoſe; nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by

by the Clerk to the ſaid Commiſſioners, be affixed on the Door of the Chapel within the ſaid Town, Five Days at leaſt previous to the Day of holding ſuch Meeting, (excluſive of the Day of giving ſuch Notice and the Day of ſuch intended Meeting); nor unleſs a greater Number of Commiſſioners ſhall attend at ſuch Meeting to alter or revoke ſuch Order than were preſent when the ſame was made; nor unleſs the major Part of the Commiſſioners preſent ſhall concur in ſuch Revocation or Alteration.

Book of Proceedings.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commiſſioners who ſhall duly qualify in purſuance of this Act, and of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all ſuch Commiſſioners as ſhall be preſent at their reſpective Meetings, and the Chairman of each Meeting of the ſaid Commiſſioners ſhall always ſubſcribe his Name at the End of the Proceedings of the ſaid Commiſſioners at every ſuch Meeting; and all Entries in ſuch Books, being ſigned as aforeſaid, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence, in all Caſes, Suits, and Actions, touching any Thing done in purſuance or by virtue of this Act; and that ſuch Book or Books ſhall at all the Meetings of the ſaid Commiſſioners be open and liable to the Inſpection of all and every of the ſaid Commiſſioners, and all and every the Perſons rated and aſſeſſed for the Purpoſes of this Act, and alſo of all and every the Creditors and Annuitants on the Rates or Aſſeſſments hereby granted and made payable; all and every the Perſons rated and aſſeſſed as aforeſaid, Creditors and Annuitants, having previouſly given One Day's Notice to the Clerk of the ſaid Commiſſioners of their Intention to inſpect ſuch Book or Books, and paying to the Clerk for every ſuch Inſpection the Sum of One Shilling for every Book inſpected.

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

IX. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſue and be ſued, for or concerning any Thing to be done in purſuance of this Act, in the Name of their Clerk for the Time being; and that no Action or Suit, Indictment or Proſecution, to be brought or commenced by the Direction or againſt the ſaid Commiſſioners by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, nor by the Act of ſuch Clerk, without the Conſent of the ſaid Commiſſioners, but that the Clerk for the Time being to the ſaid Commiſſioners ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action or Suit: Provided always, that every ſuch Clerk, in whoſe Name any Actions or Suits ſhall be proſecuted or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Money which ſhall ariſe from any Rates, Aſſeſſments, or Tolls to be levied under this Act, all ſuch Coſts, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceeding he ſhall pay, bear, expend, or be put unto or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Officers to be appointed.

X. And be it further enacted, That the ſaid Commiſſioners ſhall and may from Time to Time, whenever they ſhall think it neceſſary, appoint and employ a Treaſurer and Clerk, and Collector or Collectors of the Rates or Aſſeſſments herein-after mentioned, and alſo a Surveyor and ſuch other

Officers and Perſons for the Execution of this Act, as the ſaid Commiſſioners ſhall think proper; and from Time to Time remove him or them, and appoint others in the Room of ſuch of them as ſhall be ſo removed, or ſhall otherwiſe relinquiſh or diſcontinue ſuch Office; and out of the Monies to be raiſed by virtue of this Act, pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons, as they ſhall think reaſonable; and the ſaid Commiſſioners ſhall and may, and they are hereby required to take ſuch Security from ſuch Treaſurer and other Officers for the due Execution of his and their reſpective Offices, as they ſhall think proper; and all ſuch Officers and Perſons ſo to be appointed ſhall, under their Hands (at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct) deliver to the ſaid Commiſſioners, or any Three or more of them, or to ſuch Perſon as they ſhall appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſe, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and if any ſuch Officer or Perſon ſhall neglect or refuſe to make and render any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall neglect or refuſe to deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Three Days next after being thereunto required by the ſaid Commiſſioners, or any Three or more of them, by Notice in Writing given to or to be left at the laſt or moſt uſual Place of Abode of ſuch Officer or Perſon, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, then and in any of the Caſes aforeſaid, the ſaid Commiſſioners may, and are hereby authorized and empowered to cauſe an Action to be brought againſt the Officer or Perſon ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall remain due from him, with Coſts of Suit; or if Complaint ſhall be made by the ſaid Commiſſioners, or any Three or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Neglect or Refuſal as aforeſaid, to any Juſtice of the Peace in and for the County or Place where ſuch Officer or Perſon ſo neglecting or refuſing ſhall be or reſide, ſuch Juſtice may and is hereby authorized and required to iſſue a Summons under his Hand, requiring the Officer or Perſon ſo neglecting or refuſing to be brought before him, and upon his appearing, or having been ſummoned and not 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 upon the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall remain due from ſuch Officer or Perſon, ſuch Juſtice may and is hereby authorized and required, upon Non-payment thereof, by a Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and in caſe ſufficient Diſtreſs cannot be found to anſwer and ſatisfy the ſaid Monies, and the Charges of ſelling and diſtraining the ſame, or if it ſhall, in Manner

aforesaid, appear to such Justice that such Officer or Person shall have neglected or refused to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of such Officer and Person, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid, such Justice shall commit such Offender to any Common Gaol or Bridewell for the County, City, Borough or Jurisdiction where such Offender shall be or reside, 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 Commissioners, or any Five or more of them, for such Money, and shall have paid such Composition, in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive) and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid: Provided always, that no such Person who shall be so committed for Want of Distress, shall be detained in Prison by virtue of this Act, for any longer Space or Time than Six Calendar Months.

Pavements, &c. vested in the Commissioners.

XI. And be it further enacted, That all the present and future Pavements in the several Markets, Streets, Squares, Ways, and Lanes, and other Public Passages and Places within the said Town and Limits of this Act; and the Stones, Gravel, and other Materials of which, as well the Footways as Carriage Ways, of such Markets, Streets, Squares, Ways, Lanes, and other Public Passages and Places, do and shall consist; and all the Dirt, Dust, Dung, Ashes, and Filth, to be swept, gathered, and collected in or from those Places or any of them; and also all Lamps, Lamp Irons, Lamp Posts, Fire Engines, and the Pipes, Buckets, and other Materials thereunto belonging; Watch Boxes, Watch Houses, Fire Engine Houses, and other Houses and Buildings, and all other Matters and Things which shall hereafter be used, erected, or fixed up by virtue of this Act; and all Materials, Implements, and other Things, which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of and are hereby vested in the said Commissioners; which Commissioners shall be known by the Name of "The Commissioners for improving the Town of *West Cowes* in the *Isle of Wight*;" and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy, the several Articles or Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for improving the Town of *West Cowes*, in the *Isle of Wight*," without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have the Power and Authority from Time to Time to sell and dispose of for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the

the ſame reſpectively, to ſuch Perſon or Perſons, and in ſuch Manner, as they the ſaid Commiſſioners ſhall think proper.

Roads, &c. veſted in Commiſſioners;

XII. And be it further enacted, That all and every the Public Roads, Highways, Streets, Lanes, Ways, Paths, and Paſſages, Landing Places, Wharfs, and Quays, within the ſaid Town, and the Highways lying in the ſaid Town, and the Highways lying between the ſaid Town and the ſaid Turnpike Gates called *Dallimore*'s *Gate* and *Debourne Gate*, and all the Pavements and Materials in the ſaid Town, ſhall abſolutely veſt in, and belong to the ſaid Commiſſioners and their Succeſſors, for the Purpoſes of this Act, any Law, Act, or Statute to the contrary notwithſtanding.

and to be kept in Repair by them.

XIII. And be it further enacted, That from and after the Tenth Day of *October* next, all and every the ſaid Public Roads, Highways, Streets, Lanes, Ways, Paths, and Paſſages, Quays, Wharfs, and Landing Places, ſhall be for ever maintained, ſupported, repaired, amended, and kept in Repair by the ſaid Commiſſioners, by and out of the Rates and Tolls to be raiſed by virtue of this Act; and the Inhabitants of the ſaid Town ſhall not be liable or ſubject to the Performance of the Labour or Duty commonly called Statute Labour, or to the Payment of any Compoſition Rates or Duties for repairing, maintaining, ſupporting, and keeping ſuch Roads, Highways, Streets, Lanes, Paths, and Paſſages, Quays and Wharfs in Repair, (other than and except the Rates, Dues, Duties, Aſſeſſments, and Payments by this Act impoſed and authorized to be raiſed, collected, and paid); and it ſhall be lawful for the ſaid Commiſſioners, and they are authorized and empowered, immediately after the paſſing of this Act, to cauſe the ſeveral Highways, Streets, Ways, Paths, and Paſſages, to be paved with proper paving Stones, Flag Stones, or other Stones, in ſuch Manner as they ſhall from Time to Time think proper, and to make and cauſe to be made ſuch and ſo many Common Sewers, Tunnels, Cuts, Drains, Sinks, and Channels, in, under, and through the ſaid ſeveral Highways, Streets, Lanes, Ways, Paths, and Paſſages; and alſo to make ſuch open Gratings and other Openings to the ſame, as they may think ſufficient and neceſſary for the carrying and conveying away all Filth, foul and waſte Water, and other Nuiſances, from the ſaid Town and from all Houſes and Buildings therein built; and from Time to Time to alter and amend ſuch Pavement, and alter and vary, leſſen or increaſe ſuch Common Sewers, Gutters, Tunnels, Cuts, Drains, Sinks, and Channels, and make ſuch new Opening or Openings to the ſame, as the ſaid Commiſſioners ſhall from Time to Time think proper and neceſſary: And it

To repair Quay;

ſhall be lawful for the ſaid Commiſſioners to add to the Wharf or Landing Place, ſituate oppoſite the Place called *Feathers Hill*, within the ſaid Town, and to extend the ſame Eaſtward, or in ſuch other Direction as may be thought proper, into *Cowes Harbour*, ſo far as to enable Veſſels to lay alongſide, and to land and ſhip Goods and Paſſengers thereon and therefrom, and of ſuch Width as may be neceſſary for that Purpoſe; and to erect, build, and ſet up ſuch Cranes and other Machinery as they the ſaid Commiſſioners ſhall think neceſſary and proper for the landing and ſhipping of Paſſengers, Goods, Wares, and Merchandizes, and from Time to Time to repair, amend, and keep in Repair the ſaid Quays, Wharfs, Landing Places, and other Works, by and out of the Rates and Aſſeſſments to be raiſed

raiſed and collected by virtue of this Act: And it ſhall be lawful for the ſaid Commiſſioners from Time to Time to demand, accept, receive, take, and recover, of and from all and every Paſſenger and Paſſengers, and other Perſon who ſhall land on the ſaid Landing Place, Quays, Wharfs, or other Works, or embark or go on board any Veſſel, Boat, Wherry, or other Machine whatſoever, from the ſaid Landing Place, Quays, Wharfs, and Works, or any of them; and for all and every Cattle, Stock, Goods, Wares, and Merchandizes, and other Matters and Things whatſoever, that ſhall or may be landed, unladen, ſhipped, laden, unſhipped, or otherwiſe taken from or placed on the ſaid Landing Place, Quays, Wharfs, or Works, or any Part thereof; and for all and every other Uſe that ſhall be made of the ſaid Landing Place, Quays, Wharfs, or Works, or any Part thereof, the ſeveral Tolls, Rates, Duties, Dues, and Payments mentioned and ſpecified in the Firſt Schedule to this Act annexed, or ſuch leſs Tolls, Rates, Dues, and Duties as the ſaid Commiſſioners ſhall from Time to Time think proper; which Tolls, Rates, Duties, and Payments ſhall be veſted in the ſaid Commiſſioners, and ſhall be paid and applied in ſuch and the ſame Manner as the Rates and Aſſeſſments to be levied and raiſed for the repairing and amending the Highways, Streets, Ways, Paths, Paſſages, and the ſaid Landing Places, Quays, Wharfs, and Works, and for erecting and maintaining a Market Houſe and Market in the ſaid Town, are directed to be paid and applied, and in Aid and Addition thereto: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Commiſſioners to demand, collect, or receive, of and from the Perſon or Perſons for the Time being occupying the Meſſuage or Dwelling Houſe called *The Torbay Boats* in the ſaid Town, any Tolls, Rates, or Duties for landing on or embarking from the ſaid Landing Place, Quays, Wharfs, or Works, or for any Goods, Wares, Merchandizes, Cattle, or other Thing, the Property of and actually belonging to him, them, or any of them, which ſhall or may from Time to Time be landed or embarked from the ſaid Landing Place, Quays, Wharfs, and Works, or any Part thereof.

