ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 169.

An Act to amend an Act, made in the Tenth Year of His preſent Majeſty, for paving, repairing, cleanſing, lighting, and watching, the Streets and other public Paſſages in the Town of *Southampton*.

[9th *June* 1810.]

WHEREAS by an Act made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better paving, repairing, and cleanſing the Streets and other public Paſſages in the ſeveral Pariſhes and Wards of* Saint Michael, Saint John, Holy Rhood, Saint Lawrence, All Saints within the Bar, All Saints without the Bar, *and* Eaſt Street, *and* Bag Row, *within the Town of* Southampton *and Liberties thereof, and for preventing Nuiſances and Annoyances therein; and for widening and rendering the ſame more commodious, and for the lighting and watching the ſaid Streets and Public Paſſages*; certain Powers and Authorities were given to the Commiſſioners named in the ſaid Act, and their Succeſſors for enabling them to carry the ſame into Execution: And whereas, ſince the paſſing of the ſaid Act, ſeveral new Streets and Places have been made or built: And whereas the ſeveral Sums which the Commiſſioners are empowered to borrow upon the Credit of the Rates or Aſſeſſments made by the ſaid recited Act, are inſufficient for defraying the Expences of carrying the ſame into Execution; and it is neceſſary that the ſaid recited Act ſhould be amended, and further and other Powers granted for the Purpoſe of enabling the ſaid Commiſſioners more effectually to carry the Purpoſes of

10 G. 3. c. 25.

the ſaid Act into Execution: But as the ſame cannot be effected without the Aid 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 after the paſſing of this Act the Mayor, Aldermen, and Common Council of the Town of *Southampton* for the Time being, together with *John Drew*, *John Knight*, *William Steele*, and *James Seward*, Four of the Inhabitants of the Pariſh of *Saint Michael*; *John Cuſhen* and *Samuel Miller* Two of the Inhabitants of the Pariſh of *Saint John*; *John Colſon*, *Hugh Hill*, Doctor in Divinity, *Hugh Kellow*, *John Langford*, *Wilſon Lomer*, *Cornelius Trim*, and *Edward Toomer*, Seven of the Inhabitants of the Pariſh of *Holy Rhood*; *George Hookey*, *Thomas Shaw*, *Thomas Skelton*, and *James Taylor*, Four of the Inhabitants of the Pariſh of *Saint Lawrence*; *Thomas Foſter*, *Richard Howard*, *John Hunt*, *Martin Maddiſon*, *Thomas Waight*, and *Peter Watts*, Six of the Inhabitants of the Pariſh of *All Saints*; and *John Fox* and *John Robbins*, Two of the Inhabitants of the Pariſh of *Saint Mary* within the Liberties of the ſaid Town, and their Succeſſors, to be elected and qualified in ſuch Manner as in the ſaid recited Act is mentioned, ſhall be and are hereby nominated and appointed Commiſſioners to put the ſaid recited Act and this preſent Act into Execution.

Commiſſioners.

Commiſſioners to be ſworn.

II. And be it further enacted, That from and after the paſſing of this Act no Perſon ſhall be capable of acting as a Commiſſioner for putting the ſaid recited Act, or this Act, into Execution, unleſs he ſhall be qualified in ſuch Manner as in and by the ſaid recited Act is directed and preſcribed; and unleſs being ſo qualified he ſhall, before he ſhall act as a Commiſſioner, (except in adminiſtering the Oath herein-after mentioned) take and ſubſcribe, before One or more of the ſaid Commiſſioners, (who is and are hereby empowered to adminiſter the ſame) the following Oath; that is to ſay,

Their Oath.

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

'So help me GOD.'

Diſqualification of Truſtees.

And if any Perſon ſhall preſume to act as a Commiſſioner (except as aforeſaid) before he ſhall have taken and ſubſcribed the ſaid Oath, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

For ſupplying Vacancies in ſpecific

III. And be it further enacted, That no Commiſſioner herein-before ſpecifically named, or any of his Succeſſors, ſhall be capable of acting in the

the Execution of this Act or the said recited Act but during the Time of his residing in the Parish in which he was an Inhabitant when appointed or elected a Commissioner; and that when any Vacancy shall happen in the Number of such specific Commissioners, such Vacancy shall be supplied by some other Person being elected in Manner prescribed by the said recited Act from the Inhabitants of the Parish in which such Commissioner who shall have occasioned such Vacancy resided at the Time of his being appointed or elected a Commissioner.

Commissioners out of the same Parish.

IV. And be it further enacted, That in case any of the said Commissioners herein-before specifically named, shall neglect or refuse to act for the Space of One Year, the remaining Commissioners herein before specifically named, or their Successors, or any Nine or more of them, shall, before they shall proceed to any new Election in the Place or Room of such Commissioner so neglecting or refusing to act, cause Notice to be given by their Clerk to such Commissioner so having neglected or refused to act for One Year, by delivering the same to him in Writing, or leaving the same at his last or usual Place of Abode, informing him of their Intention to proceed to such new Election, in case he shall not attend the Meetings of the said Commissioners, or shall neglect or refuse to act for the Space of Six Months after the Receipt of such Notice, and then in case of such continued Non-attendance, or Neglect, or Refusal to act for Six Months as last mentioned, such Commissioner shall become disqualified, and is hereby declared incapable of acting as a Commissioner to all Intents and Purposes whatsoever; but previous to such Notice having been given of Intention of electing another Person as a Commissioner in the Room or Stead of such Commissioner so having neglected or refused to act as aforesaid, or within Six Months thereafter, all Acts and Deeds which shall or may have been done by any Commissioner or Commissioners shall be good and valid in the Law, and no Penalty shall attach upon such Commissioner for acting, although he may previously have omitted to act for the Space of One Year; any Thing in the said recited Act contained to the contrary notwithstanding.

Specific Commissioners to give Notice to any specific Commissioner not acting for One Year, of Intention to elect in his Room.

Not acting Six Months to be incapacitated.

V. And be it further enacted, That in case the said Commissioners herein-before specifically named, or their Successors to be nominated and appointed as in the said recited Act is particularly mentioned, shall, by Death, Election into the Common Council, Removal out of the Town, or any other Cause, be reduced and lessened below the Number of Nine, then and in such Case it shall be lawful for the Mayor, Aldermen, and Common Council of the said Town of *Southampton* for the Time being, together with the surviving or remaining Commissioners specifically named in this Act, or their Successors, or any Nine or more of them, to elect some other Persons qualified as in the said recited Act is mentioned, in the Place or Stead of such Commissioners so dying, elected into the Common Council, removing, or otherwise becoming disqualified; the like Notice being given of the Time and Place of such Meeting, as is in and by the said recited Act directed to be given for the Election of any Commissioner under that Act, in the Room of any Commissioner therein specifically named.

If specific Commissioners reduced to less than Nine, Corporation and specific Commissioners jointly to elect new Commissioners.

VI. And be it further enacted, That at every Meeting of the said Commissioners, which shall be held after the passing of this Act, at which any Seven or more of the said Commissioners shall attend, the Mayor for

Business regulated at Meetings, and Power of

Adjournment extended.

for the Time being, if preſent, ſhall be Chairman; and in caſe the ſaid Mayor ſhall be abſent, then the late Mayor for the Time being, if preſent, ſhall be Chairman; and in caſe the late Mayor ſhall be abſent, then ſuch one of the ſaid Commiſſioners as ſhall be choſen by the Commiſſioners preſent at ſuch Meeting ſhall preſide and be called Chairman, and ſuch Chairman ſhall not only have a Vote as a Commiſſioner, but in caſe of Equality of Votes ſhall have the deciſive or caſting Vote, and every ſuch Chairman or Preſident of ſuch Meeting ſhall ſubſcribe his Name at the End of the Proceedings of every ſuch Meeting, as well as the Clerk or ſuch other Perſon as in the ſaid recited Act is directed; and it ſhall be lawful for the ſaid Commiſſioners to adjourn themſelves from Time to Time as they ſhall ſee occaſion, any Thing in the ſaid recited Act contained to the contrary notwithſtanding; provided that no ſuch Adjournment ſhall be made for a longer Time than Three Calendar Months from the Day on which ſuch Adjournment ſhall be made.

Meetings on Emergencies.

VII. And be it further enacted, That if after any Adjournment of the ſaid Commiſſioners, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Commiſſioners ſhall, upon an Order in Writing, ſigned by Three or more of the ſaid Commiſſioners, (although not aſſembled at a Meeting), mentioning the Time, Place, and Purpoſe of ſuch intended Meeting, forthwith give Notice thereof in Writing, by affixing the ſame in the Front of the Market Houſe of the ſaid Town, and at the Town Hall; and ſuch Notice ſhall ſtate the Time and Place which ſhall be mentioned in the Order of the ſaid Commiſſioners, (ſuch Time not being leſs than Five Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the ſaid Commiſſioners at every ſuch Meeting ſhall be as valid and effectual as they would have been in caſe the ſame had been held in purſuance of Adjournment.

Proviſions of this Act to extend to Streets built ſince the recited Act.

VIII. And whereas ſince the paſſing of the ſaid recited Act ſeveral new Streets and Places have been made and built upon, in the ſeveral Pariſhes and Wards within the ſaid Town of *Southampton* and Liberties thereof, and it is proper that the ſeveral Proviſions of the ſaid recited Act ſhould be extended thereto; be it therefore enacted and declared, That from and after the paſſing of this Act the ſaid recited Act, and the ſeveral Powers and Proviſions therein contained, ſhall extend to all ſuch Streets and other Public Paſſages and Places as have been built within the ſaid Town, and ſhall be put in Execution for the Purpoſes of paving, cleanſing, lighting, and watching the ſame, and for raiſing Money to defray the future Expences thereof, in like Manner and as fully and effectually to all Intents and Purpoſes as if ſuch Streets had been made and built upon prior to the paſſing of the ſaid recited Act, except as to paying the Expences of paving the ſame, and of purchaſing the Lamps and providing the Watch Houſes and Stands for the firſt Time, which Expences ſhall be defrayed and paid in Manner herein-after mentioned; any Thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Repealing Reſtriction from paving above Bar.

