ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cclvii.

An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of *Portsmouth* in the County of *Southampton*, and for removing and preventing Nuisances and Annoyances therein. [22d *July* 1847.]

WHEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better paving and cleansing the Streets and* 8 G. 3. c. 62.
other public Passages in the Town of Portsmouth *in the County of* Southampton, *and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious*, whereby certain Powers and Authorities were given to Persons therein named, and from Time to Time to be appointed Commissioners for the several Purposes contained in the said recited Act: And whereas another Act was passed in the Sixteenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for lighting and* 16 G. 3. c. 59.
watching the Town of Portsmouth *in the County of* Southampton, *and for explaining and amending an Act passed in the Eighth Year of His present Majesty's Reign, for the better paving and cleansing the Streets and other public Passages in the said Town, and for pre-*

venting Nuisances and Annoyances therein, and for widening and rendering the same more commodious: And whereas the said Commissioners have proceeded to carry into execution the several Powers and Authorities vested in them by the said recited Acts, and have raised and expended considerable Sums of Money in paving, lighting, and improving the different Thoroughfares within the said Town, and the same are capable of much further Improvement: And whereas there are many Provisions, Powers, and Authorities contained in the said recited Acts which in the Execution thereof have been found defective and insufficient for carrying into effect the Purposes for which they were respectively enacted, and it is expedient that the same should be altered and amended: And whereas the Purposes aforesaid might be more efficiently and conveniently effected if the said recited Acts were repealed and other Powers and Provisions granted in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Recited Acts repealed.

and by the Authority of the same, That the said recited Act of the Eighth Year of the Reign of His late Majesty King *George* the Third, and also the said recited Act of the Sixteenth Year of the Reign of His said late Majesty King *George* the Third, and all Matters and Things therein respectively contained, shall be and the same are hereby declared to be repealed from and after the passing of this Act, and that from and after that Day this Act shall be put in execution for the Purposes herein-after mentioned; and this Act shall be and the same is hereby declared to be subject and liable to the Payment of all and every Sum and Sums of Money due upon the Credit of the said former Acts to Tradesmen, Artificers, Workmen, Officers, or otherwise.

Contracts, &c., and Orders for Payment of Money, under repealed Acts, to remain in force.

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

Officers under former Acts to hold their Situations until removed.

III. And be it enacted, That the Clerk, Treasurer, Collector, Beadle, and all other Servants and Officers appointed by the Commissioners by virtue and in pursuance of the said recited Acts or either of them shall hold and enjoy their several and respective Offices and Employments,

Employments, together with their several and respective Salaries, Gratuities, and Allowances thereto annexed, until he or they shall be removed therefrom respectively by the Commissioners for putting this Act into execution; and every such Clerk, Treasurer, Collector, Beadle, and other Servant and Officer shall while he shall continue in Office be subject to the like Pains and Penalties and Powers of Removal, and to the like Rules and Regulations, and have the same Powers and Authorities, as if he had been appointed by virtue of this Act.

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

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

Books of former Commissioners may be received in Evidence.

V. And be it enacted, That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings and other Books whatsoever of the Commissioners under the said recited Acts or either of them, kept according to the Directions of the said recited Acts or either of them, and made Evidence thereby, or which might have been received as Evidence at the Time of the passing of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

10 & 11 Vict. c. 16. incorporated with this Act.

VI. And be it enacted, That "The Commissioners Clauses Act, 1847," shall be incorporated with this Act.

Appointment of Commissioners.