And collect Tolls.

Except from certain Perſons.

XIV. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby authorized and empowered, from Time to Time to contract with any Perſon or Perſons for paving, curbing, repairing, cleanſing, and lighting the ſaid Highways, Streets, Lanes, Ways, public Paſſages, and Places within the ſaid Town, and for furniſhing Materials for the ſame, for repairing and amending the ſaid Landing Place, Quays, and Wharfs, for erecting a Market Houſe and other Buildings, and for doing or performing all or any other of the Works of this Act, directed, authorized, or empowered to be done or performed, in ſuch Manner, and under ſuch Penalties for the due Performance of ſuch Contracts as the ſaid Commiſſioners ſhall think fit, giving Ten Days Notice of their Intention to enter into every ſuch Contract, in order that any Perſon willing to undertake the ſame, may make Propoſals to the ſaid Commiſſioners, at the Time and Place to be mentioned in ſuch Notice; and every ſuch Contract ſhall be good, valid, and binding, as well upon the ſaid Commiſſioners as upon the other Party or Parties thereto; and in caſe any ſuch Work ſhall not be well and ſufficiently done and performed according to ſuch Contract, the ſaid Commiſſioners may cauſe an Action or Suit at Law or in Equity, to be brought in any of His Majeſty's Courts againſt every ſuch Contractor, either for a ſpecific Performance of ſuch Contract, or for any Penalty contained therein,

Power to contract for Paving, &c.

or for any Damage ſuſtained by reaſon of the Non-performance thereof: Provided always, that it ſhall be lawful for the ſaid Commiſſioners (if they think fit) to compound and agree with any Contractor, for any Penalty incurred by him for the Breach or Non-performance of any ſuch Contract, for ſuch Sum of Money as the ſaid Commiſſioners ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract, and of all Coſts, Charges, and Expences which ſhall be occaſioned thereby: Provided alſo, that no ſuch Contract ſhall be made for a longer Space of Time than Three Years from the Time of entering into ſuch Contract.

Commiſſioners not to be perſonally liable.

XV. Provided always, and be it further enacted, That no Contract which ſhall be made, nor any Mortgage or other Inſtrument executed by the ſaid Commiſſioners for any of the Purpoſes of this Act, ſhall be binding upon the ſaid Commiſſioners, as Individuals, or in their private Capacity; nor ſhall any of the ſaid Commiſſioners perſonally, or their reſpective Eſtates, be anſwerable for or ſubject to the Payment of any of the Mortgages or Annuities to be granted in purſuance of this Act; and that all Money which ſhall be expended by or recovered againſt any of the ſaid Commiſſioners, or the Treaſurer or Clerk, or any other Perſon or Perſons employed by them, by means of any Action, Proſecution, or Appeal, to be brought by or againſt them, or any of them, touching the Execution of this Act, ſhall be borne and defrayed out of the Money which ſhall come to the Hands of the Treaſurer or Treaſurers to the ſaid Commiſſioners, or any other Perſon by virtue of this Act: Provided nevertheleſs, that nothing herein contained ſhall extend to exonerate or diſcharge any of the ſaid Commiſſioners, their Houſes, Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, from the Payment of the Rates or Aſſeſſments to be raiſed by virtue of this Act.

Watchmen to be appointed.

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

men and Watchman so appointed shall be, and they and he are and is, from the Time of their or his Appointment, and during so long Time as they or he shall continue such Watchmen or Watchman, constituted and appointed Constables for the said Town, and shall have and they are hereby respectively invested with such and the same Powers, Authorities, Privileges, and Protections, as by Law Constables are invested with and entitled unto.

Watch Boxes to be provided.

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

Rewards to be made to disabled Watchmen, &c.

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

Penalty on Persons harbouring Watchmen.

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

Lamps to be provided, &c.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, at any Meeting to be held in pursuance of this Act, of the Time, Place, and Purpose of which Seven Days Notice at the least shall be given by the Clerk or Treasurer, by Writing or Printing signed by him, affixed to the Door of the Chapel of the said Town, if they the said Commissioners shall think fit, (but not otherwise) from Time to Time, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and other Things for lighting such Lamps, as they shall judge necessary, and to direct the same to be affixed or set up on or against the Walls or Palisadoes of all or any of the Houses, Tenements, or Buildings, or against any other Walls or Fences within the said Town, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or renewed, when and as often as they shall think fit; and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and such Hours of the Evening, and to be kept burning for so many Hours, as shall to them the said Commissioners seem necessary or proper for the well and sufficient lighting of all

or

or any of the ſaid Streets, Lanes, public Paſſages, or Places, within the ſaid Town.

Penalty on Perſons breaking Lamps, &c.

XXI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, take away, throw down, or otherwiſe deſtroy or damage any Lamp or Lamps, which ſhall be erected by or by the Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his, her, or their own Expence for the Purpoſe of lighting any of the ſaid Streets, Lanes, public Paſſages, or Places, or any Poſt, Iron, Cover, or other Furniture thereof, or ſhall wilfully extinguiſh the Light or Lights of any ſuch Lamp or Lamps, it ſhall be lawful for any Juſtice of the Peace for the ſaid County of *Southampton*, and he is hereby required, upon Complaint to him made, by any One or more credible Witneſs or Witneſſes, of any ſuch Offence, to iſſue a Warrant for apprehending the Party or Parties accuſed; and it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and on the Party or Parties accuſed being brought before ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear, or be produced to give Evidence touching ſuch Offence; and if the Parties or Party accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Evidence as aforeſaid, then and in every ſuch Caſe he, ſhe, or they ſhall for each and every ſuch Offence reſpectively, and if more than one, ſhall ſeverally forfeit any Sum not exceeding Five Pounds, and ſhall alſo make full Satisfaction (to be aſcertained by ſuch Juſtice) to the ſaid Commiſſioners or other Party injured, for the Damage ſo done; and in caſe ſuch Offender or Offenders ſhall not upon Conviction forthwith pay ſuch Penalty by him, her, or them incurred, and alſo make ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to any Common Gaol or Bridewell in the ſaid County of *Southampton*, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; but ſuch Offender or Offenders may be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be committed, upon Payment of ſuch Penalty, and making ſuch Satisfaction as aforeſaid; and if any Perſon or Perſons ſhall negligently or accidentally break, throw down, or otherwiſe deſtroy, damage, or injure any of the ſaid Lamps, or any of the Poſts, Irons, or Furniture thereof, and ſhall not upon Demand, made by the ſaid Commiſſioners, or by their Clerk or Treaſurer, or other Party injured, make Satisfaction for the Damage ſo done, it ſhall be lawful for any Juſtice of the Peace for the ſaid County, and he is hereby required, upon Complaint thereof made by One or more credible Witneſs or Witneſſes, by Warrant under his Hand, to ſummon before him the Party or Parties complained of for doing ſuch Damage; and upon his, her, or their appearing, or making Default to appear (Oath having been made that the Party complained againſt had been ſerved with ſuch Summons, or that the ſame had been left at his, her, or their uſual Dwelling or Place of Abode, if known, or that he, ſhe, or they could not be found) ſuch Juſtice ſhall proceed to examine into, hear, and determine the Cauſe of ſuch Complaint, and ſhall

cauſe

cauſe the Party to make full Satisfaction, to be aſcertained by ſuch Juſtice, to the ſaid Commiſſioners or other Party injured, for the Damage ſo done; and in caſe ſuch Satisfaction ſhall not be thereupon forthwith made, it ſhall and may be lawful to and for ſuch Juſtice to commit ſuch Offender to the ſaid Common Gaol or Bridewell, there to remain for any Time not exceeding Twenty-one Days, or until ſuch Satisfaction ſhall be ſooner made or tendered.

Market to be held.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to eſtabliſh and hold, or cauſe to be eſtabliſhed and held, a Market daily and every Day, or leſs frequently, as they ſhall think proper, in the ſaid Town or ſuch Parts thereof as they ſhall think proper, either in the Streets, or in ſuch other Place or Places within the Limits of this Act, as the ſaid Commiſſioners ſhall from Time to Time appoint; and it ſhall be lawful for all and every Perſon and Perſons whomſoever to expoſe to Sale, ſell, and buy in ſuch Markets ſo to be eſtabliſhed and held, Corn, Grain, Butchers Meat, Poultry, Fiſh, Butter, Eggs, Cheeſe, Vegetables, Fruit, China, Glaſs, Earthenware, or other marketable Commodities, Matters, and Things, whatſoever; but it ſhall not be lawful for any Perſon or Perſons to ſell or expoſe to Sale any ſuch Corn, Grain, Butchers Meat, Fiſh, Poultry, Butter, Eggs, Cheeſe, Vegetables, Fruit, China, Earthenware, or other marketable Things, or put up any Standings, Boards, Baſket, or other Things for expoſing the ſame in any other Place or Places, or at any other Time than ſhall be appointed by the ſaid Commiſſioners for that Purpoſe, upon Pain of every Perſon ſo offending forfeiting for every ſuch Offence any Sum not exceeding Five Pounds.

Not to prevent Perſons ſelling Goods in their own Houſes.

XXIII. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend, to prevent any Inhabitant or Inhabitants of the ſaid Town from ſelling or expoſing to ſale any Corn, Grain, Butchers Meat, Fiſh, Poultry, Butter, Eggs, Cheeſe, Vegetables, China, Earthenware, marketable Commodities, or other Matters or Things whatſoever, in his, her, or their own Houſe or Houſes, or in his, her, or their Shop or Shops, or other Premiſes, in any Part of the ſaid Town, at any Time whatever.

Market Houſe to be built.

XXIV. And be it further enacted, That for the more conveniently holding the ſaid Market, and carrying the other Purpoſes of this Act into Execution, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time when they ſhall think proper, to erect, build, and ſet up, or cauſe to be erected, built, and ſet up, in any convenient Part or Parts of the ſaid Town, on any Land to be purchaſed by them for that Purpoſe, under the Authority of this Act, ſuch Land not to exceed Two Acres, a Market Houſe or Market Shed or Sheds, with convenient Stands, Stalls, and other Conveniences, for holding the ſaid Market, and either with or without any Room or Rooms for the Meeting of the ſaid Commiſſioners and other Public Meetings and Buſineſs of the ſaid Town, as the ſaid Commiſſioners ſhall think proper; and when and as ſoon as ſuch Market Houſe, Shed or Sheds ſhall be ſo ſet up, erected, and completed, and fit for the Reception of the Perſons expoſing to Sale Goods or other Things in the ſaid Market, and ſhall be certified to be ſo completed by any Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Southampton*, acting within and for the *Iſle of Wight*, the ſame ſhall be the only

Tolls to be taken.

only Market Place of or for the ſaid Town; and it ſhall from thenceforth be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to aſk, demand, collect, recover, receive, and take, of and from all and every Perſons and Perſon who ſhall ſell or expoſe to Sale any Corn, Grain, Butchers Meat, Fiſh, Poultry, Butter, Eggs, Cheeſe, Vegetables, Fruit, China Ware, or other Things in the ſaid Market, the ſeveral Tolls or Sums of Money mentioned and ſpecified in the Second Schedule to this Act annexed, or ſuch leſs Tolls and Sums of Money as the ſaid Commiſſioners ſhall think proper; which Tolls and Sums of Money ſhall be veſted in the ſaid Commiſſioners, and ſhall be paid and applied in ſuch and the like Manner as the Rates and Aſſeſſments by this Act authorized to be levied and raiſed for the repairing the Highways, Streets, Ways, Paths, Paſſages, Landing Places, Quays, and Wharfs, and erecting and repairing the ſaid Market Houſe, are by this Act authorized to be paid and applied, and in Aid and Addition thereto.