IX. And whereas it is by the ſaid recited Act provided, that nothing therein contained ſhould be conſtrued to empower or oblige the ſaid Commiſſioners

missioners to make any other Pavements in the Street or Place called the *Above Bar*, within the Ward of *All Saints Extra*, than FootPavements on the East and West Sides thereof, within certain Limits therein particularly described, with Crossings at such Places as the said Commissioners should think proper: And whereas the said Restriction has been found inconvenient, be it therefore enacted, That the said Restriction shall be and the same is hereby repealed.

Road above Bar to be paved, if thought proper.

X. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, when and as and in case they shall see fit, to order and direct the Carriage Way of the *Above Bar Street*, and the Highway as far as the Turnpike Gate, and also the Footways adjoining such Highway or such Part or Parts thereof as they shall see proper and necessary, to be pitched or paved with good Rag Stones, Horse Flatners, Pebbles, or otherwise, and to contract with any Person or Persons for the same; and in such Case the said Commissioners are hereby authorized and empowered to treat and agree with the Trustees for repairing the South District of the *Southampton* Road, nominated and appointed in and by or under and by virtue of the several Acts relating thereto; and the said Trustees of the said Road are hereby also empowered to treat and agree with the said Commissioners as to the said Road or Highway being pitched, paved, and repaired, in such Manner as they shall think best and most for the Advantage of the said Town and of the Inhabitants thereof, and the Travellers and others resorting thereto; and that the Expences attending the same shall be borne and paid out of the several Funds in the Hands of the Treasurer to the said Commissioners and of the Treasurer to the said Trustees, in such Proportions as shall be agreed on by and between the said Commissioners and the said Trustees, and to them shall appear just and right.

Repealing Restriction from paving, &c. East Street, &c.

XI. And whereas it is by the said recited Act provided that nothing therein contained should extend to empower or oblige the said Commissioners to light or watch, or to pave, repair, or cleanse any Street or Highway, lying within the Ward called *East Street* and *Bag Row*, nor the Highway called *Houndwell Lane*, nor the Carriage Way of any Street or Highway being Part of any Turnpike Road: And whereas it is expedient that the said Provisions should be repealed, be it therefore enacted, That the same Provisions shall be and the same are hereby repealed.

Power to pave Hanover Buildings, and Town Ponds.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from Time to Time and at all Times when and so often as they shall think proper, to order and direct the Carriage or Road Way of *Hanover Buildings*, and the Carriage or Road Way leading from thence by the Town Ponds into *East Street*, and the Footway on the Side thereof to be pitched or paved with good Rag Stones, Horse Flatners, Pebbles, or otherwise in such Manner as the said Commissioners, or any Nine or more of them, shall see fit and proper.

Power to agree with the Owners for the Pavement before their House.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to contract and agree with the Owners and Proprietors of the Houses situate in *East Street* and *Bag Row*, in the Parish of *Saint Mary*, in the said Town of *Southampton*,

Southampton, and also with the Owners and Proprietors of the Houses situate in *Hanover Buildings* and in *Orchard Street* in the Ward of *All Saints* without the Bar, for the Purchase of the paving Materials laid down before such their respective Houses; and when the respective Sums of Money shall have been ascertained, either by Agreement with the said Commissioners, or in case of Disagreement thereupon by a Jury, in Manner directed by the said recited Act, such Sum of Money shall be set against the Rate or Rates hereby authorized to be levied for making, relaying, paving, pitching, and putting in Repair, the said *East Street* and *Bag Row*, and also the said *Hanover Buildings* and *Orchard Street*, and be allowed to such respective Owners or Proprietors of such Houses out of such Rate or Rates, and the Balance only after such Deduction shall be charged, collected, levied, and raised upon the said several Owners and Occupiers respectively, which the said Commissioners are hereby authorized and empowered to cause their Collector to do, in the same Manner and with the same Power and Authority as is in the said recited Act contained for collecting, raising, and levying the Rates and Assessments therein directed to be made.

After Valuation, paving Materials vested in Commissioners.

XIV. And be it further enacted, That from and after such Valuation shall have been so ascertained as aforesaid, the respective Paving Materials shall be vested in the said Commissioners, in the same Manner and with the like Powers and Authorities as are contained in the said recited Act, with respect to the like Materials in the other Parishes and Wards.

Receivers of Rents deemed Proprietors.

XV. Provided always, and be it further enacted, That for the Purpose of contracting and agreeing for the Paving Materials before their respective Houses, the Person or Persons who, for the Time being, shall be in the actual Receipt of the Rents and Profits of the said Houses, shall be considered as the Owner or Proprietor of such Houses respectively; and that the Allowance made to such Person or Persons out of such Rate for such Materials, shall be a good Discharge to the said Commissioners and their Successors, for such Sum or Sums of Money as the said Paving Materials shall have been so valued at.

Charges of paving East Street, and Bag Row, Hanover Buildings, and Orchard Street, how to be paid.

XVI. And be it further enacted, That the Charges and Expences attending the paving, pitching, and putting in Repair the said Streets called *East Street* and *Bag Row*, *Hanover Buildings* and *Orchard Street*, and the Way leading from *Hanover Buildings* by the Town Ponds into *East Street*, and also the Costs and Charges of purchasing the Lamps, and of fixing the same in the said *East Street* and *Bag Row*, *Orchard Street*, and the said Way leading from *Hanover Buildings* by the Town Ponds into *East Street*, and of providing One or more Watch-House or Watch-Houses, and Stands, for the first Time, shall be borne and paid in the Proportion following; that is to say, Two third Parts thereof by Two equal Pound Rates or Assessments, upon all and every the several Owners and Proprietors of the several Houses, Store Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Street called *East Street*, and *Bag Row*, and *Hanover Buildings*, and *Orchard Street*, and the Way leading from *Hanover Buildings* by the Town Ponds into *East Street*, (Gardens used by Gardeners in their Trade and Arable Meadow and Pasture Land only excepted) according to the Yearly Value of the same respectively, to which equal Pound Rate, to be made for the Paving, shall be added to the whole Value of the Paving Materials; and after the said Rate shall have been made

the

the Value of such Paving Materials shall be deducted from the Sum payable by the respective Owners or Proprietors of such Materials in manner hereinbefore directed; and that the remaining One third Part thereof shall be borne and paid from and out of the Monies to arise and be collected by Two or more several Annual Rates to be made in pursuance of this Act, or out of the Monies to be borrowed and taken up at Interest on the Credit thereof; which several Rates shall include as well the said Houses, Store Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments in *East Street* and *Bag Row*, *Hanover Buildings* and *Orchard Street*, and on the Side of the said Way leading from *Hanover Buildings* by the Town Ponds into *East Street* as in the said several other Parishes and Wards in the said recited Act mentioned and set forth: Except nevertheless, that all Costs, Charges, and Expences attending the paving such Part of the said Road or Highway called *East Street* and *Bag Row*, as lies before the Glebe Land and Church Yard there, as far as and unto the Centre of the Road, shall be borne and paid wholly out of the last-mentioned Rates or Assessments.

Restraining the Commissioners from paving other Parts of Saint Mary's Parish than East Street and Bag Row, the Streets to the Southward of East Street, in the Ward of All Saints Extra.

XVII. Provided always, That nothing in this Act, or in the said recited Act contained, shall extend, or be construed to extend, to empower or authorize the said Commissioners to pave, repair, or cleanse, watch, or light any of the Streets, Roads, Ways, Lanes, or public Passages, in the Parish of *Saint Mary*, within the Liberties of the said Town of *Southampton*, (except the Highway called *East Street* and *Bag Row*, from the Victualling House of Messieurs *Sanders*, called the *Blue Boar*, on the North Side of the said Street, round by the Church Yard to the Land of *John Lowder* Esquire, on the East Side of the said Street, next adjoining to *Love Lane*, and from the Lane called *Orchard Lane*, on the South Side of the said Street, to the House of late *Irwin* Widow, on the East Side of the said Row, next adjoining *Love Lane*; or to pave, repair, or cleanse, watch, or light any of the Streets, Roads, Ways, Lanes, or public Passages in the Ward of *All Saints Extra*, which lie to the Southward of *East Street*; or to authorize or empower the said Commissioners to rate or assess any Houses, Store Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in the said Parish of *Saint Mary*, other than and except the Houses, Store Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, next and immediately adjoining to the said Street or Road called *East Street* and *Bag Row*, or to rate or assess any Houses, Store Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, in any of the said Streets, Roads, Ways, Lanes, or public Passages, in the Ward of *All Saints Extra*, lying to the Southward of *East Street*, except such other Part or Parts of the said Parish of *Saint Mary*, or of such Part of the said Ward of *All Saints Extra*, the Inhabitants whereof may be desirous of coming under the Provisions of this Act, in Manner hereinafter mentioned.

Repealing Restriction from paving before the Custom House or Water Gate Quay.

XVIII. And whereas it is by the said recited Act enacted, that nothing therein contained should extend to the paving, repairing, or cleansing of the *Water Gate Quay*, in the said Town or Liberties: And whereas it is expedient that the Foot Pavement on the *Water Gate Quay* before the Custom House of the said Town should be paved by the said Commissioners, be it therefore enacted, That it shall and may be lawful to and for the said Commissioners or any Seven or more of them, to pave, repair, and cleanse the Foot Pavement before the said Custom House.