VII. And be it enacted, That the Commanding Royal Engineer at *Portsmouth* for the Time being, the Storekeeper of Her Majesty's Ordnance at *Portsmouth* for the Time being, the Deputy Storekeeper of Her Majesty's Ordnance at *Portsmouth* for the Time being, the Vicar of *Portsmouth* for the Time being, *John Edward Burne*, *Thomas Batchelor*, *William Cavander*, *George Chambers*, *William Chamney*, *Henry Deacon*, *Zachariah Douze*, *William Devereux*, *Joseph Dudley*, *Henry Foster*, *Thomas Gray*, *Robert Gibbon*, *Joseph Galt*, *Thomas Hale*, *George Bettesworth Hellard*, *James Hatch*, *Joseph Harrison*, *Frederick Macartney*, *George Newlyn*, *Thomas Ellis Owen*, *William Payne*, *William Reeks*, *Henry Robert Rout*, *William Saunders*, *George Stebbing*, *James Stewart*, *John Charles Selby*, and *George Sheppard*, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby constituted and appointed Commissioners for carrying this Act into execution, and such Commissioners shall be called and known by the Name of "The Commissioners for Paving, Lighting, and Improving the Town of *Portsmouth*."

VIII. And

Qualification of Commissioners.

VIII. And be it enacted, That every Commissioner under this Act (except the several Persons holding the respective Offices hereinbefore mentioned) shall be a resident Inhabitant within the said Town, and rated to the Relief of the Poor in respect of Property situate within the Limits of this Act in a Sum not less than Twenty Pounds rateable yearly Value, or be in his own Right or in the Right of his Wife in the actual Possession and Receipt of the Rents and Profits of Lands and Hereditaments within the Limits of this Act of the annual Value of Twenty Pounds over and above all Incumbrances, or be possessed of a Personal Estate of not less than Six hundred Pounds beyond what will satisfy all his Debts; but no Person being a Justice of the Peace for the Borough of *Portsmouth* shall be a Commissioner under this Act.

Period of Service and Time of going out of Commissioners.

IX. And be it enacted, That the Commissioners appointed by this Act, except those holding the several Offices aforesaid, shall go out of Office by Rotation as follows; that is to say, on the first *Thursday* in *September* in the Year One thousand eight hundred and forty-eight One Half of such Commissioners shall go out of Office, and on the first *Thursday* in *September* in the Year One thousand eight hundred and fifty-one the Remainder of the Commissioners shall go out of Office, and on the same Day in every subsequent Third Year One Half of the Commissioners, being those who have been longest in Office, shall go out of Office, and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners.

Qualification of Electors.

X. And be it enacted, That every Person who shall be rated to the Relief of the Poor in respect of Property situate within the Limits of this Act shall be entitled to vote in the Election of Commissioners to supply the Places of those retiring by Rotation in manner following; that is to say, that every Person who shall be so rated shall be entitled to give One Vote or any greater Number of Votes in respect of the Assessment made upon him, in like Manner in all respects as he is or may be entitled to vote at any Vestry in respect of the Assessment made upon him for the same Premises in any Rate for the Relief of the Poor: Provided always, that no Person shall be entitled to vote at any such Election unless he shall have paid all Rates made for the Relief the Poor which shall have become payable by him Three Calendar Months before the Day of such Election.

Place for Election of Commissioners.

XI. And be it enacted, That every Election of Commissioners shall be held at such Place within the Limits of this Act as the Commissioners shall from Time to Time appoint, and if no such Place be appointed then at the *Fountain* Inn in the *High Street* of *Portsmouth*, and that the first of such Elections shall be held on the first *Thursday* in *September* in the Year One thousand eight hundred and forty-eight, and every subsequent Election shall be held on the first *Thursday* in *September* in every subsequent Third Year.

Power to borrow Money on Mortgage.

XII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest on the Credit of the several Rates or Assessments by this Act granted, and other

Property vested in such Commissioners, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Two thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Two thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Directions as to borrowing Money.

XIII. And be it enacted, That previous to borrowing any Sum or Sums of Money an Order for that Purpose shall be made by the Commissioners at a Meeting specially called for that Purpose, at which not less than Nine Commissioners shall be present.

Priority of Mortgages.

XIV. And be it enacted, That all Mortgages granted by virtue of the said recited Acts or either of them shall have Priority over any Mortgages to be granted by virtue of this Act.

Application of Monies to be borrowed.

XV. And be it enacted, That all the Money which shall be raised by the Rates hereby authorized to be levied, or on the Credit of the said Rates, shall be applied, in the first place, in paying the Expences of obtaining and passing this Act or incident thereto, and afterwards for carrying the several Purposes of this Act into execution.