Power to let Tolls.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, at any Meeting, upon Ten Days Notice in Writing, ſigned by the Clerk to the ſaid Commiſſioners, being affixed on the Chapel Door, within the ſaid Town, to let or farm the ſaid Tolls or Duties payable under this Act, for the beſt Rent that can be got for the ſame, to any Perſon or Perſons whomſoever; provided that the Leaſes, Contracts or Agreements for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by the ſaid Commiſſioners, or any Five or more of them, and the ſame ſhall not be let for more than Three Years at any one Time; and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Commiſſioners, ſo that One Quarter's Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security ſhall be given for the Payment of ſuch Rents to the Satisfaction of the ſaid Commiſſioners; or in Default thereof, every ſuch Leaſe, Contract, or Agreement ſhall be null and void to all Intents, Purpoſes, and Conſtructions whatſoever.

Leſſees to have the ſame Power of collecting the Tolls as the Collectors under this Act have.

XXVI. And be it further enacted, That during ſuch Times as the ſaid Tolls, or any Part or Parts thereof, ſhall be demiſed, leaſed, or in Farm to any Perſon or Perſons whomſoever, it ſhall be lawful for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall, by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the ſaid Tolls ſo to be leaſed, demiſed, or farmed, 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 Commiſſioners is hereby authorized and empowered to demand, take, and receive the ſame; and the Perſon or Perſons ſo authorized by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be ſubject 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 by the ſaid Commiſſioners is ſubject or liable to.

Penalty on defacing Buildings.

XXVII. And be it further enacted, That if any Perſon or Perſons ſhall break down, injure, or deface the ſaid Landing Place, Quay, or other Works, or injure or deface the ſaid Market Houſe or Sheds, or alter the Pavements of the ſaid Streets and other Places, without the Conſent of the

the Commiſſioners, or ſhall ſtop up or impede any Common Sewer, Drain, or Watercourſe, or prevent, hinder, or obſtruct any Perſon or Perſons in carrying this Act into Execution, every Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Twenty Pounds; and alſo make in every Caſe to the ſaid Commiſſioners, full Satisfaction for the Injury done, to be ſettled and aſcertained by any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Southampton*, acting within and for the *Iſle of Wight*; ſuch Satisfaction to be levied and recovered in like Manner as any Penalty by this Act impoſed, is directed to be levied and recovered.

Power to make Bye Laws.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five of them, from Time to Time, as they ſhall think expedient, to make, conſtitute, provide, eſtabliſh, and ordain ſuch Bye Laws, Rules, Orders, and Regulations for the better regulating, cleanſing, occupying, and governing of the ſaid Market Houſe, and Market Place or Market Places, and for preventing unwholeſome Proviſions being ſold, or offered, or expoſed to Sale, and deficient Weights and Meaſures being uſed therein reſpectively, and for preventing Horſes and Carriages travelling or going through the ſaid Market Place, or remaining there, or any other Nuiſances or Obſtructions therein, or the Approaches to the ſame, during the Times of holding the ſaid Market; and all ſuch other Rules, Orders, and Regulations touching the ſaid Market Houſe, or Market Place or Market Places, as the ſaid Commiſſioners, or any Five of them, ſhall deem expedient, and with ſuch Penalty for diſobeying ſuch Bye Laws, Rules, Orders, and Regulations, as they ſhall think fit, not exceeding Five Pounds upon any One Perſon for One Offence; and the ſaid Commiſſioners, or any Five of them, are hereby authorized and empowered to alter, vary, revoke, or make void any ſuch Bye Laws, Rules, Orders, and Regulations, and make and eſtabliſh others inſtead or in lieu thereof, in ſuch Manner as they ſhall think proper for the better and more effectual governing and regulating the ſaid Market Houſe, and Market Place or Market Places: Provided always, that ſuch Bye Laws, Rules, Orders, and Regulations, or any Alteration thereof, ſhall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, nor inconſiſtent with any of the Powers or Proviſions in this Act contained: Provided alſo, that a true Copy of ſuch Bye Laws, Rules, Orders, and Regulations, ſhall be painted in White Letters on a Board with a Black Ground, and affixed on ſome conſpicuous Place in the ſaid Market Houſe or Market Place; and the ſaid Bye Laws, Rules, Orders, and Regulations ſhall be as good, valid, and effectual as if the ſame had been enacted in this Act; but no ſuch Bye Law, Rule, Order, or Regulation ſhall have any Force or Effect, until Ten Days next after the ſame ſhall have been affixed as aforeſaid, and the ſame reſpectively ſhall be ſubject to Appeal in manner herein-after mentioned.

Streets to be named.

XXIX. And be it further enacted, That for the better carrying this Act into Execution, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, from Time to Time as they ſhall ſee Occaſion, to paint, engrave, or deſcribe, or cauſe to be painted, engraved, or deſcribed, on a conſpicuous Part of ſome Houſe or other Building, at or near the Corner of every ſuch Market, Street, Square, Way, Lane, Public

Public Paſſage and Place, the Name by which ſuch Market, Street, Square, Way, Lane, Public Paſſage, and Place now is or ſhall be called; and may order and direct the ſeveral Houſes, Shops, Warehouſes, and Buildings within the ſaid ſeveral Markets, Streets, Squares, Ways, Lanes, Public Paſſages, and Places, or any of them, to be numbered with Figures, painted or placed on the Door of every ſuch Houſe, Shop, Warehouſe, or other Building, or ſuch other Part thereof as the ſaid Commiſſioners ſhall think proper; and if any Perſon ſhall wilfully deſtroy, obliterate, or deface any of ſuch Names or Numbers, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

When Nnmbers or Figures are defaced, freſh Numbers and Figures ſhall be painted, &c.

XXX. And be it further enacted, That when any ſuch Number or Numbers, Figure or Figures, painted or put on any Houſe, Shop, Warehouſe, or other Building, or on the Door or Doors thereof, within the ſaid Town, ſhall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers, of ſuch Houſe, Shop, Warehouſe, or Building, where the Number or Numbers, Figure or Figures, ſhall have been ſo defaced or rubbed out, ſhall upon perſonal Notice given to him, her, or them, or upon Notice in Writing, left at ſuch Houſe, Shop, Warehouſe, or other Building, ſigned by the ſaid Commiſſioners, or any Three or more of them, cauſe the ſame Number or Numbers, Figure or Figures, to be in the ſame Manner painted or put on ſuch Houſe, Shop, Warehouſe, or other Building, or on the Door thereof reſpectively, within Three Days after ſuch Notice; and in caſe of Neglect or Refuſal to comply with ſuch Order, every ſuch Owner or Occupier ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Scavenger appointed.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to nominate and appoint any Perſon or Perſons as a Scavenger or Scavengers, and to purchaſe or hire any Cart or Carts, or other Carriage or Carriages, and alſo any Horſe or Horſes for the Purpoſe of cleanſing the ſeveral Streets, Lanes, Public Paſſages, and Places within the ſaid Town, and of carrying away the Duſt, Dirt, and Soil therefrom; and that it ſhall be lawful for the ſaid Commiſſioners to contract with any Perſon or Perſons for ſo doing, and to let, demiſe, and ſell ſuch Duſt, Dirt, Rubbiſh, Aſhes, Cinders, Soil, and other Filth, to any Perſon or Perſons; and if any Perſon or Perſons whomſoever, other than the Perſon or Perſons employed by or contracting with the ſaid Commiſſioners, for cleanſing the ſeveral Streets, Lanes, Ways, Public Paſſages, or Places within the ſaid Town, ſhall take or carry away, or cauſe to be taken and carried away, any Dung, Soil, Aſhes, Cinders, Rubbiſh, or other Filth, ariſing out of ſuch Streets, Lanes, Ways, or other Public Paſſages, or Places as aforeſaid, every ſuch Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend, to prevent any Perſon or Perſons from preſerving or keeping any Soil, Dirt, Duſt, Dung, Aſhes, Cinders, Manure, Muck, Filth, or Rubbiſh, which ſhall have ariſen or have been made within his, her, or their Houſes, Yards, or other Premiſes, or from making Uſe of the ſame for the Purpoſe of manuring any Lands in his, her, or their own Occupation, or of ſelling or diſpoſing of the ſame, ſo as

ſuch Soil, Dirt, Duſt, Cinders, Dung, Aſhes, Manure, Muck, Filth, or Rubbiſh, be not laid or placed in any Highway, Street, Lane, Way, Paſſage, or Public Place, longer than ſhall be abſolutely neceſſary for removing, loading, and carrying away the ſame, and ſo as the ſame be not ſuffered to remain after the ſame ſhall have been directed to be removed by any Inſpector of Nuiſances to be appointed by virtue of this Act.

Projections to be removed.

XXXII. And be it further enacted, That all Signs or other Emblems uſed to denote the Trade, Occupation, or Calling of any Perſon or Perſons, Sign Poſts, and Sign Irons, Penthouſes, Show Boards, Porches, Sheds, Butcher's Stalls, Bulks, Stepping Stones, Scrapers, and Gallowſes, Shambles, Blocks or Pieces of Timber, Chopping Blocks, Watering Tubs or Troughs, Poſts, Rails, Waterlades, and Stumps, and all other Projections whatſoever, (other than and except the preſent Bow Windows), projecting into or ſtanding and being in or over the ſaid Streets, Lanes, Ways, Paths, Paſſages, and which ſhall by the ſaid Commiſſioners, or any Five or more of them, be deemed Nuiſances, Obſtructions, or Annoyances, ſhall be taken down and removed within Six Calendar Months after the paſſing of this Act, or within One Calendar Month after Notice from the ſaid Commiſſioners, or any Five or more of them; and all Signs or other Emblems as aforeſaid ſhall be affixed and placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto the ſame reſpectively belong, or were before affixed, and not otherwiſe; and in caſe the Owner or Owners ſhall neglect ſo to do before the Expiration of the Times ſo limited, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to cauſe ſuch Signs, Emblems, Sign Poſts, Sign Irons, Penthouſes, Buildings, Show Boards, Stalls, Window Shutters, and Flaps, Porches, Sheds, Butcher's Stalls, Bulks, Stepping Stones, Scrapers, and Gallowſes, Shambles, Blocks, or Pieces of Timber, Chopping Blocks, Watering Tubs or Troughs, Poſts, Rails, Waterlades, and Stumps, and all other Encroachments, Nuiſances, or Annoyances whatſoever, (other than and except the preſent Bow Windows) to be taken down and removed, and ſhall cauſe all ſuch Signs or other Emblems as aforeſaid, to be affixed or placed on the Fronts of the Houſes, Shops, Warehouſes, or Buildings, whereunto they reſpectively belong, or were before affixed, and not otherwiſe; and the Charges and Expences attending the ſame, ſhall and may be recovered from the Owners or Occupiers thereof reſpectively, in the ſame Manner as any Penalty by this Act impoſed, is directed to be recovered; and if any Perſon or Perſons ſhall at any Time or Times hereafter, without the Conſent of the ſaid Commiſſioners firſt had and obtained in Writing, hang, place, or erect, or cauſe or procure to be hung, placed, or erected, any Sign, or Sign Poſt, or other Poſt, Sign Iron, Penthouſe, Building, Show Board, Stall, Window Shutter, or Flap, Porch, Shed, Butcher's Stall, Bulk, or Gallows, Shamble, Block, or Piece of Timber, Chopping Block, Watering Tub or Trough, Poſt, Rail, Waterlade or Stump, or ſhall continue or place any Step leading into any Cellar or Vault, or other Encroachment, Nuiſance, or Annoyance whatſoever, or cauſe the ſame to be done contrary to the Directions aforeſaid; or if any Perſon ſhall make any Bow or projecting Window from any Houſe or Building into any Street, Way, or Paſſage, without the Conſent of the ſaid Commiſſioners, and contrary to their Direction, every Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings, for every Day ſuch Nuiſance ſhall continue; and it

shall be lawful for the said Commissioners, or any Five or more of them, at the Costs and Charges of the Owner or Owners thereof, to be recovered as aforesaid, to cause the same to be taken down and removed, without any Notice to be given to the Owner or Owners, Tenants or Occupiers, to take down and remove the same.