New Streets how to be paved and repaired.

XIX. And be it further enacted, That if, at any Time hereafter, any new Street or Streets, Square, Lane, Row of Houſes, or other Buildings, on the Sides of any of the public Ways, ſhall be erected and built within any of the ſaid Pariſhes, Wards, or Places, and Two Third Parts of the Proprietors or Owners of ſuch Houſes ſo to be erected, or of any Houſes in any Place or Places already erected within any of the ſaid Pariſhes, Wards, or Places, but not included within the ſaid recited Act or this Act, ſhall be deſirous to take the Benefit of the ſaid Act and this Act, and to have ſuch Street or Streets, Square, Lane, or Highway, paved, pitched, and repaired, and lighted and watched, under the Directions of the ſaid Commiſſioners, and alſo cleanſed and kept free from all Nuiſances, Annoyances, and other Obſtructions, or in caſe a like Proportion of the Proprietors or Owners of ſuch Houſes ſhall be deſirous of having ſuch Street or Streets, Square, Lane, or Highway, lighted and watched only, and ſhall ſignify the ſame under their Hands to the ſaid Commiſſioners, or any Nine or more of them, and the ſaid Commiſſioners, or any Nine or more of them, ſhall approve thereof; then all the Powers and Authorities by this Act, and the ſaid recited Act, granted, ſhall extend and have Relation as well to ſuch new Street or Streets, Square, Lane, Row of Houſes, or other Buildings, as to the Streets, Squares, Lanes, Courts, Ways, and other public Paſſages herein-before mentioned, as fully and effectually as if the ſame had been in this Act, or in the ſaid recited Act, inſerted and directed; and the ſaid Commiſſioners, or any Nine or more of them, ſhall and may enter into the like Agreements with any ſuch Proprietors or Owners for the paving the ſame, as are herein contained, with reſpect to *Eaſt Street* and *Bag Row*, *Hanover Buildings* and *Orchard Street*, and are hereby authorized to pay and diſcharge the Expences thereof in the like Manner and Proportion, and to make ſuch and the like Rates and Aſſeſſments accordingly, any Thing herein contained to the contrary notwithſtanding.

Former Limitations of Amounts of Rates repealed.

XX. And be it further enacted, That ſo much of the ſaid recited Act as directs that the Rates or Aſſeſſments for repairing the Pavement and cleanſing the ſeveral Streets and Places in any One Year ſhould not exceed the Sum of Two hundred Pounds, and ſo much of the ſaid recited Act as directs that the Rates or Aſſeſſments for lighting and watching the ſaid Streets and Places, and paying the incidental Charges and Expences, ſhould not in any One Year exceed in the Whole the Sum of Four hundred Pounds, and ſo much of the ſaid recited Act as directs that no new Rate or Aſſeſſment ſhould at any Time be made until the Sum or Sums raiſed by the former Rate ſhould be expended, ſhall be and the ſame is and are hereby repealed.

Rates to be made,

XXI. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to make a Rate or Aſſeſſment neceſſary for defraying the Charges of the paving, repairing, and cleanſing the ſaid Streets and other public Paſſages, and alſo a Rate or Aſſeſſment neceſſary for defraying the Charges of the lighting, replacing, keeping in Repair, and maintaining the Lamps and paying the Watchmen, and all other Expences incident thereto, Twice in every Year, or oftener, if it ſhall be thought needful by the ſaid Commiſſioners, or any Seven or more of them; which ſaid Rates or Aſſeſſments, ſhall be laid and aſſeſſed in and upon all and every

every the Houſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments within the ſaid ſeveral Wards and Pariſhes of *Saint Michael*, *Saint John*, *Holy Rhood*, *Saint Lawrence*, *All Saints within the Bar*, and *All Saints without the Bar*, and *Eaſt Street* and *Bag Row*, within the ſaid Town, and Liberties of the ſame, (Gardens uſed by Gardeners in their Trade, Arable Meadow and Paſture Land only excepted); and alſo in and upon the Wharfs, Storehouſes, Houſes, Buildings, Yards, Gardens, Tenements, and Hereditaments, ſituate upon any of the Quays within the ſaid Town and Liberties of the ſame, in ſuch competent Sum and Sums of Money as the ſaid Commiſſioners, or any Seven or more of them, ſhall yearly and every Year order and direct, ſo as ſuch Rates and Aſſeſſments do not exceed in the Whole the Sum of Two Shillings in the Pound in any One Year of the yearly Value of ſuch Houſes, Wharfs, Storehouſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments, and ſo as that the ſaid Houſes, Wharfs, Storehouſes, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments be not in any caſe rated at a leſs annual Value than the ſame ſhall be rated at in the Aſſeſſment made for the Relief of the Poor in the ſaid Town of *Southampton*.

Tenants to pay them,

XXII. And to the End that the ſaid Rates and Aſſeſſments may be more effectually collected and received, be it further enacted, That all and every Tenant or Tenants, Occupier or Occupiers of the ſeveral Houſes, Wharfs, Storehouſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments within the ſaid ſeveral Pariſhes and Wards in the ſaid Town of *Southampton* and Liberties thereof, are and ſhall be liable to pay the Whole of ſuch Rates to the Collector or Collectors to be appointed by the ſaid Commiſſioners, as in and by the ſaid recited Act is directed; and upon Payment thereof ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be at Liberty and is and are hereby authorized to deduct and retain out of his, her, or their Rent or Rents, ſuch Proportion of ſuch Rates as he, ſhe, or they ſhall reſpectively pay on account of the ſeveral Landlord or Landlords, Owner or Owners of ſuch Houſes, Wharfs, Storehouſes, Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, and ſhall be hereby ſaved and kept harmleſs from any further Payment than the Balance which ſhall be due after ſuch Deduction to any Perſon or Perſons to whom any ſuch Rent or Rents ſhould or ought to be paid.

and to be allowed the Proportion paid for the Landlords.

Power for Commiſſioners to lower Rates over-rated.

XXIII. Provided always, That in caſe it ſhall happen that in any Rate or Aſſeſſment which ſhall at any Time or Times hereafter be made by virtue or in purſuance of this Act and the ſaid recited Act, or either of them, any Perſon or Perſons liable to ſuch Rate or Aſſeſſment ſhall be over-rated or aſſeſſed, then it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, to leſſen the Rate or Aſſeſſment on ſuch Perſon or Perſons ſo over rated, ſo as to make the ſame conformable to this Act and the ſaid recited Act, ſo as that no Perſon or Perſons be rated in any Caſe for any Hereditaments and Premiſes at a leſs Sum than the Sum at which ſuch Premiſes ſhall be rated in the Aſſeſſment which ſhall be then made for the Relief of the Poor in the ſaid Town of *Southampton*; and that it ſhall and may be lawful for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby empowered to ſtrike out the Name or Names of any Perſon or Perſons not liable to the Payment of the Rates or Aſſeſſments hereby or by the ſaid recited Act directed to be made, and that all ſuch Alterations or Amendments in ſuch Rates or Aſſeſſments ſhall be

Not to be lower than the Poor's Rate.

And to ſtrike out the Names of Perſons not liable.

as valid and effectual as if the ſame had been Part of the Rates or Aſſeſſments originally made.

Power for the Commiſſioners to relieve poor Perſons in certain Caſes, from the Payment of the Rates.

XXIV. Provided always, and be it further enacted, That in caſe any Inhabitants of the Town of *Southampton* aforeſaid ſhall make it appear to the Satisfaction of the ſaid Commiſſioners, or any Nine or more of them, at a Meeting of Appeal to be held for that Purpoſe, of which Eight Days Notice ſhall be given and affixed at the Front of the Market Houſe and Town Hall of the ſaid Town of *Southampton*, that he is unable to pay the Whole or any Part of ſuch Rate, and a fit Object to be relieved, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them at ſuch Meeting, to relieve ſuch Perſon either from the Payment of the Whole or any Part of the ſaid Rate, as to them ſhall ſeem expedient, and that ſuch Rate ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever, notwithſtanding any ſuch Alterations being ſo made therein.

Houſes let into Tenements, &c. how to be charged.

XXV. And whereas many Houſes and Tenements within the ſaid ſeveral Pariſhes and Wards in the ſaid Town and Liberties of the ſame, are by the ſeveral Landlords or Owners thereof let out in Lodgings or Tenements to divers Tenants or ready-furniſhed, whereby it will be difficult to rate and aſſeſs ſuch Houſes, or to recover ſuch Rates and Aſſeſſments from the Occupier or Occupiers thereof when made; for Remedy whereof be it enacted, That from and after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, from Time to Time and at all Times when they aſſemble, to make any Rate or Aſſeſſment in purſuance of this Act and the ſaid recited Act, to rate and aſſeſs the Landlord or Landlords, Owner or Owners of ſuch Houſes or Tenements as ſhall be let to or occupied by Two or more Tenants, or let ready-furniſhed, which Rate and Aſſeſſment ſhall be paid by the Landlord or Landlords, Owner or Owners thereof, who ſhall for that Purpoſe be deemed the Occupier or Occupiers thereof, or by One or more of the Tenants or Occupiers of any Part or Parts of ſuch Houſes; and in caſe any Landlord or Landlords, Owner or Owners of ſuch Houſes or Tenements, or any Occupier or Occupiers of any Part of ſuch Houſes or Tenements, ſhall refuſe to pay the ſame within Ten Days after Demand thereof, by Notice in Writing under the Hand of the Collector of ſuch Rates and Aſſeſſments for the Time being, to be delivered to or left at the Dwelling Houſe or laſt uſual Place of Abode of ſuch Landlord or Landlords, Owner or Owners of ſuch Houſes or Tenements, or at the Lodgings or Rooms of ſuch Houſes or Tenements for the Occupier or Occupiers thereof, then the ſaid Rate and Aſſeſſment ſhall be raiſed and levied by Diſtreſs and Sale of the Goods of him, her, or them, ſo refuſing to pay the ſame, in Manner as in and by the ſaid recited Act is directed; and in caſe of any Occupier or Occupiers of ſuch Tenements paying ſuch Sum or Sums of Money as ſhall be ſo rated or aſſeſſed on the Landlord or Landlords, Owner or Owners thereof, in purſuance of this Act (which ſuch Occupier or Occupiers are hereby fully empowered and authorized to do) it ſhall and may be lawful for ſuch Occupier or Occupiers to deduct the ſame out of the Rent thereof, and the Landlord or Landlords, Owner or Owners thereof, are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of their Rents; and every ſuch Occupier or Occupiers paying ſuch Rate or Rates, Aſſeſſment or Aſſeſſments,

ſhall be acquitted and diſcharged for ſo much Money as the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons to whom his, her, or their Rents ſhall have been due and payable; but no Occupier or Occupiers ſhall at any Time pay or be liable to pay any greater Sum for or towards the Diſcharge of the ſaid Rates or Aſſeſſments, and Arrears thereof, than the Amount of the Rent due and payable by ſuch Occupier or Occupiers to the Landlord or Landlords, Owner or Owners of the Premiſes occupied by him, her, or them.