As to Service of Writs, &c.

XVI. Provided always, and be it enacted, That nothing in this Act or any Act incorporated herewith shall make the Service of any Writ or Proceeding at Law or in Equity a good Service by the same being transmitted through the Post Office.

Commissioners may provide Places for depositing Dirt.

XVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to provide and maintain Lands and Buildings, either within or without the Limits of this Act, fit and convenient for the depositing of Stone or other Materials for the Highways, and for the Accommodation and Custody of all Horses, Carts, Tools, Implements, and other Articles, Matters, or Things required for the Purposes of this Act, and for any of such Purposes to purchase or hire any Lands, Messuages, or Buildings, or any Part of such Lands, Messuages, or Buildings, which shall by the Commissioners be considered necessary, of and from any Person who shall be willing to sell or let the same, or otherwise to cause any new Erection or Building to be made upon any Land or Ground which shall be purchased or hired under the Provisions of this Act.

Power to purchase Lands.

XVIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands within the Limits of this Act which they may require for the Purpose of opening and making more convenient Communications, Ways, or Streets, and of widening, improving, altering, or

diverting any existing Ways or Streets, or for other the Purposes of this Act, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and the Lands so purchased shall be laid into the said Streets or otherwise appropriated for the Purposes aforesaid as the Commissioners shall think fit; and all such Ways or Streets, when and as soon as the same shall be so formed, widened, or improved, shall be deemed public Streets or Ways.

8 & 9 Vict. c. 18. incorporated with this Act, but not to authorize the taking of Lands without Consent.

XIX. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in the said Lands Clauses Consolidation Act contained shall authorize the Commissioners to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Commissioners interested in Sale, &c. not to act.

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

Conveyances and Leases may be taken to Two Commissioners.

XXI. And be it enacted, That all Conveyances and Leases of Lands to be purchased or hired by the Commissioners may be made to any Two of the Commissioners, in trust for the Commissioners, and the Execution of the Duplicate or Counterpart of any Conveyance or Lease by such Two Commissioners shall be binding on all the Commissioners.

Application of Monies arising from the Sale of superfluous Lands.

XXII. And be it enacted, That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands under the Provisions of this Act, and of any Act or Clauses of any Act incorporated herewith, shall in the first place be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the Rates hereby authorized to be levied, and, subject thereto, towards the general Purposes of this Act.

Limits of this Act.

XXIII. And be it enacted, That for the Purposes of this Act the Limits and Extent of the said Town of *Portsmouth* shall be and shall be deemed and taken to be from the Northernmost Point of the Redoubt called the *Mill Redoubt* near the Gate commonly called the *Gun Wharf Gate* leading from the Town of *Portsea* (heretofore *Portsmouth Common*) to the *Queen's Mill* in a South-west Direction to the Point on the North Side of the *New Gun Wharf* at which the South End of the Bridge leading from the South Side of the *Old Gun Wharf* to the North Side of the *New Gun Wharf* comes, and from thence round the Edge of the said *New Gun Wharf* to the Westernmost Point thereof, and from thence in a bevel Line to the Low-water Mark opposite the West Corner at the North End of the Quay (heretofore called *Whiting's Quay*) on the East Side and at the North End of *Broad Street* on the Point of *Portsmouth*, and from thence round with the Sea at Low-water Mark to the Place opposite the Southernmost Point of the outer Wall of the Moats outside the Fortifications of the Garrison of *Portsmouth* (near the *King's Counterscarp*),

scarp); and from thence round with the outside Wall of the said Moats to the North End of the Foot Bridge leading across the Moats from *Saint Mary Street*, and from thence in a straight Line to the Northernmost Point of the said *Mill Redoubt*.

10 & 11 Vict. cc. 34. & 89. incorporated with this Act.

XXIV. And be it enacted, That "The Towns Improvement Clauses Act, 1847," and the "Towns Police Clauses Act, 1847," shall be incorporated with this Act.

Commissioners to pave, &c.