Power to borrow Money.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time when they shall judge necessary, to borrow and take up at Interest, any Sum or Sums of Money not exceeding the Sum of Five thousand Pounds, upon the Credit of the Tolls, Rates, or Assessments by this Act granted and made payable, or authorized to be collected or received for the Purposes of this Act; and by any Writing or Writings under their Hands and Seals to mortgage, demise, grant, or assign over the said Tolls, Rates, or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his or their Trustee or Trustees, as a Security or Securities for the Money so borrowed, together with Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act*, [*here set forth the Title of this Act*] We of the Commissioners appointed by and in pursuance of the said Act, in Consideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do grant, bargain, sell, and demise unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls, Rates, or Assessments arising by virtue of the said Act, for the Purposes of the same Act, as the said Sum of doth or shall bear to the whole Sum, which may at any Time be borrowed, or become due and owing or charged upon the Credit of the said Act; to be had and holden from this Day of in the Year until the said Sum of with Interest at *per Centum per Annum* for the same shall be paid and satisfied.'

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

Money may be borrowed on Annuities.

XXXIV. And be it further enacted, That it shall be lawful for any Person or Persons to contribute, advance, and pay, into the Hands of the said Commissioners or their Treasurer for the Purposes aforesaid, any Sum or Sums of Money that the said Commissioners may from Time to Time think it necessary and expedient to raise, for the absolute Purchase of one or more Annuity or Annuities, to be paid and payable during the natural Life of the Person or Persons so contributing, or of such Person or Persons as shall be nominated by or on the Behalf of such Contributor or Contributors respectively, at the Time of Payment of their respective Contribution Money; which Annuity or Annuities shall be paid and payable

by the ſaid Commiſſioners out of the Monies to ariſe by or from the Tolls, Rates, or Aſſeſſments to be received by virtue of this Act, by Four equal Quarterly Payments, the Firſt Payment thereof to be made to the Purchaſer or reſpective Purchaſers thereof, or his or their Aſſigns, at the Expiration of One Quarter of a Year, after Payment of his, her, or their reſpective Purchaſe Monies; and the Grant or Grants of ſuch Annuity or Annuities ſhall be under the Hands and Seals of the ſaid Commiſſioners, or any Five or more of them; and ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Annuity.

'BY virtue of an Act paſſed in the Fifty-ſixth Year of the Reign of King *George* the Third, intituled *An Act*, [*here ſet forth the Title of this Act*] We the underſigned Commiſſioners for executing the ſaid Act, in Conſideration of to the Treaſurer of the Tolls, Rates, and Aſſeſſments authorized to be collected under the ſaid Act, in Hand paid, do grant, bargain, and ſell, unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, one Annuity or Yearly Sum of to be paid and payable during the natural Life of *C. D.* by Four equal Quarterly Payments, the Firſt Payment thereof to be made on the Day of and to be iſſuing out of and chargeable upon the ſaid Tolls, Rates, and Aſſeſſments ariſing by virtue of the ſaid Act. In witneſs whereof, we have hereunto ſet our Hands and Seals this Day of .'

For granting Annuities under certain Reſtrictions.

XXXV. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities ſhall be granted by virtue of this Act for any Single Life, at any higher Rate than the following, (that is to ſay) where the Age of the Annuitant or Perſon for whoſe Life the Annuity ſhall be granted, ſhall not exceed Thirty-five Years, the Annuity to be granted ſhall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Conſideration Money paid for the Purchaſe thereof; where the Age of ſuch Perſon ſhall not exceed Forty Years, the Annuity to be granted ſhall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of ſuch Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Forty-five Years, the Annuity ſhall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Fifty Years, the Annuity ſhall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Fifty-five Years, the Annuity ſhall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Sixty Years, the Annuity ſhall not exceed the Rate of Eight Pounds Eleven Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Sixty-five Years, the Annuity ſhall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Seventy Years, the Annuity ſhall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Conſideration Money; and where the Age of ſuch Perſon ſhall not exceed Seventy-five Years, the Annuity ſhall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Conſideration Money.

XXXVI. And

Annuities to be good, &c.

XXXVI. And be it further enacted, That all and every Perſon and Perſons who ſhall purchaſe ſuch Annuity or Annuities, and ſhall duly pay the Purchaſe Money for the ſame at the Rates aforeſaid, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have, receive, and enjoy the reſpective Annuity or Annuities by them reſpectively purchaſed, during the natural Life or Lives of the Perſon or Perſons by them reſpectively nominated at the Time of ſuch Purchaſe, and ſhall have good, ſure, abſolute, and indefeazible Eſtates and Intereſt in the ſaid Annuities reſpectively, according to the true Intent and Meaning of this Act.

Power to aſſign, &c. Securities.

XXXVII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons entitled to any of the Securities or Annuities aforeſaid, at any Time by Writing under his, her, or their Hand or Hands reſpectively, or by their laſt Wills in Writing, to aſſign, transfer, or demiſe, ſuch Securities or Annuities to any Perſon or Perſons whomſoever, and ſo *toties quoties*; and ſuch Aſſignments or Transfers may be made by Indorſement on the Back of their ſaid reſpective Securities, in the Preſence of One credible Witneſs, after they ſhall be reſpectively entered by the Clerk to the ſaid Commiſſioners in Manner herein-after mentioned (which he is hereby required to do on receiving Five Shillings for every ſuch Transfer) and ſhall entitle the Perſon or Perſons to whom the ſame ſhall be reſpectively made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred; and ſuch Aſſignment or Transfer ſhall be in the Words or to the Effect following, (that is to ſay),

Form of Transfer.

'I do transfer the within Mortgage, with all my Right and Title to the Principal Money thereby ſecured, and the Intereſt due or to grow due thereon, [*or*, I do hereby aſſign and transfer the Annuity within granted to me] and all Arrears thereof, and all my Right and Title thereunto, unto his Executors, Adminiſtrators, and Aſſigns, this Day of .'

Securities to be entered in Books, &c.

XXXVIII. And be it further enacted, That the Clerk to the ſaid Commiſſioners for the Time being ſhall before any Intereſt on any ſuch Security, or any Annuity, ſhall be actually paid by the Treaſurer, enter into a Book or Books to be prepared for that Purpoſe, all Securities for Money borrowed or Annuities granted, by virtue or in purſuance of this Act, and all Aſſignments and ſo much of ſuch Wills as relate to the Bequeſts of any ſuch Security or Annuity, expreſſing in Words at length, the Names, Surnames, Additions, Places of Abode, and other Deſcriptions of the Perſons for whoſe Lives the ſaid Annuities ſhall be reſpectively granted, and the Days whereon the ſame ſhall be reſpectively payable; to which Book or Books any Perſon or Perſons intereſted therein, ſhall at all ſeaſonable Times have Acceſs and full Liberty to inſpect the ſame, without Fee or Reward: Provided always, that before ſuch Aſſignment or Transfer ſhall be ſo entered by the Clerk, an Affidavit (taken before ſome Juſtice of the Peace) ſhall be delivered to the ſaid Clerk of the due Execution of ſuch Aſſignment or Will, and the ſaid Clerk is hereby required to file ſuch Affidavit, and for which Entry and filing ſuch Affidavit he ſhall be paid the Sum of Five Shillings, and no more.

Commiſſioners annually to pay off

XXXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, yearly and every Year, by and

and out of the Monies to be raiſed by virtue of this Act, to pay off and diſcharge One-twentieth Part of all Monies due and to be borrowed under this Act. Part of Sum borrowed.

XL. And be it further enacted, That the ſaid Commiſſioners ſhall have, and they are hereby inveſted with, full Power and Authority to contract and agree with the Owner or Owners, Occupier or Occupiers of all ſuch Meſſuages, Tenements, Lands, Grounds, and Hereditaments within the ſaid Town, for the abſolute Purchaſe of any ſuch Meſſuages, Tenements, Lands, Grounds, and Hereditaments, or of ſuch Part or Parts thereof as they ſhall think neceſſary and proper to purchaſe, for the Purpoſe of erecting a Market Houſe, making the ſaid Wharf and Quay, and for widening and improving the ſaid Highways, Streets, and Paſſages, and for any other of the Purpoſes of this Act. Power to purchaſe.

XLI. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees and Feoffees in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on behalf of themſelves, their Heirs and Succeſſors, and alſo for and on behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Meſſuages, Tenements, Lands, Grounds, and Hereditaments, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Commiſſioners; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, ſhall be valid and effectual in the Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politic, Corporate, or Collegiate, and all Perſons whomſoever, ſo conveying as aforeſaid, are hereby indemnified for or in reſpect of any ſuch Sale which he, ſhe, or they, or any of them, ſhall reſpectively make, by virtue or in purſuance of this Act; and all ſuch Contracts, Sales, Conveyances, and Aſſurances, ſhall be made at the Expence of the ſaid Commiſſioners; and ſuch of them as ſhall be made of any Meſſuages, Lands, or other Hereditaments, to the ſaid Commiſſioners, ſhall be made according to the following Form, or as near thereto as the Circumſtances of the Caſe will admit; that is to ſay, Power for incapacitated Perſons to ſell.

Form of Conveyance.

'I of in Conſideration of the Sum of to me paid by The Commiſſioners 'for improving the Town of *Weſt Cowes* in the Iſle of *Wight* do hereby 'grant and releaſe to the ſaid Commiſſioners, all [*deſcribing the Premiſes 'to be conveyed*] and all my Right, Title, and Intereſt, to and in the ſame, 'and every Part thereof; to hold to the ſaid Commiſſioners, their Succeſſors and Aſſigns for ever, by virtue and according to the true Intent and 'meaning of an Act paſſed in the Fifty-ſixth Year of the Reign of His 'preſent Majeſty, intituled *An Act* [*here ſet forth the Title of this Act.*] 'In witneſs whereof, I have hereunto ſet my Hand and Seal, this 'Day of in the Year of our Lord .'

And all ſuch Conveyances and Aſſurances ſhall be valid and effectual Conveyances of the Hereditaments therein deſcribed, and of the whole Fee Simple and Inheritance thereof, to all Intents and Purpoſes, and ſhall be a complete

complete Bar to all Eſtates Tail, and other Eſtates, Rights, Titles, Truſts, and Intereſts whatſoever.

For ſettling amount of Purchaſe Monies.