Perſons quitting their Houſes may be diſtrained elſewhere.

XXVI. And be it further enacted, That where any Perſon or Perſons who hath or have been rated and aſſeſſed ſhall quit his, her, or their Houſe, Wharf, Storehouſe, Building, Yard, Garden, Land, Tenement, or Hereditaments, within the ſaid ſeveral Pariſhes and Wards in the ſaid Town of *Southampton* and Liberties thereof, whereon ſuch Rate or Aſſeſſment has been made, before he, ſhe, or they ſhall have paid the ſame, and ſhall afterwards refuſe to pay the ſame when due, and demanded by the Perſon or Perſons authorized and appointed to collect and receive the ſame; that then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Collector or Collectors, and every one of them, by Warrant obtained under the Hands and Seals of any One or more Juſtices of the Peace of the ſaid Town and County, which Warrant the ſaid Juſtice or Juſtices are hereby authorized and required to grant in any Place within the ſaid Town and County, Liberties and Precincts, or out of the Limits thereof, ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate in the County, City, or Liberty where the Diſtreſs is to be made, to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay ſuch Rate or Aſſeſſment as aforeſaid, and the ſame to ſell, rendering the Overplus, if any ſuch ſhall be, after having deducted the reaſonable Charges and Expences of ſuch Diſtreſs, to the Owner of ſuch Goods and Chattels demanding the ſame.

Power to raiſe Money.

XXVII. And be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall be and are hereby empowered to borrow and take up at Intereſt any Sum or Sums of Money not exceeding Seven thouſand Pounds on the Credit of the Rates and Aſſeſſments hereby granted for the paving, repairing, and cleanſing the ſaid Streets and other Public Paſſages; and any Sum or Sums of Money not exceeding Three thouſand Pounds on the Credit of the Rates and Aſſeſſments hereby granted for the lighting, replacing, keeping in Repair, and maintaining the Lamps, and paying the Watchmen, and all Expences incident thereto; and by Writing under their Hands and Seals to convey and aſſure the ſeveral and reſpective Rates and Aſſeſſments granted in and by the ſaid recited Act and this Act, on whichever of the ſaid Funds the ſame ſhall be borrowed, (the Charges of ſuch Conveyance and Aſſurance to be paid out of ſuch Funds) as a Security for any Sum or Sums of Money to be by them ſo borrowed to any Perſon or Perſons, and his, her, or their Executors, Adminiſtrators, and Aſſigns, who ſhall or will advance the ſame, together with Intereſt thereon, and every ſuch Aſſignment ſhall be in the Words or to the Effect following; *videlicet*,

Form of Aſſignment.

'BY virtue of an Act made in the Fiftieth Year of the Reign of King *George* the Third, [*here ſet forth the Title of this Act*], we the Commiſſioners appointed by virtue of the ſaid Act, in Conſideration of the

'Sum

‘ Sum of advanced and lent by
‘ to the Treaſurer (or Treaſurers) appointed in pur-
‘ ſuance of the ſaid Act, do grant and aſſign to the ſaid Execu-
‘ tors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates and
‘ Aſſeſſments ariſing by virtue of the ſaid Act, for the paving, repairing,
‘ and cleanſing the ſaid Streets and other public Paſſages, [*or*] for the light-
‘ ing, replacing, keeping in Repair, and maintaining the Lamps, and pay-
‘ ing the Watchmen, and all Expences incident thereto [*as the Caſe may*
‘ *be*] as the ſaid Sum of doth or ſhall bear to
‘ the whole Sum which is or ſhall be borrowed upon the Credit of the
‘ herein-before mentioned Rates and Aſſeſſments made under and by vir-
‘ tue of the ſaid Act, to be had and holden from this Day of
‘ until the Sum of with Intereſt
‘ after the Rate of *per Centum per Annum* for the ſame
‘ to be paid Half-yearly, ſhall be repaid and ſatisfied. Given under our
‘ Hands and Seals this Day of in the Year of
‘ our Lord .’

And every ſuch Aſſignment ſhall be good, valid, and effectual in the Law.

May raiſe Money by granting Annuities on Lives.

XXVIII. Provided always, That in caſe the ſaid Commiſſioners, or any Nine of them, ſhall think it adviſable to raiſe all or any Part of the Money for the Purpoſes of this Act and the ſaid recited Act, by granting Annuities for Lives, or for a Term or Terms of Years, it ſhall and may be lawful in that Caſe for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby authorized and empowered by Writing under their Hands and Seals, to grant ſuch Annuities for Lives or Years to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer or Treaſurers to be appointed in purſuance of this Act, any Sum or Sums of Money for the abſolute Purchaſe of any ſuch Annuity for a Term or Terms of Years, or any Annuity for Life or Lives, ſuch Annuity for Life or Lives to be paid and payable during the natural Life or Lives of every ſuch Contributor or Contributors, or the natural Life or Lives of ſuch Perſon or Perſons as ſhall be nominated by or on the Behalf of ſuch Contributor or Contributors, and either with or without Benefit of Survivorſhip as the ſaid Commiſſioners or any Nine or more of them ſhall think proper, ſo that any ſuch Annuity do not exceed the Rate of Ten Pounds *per Centum* for a Year; and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following; *videlicet*,

Form of Grant of an Annuity.

‘ WE
‘
‘ of the Commiſſioners appointed by virtue of an Act made in the Fiftieth
‘ Year of the Reign of King *George* the Third, [*here ſet forth the Title of*
‘ *this Act*], in conſideration of the Sum of
‘ paid by to the Treaſurer [*or*, Treaſurers],
‘ appointed in purſuance of the ſaid Act, do hereby grant unto the ſaid
‘ his Executors, Adminiſtrators, or Aſſigns,
‘ an Annuity or yearly Sum of out of the Rates and
‘ Aſſeſſments ariſing by virtue of the ſaid Act, for paving, repairing,
‘ and cleanſing the ſaid Streets and other public Paſſages, [*or*] for the
‘ lighting, replacing, keeping in Repair, and maintaining the Lamps, and
‘ paying the Watchmen, and all Expences incident thereto, [*as the Caſe may*
‘ *be*], which Annuity or yearly Sum of ſhall be paid to the
‘ ſaid

‘ said Executors, Administrators, and Assigns,
‘ at upon the in every Year
‘ during and the First Payment thereof shall be
‘ made on the Day of next ensuing the
‘ Date of these Presents. Given under our Hands and Seals the
‘ Day of in the Year of our Lord .’

And every such Grant shall be good, valid, and effectual in the Law; and every Annuity so to be granted as aforesaid, shall be and is hereby charged upon and shall be payable and paid free from all Taxes and Deductions out of the said Rates or Assessments.

Recovery of Annuities and Interest.

XXIX. And be it further enacted, That in case any of the said Annuities or the Interest of any Money lent, or any Part thereof, shall be behind in Arrear and unpaid for the Space of One Calendar Month after the same shall respectively become due, and shall have been demanded, then and in such Case it shall and may be lawful for the said Annuitant or Annuitants, Creditor or Creditors, upon his, her, or their first giving Fourteen Days Notice in Writing to the Treasurer for the Time being to commence an Action on the Case, or of Debt, in any of His Majesty's Courts of Record at *Westminster*, against the said Treasurer or Treasurers for the Recovery of the said Annuity or Annuities, or the Interest of any such Money; provided that the Venue of such Action be laid in the Town and County of of the Town of *Southampton*, or the County of *Southampton*, and not elsewhere, and in such Action, no Essoign, Privilege, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Power of transferring Mortgages and Annuities.

XXX. And be it further enacted, That it shall be lawful for the Person or Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be), from Time to Time and all Times thereafter, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; *videlicet*,

Form of Transfer.

‘ I *A. B.* being entitled to the Sum of or an
‘ Annuity of secured to *C. D.* and his
‘ Assigns, [*or*, his Executors, Administrators, and Assigns, *as the Case may be*], by virtue of an Assignment or Grant of an Annuity bearing Date
‘ the Day of under the Hands and
‘ Seals of of the Commissioners acting in the
‘ Execution of an Act passed in the Fiftieth Year of the Reign of King
‘ *George* the Third, intituled, *An Act*, [*here insert the Title of this Act*]
‘ upon the Credit of the Rates, Duties, or Assessments, granted or made
‘ payable by the said Act, for the paving, repairing, and cleansing the
‘ said Streets and other public Passages, [*or*] for the lighting, replacing,
‘ keeping in Repair, and maintaining the Lamps, and paying the Watchmen, and all Expences incident thereto, [*as the Case may be*], do hereby
‘ transfer all my Right and Title in and to the same Sum, [*or*, Annuity]
‘ and all Interest and other Money now due, and owing thereon, unto *E. F.*
‘ his Executors, Administrators, and Assigns. Dated the
‘ Day of in the Year of our Lord .’