XXV. And be it enacted, That the Commissioners shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of Acts incorporated herewith, cause to be paved, lighted, cleansed, watered, and otherwise improved the said Town of *Portsmouth* within the Limits aforesaid, and do all necessary Acts for promoting the Health or Convenience of the said Town, and for that Purpose may exercise all the Powers vested in them by this Act, and the Acts and Clauses of Acts incorporated herewith.

Mutual Exemptions from Highway Rates.

XXVI. And be it enacted, That no Person shall in respect of any Property without the Limits of this Act be subject or liable to repair or contribute to the Repair of any Street, Road, or Highway lying within the Limits of this Act, nor shall any Person in respect of any Property within the Limits of this Act be subject or liable to repair or contribute to the Repair of or perform Statute Labour on any Road or Highway without the Limits of this Act, or to be appointed to the Office of Surveyor of the Highways, or vote for the Election of any such Officer or Officers, nor shall any Surveyor or Surveyors of the Highways have any Power or Authority whatsoever respecting or relating to the Streets, Roads, or Highways within the Limits of this Act.

Commissioners may order Owners of Land adjoining any Street to fence in the same.

XXVII. And be it enacted, That with respect to all such Land as is or may be the Property of private Persons, which shall not be built upon, and shall lie next adjoining to any Street within the Limits of this Act, or Land laid out or left for a Street, it shall be lawful for the said Commissioners, if they shall think it necessary, to give Notice in Writing, to be signed by the Clerk to the Commissioners, to the Owner or Owners of such Land, or his or their Agent receiving the Rents thereof, to fence in the same by a good and sufficient Fence of such Height and in such Manner as the said Commissioners shall direct; and if such Owner or Owners shall neglect or omit to make such Fence as aforesaid for the Space of Seven Days next after such Notice, then the said Commissioners shall do the same, or cause the same to be done, in such Manner as they shall think proper, and the Expences thereof shall be recovered from such Owner or Owners by Distress.

Arches, Vaults, &c. to be substantially made.

XXVIII. And be it enacted, That all Arches, Vaults, Cellars, and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners, without their Consent; and if any Arch, Vault, Cellar, or Drain shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners

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

Arches, Vaults, &c. to be kept in repair.

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

Penalty for certain Offences.

XXX. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who shall keep any Poultry, Pigs, or Cattle in any Cellar or Storehouse, or in or near any Dwelling so as to be a Nuisance to any Person.

Commissioners empowered to manufacture Gas.

XXXI. And be it enacted, That it shall be lawful for the Commissioners to manufacture Gas for lighting the Streets within the Limits of this Act, and to provide Gasometers and all Apparatus and Machinery necessary for the Purpose, and to purchase or rent any Land not exceeding Two Acres which may be necessary for the Establishment of such Manufacture.

10 & 11 Vict. c. 15. extended to this Act.

XXXII. And be it enacted, That for the Purposes aforesaid the Gasworks Clauses Act, 1847, shall be incorporated with this Act, and the Clauses of such Act shall be construed as if the Word Commissioners had been inserted therein instead of the Word Undertakers: Provided always, that nothing in the said Gasworks Clauses Act contained shall authorize the said Commissioners to manufacture or supply Gas for any Purposes other than for lighting the Streets within the Limits of this Act.

Power to levy Rates.

XXXIII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, Once in every Year after the passing of this Act, to be computed from the passing of this Act, or oftener if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, upon the Occupiers of the several Houses, Shops, Workshops, Warehouses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments (except as herein-after mentioned) within the Limits of this Act, according to the net annual Value of the same, so as such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any One Year the Sum of Two Shillings in the Pound on such annual Value: Provided always, that it shall not be necessary for the Commissioners to make any Sewer Rate separate from the Rates hereby authorized to be made.

XXXIV. And

Who to be deemed Occupiers of Premises belonging to the Ordnance and the Gaol.