XLII. And, for ſettling all Differences which may ariſe between the ſaid Commiſſioners and the ſeveral Owners of or Perſons intereſted in any Lands, Tenements, or Hereditaments, which ſhall or may be taken and affected or prejudiced by reaſon of the Execution of any of the Powers hereby ſo granted; be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſo intereſted, for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Ceſtuique Truſts, or of any other incapacitated Perſon or Perſons as aforeſaid, ſhall refuſe to accept ſuch Purchaſe Money for any Lands or Hereditaments, or a Compenſation for any Damage or Injury done in carrying this Act into Execution, as ſhall be offered by them the ſaid Commiſſioners, or their Agents by and on their Behalf, and ſhall give Notice thereof in Writing to the Clerk for the Time being to the ſaid Commiſſioners, within Ten Days next after ſuch Offer ſhall have been made, and the Party or Parties giving Notice as aforeſaid ſhall therein requeſt that the Matter or Matters in Diſpute may be ſubmitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſeiſed or poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or other Hereditaments as aforeſaid, ſhall refuſe to treat or agree, or ſhall not agree, or by reaſon of Abſence or Diſability cannot agree with the ſaid Commiſſioners, or with any Perſon or Perſons authorized by them for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein, or cannot be found or known, or ſhall not produce and evince a clear Title to the Premiſes they may be in Poſſeſſion of, or to the Intereſt they claim therein, to the Satisfaction of the ſaid Commiſſioners or the Perſon or Perſons authorized by them, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and they are hereby empowered and required from Time to Time to iſſue a Warrant under their Hands to the Coroner of the ſaid *Iſle of Wight*, commanding ſuch Coroner (and the ſaid Coroner is hereby empowered and required) to impannel, ſummon, and return not leſs than Twelve nor more than Twenty-four ſubſtantial and indifferent Perſons qualified to ſerve on Juries, and the Perſons ſo to be impannelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the Juſtices of the Peace acting for the ſaid *Iſle of Wight*, or any Two or more of them, at ſome Place in the ſaid *Iſle of Wight*, at ſuch Time as ſhall be ſpecified in ſuch Warrant, and to attend ſuch Juſtices at the ſaid Place until diſcharged by the ſaid Juſtices; and out of ſuch Perſons ſo to be impannelled, ſummoned, and returned, a Jury of Twelve Men ſhall be drawn by the Clerk of the Juſtices of the Peace for the County of *Southampton*, acting for the ſaid *Iſle of Wight*, or his Deputy, in ſuch Manner as Juries for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter*, are by Law directed to be drawn; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Clerk of the Juſtices appointed as before mentioned, or his Deputy, ſhall return other honeſt and indifferent Men of the Bye-ſtanders, or of others who can be ſpeedily procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenge againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Clerk of the Juſtices, or

his Deputy, is hereby empowered and required to ſummon and call before the ſaid Juſtices any Witneſſes touching the Matters in Queſtion; and may order and authorize the ſaid Jury, or any Two or more of them, to view the Place or Places, Matters, or Things in Controverſy; and ſuch Jury ſhall upon their Oath, (which Oath, as well as the Oaths to ſuch Witneſſes, the ſaid Juſtices are hereby empowered and required to adminiſter) inquire of, aſſeſs and aſcertain, and give a Verdict for the ſeveral Sums of Money which ſhall be paid for the Purchaſe of ſuch Lands, Grounds, and other Hereditaments, and the ſaid Juſtices ſhall give Judgment for ſuch Purchaſe Money ſo aſſeſſed by ſuch Jury, which ſaid Verdict and the Judgment thereupon ſhall be binding and concluſive to all Intents and Purpoſes, upon all Bodies Politic, Corporate, and Collegiate, and upon all Perſons whomſoever; provided that Seven Days Notice in Writing at leaſt of the Hour and Place at which ſuch Jury are ſo required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Perſon or Perſons intereſted or claiming ſo to be, before the Time of the Meeting of the ſaid Juſtices and Jury as aforeſaid, by leaving ſuch Notice at the Dwelling Houſe of ſuch Perſon or Perſons, or of the Head Officer of ſuch Body or Bodies Politic, Corporate, or Collegiate, or with ſome Tenant or Occupier of the Premiſes reſpectively intended to be valued; and in each and every Caſe where a Verdict ſhall be given for more Money as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, or other Hereditaments, than ſhall have been previouſly offered by or on Behalf of the ſaid Commiſſioners before the ſummoning ſuch Jury, or where by reaſon of Abſence, or other Impediment or Diſability, there ſhall not be found any Perſon or Perſons at Hand who may be legally capacitated to contract with and make Conveyances to the ſaid Commiſſioners as herein-before mentioned, then and in all ſuch Caſes all the reaſonable Expences of cauſing ſuch Value to be aſſeſſed and awarded as aforeſaid ſhall be ſettled by the ſaid Juſtices, and be defrayed by the ſaid Commiſſioners; but if any Verdict ſhall be given for the ſame, or a leſs Sum than ſhall have been previouſly offered by or on Behalf of the ſaid Commiſſioners; or in caſe of ſuch Refuſal to treat with or make a Conveyance to the ſaid Commiſſioners, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever who is or are by the Proviſions of this Act or otherwiſe, legally empowered to treat and convey as aforeſaid, then and in all ſuch Caſes (except where, by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid, in which Caſe all ſuch Coſts and Expences ſhall be borne and paid by the ſaid Commiſſioners) the reaſonable Coſts and Expences of cauſing ſuch Value to be aſſeſſed and awarded as aforeſaid ſhall be ſettled in like Manner by the ſaid Juſtices, and be borne or paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Concerns, Controverſies, or Diſputes, which ſaid Coſts and Expences ſhall and may be deducted out of the Money ſo aſſeſſed and awarded, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or awarded as aforeſaid.

Perſons requeſting a Jury to enter

XLIII. Provided always, and be it further enacted, That all and every Perſon and Perſons making Complaint, and requeſting a Jury to be ſummoned,

into Bonds to profecute the Complaints.

moned, ſhall, before the ſaid Commiſſioners ſhall iſſue their Warrant for that Purpoſe, enter into a Bond, with Two ſufficient Sureties to the Treaſurer of the ſaid Commiſſioners, in a Penalty of Two hundred Pounds, with Condition to proſecute his, her, or their ſaid Complaint, and to pay and bear the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum or Rent than had been offered by or on Behalf of the ſaid Commiſſioners before the ſummoning and returning of the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for any Lands, Grounds, or Hereditaments.

Penalty on Juries refuſing to ſerve.

XLIV. And be it further enacted, That if the Coroner ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Perſon ſo ſummoned or returned as aforeſaid upon ſuch Jury ſhall not appear, or if appearing ſhall refuſe to be ſworn or to give his Verdict, or ſhall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Perſon ſo ſummoned to give Evidence, after having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, ſhall not appear, or appearing ſhall refuſe to be examined or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Juſtices, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds; which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hand and Seal of any one of the ſaid Juſtices, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to him the Overplus, after ſuch Penalty and the Charge of ſuch Diſtreſs and Sale ſhall be deducted; and every ſuch Penalty ſo recovered from any Perſon who ſhall have been ſo ſummoned to appear, or to give Evidence as aforeſaid, ſhall go and be paid to the Party who ſhall appear to the ſaid Juſtices to be injured by the Default of ſuch Perſon.

Penalty on Perſons guilty of Perjury.

XLV. And be it further enacted, That all Perſons who ſhall in any Examination to be taken upon Oath by virtue of this Act, wilfully and corruptly give falſe Evidence, or otherwiſe forſwear themſelves, before ſuch Jury, or any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and 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 wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

Payment of Purchaſe Monies.

XLVI. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted or agreed for between the Parties, or determined and adjudged by any Jury or Juries in Manner aforeſaid, for the Purchaſe of any ſuch Lands or other Hereditaments before-mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, or at any Time after the ſame ſhall have been ſo agreed for, determined, or awarded; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, or ſhall not be able to make a good Title to

to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or ſhall refuſe to execute a Conveyance or Conveyances of the Premiſes which ſhall be required for the Purpoſes of this Act, then upon the Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as herein-after directed, for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners and their Agents, Servants, or Workmen, immediately to enter upon ſuch Lands, Grounds, or Hereditaments reſpectively; and then and thereupon the Lands, Grounds, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the Yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be and become the ſole Property of the ſaid Commiſſioners, to and for the Purpoſes of this Act, for ever; and ſuch Tender, Payment, or Inveſtiture ſhall not only bar all Right, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to, and ſhall be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail and other Eſtates in Reverſion and Remainder of his, her, or their Iſſue, and of every other Perſon whomſoever therein: Provided nevertheleſs, that before ſuch Tender, Payment, or Inveſtment as aforeſaid, it ſhall not be lawful for the Commiſſioners, or any Perſon acting under their Authority, to dig or cut into ſuch Lands or Grounds for the Purpoſes of this Act, without Leave of the reſpective Occupiers thereof.

Tenants at Will to deliver Poſſeſſion, &c.

XLVII. And be it further enacted, That every Tenant at Will or Leſſee for a Year, or from Year to Year, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Two Calendar Months Notice to quit ſuch Poſſeſſion from the Clerk or Solicitor to the ſaid Commiſſioners, or from the Perſon or Perſons ſo authorized by them to take ſuch Poſſeſſion; and ſuch Perſon or Perſons in Poſſeſſion ſhall, at the End of Two Calendar Months, whether ſuch Notice be given with Reference to the Time or Times of ſuch Tenants holding or not, or ſo ſoon after as he, ſhe, or they ſhall be required, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons authorized by them to take Poſſeſſion thereof, ſuch Authority being ſignified under the Hands of the ſaid Commiſſioners; and in caſe any ſuch Perſon or Perſons, ſo in Poſſeſſion as aforeſaid, ſhall refuſe to give ſuch Poſſeſſion as aforeſaid, all reaſonable Satisfaction being firſt made or tendered, it ſhall and may be lawful for the ſaid Commiſſioners to iſſue their Precept or Precepts to the High Conſtables of the Hundred of the *Weſt Medene* in the ſaid *Iſle of Wight*, to deliver Poſſeſſion of the ſaid Premiſes to ſuch Perſon or Perſons as ſhall in ſuch Precept or Precepts be nominated to receive the ſame; and the ſaid Conſtables are hereby required to deliver Poſſeſſion of the ſame Premiſes accordingly, and to levy ſuch Coſts as ſhall accrue from the iſſuing and Execution of ſuch Precept or Precepts on the Perſon or Perſons ſo refuſing to give Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods and Chattels: Provided nevertheleſs, that in caſe any ſuch Tenant at Will, or Leſſee for a Year or from Year to Year, ſhall be required to quit ſuch his or her Premiſes before the Expiration of his or her current Year therein, and any Difference or Diſpute ſhall ariſe reſpecting the Amount of ſuch Satisfaction, ſuch Satisfaction ſhall be ſettled and determined by any Two

of His Majesty's Justices of the Peace for the said County of *Southampton* acting within the said *Isle of Wight*.

Verdicts to be recorded.

XLVIII. And be it further enacted, That all the said Judgments and Verdicts (being first signed by the Clerk of the said Justices, or his Deputy present at the taking of such Verdicts and pronouncing of such Judgment respectively) shall be kept by the Clerk of the Peace among the Records of the Sessions of the said County of *Southampton*, and shall be deemed to be Records of the said Sessions, to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying the Sum of Sixpence for every One hundred Words, and so in Proportion for any less Number of Words.

Houses, &c. not to be injured.

XLIX. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize or empower the said Commissioners, or any other Person or Persons, to take, injure, use, or damage any House or other Building, or any Ground actually used as a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Lawn, or Pleasure Ground, inclosed or adjoining to a Dwelling House, without the Consent in Writing of the respective Owners and Occupiers thereof first had and obtained for that Purpose.

Purchase Monies when 200l. and upwards, how to be paid.

L. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* "The Commissioners for improving the Town of *West Cowes* in the *Isle of Wight*," to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Set-

tlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When 20l. and under 200l.

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

Under 20l.

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

In caſe of not making out Titles.

LIII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners, or any Three of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or

or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, (deſcribing them) ſubject to the Order, Controul, and Diſpoſition of the Court; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title, to whom Money to be paid, &c.