A Copy of the Grant or Annuity and an Extract of the Transfer to be made by the Clerk.

And a Copy of every Security or Aſſignment, and of every Grant or Annuity, which ſhall have been made in purſuance of this Act, and an Extract or Memorial of every Transfer thereof reſpectively, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, which Extract or Memorial ſhall ſignify and contain the Date, Names of the Parties, and the Additions, Places of Abode, and other proper Deſcriptions of all ſuch Perſons as ſhall from Time to Time be entitled to the Principal and Intereſt, or the Annuities thereby reſpectively ſecured, together with the Amount of the Principal Sums of Money thereby transferred, to which Book every Perſon intereſted ſhall at all ſeaſonable Times have Acceſs, and ſhall have Liberty to inſpect the ſame without Fee or Reward; and for the Entry of every ſuch Transfer, the ſaid Clerk ſhall be paid Six Shillings and Eight Pence, and no more; and every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, and his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit of the Security to be thereby transferred; and all Perſons to whom ſuch Mortgages or Aſſignments or Grants of Annuity ſhall be made, or who ſhall be entitled to the Monies thereby ſecured, ſhall be, in Proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid ſeveral reſpective Rates or Aſſeſſments on which the ſame ſhall be borrowed, one with another, without any Preference in reſpect to the Priority of advancing ſuch Money or the Dates of any ſuch Mortgages, or Aſſignments, or Grants of Annuity; all which Money ſo to be borrowed ſhall be employed for and towards the Purpoſes of this Act, or of the ſaid recited Act, for which the ſame ſhall have been ſo borrowed.

Power to purchaſe.

XXXI. And be it further enacted, That if the ſaid Commiſſioners, or any Fourteen or more of them, at any Meeting expreſsly to be called for that Purpoſe, of which Meeting ſuch Notice ſhall be given as is in and by the ſaid recited Act directed to be given for diſplacing or removing any Officer or Officers, ſhall adjudge that any Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, project into or obſtruct the Paſſage of the Streets, Squares, Lanes, Courts, Ways, Roads, or other public Paſſages or Places within the ſaid Pariſhes or Wards in the ſaid Town of *Southampton* or Liberties thereof, or that by taking down the ſame, or any Part thereof, or that by purchaſing any Piece or Parcel of Ground the ſaid Streets, Squares, Lanes, Courts, Ways, Roads, or other public Paſſages or the Entrances thereto, may be widened, altered, or improved, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Fourteen or more of them, to treat and agree with the Owners and Occupiers and all other Perſons intereſted in any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments which the ſaid Commiſſioners ſhall ſo have adjudged neceſſary to be taken down or thrown out for the improving of any of the ſaid Streets or public Paſſages in any Part of the ſaid Town of *Southampton*, for the Purchaſe of ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments; and it ſhall and may be lawful to and for all Perſons whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, and Adminiſtrators, Truſtees, Guardians, and other Perſons whatſoever, on Behalf of any Infants, Femes Covert, and *Ceſtuique* Truſts, and for all and every Perſon and Perſons whomſoever, who is, are, and ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, which ſhall have been ſo adjudged neceſſary to be purchaſed for

the Purpoſes of this Act, to contract for, ſell, convey, or ſurrender to the ſaid Commiſſioners and their Succeſſors all or any ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, or any Term of Years, or any Eſtate or Intereſt therein; and that all ſuch Contracts, Agreements, Bargains, Sales, Aſſignments, Surrenders, and other Conveyances which ſhall be ſo made as aforeſaid, ſhall be good and valid in the Law to all Intents and Purpoſes whatſoever, to convey the Eſtate of the Perſon or Perſons conveying all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever of them, and all claiming by, from, or under them, any Law, Statute, or Uſage to the contrary thereof in anywiſe notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Truſtees, Guardians, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act or the ſaid recited Act.

Application of Compenſation when amounting to 200 l.

XXXII. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Houſes, Buildings, Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed by virtue of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commiſſioners for executing this Act, to the Intent that ſuch Money ſhall be paid 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 Houſes, Buildings, Lands, Tenements, or Hereditaments) in the Purchaſe or Redemption of the Land Tax or 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 Houſes, Buildings, Lands, Tenements, or Hereditaments, or affecting other Houſes, Buildings, Lands, Tenements or Hereditaments ſtanding ſettled 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 Houſes, Buildings, Lands, Tenements, or 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 Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined 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 and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Houſes, Buildings,

Buildings, Lands, Tenements, and Hereditaments so hereby directed and authorized to be purchased in case such Purchase or Settlement were made.

Application when the Compensation is less than 200 l. and exceeds 20 l.

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

Application when the Money is less than 20 l.

XXXIV. Provided also, and be it further enacted, That when such Money, so agreed or assessed to be paid as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Commissioners, or any Seven 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, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession at the Time of such Purchase shall be deemed entitled thereto, according to such Possession.

XXXV. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities, shall be

be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

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

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

Commissioners may contract for lighting, &c. and employ Labourers, Artificers, &c.

XXXVII. And be it further enacted, That the said Commissioners, or any Nine or more of them, may contract, and they are hereby empowered from Time to Time, at any of their Meetings, to contract with any Person or Persons whom they shall think proper, for the lighting, replacing, keeping in Repair, and maintaining the Lamps erected, or to be erected, within any of the said Streets and other public Passages within the said Town and Liberties thereof, but previous to such Contract, such Notice shall be given of the Intention of the said Commissioners to enter into such Contract as is in and by the said recited Act directed to be given for displacing or removing any Officer or Officers under the said recited Act, in order that any Person or Persons willing to contract for the same may deliver in Proposals for that Purpose in such Manner as the said Commissioners, or any Nine or more of them, shall direct or appoint; and that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to employ in the respective Works in and by the said recited Act and this Act authorized to be done, such and so many Artificers, Labourers, Carters, and others, whom they shall judge necessary for the due Execution of the said Works respectively; and no Person shall, for any Act done in consequence of their being so employed by the said Commissioners, be subject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Husbandry, and Apprentices.*

Blinds to be regulated.

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

Slaughter-houſes may be built.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby authorized and empowered, to treat and agree with any Perſon or Perſons for the buying or renting any Piece or Parcel of Ground, Buildings, or Premiſes, which they may think moſt convenient within or out of the ſaid Town, being within the Liberties thereof, or take any Waſte Common, or void Piece of Ground, within the ſaid Town or Liberties thereof, not in either Caſe exceeding One Acre, for the Purpoſe of erecting and building, or cauſing to be erected and built, ſuch proper and neceſſary Slaughter Houſe or Slaughter Houſes, and other Buildings and Conveniences thereto, of ſuch Dimenſions and in ſuch Manner as to them ſhall ſeem moſt meet and proper, to pay and diſcharge all Coſts, Charges, and Expences attending the ſame, out of the Monies in and by this Act and the ſaid recited Act authorized to be raiſed, borrowed, and levied for the paving, repairing, and cleanſing the ſaid Streets, Courts, Ways, Lanes, and other public Paſſages.

Appointing Slaughter-houſe Keeper.

XL. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to nominate and appoint a fit and proper Perſon to take care of, cleanſe, and keep ſuch Slaughter Houſe or Slaughter Houſes, and to be a Collector or Receiver of the Fees or Dues hereby authorized to be taken thereat, and from Time to Time to remove and diſplace ſuch Perſon, and to appoint another in his Room, and to allow and pay ſuch Perſon ſuch Sum or Sums of Money, Salary, or Reward, as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem meet; and all and every the Powers, Rules, and Regulations in and by this Act and the ſaid recited Act enacted, reſpecting any Officer or other Perſon employed by the ſaid Commiſſioners, ſhall extend to, and as far as the ſame are applicable, be put in force reſpecting ſuch Perſon ſo to be appointed for the Purpoſe as aforeſaid.

Tolls to be paid for ſlaughtering at the common Slaughter-houſe.

XLI. And be it further enacted, That there ſhall be paid to the Collector or Receiver of the Slaughter Houſe Fees or Dues to be nominated and appointed in Manner herein-before mentioned, the Rates and Duties following; that is ſay,

For every Ox, Bull, Cow, Heifer, Steer, or Stirk, not exceeding the Sum of Three Shillings:

For every Calf, Sheep, Lamb, Hog, or Pig, not exceeding the Sum of One Shilling:

For any other Animal, not exceeding the Sum of Two Shillings and Sixpence.