XXXIV. And be it enacted, That for the Purposes of this Act the Storekeeper of Her Majesty's Ordnance at *Portsmouth* for the Time being shall be deemed the Occupier of all Houses, Lands, and Hereditaments in the said Town which are or may be under the Charge of the Master General or Principal Officers of Her Majesty's Ordnance for the Time being, the Royal Marine Barrack Master at *Portsmouth* for the Time being shall be deemed the Occupier of all Houses, Lands, and Hereditaments in the said Town which are or may be appropriated for the Use of the Royal Marine or Royal Marine Artillery Forces, and the Treasurer of the Borough of *Portsmouth* for the Time being shall be deemed the Occupier of the Gaol of the said Borough; and that it shall be lawful for the said Commissioners, in the Rates or Assessments so to be from Time to Time made by them as aforesaid, to rate and assess the Storekeeper of Her Majesty's Ordnance at *Portsmouth* for the Time being, the Royal Marine Barrack Master at *Portsmouth* for the Time being, and the Treasurer of the Borough of *Portsmouth* for the Time being, as the Occupiers of the respective Premises of which they are hereby declared to be the Occupiers respectively, according to the respective annual Values thereof, and the Sums so to be assessed upon them respectively as such Occupiers shall and may be levied and recovered of them respectively in like Manner as the Rates or Assessments herein authorized to be levied and recovered of any Occupier of Lands or Houses within the Limits of this Act, and be allowed to them respectively in their respective Accounts as such Storekeeper and Treasurer respectively.

Certain Buildings exempted from Rates.

XXXV. Provided always, and be it enacted, That no Rate or Assessment shall be made, levied, or collected by virtue of this Act upon or in respect of any Burial Grounds within the Limits of this Act, or upon or in respect of the Ramparts and Walls belonging to or Part of the Fortifications of the said Town.

Appeal to Special Sessions on the Ground of Inequality of Rates, &c.

XXXVI. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates; but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Clerk of the Commissioners, and to the Party (if any) against whom such Appeal shall happen to be made, or whose Interest may be affected by such Appeal, Seven Days at least before the Day appointed for such Special Sessions.

Determination of Special Sessions to be final, unless appealed from to Quarter Sessions.

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

any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may appeal to Quarter Sessions against Rate, &c.

XXXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Special Sessions assembled, he may appeal to the next General or Quarter Sessions; but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, and to the Party (if any) against whom such Appeal shall happen to be made, or whose Interests shall be affected by such Appeal, but the same shall be adjourned to the next General or Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Special Sessions assembled be entertained unless the Party appealing against such Determination shall within Fourteen Days after the same shall have been made give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

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

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

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

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

Liability to Rates not to disqualify Witnesses or Justices.

XLI. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness

Witness in any Proceeding under this Act, or be disabled to act as a Justice in the Execution of the same.

Rates may be recovered by Action or by Distress.

XLII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Ten Days after Demand thereof in Writing by the Commissioners or their Collector by personally delivering the same or leaving it at his usual Place of Abode or on the Premises in respect of which he is rated, it shall be lawful for the Commissioners to recover the same by Action of Debt in the same Manner as any Debt to the same Amount may by Law be recovered; or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him or any other Justice, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid, and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and any Justice shall issue his Warrant accordingly, to levy the same, and the Costs incurred in the Premises.

Form of Warrant of Distress.

XLIII. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (A.) to this Act annexed.

Owners of ready furnished Houses to pay Rates.

XLIV. And be it enacted, That the Owners of all Houses or Tenements within the Limits of this Act which shall be let ready furnished shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Owners of Houses of less annual Value than 10*l.* to pay Rates.

XLV. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall be under Ten Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Empty Houses not to be liable for Rates.

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

Receiver of Rents to be deemed the Owner.

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

Parties may appeal to Quarter Sessions, on giving Security.

XLVIII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, (other than the Determination of any Justices in Special Sessions assembled in an Appeal against any Rate made under the Authority of

of this Act,) or of the Commissioners under the Provisions of this Act, he may appeal to the General or Quarter Sessions of the Peace to be holden in and for the said Borough of *Portsmouth*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable; and may award Costs.

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

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

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

Expences of Act.