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

The Court may order reaſonable Expences of Purchaſes to be paid by the Commiſſioners.

LV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Bank, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance thereof reſpectively, it ſhall be lawful for the ſaid Court

Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the Perſon obtaining the ſame, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to make Rates for the Purpoſes of this Act.

LVI. And for the Purpoſes of repairing, widening, diverting, amending, maintaining, paving, and ſupporting the Highways, Streets, Ways, Paths, and Paſſages, enlarging and repairing and keeping in Repair the ſaid Landing Place, Quay, and Wharf, making Common Sewers, erecting the ſaid Market Houſe, and alſo for repaying the Money borrowed and to be borrowed, for ſuch Purpoſes, and the Intereſt thereof, and paying for Lands purchaſed for ſuch Purpoſes, and for carrying into Execution all the Purpoſes of this Act, and for defraying the Expence of procuring and paſſing of this Act; be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authorized and required, from Time to Time, to make or cauſe to be made a Rate or Aſſeſſment on all and every the Occupiers and Occupier of Meſſuages, Lands, Tenements, Tythes, and Hereditaments whatſoever, within the ſaid Town, and the Limits and Boundaries thereof as deſcribed by this Act, according to the annual Value of the ſaid Meſſuages, Lands, Tenements, Tythes, and Hereditaments, as the ſaid Commiſſioners ſhall conſider fair and equitable (ſuch annual Value not being leſs than the full and actual annual Value of the ſame reſpectively) at ſuch Rate or Rates in the Pound as they ſhall think proper; ſo that no ſuch Rate or Rates do together in any one Year exceed the Rate of Two Shillings and Sixpence in the Pound in the whole on ſuch annual Value; and the Monies raiſed and collected by ſuch Rates ſhall be applied for ſuch ſeveral and reſpective Purpoſes for which the ſame are hereby authorized to be levied.

Rates to be levied.

LVII. And be it further enacted, That when and as ſoon and as often as any Rate or Aſſeſſment ſhall have been made and ſigned by the ſaid Commiſſioners, or any Five of them, the Collector or Collectors appointed by the ſaid Commiſſioners ſhall, and he and they is and are hereby required to collect the ſame accordingly; and in caſe any Perſon or Perſons who ſhall be rated or aſſeſſed, or ſubject or liable to the Payment of any Rate or Aſſeſſment to be made or laid, or made payable by virtue of this Act, ſhall refuſe or neglect to pay ſuch Rate or Aſſeſſment to any Collector to be appointed as aforeſaid, for the Space of Three Days next after perſonal Demand made by the Collector or Collectors thereof, or Demand in Writing under the Hand of ſuch Collector, left at the laſt or uſual Place of Abode of the Perſon or Perſons refuſing or neglecting to pay as aforeſaid, or on the Premiſes ſo charged with ſuch Rate or Aſſeſſment, then and in every ſuch Caſe it ſhall be lawful for any Juſtice of the Peace for the ſaid County of *Southampton*, acting in and for the ſaid *Iſle of Wight*, by Warrant under his Hand and Seal, to authorize and direct the ſaid Collector, or any other Perſon, to levy ſuch Rate or Aſſeſſment, and all Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, or on the Goods and Chattels ſo found on ſuch Premiſes, rendering the Overplus (if any) to the Owner or Owners of the Goods or Chattels to be ſo diſtrained, on Demand, after deducting the Coſts and Charges of recovering the ſame, and of ſuch Diſ-

treſs and Sale; or it ſhall be lawful for the ſaid Commiſſioners to recover any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſo due and payable by virtue of this Act, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Requeſts for the ſaid *Iſle of Wight*, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed.

In Lodging Houſes Landlords to be conſidered as Occupiers.

LVIII. And whereas ſeveral Houſes within the ſaid Town may be by the Landlords or Owners thereof let out into Lodgings or Tenements to divers Tenants or poor Perſons, whereby it may be difficult or inconvenient to rate ſuch Houſes, and to recover ſuch Rates and Aſſeſſments when made; for Remedy whereof, be it further enacted, That the ſaid Commiſſioners ſhall and may rate or aſſeſs the Landlord or Owner of any Houſe which ſhall be let as a Lodging Houſe, or which ſhall be let to or occupied by Two or more Tenants, or which ſhall be aſſeſſed on a Rent or annual Value not amounting to Five Pounds, and the Landlord or Owner of every ſuch Houſe ſhall pay the ſame accordingly.

Unoccupied Houſes not to pay.

LIX. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be liable to pay any Rate or Aſſeſſment to be made under the Authority of this Act, for or in reſpect of any Dwelling Houſe, Building, Yard, Garden, and Offices, Tenements, or Hereditaments, other than and except Lodging Houſes which ſhall be unoccupied during ſo long Time as the ſame ſhall remain ſo unoccupied.

Perſons removing before Rate paid.

LX. Provided alſo, and be it further enacted, That in all Caſes where any Perſon or Perſons ſhall remove from or quit any Houſe, Building, Garden, Lands, Tenements, or Hereditaments, for or in reſpect of which he, ſhe, or they ſhall have been rated or aſſeſſed or is or are liable to be rated or aſſeſſed by virtue of this Act, ſuch Perſon or Perſons ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time that he, ſhe, or they occupied the ſame reſpectively, in like Manner as if ſuch Perſon or Perſons had not removed or quitted the ſame; and in all Caſes where any Perſon or Perſons ſhall come into or occupy any Houſe, Building, Garden, Lands, Tenements, or Hereditaments, for or in reſpect of which any Perſon or Perſons ſhall have been rated or aſſeſſed, or be liable to be rated or aſſeſſed as aforeſaid, out of or from which any other Perſon, who ſhall have been rated or aſſeſſed for the ſame, ſhall have removed, or which at the Time of making ſuch Rate or Aſſeſſment was empty or unoccupied, the Perſon or Perſons coming into or occupying the ſame ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time that ſuch Perſon or Perſons ſhall have occupied the ſame, in like Manner as if he, ſhe, or they had been originally rated or aſſeſſed for ſuch Houſe, Building, Garden, Lands, Tenements, or Hereditaments; which ſaid reſpective Portions, in Caſe of Diſpute, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, or by any Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Southampton*, acting within and for the Diviſion of the ſaid *Iſle of Wight*.

Appeal againſt Rate.

LXI. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons, Bodies Politic, or Corporate, or Companies who ſhall think himſelf, or herſelf, or themſelves aggrieved by any ſuch Aſſeſſment or Aſſeſſments, or any other Aſſeſſment or Aſſeſſments to be made by

virtue of this Act, to appeal againſt ſuch Aſſeſſment or Aſſeſſments to any Two or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid *Iſle of Wight*, at any Petty Seſſions, (giving Five Days Notice thereof to the ſaid Commiſſioners, by leaving the ſame in Writing at the Dwelling Houſe or Place of Abode of their Clerk for the Time being); and ſuch Juſtices ſhall, on hearing the ſaid Appeal, make ſuch Order therein, or give ſuch Relief therein, either by altering or reducing the Aſſeſſment or otherwiſe, as they ſhall think proper; and the Deciſion of the ſaid Juſtices ſhall be final and concluſive on all Parties, to all Intents and Purpoſes whatſoever, and ſhall not be removed or removeable by *Certiorari* or other Proceſs, or appealed or appealable againſt to any other Court or Juriſdiction whatſoever: Provided alſo, that any Appeal that may be made againſt any ſuch Aſſeſſment to the ſaid Juſtices as aforeſaid, ſhall not be conſidered as a Juſtification to any Perſon or Perſons, Bodies Politic or Corporate, or Companies charged thereby, to withhold or refuſe the Payment of the Sum or Sums therein charged upon them reſpectively; but on the Determination of every ſuch Appeal, if given in Favour of the Appellant or Appellants, the Juſtices who ſhall hear and determine the ſame ſhall by their Order direct the ſaid Commiſſioners to repay to the ſaid Appellant or Appellants ſuch Sum or Sums of Money, as they the ſaid Juſtices ſhall think proper.

Penalty on committing Nuiſances.

LXII. And be it further enacted, That if any Perſon ſhall run, drive, draw, carry, or place, on any of the Footways in any of the Streets, Lanes, Alleys, or other public Paſſages within the ſaid Town, any Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage, or ſhall roll any Caſk thereon, or wilfully ride, drive, or lead any Horſe, or other Beaſt or Cattle on any of the ſaid Footways (except where the ſame ſhall be abſolutely neceſſary to paſs any Carriage, and ſo far only as ſhall be abſolutely neceſſary for ſuch Purpoſe, in Places where the Streets are not ſufficiently wide to permit Two Carriages otherwiſe to paſs each other) or ſhall drive any Waggon, Cart, or other Carriage, drawn by Horſes or other Beaſts, not guided by ſome Perſon holding Reins, faſter than a Foot Pace; or if the Driver of any Carriage whatever ſhall drive the ſame furiouſly or faſter than a Trot through the ſaid Streets or any of them; or if any Perſon ſhall gallop any Horſe through the ſaid Streets, or any of them; or ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up or cauſe to be killed, ſlaughtered, ſinged, ſcalded, dreſſed, or cut up, any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, in any open or public Street, Square, Lane, Alley, or other public Paſſage or Place within the ſaid Town; or hang up or cauſe to be hung up any Beaſt, Swine, Calf, Sheep, Lamb, or other Cattle, or any Part or Parts thereof, in any of the ſaid Streets, Squares, Lanes, Alleys, or other public Paſſages or Places; or ſhall play at Football or any other Game; or ſhall throw at any Cock or Fowl in the Manner called Cock Throwing, or ſhall ſet up any Cock or Fowl to be thrown at; or ſhall hoop, cleanſe, waſh, or ſcald any Caſk or Tub; or hew or ſaw any Stone, Wood, or Timber; or bind, make, or repair any Wheel or Shoe; bleed, dreſs, or farry any Horſe, Mare, or Gelding; or ſlake, wet, or mix up any Mortar (except as herein-after is excepted); or permit or ſuffer any Bull Dog or Maſtiff Dog unmuzzled to be at Liberty and go at large, after Complaint having been made before any Juſtice of the Peace of the ſaid County, or any Three or more of the ſaid Commiſſioners, againſt the Owner of any ſuch Dog, and Notice given accordingly,

accordingly, or ſhall permit or ſuffer any Dog whatever to be at Liberty and go at large within the ſaid Town, after any Proclamation made by the common Cryer, in purſuance of any Order of any of His ſaid Majeſty's Juſtices of the Peace, during ſuch Time as ſuch Proclamation ſhall from Time to Time direct Dogs to be confined, on account of any Suſpicion of *Hydrophobia* or Canine Madneſs, or dangerous Diſorder; or ſhall permit or ſuffer any Swine or other Cattle to wander or ſtray; or ſhall ſhew or expoſe to view any Stone Horſe or Stallion in any of the open Streets, Squares, Lanes, or Alleys, within the ſaid Town; or ſhall hang up or expoſe to Sale any Goods, Wares, or Merchandizes, or any other Matter or Thing, upon any Flap Window, Bulk, or otherwiſe, ſo as in the Judgment of the ſaid Commiſſioners, or any Three or more of them, to obſtruct or incommode the Paſſage of any Footway or Carriage Way; or ſhall throw, caſt, or lay, or cauſe to be thrown, caſt, or laid any Coals, Coal Aſhes, Wood Aſhes, or Cinders, Soot, Rubbiſh, Dirt, Dung, Blood, Offal, Soil, Filth, or any other Nuiſance or Annoyance whatſoever, into any open Street, Lane, or Public Paſſage, or Place within the ſaid Town, for any longer Time than ſhall be neceſſary for the Purpoſes of removing the ſame; or ſhall make or aſſiſt in making any Fire or Fires commonly called Bonfires; or ſhall ſet Fire to, or let off or throw any Squib, Serpent, Rocket, Cracker, or other Fireworks whatſoever within the ſaid Town; every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, over and above ſuch Penalties as are inflicted for any of the ſaid Offences, by any Law or Statute now in force; and in caſe any Swine, Beaſt, or Cattle ſhall be found wandering about the Highways, Streets, Squares, Lanes, or Public Paſſages, or Places within the ſaid Town, it ſhall be lawful for any Perſon or Perſons to impound ſuch Swine, Beaſt, or Cattle, in the Common Pound for the Manor of *Debourne*, and the ſame to detain until the Expence of impounding ſhall be fully paid and ſatisfied.