Which reſpective Sum or Sums of Money ſhall be demanded and taken as and for a Fee, Due, or Toll for the Uſe of ſuch Slaughter Houſe, and the Money ſo to be raiſed and collected ſhall be paid, applied, and diſpoſed of, in like Manner as the ſeveral Sums of Money in and by this Act and the ſaid recited Act authorized to be raiſed by any Rate or Aſſeſſment, for the paving, repairing, and keeping in Repair the ſaid Streets, Squares, Courts, Ways, Lanes, and other public Paſſages, are directed to be paid, applied, and diſpoſed of; and it ſhall and may be lawful to and for ſuch Collector or Receiver of the Slaughter Houſe Fees, Dues, or Tolls, to levy the ſame upon any Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay ſuch Fees, Dues, or Tolls as aforeſaid, by Diſtreſs

Diſtreſs of any Beaſt, Swine, Calf, Sheep, or other Cattle, which ſhall have been ſo ſlaughtered at ſuch Slaughter-Houſe, or any Part thereof, or any other of the Goods and Chattels of ſuch Perſon or Perſons within the ſaid Town and County; and in caſe of diſtraining any other of the Goods and Chattels of ſuch Perſon or Perſons, having firſt previouſly obtained a Warrant from ſome Juſtice of the Peace of the ſaid Town and County, (which Warrant he is hereby authorized and empowered to grant), and the ſame to ſell, or cauſe to be ſold, and to retain the Fees, Dues, or Tolls, by this Act authorized to be taken from ſuch Perſon or Perſons, and every reaſonable Expence incurred therein, and the Overplus (if any there ſhall be) ſhall be returned to the Perſon or Perſons to whom ſuch Beaſt or other Cattle, or Part thereof, or ſuch Goods and Chattels, ſhall have belonged as aforeſaid: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to oblige or compel any Perſon or Perſons whomſoever to uſe ſuch Slaughter-Houſe or Slaughter-Houſes, or to kill or ſlaughter any Beaſt or Cattle therein.

Not to kill but at proper Slaughter-houſes.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall kill, or ſlaughter any Beaſt, Swine, Calf, Sheep, or other Cattle in the Market Houſe of the ſaid Town, or any of the Market Shops, or in any other Place from whence any Blood or other Matter ſhall run into any of the ſaid Streets, Squares, Lanes, or other public Paſſages, or which ſhall be open to the public View of Paſſengers paſſing and repaſſing; every Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Explaining Clauſe in former Act as to ſelling Goods, &c. on the Pavement on Market Days

XLIII. And whereas in and by the ſaid recited Act of the Tenth Year of His preſent Majeſty's Reign, it is provided and enacted, That nothing therein contained ſhould extend or be deemed, conſtrued, adjudged, or taken to extend, to prevent the holding the Fairs and Markets in the ſaid Town, in ſuch and the ſame Places, and in the ſame Manner as the ſaid Fairs and Markets by Law were then entitled to be held, nor to charge any Perſon or Perſons with any Penalty or Penalties in that Act contained, for ſetting up any Stalls, or for ſetting, placing, or expoſing to ſale any Goods, Wares, or Merchandizes, in ſuch Fairs or Markets, or the Place or Places appointed for the holding of the ſame during the Time the ſaid Fairs or Markets were or ſhould be appointed to be held: And whereas Goods, Wares, and Merchandizes are ſet and expoſed to ſale upon the Foot and Carriage Way of the Streets in the ſaid Town where a Market was formerly held, and is occaſionally now held to the great Obſtruction of the Foot and Carriage Way; be it therefore enacted, That, from and after the paſſing of this Act, if any Perſon or Perſons whomſoever ſhall on any Account or Pretence whatſoever hang up, ſet, place, or expoſe to ſale any Goods, Chattels, Wares, or Merchandize on any of the Footways or Carriageways of any of the ſaid Streets, Squares, Lanes, Courts, Ways, or other public Paſſages, on any Market Day, or any other Day (except during any Fair, which is or ſhall be appointed to be held, and except Meat, Fiſh, Poultry, Butter, Fruit, and Garden Stuff, at ſuch Place or Places only as are herein-after in and by this Act authorized to be appointed for that Purpoſe) every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Commissioners to set out temporary additional Market.

XLIV. And be it further enacted, That the said Commissioners, or any Fourteen or more of them, shall have full Power and Authority to appoint such Plot or Piece of Ground, or such Part of the said Streets or Squares within the said Town of *Southampton*, as they shall adjudge most convenient and proper for the selling of Meat, Fish, Poultry, Butter, Fruit, and Garden Stuff, until some proper additional Market Place shall be provided, of which Appointment Notice shall be given by advertising the same, in some Newspaper, usually circulated in the Town and County of *Southampton*, and after such Notice shall have been so given, it shall not be lawful for any Person or Persons to vend or expose to sale any Manner of Flesh or other raw Victuals, Fish, live or dead Poultry, Butter, Herbs, Roots, Fruit, or Garden Stuff, or any other Sort of Provision, which is usually sold in public Markets, or any live Hogs, Pigs, or Pigeons, in any other Place whatsoever within the said Town other than in the present Market Place thereof, or such Plot or Piece of Ground, or Part of the said Streets or Squares as shall have been so appointed as aforesaid, or any other Market Place which may hereafter be made or appointed by the Mayor, Aldermen, and Common Council of the said Town and County; and every Person who shall so sell or expose to Sale any of the said Matters or Things out of the said Markets within the said Town, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Encroachments on Markets.

Not to prevent Fishermen from selling Fish, or Inhabitants from selling any other Articles in their own Houses.

XLV. Provided always, That nothing herein contained shall extend or be construed to extend to prevent Fishermen frequenting the said Market from selling Fish in *French Street*, at the West End of the present Market House, or any of the Inhabitants of the said Town from selling, in his, her, or their Houses or other Premises in his, her, or their Occupation, Poultry, Butcher's Meat, and Butter, or any Herbs, Roots, Vegetables, Fruits, or Garden Stuff, or any other Sort of Provision.

Commissioners may make Bye Laws.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Fourteen or more of them, at any Meeting to be held in pursuance of this Act, from Time to Time, to make such Rules, Orders, Regulations, and Bye Laws, for the better Regulation of the Markets of the said Town, and of the public Slaughter Houses to be erected under and by virtue of the Power and Authority hereby granted, as the Nature of each particular Circumstance shall require, and from Time to Time to alter, vary, revoke or make void any of such Rules, Orders, Regulations, and Bye Laws; which Rules, Orders, Regulations, and Bye Laws, so as aforesaid to be from Time to Time made, shall be printed and affixed on the said Market House, and kept constantly renewed and legible, and shall be valid and effectual to all Intents and Purposes; and all and every Officer and Officers to be appointed as herein mentioned, shall observe and obey the same in all Things touching their respective Offices on pain of forfeiting any Sum not exceeding Forty Shillings for every Default in the due Observance thereof: Provided always, that no such Rules, Orders, Regulations, and Bye Laws shall have any Force until Seven Days after the same shall have been fairly written out or printed, and signed by the Clerk to the said Commissioners, and set up or fixed at some Place within the said Market, and inserted once at least in some one weekly Newspaper usually circulated in the said Town and County of *Southampton*: Provided always, that no such Rules, Orders, Regulations, and Bye Laws shall be repugnant

to

to the Laws of *England*, or the ſaid recited Act or this Act, and ſhall be ſubject to Appeal in Manner herein-after mentioned.

Sewers, &c. to be made.

XLVII. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall cauſe ſuch and ſo many new Sewers, Drains, Vaults, or other Watercourſes, as they may think neceſſary and ſufficient for the more effectually Cleanſing and Draining of the ſaid Town, to be dug and made in, along, acroſs, through, under, or upon any of the Streets, Squares, Lanes, Courts, Ways, and other public Paſſages, and along and acroſs any Yards, Lands, or Grounds, or under any Buildings within the ſaid Town or the Liberties thereof, and alſo ſhall cauſe any of the Sewers, and public Vaults or Drains, which now are or hereafter ſhall be made within the ſaid Town, to be enlarged, widened, deepened, raiſed, altered, removed, repaired, cleanſed and ſcoured, when and as often as to them the ſaid Commiſſioners or any Seven or more of them ſhall ſeem meet, and for any of the Purpoſes aforeſaid ſhall from Time to Time cauſe to be dug, carted, and carried out of or brought into the ſaid Streets, Squares, Lanes, Courts, Ways, and other public Paſſages or any of them ſuch Gravel, Stones, Bricks, and other Materials as they ſhall judge neceſſary; and alſo ſhall and may cauſe ſuch and ſo many Bridges, Arches, Tunnels, Grates, or Openings to be made over or in the ſame for conveying and carrying off the Filth, foul and other Water, from the Houſes built, or to be built, adjoining to ſuch Streets, Squares, Lanes, Courts, Ways, and other public Paſſages in the ſaid Town or the Liberties thereof, into the ſaid Sewers, public Drains and Vaults, and other Watercourſes, as the ſaid Commiſſioners, or any Seven or more of them, ſhall and may think neceſſary and expedient for that Purpoſe; and the ſaid Commiſſioners, or any Seven or more of them, are hereby authorized and empowered either to purchaſe ſuch Ground as ſhall be neceſſary for making or enlarging ſuch public Drains or Sewers, or make ſuch Satisfaction for ſuch Injury as may be done thereto, in ſuch Manner in every reſpect as in the ſaid recited Act is directed for the purchaſing of Lands for effectuating any of the Purpoſes thereof, and the Expences attending the building, making, and keeping in Repair ſuch Drains, Vaults, or other Watercourſes, or the purchaſing of any Ground for that Purpoſe, ſhall be paid and defrayed out of the Rates and Aſſeſſments to be made for the paving, relaying, repairing, and keeping in Repair, the ſaid Streets, Squares, Lanes, Courts, Ways, and other public Paſſages within the ſaid ſeveral Pariſhes and Wards in the ſaid Town and Liberties thereof, and the ſweeping and cleanſing the ſame, or out of the Monies in and by this Act, or the ſaid recited Act, authorized to be borrowed upon the Credit of ſuch Rates and Aſſeſſments.

Other Perſons, with Commiſſioners Leave, may make Sewers.