LI. And be it enacted, That the Costs, Charges, and Expences of applying for and obtaining and passing this Act shall be paid by the said Commissioners out of any Monies now in their Hands, or out of the first Monies to be received by them in pursuance of this Act, in preference to all other Payments whatever.

Prohibiting the holding Free Mart Fair within the Borough.

LII. And whereas the holding of the Fair commonly called or known as "The Free Mart Fair" (which is held annually in the Month of *July* for the Space of Fifteen Days) within the Borough of *Portsmouth* has for many Years past been a great Interruption, Nuisance, and Annoyance to the Inhabitants of the said Borough and to the Public at large, by the Erection of Booths and Tents and the standing of Caravans and Shows in the *High Street* and other public Streets and Thoroughfares of the said Town, and the assembling of large Numbers of idle and disorderly Persons, as well during the Night as during the Day, and such Fair is a serious Injury to the Peace and Comfort of the said Town, and a great moral Evil; be it therefore enacted, That from and after the passing of this Act the Fair or Mart commonly called or known as "The Free Mart Fair," now had, held, or kept within the Borough of *Portsmouth*, shall be relinquished, discontinued, and absolutely abolished to all Intents and Purposes whatsoever, and it shall not be lawful to or for the Mayor,

Aldermen, and Burgesses of the Borough of *Portsmouth*, or any Person whomsoever, to hold, have, or keep the said Fair within the Limits of the ancient Borough of *Portsmouth*, or of the Borough of *Portsmouth* as settled and described in an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, any Law, Grant, Charter, Letters Patent, Statute, Privilege, Franchise, Custom, Immunity, Right, Title, Estate, or Power whatsoever to the contrary in anywise notwithstanding; and if after the passing of this Act any Attempt shall be made to hold any Fair within such Limits it shall be lawful for any Constable or other Peace Officer acting within such Limits and he is hereby authorized and directed to remove every Booth, Standing, Tent, and Erection, and every Carriage, of whatsoever Kind, conveyed to or being at any Place within such Limits for the Purpose of holding or continuing any Fair, and to take into custody every Person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such Booth, Standing, Tent, or Erection, and every Person driving, accompanying, or conveyed in every such Carriage, and every Person resorting to any such Place with any Exhibitions, Shows, Swings, Roundabouts, Whirligigs, or Instruments of Gambling or Amusement, and to carry every Person so taken before some Two Justices, who shall proceed to hear and determine the Matter of such Complaint in a summary Way, and on Proof of any of the Offences aforesaid to convict every such Offender, and thereupon to adjudge him to pay any Sum not exceeding Ten Pounds; and if the Party so convicted shall not immediately pay such Penalty the said Justices shall commit him to hard Labour in the Gaol of the Borough of *Portsmouth* for any Space not exceeding Three Months, unless the Penalty shall be sooner paid.

5 & 6 W. 4. c. 76.

Saving the Rights of the Corporation of Portsmouth.

LIII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to take away, prejudice, or lessen any Estate, Right, Title, Privilege, or Claim of the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*, in their Corporate Capacity, in or to any Real or Personal Property, or of holding Markets within the Liberties of the said Borough, or to the collecting, levying, or receiving the Rents, Tolls, Emoluments, or Profits arising therefrom, or any the Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions of the said Mayor, Aldermen, and Burgesses within the said Borough or the Liberties thereof, but that the said Mayor, Aldermen, and Burgesses shall and may from Time to Time and at all Times hereafter have, hold, exercise, and enjoy all such Real and Personal Property, Markets, Tolls, Emoluments, Profits, Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions to them belonging or appertaining, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they might have held and enjoyed the same before the passing of this or the said repealed Acts, or in case the same had never been made, so as such Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions do not authorize or enable the holding of any Fair, or defeat the End or Design of this Act, by avoiding,

avoiding, impeaching, or in anywise disturbing the Acts of the said Commissioners in pursuance hereof.

Saving the Rights of the Portsmouth and Farlington Waterworks Company granted under 14 G. 2. c. 43. 49 G. 3. c. 118. and 7 & 8 G. 4. c. 38.