Penalty on Perſons leaving Carriages in the Streets.

LXIII. And be it further enacted, That if, after the paſſing of this Act, any Cart, Waggon, Dray, or other Carriage, ſhall be left to ſtand or remain in any Highway, Street, Square, Lane, Alley, or other Public Paſſage or Place within the ſaid Town, or in any Part or Parts thereof, with or without Horſes or other Cattle, for any longer Time than ſhall be neceſſary for the loading or unloading thereof; or if any Stage Coach, Poſt Chaiſe, or other Carriage let for Hire, ſhall be left to ſtand or remain in any ſuch Street, Square, Lane, or other Paſſage or Place, with or without Horſes, for any longer Time than ſhall be neceſſary for taking up or ſetting down Paſſengers, or for loading or unloading their Baggage; or if any Timber, Bricks, Stones, empty Caſks, Slates, Hay, Straw, Dung, Wood, Faggots, Hurdles, Boards, Goods, Wares, or Merchandize, or other Things ſhall be laid or placed, and left to remain in any of the ſaid Highways, Streets, Squares, Lanes, or other public Paſſages or Places, for any longer Time than ſhall be neceſſary for moving and houſing the ſame, or in any larger Quantity than the ſaid Commiſſioners ſhall judge proper, then and in every ſuch Caſe the Owner or Driver of every ſuch Waggon, Cart, Dray, Chaiſe, Coach, or other Carriage, and of ſuch Timber, Bricks, Slates, Hay, Straw, Dung, Wood, Faggots, Hurdles, Boards, Goods, Wares, Merchandizes, or other Things, which ſhall be left or ſuffered to remain as aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and the ſame ſhall be alſo deemed Public Nuiſances.

LXIV. Pro-

Timber for building, &c. may be left.

LXIV. Provided always, and be it further enacted, That no Perſon ſhall be ſubject to any Penalty, by virtue of this Act, on account of any Timber, Boards, Bricks, or Stones, or any Rubbiſh or Dirt laid or thrown into the ſaid Streets or other Public Places, before the Houſe or Tenement of ſuch Perſon, occaſioned by the building, pulling down, or rebuilding or repairing of ſuch Houſe or Tenement, nor for the ſlaking, wetting, or mixing any Lime, or making or mixing up any Mortar for thoſe Purpoſes, ſo as there be convenient Room left for Carriages to paſs and repaſs with Safety, and a ſufficient Way kept clear for Foot Paſſengers, by the Perſon laying or occaſioning ſuch Rubbiſh or Dirt to be laid; and ſo as that the Owner or Occupier of ſuch Houſe or Tenement, before which ſuch Rubbiſh or Dirt ſhall be, ſhall cauſe the ſame to be removed out of ſuch Street or Place, at his own Coſts and Charges, within a reaſonable Time after ſuch building, pulling down, or repairing ſhall be completed; or upon Notice to be given to him, or left at ſuch Houſe or Tenement for that Purpoſe, in Writing, ſigned by the ſaid Commiſſioners or their Clerk; and ſo as whilſt the ſame ſhall be lying in the ſaid Street or Place, ſuch Perſon ſhall ſet up and maintain a ſufficient Light upon or againſt the ſame every Night, during the whole Night from the Time it becomes dark, to prevent any Miſchief happening to Paſſengers, which might otherwiſe be occaſioned thereby.

Hogſties and other offenſive Places to be removed.

LXV. And be it further enacted, That in caſe any Hogſtie, Layſtall, Neceſſary Houſe, Fleſh, Dung, Carrion, Blood, Offal, Soil, or Filth, preſerved by Perſons for their own Uſe, or other noiſome Matter whatſoever, in any of the ſaid Streets, Lanes, or Paſſages within the ſaid Town, ſhall be offenſive to any of the Inhabitants or other Perſon or Perſons, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful for the ſaid Commiſſioners, upon Complaint thereof made to them by any ſuch Inhabitant or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Commiſſioners, or under the Hand of the Clerk to the ſaid Commiſſioners for the Time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Two Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, ſuch Perſon or Perſons ſhall forfeit and pay any Sum not exceeding Twenty Shillings, for every Day that the ſame ſhall continue unremoved after the Expiration of the ſaid Term.

Declaring at what Time Privies ſhall be emptied.

LXVI. And be it further enacted, That if any Perſon or Perſons whoſoever, from and after the paſſing of this Act, ſhall empty any Privy Houſe, Neceſſary Houſe, Tub, or Ringe, or remove or carry away any Night Soil in the Town aforeſaid, at any other Time than between the Hours of Eleven at Night and Four in the Morning, or if the Soil thereof ſhall be laid in any other Place than ſhall be appointed by the ſaid Commiſſioners, or any Three or more of them; then in any of the ſaid Caſes, as well the Perſon or Perſons knowingly employing any Perſon or Perſons for that Purpoſe, as the Perſon or Perſons committing the Offence, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Perſon or Perſons ſhall wilfully or negligently ſpill any of the Soil of any Privy Houſe, Neceſſary Houſe, Tub, or Ringe, in any of the ſaid Streets, Squares, Lanes, Alleys, or other public Paſſages or Places within the ſaid Town, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Gutters to be swept.

LXVII. And be it further enacted, That from and after the passing of this Act all and every the Occupiers and Occupier of every Messuage, Building, or other Premises in the said Town, shall, and they, he, and she, are required daily and every Day, between the Hours of Seven and Ten of the Clock in the Morning, to sweep, cleanse, and wash, or cause the Pavement and Gutter in Front of the Messuage or other Premises, and the whole Length thereof, to be swept, cleansed, and washed; and each and every Person who shall fail or neglect so to do, shall, for every such Neglect or Failure, forfeit any Sum not exceeding Twenty Shillings.

Houses, &c. not to be covered with Thatch.

LXVIII. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, cover or cause to be covered with Thatch, any Building whatever standing within or adjoining the Streets of the said Town or shall new-cover with Thatch any Building whatsoever within or adjoining the Streets of the said Town, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, and any further Sum not exceeding Twenty Shillings for every Day such Thatch shall remain.

For levying Penalties, &c.

LXIX. And be it further enacted, That all Penalties, Forfeitures, Fines, Tolls, and Payments, imposed or authorized to be imposed by virtue of this Act, the Manner of levying and Recovery whereof is not herein otherwise directed, shall be recovered before any one Justice of the Peace for the County or Borough where the Offence or Offences shall have been committed, either by the Confession of the Parties offending, or by the Oath of one or more Witness or Witnesses, and be levied 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 for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and one Moiety of all Penalties, Forfeitures, and Fines, when paid or levied, if not otherwise directed to be applied by this Act, shall go and belong to the Informer or Informers, or Person or Persons who shall sue for the same; and the other Moiety shall be from Time to Time paid to the Treasurer of the said Commissioners, and applied for the Purposes of this Act, as the said Commissioners shall direct; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for any one 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 Bridewell of the County or Borough wherein the Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid and satisfied: Provided always, that nothing in this Act shall extend or be construed to extend to give the Justices of the Peace of the said County of *Southampton* any Jurisdiction within the Borough of *Newport*, or the Maritime or Water Liberties thereof, or to give the Justices of the Peace of the said Borough any Jurisdiction in the said County of *Southampton*, without the said Borough, and the Maritime or Water Liberties thereof.

LXX. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or 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, as the Caſe ſhall happen, or in any Form of Words to the ſame Effect:

Form of Conviction.

'BE it remembered, That on the Day of to wit. in the Year of His Majeſty's Reign, is convicted before of His Majeſty's Juſtices of the Peace for the County or Borough of [*ſpecifying the Offence, and Time and Place, when and where the ſame was committed, as the Caſe may be.*] Given under my Hand and Seal, [*or*, our Hands and Seals] the Day and Year aforeſaid.'

Diſtreſs not unlawful for Want of Form.

LXXI. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed for Want of Form, 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*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be 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 Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by or on the Behalf of the Party diſtraining, before ſuch Action brought.

Limitation of Actions.

LXXII. And be it further enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Fourteen Days Notice thereof ſhall be given to the Clerk to the ſaid Commiſſioners, nor after a ſufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every Action or Suit ſhall be laid, brought, or tried in the County 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 by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before ſuch Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought after the Time limited for bringing the ſame as aforeſaid, or in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their

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 or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for Recovery of the ſame as any Defendant or Defendants hath or have for his, her, or their Coſts in any other Caſes by Law.

General Highway Act to extend to this Act.

LXXIII. And be it further enacted, That all and every Public General Statutes now in force for the Amendment and Preſervation of the Highways, and all and every the Clauſes, Regulations, and Enactments, in the ſame Statutes reſpectively contained (except ſo far as the ſame are hereby varied or altered) ſhall be in force, and be applicable and applied to this Act; any Thing herein contained to the contrary notwithſtanding.

Power of Appeal.

LXXIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, or in purſuance of any Bye Law, Rule, Order, or Regulation to be made under or by virtue of this Act, ſuch Perſon may appeal to the Juſtices of the Peace at any General or Quarter Seſſions of the Peace to be held for the County or Borough aforeſaid wherein the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Seven Days Notice at leaſt, in Writing, of his or her Intention to bring ſuch Appeal and of the Matter thereof, to the Clerk of the ſaid Commiſſioners, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County or Borough, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General or Quarter Seſſions; and the ſaid Juſtices at ſuch General or Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch General or Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Inhabitants not deemed incompetent Witneſſes, &c.

LXXV. And be it further enacted, That in all Actions, Proſecutions, Informations, and Proceedings whatſoever, relating to or concerning the Execution of this Act, or the Recovery of any Rates, Tolls, Penalties, or Sums impoſed or made payable by virtue of this Act, no Perſon reſiding within the Limits of the ſaid Town, as fixed by this Act, ſhall be deemed incompetent to give Evidence, by reaſon of ſuch Perſon being charged with or liable to pay any Toll, Rate, or Aſſeſſment by virtue thereof, or by reaſon of ſuch Perſon being, as ſuch Inhabitant, benefited by any Penalty to be levied under this Act.

Power to compel Payment of Subſcription.

LXXVI. And be it further enacted, That the ſeveral Perſons who have ſubſcribed or ſhall ſubſcribe any Sum or Sums of Money for or towards defraying the Expences of obtaining and paſſing of this Act, and carrying the ſame into Execution, and their reſpective Heirs, Executors, or Adminiſtrators, ſhall and they are hereby required to pay the reſpective Sums ſo ſubſcribed, to the Treaſurer or Treaſurers to the ſaid Commiſſioners, within ſuch Time or Times, and in ſuch Parts and Proportions, as the ſaid Commiſſioners ſhall order and direct; and in Default thereof it ſhall be

be lawful for the ſaid Commiſſioners to ſue for and recover the ſame, in the Name of their Clerk, in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe; and all ſuch Monies ſhall be and are hereby declared to be veſted in the ſaid Commiſſioners for the Purpoſes of this Act.

For paying the Expences of this Act.