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons whomſoever, by and with the Conſent of the ſaid Commiſſioners, or any Seven or more of them, to make any Sewers, Drains, Vaults, or other Watercourſes in, along, acroſs, through, under, or upon any of the ſaid Streets, Squares, Lanes, Courts, Ways, and other public Paſſages, for the Purpoſe of carrying off the Filth, foul and other Water, from the Houſes thereto adjoining, or for any Perſon or Perſons to contract with the ſaid Commiſſioners, or any Seven or more of them, for the ſame being done by the ſaid Commiſſioners: Provided always, that the Expences thereof, and all Coſts and Charges attending the ſame, ſhall be paid and diſcharged by ſuch Perſon or Perſons who ſhall ſo have obtained the Conſent of the Commiſ-

ſioners, or contracted with the ſaid Commiſſioners, or any Seven or more of them as aforeſaid; and that no Owner or Proprietor, or any Occupier or Inhabitant, ſhall be compelled or compellable to ſell unto, or to permit or ſuffer ſuch Perſon or Perſons who ſhall ſo have obtained Leave as aforeſaid to enter into or upon any Ground, Hereditaments, or Premiſes for the Purpoſes aforeſaid, but ſuch only as they ſhall have previouſly agreed with.

Private Drains to be cleanſed.

XLIX. And be it further enacted, That all private Drains, Sewers, or Watercourſes, with the Bridges, Arches, and Tunnels over or in the ſame, which now are or which ſhall hereafter be made within the Town or Liberties thereof, and which do or ſhall iſſue into any of the public Drains, Sewers, Vaults, or Watercourſes, ſhall be repaired, deepened, widened, altered, or cleanſed under the Inſpection and Direction of the Surveyor or other proper Officer of the ſaid Commiſſioners at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers of the Lands and Tenements to which the ſaid private Drains, Sewers, or Watercourſes do or ſhall belong.

Foot Pavements, in Time of Froſt and Snow, to be ſwept, &c.

L. And be it further enacted, That all and every Perſon and Perſons inhabiting any Houſe or other Building within the ſaid ſeveral Pariſhes, Wards, and Places, in the ſaid Town and Liberties thereof, ſhall from and after the paſſing of this Act in Times of Froſt and Snow, ſweep and cleanſe or cauſe to be ſwept and cleanſed the Foot Pavement before their reſpective Houſes, Buildings, Walls, and Premiſes, and alſo any Drains or Watercourſes which ſhall run therefrom upon ſuch Foot Pavements, and ſhall cauſe to be cleanſed away all Ice and Snow from ſuch Foot Pavement, Drains, and Watercourſes, before Ten of the Clock in the Morning, and at any Time of the Day thereafter, being thereunto required by the ſaid Commiſſioners, or any Seven or more of them, or their Surveyor or Surveyors for the Time being, within One Hour after being ſo required, upon Pain of forfeiting any Sum not exceeding Five Shillings for every Neglect therein.

To appoint Porters.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby authorized and empowered by any Writing or Writings under their Hands, to nominate, appoint, and licenſe ſuch and ſo many Perſon and Perſons as they ſhall find requiſite and neceſſary as Chairmen, to be employed in carrying and conveying One or more Perſon or Perſons in any Sedan Chair from any one Place within the ſaid Town of *Southampton*, and the Liberties of the County of the ſame Town, to any other Place within the ſaid Town and Liberties, and alſo ſuch and ſo many Perſons as they ſhall find requiſite and neceſſary as Porters or Labourers, Baſket Men or Baſket Women, for the Purpoſe of delivering and carrying Goods, Wares, or Merchandize, from one Part of the Town and Liberties aforeſaid to another; and alſo to remove, ſuſpend, and diſplace all or any of ſuch Chairmen, Porters, or Labourers, Baſket Men or Baſket Women as they ſhall ſee Occaſion, and appoint another or others in his, her, or their Place or Stead, and alſo to ſet down, order, direct, regulate, fix, ſettle, and aſcertain the Rates, Fares, Prices, and Wages of ſuch Chairmen, Porters, or Labourers, Baſket Men or Baſket Women, and from Time to Time to make ſuch Bye Laws, Rules, and Orders for the better regulating and governing ſuch Chairmen, Porters, or Labourers, Baſket Men or Baſket Women as to them the ſaid Commiſſioners, or any Fourteen or more of them, ſhall ſeem neceſſary

and

and expedient, and to alter, vary, and repeal the ſame, as Occaſion ſhall require, and to impoſe reaſonable Fines and Penalties for the Breach and Non-obſervance of ſuch Bye Laws, Rules, Orders, and Regulations, ſo as no one Penalty ſhall exceed the Sum of Five Pounds, and to print and publiſh all ſuch Rules, Bye Laws, and Regulations to be made as aforeſaid, and alſo all ſuch Rates, Fares, Prices, and Wages, by affixing true Copies thereof in the Market Place, or ſome other public Place within the ſaid Town, and keeping the ſame ſo affixed; and no ſuch Bye Laws, Rules, Orders, or Regulations ſhall be repugnant to the Laws of *England* or the ſaid recited Act or this Act, and ſhall be ſubject to Appeal as is herein-after mentioned; and the Names of all ſuch Chairmen, Porters, and Labourers, Baſket Men or Baſket Women, ſo to be appointed as aforeſaid, ſhall be entered in a Book to be kept by the Collector or Clerk for that Purpoſe, and he and they ſhall be deemed to be a Chairman, Porter, or Labourer, Baſket Man or Baſket Woman, Chairmen, Porters, or Labourers, Baſket Men or Baſket Women, by virtue of this Act, until he, ſhe, or they ſhall be diſcharged as aforeſaid, or until he, ſhe, or they ſhall deliver his, her, or their Reſignation or Reſignations reſpectively to the ſaid Collector or Clerk for the Time being; and that ſuch Chairmen, Porters, or Labourers, Baſket Men or Baſket Women, ſhall be obliged to accept and take ſuch fair and reaſonable Rates, Fares, Wages, and Prices as the ſaid Commiſſioners, or any Fourteen or more of them, ſhall from Time to Time order and direct as aforeſaid; and that if any of the ſaid Chairmen, Porters, or Labourers, Baſket Men or Baſket Women, ſhall demand and receive any greater or larger Sum for ſuch his, her, or their Labour or Porterage as aforeſaid, or ſhall neglect or refuſe to carry any Perſon or Perſons or any Goods, Wares, or Merchandize according to the Rates, Fares, and Prices ſo to be ſet by the ſaid Commiſſioners as aforeſaid, after Tender to him, her, or them made of ſo much Money as ſhall be due conformable to ſuch Rates, Fares, and Prices as aforeſaid, every ſuch Chairman, Porter, or Labourer, Baſket Man or Baſket Woman, ſo offending ſhall for every ſuch Offence forfeit and pay any Sum of Money not exceeding Forty Shillings.

Perſons not paying Chairmen, &c. to be proſecuted before the Juſtices.

LII. And be it further enacted, That if any Perſon or Perſons ſhall refuſe or neglect to pay on Demand any licenſed Sedan Chairman, or any Porter or Labourer, Baſket Man or Baſket Woman, appointed and licenſed under this Act, the Money juſtly due to him, her, or them for the Fare, Hire, or Service done under or in purſuance of any Licence or Bye Law made by virtue of this Act, it ſhall and may be lawful to and for any one or more Juſtice or Juſtices of the Peace of and for the ſaid Town and County for the Time being, upon Complaint thereof made to him or them, to grant his or their Summons againſt the Perſon or Perſons complained of, to appear before him or them at ſome Time and Place to be mentioned in ſuch Summons to anſwer the Matter of the ſaid Complaint, and on Proof on Oath of the Service thereof, to proceed in and to hear the Matter of the ſaid Complaint, on Oath, whether the Perſon ſummoned appears or not, and to make ſuch Order therein as to ſuch Juſtice or Juſtices ſhall appear to be juſt; and if the Perſon or Perſons againſt whom ſuch Order ſhall be made, do not immediately pay down or cauſe to be paid down the Money, if any, that ſhall be ordered as a Satisfaction to the Perſon or Perſons entitled thereto for ſuch Fare, Hire, or Service, it ſhall be lawful for ſuch Juſtice or Juſtices and he or they are and is hereby required and directed to grant his or their Warrant of Diſtreſs againſt the Goods and Chattels

Chattels of the Perſon or Perſons ſo declining or refuſing to pay ſuch Money as ſhall be ſo ordered, and the ſame to ſell and diſpoſe of, and out of the Monies ariſing by or from ſuch Sale, to pay the Monies ſo awarded to the Perſon or Perſons to whom awarded, together with ſuch Coſts as ſuch Juſtice or Juſtices ſhall think reaſonable, returning the Overplus, if any, to the Owner of the Goods and Chattels ſo diſtrained; and if no Diſtreſs can be found, then to commit the Perſon or Perſons againſt whom ſuch Order ſhall be made to the Bridewell or Common Gaol of the ſaid Town and County for any Time not exceeding One Month, there to remain without Bail or Mainprize, unleſs the Money be ſooner paid.

Carriers of Sedan Chairs without Licence liable to Penalty.

LIII. Provided always, and be it further enacted, That if the Carrier or Carriers of any Sedan Chair ſhall ply for Hire in any Part of the ſaid Town or Liberties thereof, without being duly appointed or licenſed by the ſaid Commiſſioners as aforeſaid, every ſuch Chairman ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Not to extend to private Chairs.

LIV. Provided alſo, That this Act, or any Thing herein contained, or any Bye Law, Rule, or Order to be made by the ſaid Commiſſioners, ſhall not extend or be conſtrued to extend to prohibit or hinder any Perſon or Perſons from having or uſing his, her, or their own Sedan Chair, ſo as the ſame be not uſed for Hire or plying for Hire within the Limits of this Act.

Power to appoint Watchmen.