LIV. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, lessen, affect, or in any Manner interfere with the Estate, Right, Title, and Interest of the present Company of Proprietors of the *Portsmouth and Farlington* Waterworks and their Successors, or any of the Powers exercised by them, granted under the Authority of an Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to enable* Thomas Smith *Esquire, Lord of the Manor of* Farlington *in the County of* Southampton, *to supply the Town of* Portsmouth *and Parts adjacent with good and wholesome Water, at his own proper Costs and Charges*, or under and by virtue of a certain other Act of Parliament made and passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for better supplying with Water the Borough of* Portsmouth *and the Parishes of* Portsmouth *and* Portsea *and Places adjacent in the County of* Southampton, or under and by virtue of a certain other Act of Parliament made and passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for enabling the Company of Proprietors of the* Portsea *Island Waterworks to raise a further Sum of Money, and for other Purposes relating to the said Undertaking*, but that such several Powers and Authorities, and every or any of them, and all other Powers and Authorities, now exercised by them, shall be exercised and enjoyed by the said Company of Proprietors of the *Portsmouth and Farlington* Waterworks Company and their Successors, in the same full, ample, and beneficial Manner to all Intents and Purposes as if this Act had not been passed.

Saving the Rights of the Town of Portsea Gaslight Company granted by 1 & 2 G. 4. c. 73.

LV. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, affect, or in any Manner interfere with the Powers granted under the Authority of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for incorporating the Town of* Portsea *Gaslight Company*, but that such several Powers and Authorities and every of them shall be exercised and enjoyed in the same full and ample Manner to all Intents and Purposes as if this Act had not been passed.

Saving Rights of the Floating Bridge Company. 1 & 2 Vict. c. 11.

LVI. And be it enacted, That nothing in this Act contained shall extend to take away, prejudice, affect, or in any Manner interfere with the Powers granted under the Authority of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for establishing a Floating Bridge or Bridges over the Harbour at* Portsmouth *from or near a Place called* Gosport Beach *in the Parish of* Alverstoke *in the County of* Southampton *to the opposite Shore to or near a Place called* Portsmouth Point *in the Parish of* Portsmouth *in the said County, with proper Approaches thereto*, or under or by virtue of a certain other Act of Parliament made and passed in the Third Year of Her present Majesty's Reign, intituled *An Act for amending and enlarging the Powers of an Act for establishing a Floating Bridge or Bridges over the Harbour of* Portsmouth *in the County of* Southampton,

3 & 4 Vict. c. 54.

ampton, but that such several Powers and Authorities and every of them shall be exercised and enjoyed in the same full and ample Manner to all Intents and Purposes as if this Act had not been passed.

Saving Rights of Crown and Admiralty.

LVII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, prejudice, derogate from, or affect any Estate, Right, Title, Interest, Franchise, Prerogative, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs and Successors, in right of Her Crown or otherwise howsoever, or of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or of the Commissioners for the Time being for executing the Office of Lord High Admiral of *Great Britain* and *Ireland*, or of the principal Officers of Her Majesty's Ordnance.

Interpretation of Act.

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

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

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Borough of *Portsmouth*:

And that no Misnomer or inaccurate Description of any Person, Body Corporate, or Place named in this Act, or in any Roll, List, Notice, or Voting Paper required by this Act, shall hinder the full Operation of this Act with respect to such Person, Body Corporate, or Place, provided the Description of such Person, Body Corporate, or Place be such as to be commonly understood.

Public Act.

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

SCHE-

SCHEDULE referred to by the foregoing Act.

SCHEDULE (A.)

Form of Warrant of Distress.

Borough of Portsmouth in the County of Southampton, to wit. } To Collector of the Rates under an Act passed, *&c.*, intituled, *&c.*, and to all Constables:

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

Given under my Hand and Seal, this of in the Year of our Lord One thousand eight hundred and

	Sums due for Rates. £ *s.* *d.*	Costs. £ *s.* *d.*
A. B. - - -		
C. D. - -		

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