LXXVII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid and diſcharged by the ſaid Commiſſioners out of the firſt Monies received or to be received by virtue of this Act, in preference to all other Payments whatſoever; and in caſe any Perſon or Perſons ſhall advance and pay any Money for the Expences of obtaining and paſſing this Act, ſuch Perſon or Perſons ſhall be repaid the ſame, together with lawful Intereſt thereon from the Time of advancing ſuch Money.

Public Act.

LXXVIII. 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, without being ſpecially pleaded.

SCHEDULES referred to in this Act.

The FIRST SCHEDULE of RATES, &c. referred to by the foregoing Act.

	s.	*d.*
For every Paſſenger and other Perſon who ſhall land on the Landing Places, Quays, Wharfs, or other Works, or embark or go on board any Veſſel, Boat, Wherry, or other Machine, from the ſaid Landing Places, Quays, Wharfs, or Works, or any Part thereof, for each and every Time	0	2
For every Horſe that ſhall be landed on or embarked from the ſaid Landing Places, Quays, Wharfs, and Works, or any Part thereof - - - - - - -	0	3
For every Bull, Cow, or Ox, that ſhall be landed on or embarked from the ſaid Landing Places, Quays, Wharfs, or Works, or any Part thereof - - - - -	0	3
For every Hog or Pig that ſhall be landed on or embarked from the ſaid Quays, Wharfs, or Works, or any Part thereof - - - - - -	0	2
For every Score of Sheep, One Shilling and Two-pence, or leſs than a Score, One Penny per Head.		
For every Score of Lambs One Shilling, or leſs than a Score, One Penny per Head.		
For every Calf - - - - - - -	0	1
For every Four Wheel Carriage - - - - -	1	0
For every Two - Ditto - - - - - -	0	6

For all Goods, Wares, Merchandizes, and other Matters and Things whatſoever, that ſhall be landed or otherwiſe taken from or placed on the ſaid Landing Places, Quays, Wharfs, or other Works, or any Part thereof, the ſeveral Sums of Money following; that is to ſay,

Anchors - - - - - -	per Cwt.	0	2
Aſhes - - - - - - - -	per Barrel	0	3
Anchovies - - - - - -	Ditto	0	3
Alum - - - - - - - -	per Cwt.	0	1
Bacon - - - - - - - -	per Side	0	1
Beef or Pork - - - - -	per Tierce	0	4
Ditto - - - - - -	per Barrel	0	4
Butter - - - - - - -	per Barrel	0	4
Biſcuit - - - - - -	per Bag	0	2
Beans and Peaſe - - - -	per Sack	0	3
Corn - - - - - -	per Quarter	0	4

		s.	d.
Bottles (empty)	per Dozen	0	0½
Ditto in Hampers (full)	Ditto	0	1
Bruſhes (ſmall)	Ditto	0	1
Brooms (Hair) and Mops	Ditto	0	1
Barilla (Pot Aſhes)	per Seron	0	6
Barley (Scotch)	per Sack	0	3
Beer	per Hogſhead	0	6
Ditto	per Barrel	0	4
Ditto	per Half Hogſhead	0	3
Boxes, heavy	per Cwt.	0	3
Ditto Hat (double)	each	0	3
Ditto (ſingle)	each	0	2
Ditto (ſmall)	per Cwt.	0	1
Cheeſe	per Cwt.	0	2
Currants	per Butt	1	0
Ditto	per Half Butt	0	6
Ditto	per Carteel	0	1
Clover Seed	per Sack	0	3
Calve Skins	per Dozen	0	4
Cordage	per Ton	1	0
Canvaſs	per Bolt	0	2
Coffee	per Cwt.	0	3
Colours	per Firkin	0	2
Chairs	per Dozen	0	3
Cider	per Pipe	1	0
Ditto	per Hogſhead	0	6
Ditto	per Half Hogſhead	0	4
Carboys	each	0	2
Earthenware	per Crate	0	2
Flour	per Sack	0	4
Glaſs	per Square Crate	0	4
Gunpowder	per Barrel	0	4
Houſehold Furniture	per Article	0	1½
Hemp	per Ton	2	0
Hops	per Bag	0	6
Hops	per Pocket	0	4
Herrings (Red)	per Barrel	0	4
Hides (Raw)	each	0	1
Hogſheads (dry Goods)	each	0	9
Iron	per Ton	0	6
Iron Pots	each	0	1
Lead	per Ton	0	6
Leather	per Hide or Buff	0	2
Malt	per Quarter	0	4
Mahogany	per Foot	0	0½
Molaſſes	per Puncheon	0	9
Ditto	per Half Puncheon	0	4
Muſtard	per 36lb. Barrel	0	3
Nuts	per Bag	0	2
Nails	per Ditto	0	2
Oatmeal	per Sack	0	3

		s.	*d.*
Oil	per Pipe	0	6
Ditto	per Hogſhead	0	4
Ditto	per Half Hogſhead	0	2
Ditto	per Jar	0	0½
Ditto	per Cheſt	0	1
Ditto	per Half Ditto	0	0½
Oranges and Lemons	per Cheſt	0	2
Ditto	per Box or Half Cheſt	0	1
Pollard and Bran	per Sack	0	1
Potatoes	Ditto	0	1
Paper Stuff	per Ton	1	0
Pitch	per Barrel	0	1
Porter	per Butt	1	0
Plums	per Box	0	1
Parcels ſmall, and Bale Goods to 28lb.	each	0	2
Ditto Ditto to 84lb.	each	0	4
Ditto Ditto to 112lb.	each	0	5
Ditto above one Cwt. and Things not ſpecified	per Cwt.	0	3
Rice	per Barrel	0	2
Ditto	per Half Barrel	0	1
Raiſins	per Barrel	0	2
Raiſins	per Baſket	0	1
Roſin	per Barrel	0	2
Ditto	per Ton	1	0
Sugar, packed or ſolid	per Hogſhead	0	9
Ditto	per large Tierce	0	6
Ditto	per ſmall Ditto	0	4
Ditto in Bags or ſmall Caſks	per Cwt.	0	2
Ditto Loaves and Lumps	per Cwt.	0	5
Soap	per Cwt.	0	5
Starch in Cheſts	per Cwt.	0	6
Staves (Pipe)	per Hundred	0	2
Ditto (Hogſhead)	Ditto	0	2
Ditto (Barrel)	Ditto	0	1½
Ditto (Ends)	Ditto	0	1½
Shot	per Bag	0	1
Salt Fiſh	per Cwt.	0	4
Spirits	per Pipe	1	0
Ditto	per Puncheon	0	10
Ditto	per Hogſhead	0	6
Ditto	per Half Ditto	0	3
Ditto, ſmall Caſks in Proportion	—		—
Sacks (large)	per Bundle	0	2
Tea	per Cheſt	0	6
Ditto	per Half Cheſt	0	3
Ditto	per Quarter Cheſt	0	2
Tobacco and Snuff	per Cwt.	0	4
Timber	per Load	0	9
Tallow	per Hogſhead	0	6
Tin Plates	per Box	0	2
Tar	per Barrel	0	4

	s.	*d.*
Turpentine and Varniſh - - - - per Barrel	0	4
Vinegar - - - - - per Hogſhead	0	4
Ditto - - - - per Half Hogſhead	0	2
Wine - - - - - per Pipe	1	6
Ditto - - - per Hogſhead	0	9
Ditto - - - - per Half Hogſhead	0	6
Wool per Bag, not containing more than Twelve Tod	0	9

Small Parcels under 6 lb. carried in the Hand of any Paſſenger landing or embarking, and paying as ſuch, to be exempt.

The SECOND SCHEDULE referred to by the foregoing Act.

	s.	*d.*
For every Stall or Shed uſed by a Butcher for ſelling Fleſh Meat, being actually his own Property, per Day - -	1	0
For each Stall or Shed uſed by a Perſon for expoſing to Sale Cheeſe, Bacon, or pickled Pork, per Day - - -	1	0
For every Baſket, Parcel, or Quantity of Butter not exceeding Twelve Pounds - - - - -	0	2
For Ditto, exceeding Twelve Pounds, and not exceeding One and a Half Dozen Pounds - - - -	0	3
For every Baſket, Parcel, or Quantity of Butter exceeding One and a Half Dozen Pounds, and not exceeding Two Dozen Pounds - - - - - -	0	4
For Ditto exceeding Two Dozen Pounds, per Dozen -	0	1
For Poultry, including Fowls, Chickens, and Ducks, Wild Fowl and Rabbits, not exceeding Half a Dozen - - -	0	3
Ditto, not exceeding One Dozen - - - - -	0	6
Ditto, not exceeding Two Dozen - - - - -	0	9
Ditto, not exceeding Three Dozen - - - - -	1	0
Ditto, not exceeding Four Dozen - - - - -	1	3
And for every Dozen exceeding Four Dozen - - -	0	3
For every Turkey or Gooſe - - - - - -	0	2
For every Dozen or under One Dozen of Pigeons - -	0	2
For every One Dozen, and not exceeding One and a Half Dozen - - - - - -	0	4
Not exceeding Two Dozen - - - -	0	6
And for every Dozen exceeding Two Dozen, per Dozen -	0	2
For every Baſket, Parcel, or Quantity of Eggs under Two Dozen - - - - - -	0	2
For every Dozen above Two Dozen - - -	0	1
Every Perſon ſelling Fiſh (except Lobſters, Craw Fiſh, Crabs, Prawns, Shrimps, Cockles or Muſcles) to pay for each Baſket, Hamper, Parcel, or Quantity, not containing more than Two Gallons - - - - -	0	4

	s.	d.
For every Baſket, Hamper, Parcel, or Quantity not exceeding more than Half a Buſhel - - - - -	0	8
For every Baſket, Hamper, Parcel, or Quantity not containing more than One Buſhel - - - - -	1	3
For every Baſket, Hamper, Parcel, or Quantity containing more than One Buſhel - - - -	2	0
For every Gallon of Cockles or Muſcles - - - -	0	1
For every Baſket, Hamper, Parcel or Quantity of Fruit, not exceeding Half a Buſhel - - - - -	0	2
Ditto - not exceeding a Buſhel - - -	0	
For every Baſket, Parcel, or Quantity of Roots, videlicet:		
Potatoes, Turnips, Carrots, Parſnips, Onions, not exceeding a Buſhel - - - - - - -	0	2
For every Baſket, Parcel, or Quantity of other Vegetables, not exceeding a Buſhel - - - - -	0	1½
For every Baſket, Parcel, or Quantity of Potatoes and other Roots or Vegetables, exceeding a Buſhel, per Buſhel -	0	1
For every live or dead ſucking Pig - - - -	0	2
For Lobſters and Craw Fiſh, not exceeding in Weight Half a Dozen Pounds - - - - - - -	0	3
For Ditto - not exceeding a Dozen Pounds -	0	4
For every Half Dozen Pounds of Ditto, above One Dozen Pounds - - - - - - - -	0	3
For Crabs not exceeding in Weight Half a Dozen Pounds	0	1
For Ditto not exceeding in Weight One Dozen Pounds -	0	1½
For every Half Dozen Pounds above One Dozen Pounds -	0	1
For every Hundred Prawns - - - - - -	0	2
For every Hundred of Shrimps - - -	0	0½
For every Hog or Porker - - - - -	0	4
For freſh Pork not exceeding in Weight Half a Dozen Pounds	0	1
For Ditto not exceeding One Dozen Pounds - -	0	2
For Ditto not exceeding a Dozen Pounds above One Dozen Pounds - - - - - - -	0	1
And every Perſon having or uſing a Stall or Shed for ſelling any Articles or Things which are not included in this Table, or for ſelling any Article or Thing, to pay for ſuch Stall, Place, or Shed, per Day - - - - - - -	1	0
And every Perſon ſelling any Article or Thing in the Market not ſpecified in this Schedule, per Day - - -	0	6

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