LV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and they are hereby required from Time to Time to appoint ſuch Number of able-bodied Men, as they ſhall judge proper, to be employed as Watchmen within the ſaid Town during the Night-time, and to provide proper Watch-houſes, Watch-boxes, or Places for the Reception of ſuch Watchmen, and for the ſafe Cuſtody of ſuch Perſons as may be apprehended by ſuch Watchmen while on Duty, and to pay ſuch Watchmen reaſonable Wages or Allowances, and alſo to appoint one or more fit Perſon or Perſons in the Stead of any Watchman or Watchmen who ſhall die or become incapable of doing his Duty, or who ſhall be diſcharged from his or their Office for Neglect of Duty, or other Miſbehaviour in Office; and alſo to impoſe from Time to Time any Fine not exceeding Ten Shillings on any Watchman or Watchmen for every ſuch Neglect or other Miſbehaviour; ſuch Fine to be deducted out of the Wages of ſuch Watchman or Watchmen; and from Time to Time to make ſuch Orders and Regulations as they the ſaid Commiſſioners, or any Seven or more of them, ſhall judge expedient for the better Government of the Watchmen to be ſo appointed; and to repeal ſuch Orders and Regulations or any of them, and ſubſtitute others inſtead thereof; and it ſhall be lawful for ſuch Watchmen, and they are hereby required in their reſpective Stations, to apprehend and ſecure in ſome proper Place or Places of Security to be for that Purpoſe appointed within the ſaid Town, all Malefactors, Rogues, Vagabonds, and Diſturbers of the public Peace, and all ſuſpected Perſons who ſhall be found wandering or miſbehaving themſelves during the Hours of keeping Watch, and to conduct all ſuch Perſons as ſoon as conveniently may be before ſome Juſtice of the Peace for the ſaid Town and County to be examined and dealt with according to Law; and the ſaid Watchmen during the Time they ſhall reſpectively act as ſuch in the Night ſhall act as Conſtables, and they and every of them ſhall have and be inveſted with the ſame Powers and Authorities as Conſtables have by Law; any Thing in the ſaid recited Act contained to the contrary in anywiſe notwithſtanding.

LVI. And

LVI. And be it further enacted, That if any Victualler or Keeper of any Public Houſe, or any other Perſon, ſhall knowingly harbour or entertain or ſuffer to remain in his or her Houſe any Watchman of the ſaid Town, or Liberties thereof, during any Part of the Time appointed for his being on Duty, every ſuch Victualler, or Keeper, or other Perſon, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings. Penalty on Victuallers harbouring Watchmen while on Duty.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to give ſuch Rewards in Money to the Watchmen reſpectively to be appointed as aforeſaid, who may be diſabled or wounded in the Execution of their Office, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable; ſuch Money to be paid out of the Monies to be raiſed for the Purpoſes of defraying the Charges of lighting and watching the ſaid Town and Liberties thereof. Watchmen when diſabled to be rewarded.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, when and as often as they ſhall make any Rate or Rates, Aſſeſſment or Aſſeſſments by virtue of this Act or the ſaid recited Act, to iſſue their Orders to the Collector or Collectors appointed or to be appointed under and by virtue of the ſaid recited Act or this Act, requiring him or them to collect and receive the reſpective Sums of Money made payable by ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and ſuch Collector or Collectors is and are hereby authorized and required to collect and receive the ſame accordingly; and alſo once at leaſt in every Month, or oftener if required ſo to do by the ſaid Commiſſioners, or any Seven or more of them, by Writing ſigned by their Clerk for the Time being, to pay the Money ſo to be collected and received by virtue of this Act or the ſaid recited Act, to the Treaſurer or Treaſurers for the Time being to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to receive the ſame, to be applied to and for the Uſes of this Act and the ſaid recited Act; and all and every ſuch Collector or Collectors ſhall and is and are hereby required at the Time of making every ſuch Payment of the Money ſo to be collected as aforeſaid, to deliver to ſuch Treaſurer or other Perſon or Perſons empowered to receive the ſame, a true and exact Account of all Sum and Sums of Money ſo by him or them reſpectively collected and received, and alſo of all ſuch Sum or Sums of Money, Rates or Aſſeſſments (if any) as ſhall remain uncollected, together with the Reaſons why the ſame have not been collected; and if any Perſon who ſhall be appointed to the Office of Collector by virtue of this Act, or the ſaid recited Act, ſhall neglect the due Execution and Performance of ſuch Office without ſhewing ſome reaſonable Cauſe to the ſaid Commiſſioners for ſuch Neglect, or ſhall wilfully make Default in the Performance of the Duty of his ſaid Office, or ſhall otherwiſe miſbehave himſelf therein, he ſhall, for every ſuch Neglect, wilful Default, or Miſbehaviour, forfeit and pay any Sum not exceeding Five Pounds. Collectors Duty.

LIX. And be it further enacted, That if any Collector or Collectors ſhall happen to die before he or they ſhall have fully paid and ſatisfied all the Money by him and them received by virtue of this Act, then and in every ſuch Caſe the Executors or Adminiſtrators, Executrix or Adminiſtratrix, or other legal Repreſentative or Repreſentatives or Perſon or Perſons poſſeſſing the then late Eſtate and Effects of every ſuch Collector or Collectors, ſhall, out of ſuch Eſtate or Effects, pay to the ſaid Commiſſioners for the Time being all ſuch Sums of Money by ſuch Collector or Collectors ſo collected and not paid, or ſo much thereof as the ſaid Eſtate or Effects On Death of Collectors, Executors may act.

will extend to pay, and the Receipt of the ſaid Commiſſioners ſhall be a good Diſcharge for ſuch Money; and every Executor or Adminiſtrator, or other Perſon as aforeſaid, may, to any Action or Suit commenced or brought againſt him, her, or them, plead or give in Evidence the Payment of the ſame, and ſhall be allowed Payment of the ſame out of ſuch Eſtate or Effects; and in caſe of Non-payment of the ſame by the Space of Twenty-one Days after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid Commiſſioners for the Time being, and they are hereby directed and required, in their own Name or Names, to commence and bring one or more Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Executors or Adminiſtrators, or other Perſon or Perſons as aforeſaid, for the Recovery of the ſame.

Penalties on Officers taking greater Fees than allowed.

LX. And be it further enacted, That if any Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, Collector or Collectors, Scavenger or Raker, or other Officer or Officers employed by the ſaid Commiſſioners, for the Purpoſes aforeſaid, ſhall exact, demand, take, or accept any Fee or Reward whatſoever, other than ſuch as are in and by the ſaid recited Act or this Act authorized and appointed, or ſuch Salaries as ſhall be appointed, allowed, and approved of by the ſaid Commiſſioners for or on account of any Thing done or to be done by virtue of the ſaid recited Act or this Act, or for forbearing to do any Thing ordered or directed by the ſaid Commiſſioners, or on any Account whatſoever, relative to their reſpective Duties; or ſhall any Way be concerned or intereſted in any Bargain or Contract made or to be made by the ſaid Commiſſioners, or any of them, for the Purpoſes of the ſaid recited Act, or of this Act, every Perſon ſo offending ſhall be incapable of ever ſerving or being employed under the ſaid recited Act or this Act, and ſhall, over and above, forfeit any Sum not exceeding Five Pounds.

Commiſſioners not anſwerable in their private Capacity,

LXI. Provided always, and be it further enacted, That no Contract which ſhall be made by the ſaid Commiſſioners for any of the Purpoſes of the ſaid recited Act or 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 their 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 the ſaid recited Act or 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 the ſaid recited Act or 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 the ſaid recited Act or ofthis Act.

but to be ſubject to Rates.

No Proceſs ſhall iſſue unleſs previous Notice ſhall have been given.

LXII. And be it further enacted, That no Suit or Action ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of or by the Authority of the ſaid recited Act or of this Act, until Notice in Writing of ſuch intended Suit or Action ſhall have been delivered as well to the Defendant or Defendants, as alſo to the Clerk of the ſaid Commiſſioners, or left at his and their uſual Place or Places of Abode,

Abode, at leaſt Twenty one Days before the commencing ſuch Suit or Action, in which Notice ſhall be contained the Names and Places of Abode of the Party or Parties intending to ſue, and the Cauſe of Action which ſuch Party or Parties hath, or have, or claimeth or claim to have, againſt ſuch Defendant or Defendants; on which ſaid Notice the Name of the Attorney or Agent intending to commence ſuch Suit or Action, together with the Place of his Abode, ſhall be indorſed or underwritten.

For compelling Witneſſes to attend.

LXIII. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before the Commiſſioners, or any Seven or more of them, or any Juſtice or Juſtices of the Peace, in and for the ſaid Town of *Southampton*, touching any Matter or Fact contained in any Information or Complaint for any Offence againſt the ſaid recited Act or this Act, or againſt any Rate or Order made in purſuance thereof, whether on the Part of the Proſecutors or the Perſon or Perſons complained of, and which Summonſes the ſaid Commiſſioners, or any Seven or more of them; and alſo ſuch Juſtice or Juſtices as aforeſaid, are hereby authorized to iſſue, ſhall, on being paid or tendered a reaſonable Sum for his, her or their Coſts and Charges, Time and Trouble, neglect or refuſe to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for ſuch his, her, or their Refuſal or Neglect, to be approved by ſuch Juſtice or Juſtices of the Peace or Commiſſioners as aforeſaid, then and in either of the ſaid Caſes every ſuch Perſon or Perſons ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

Proviſions of the former Act extended to this Act.

LXIV. And be it further enacted and declared, That all and every the Clauſes, Proviſions, Powers, Authorities, Directions, Regulations, Limitations, Reſtrictions, Indemnities, Protections, Exemptions, Puniſhments, Penalties, Forfeitures, Matters and Things, contained in the ſaid recited Act (ſave and except ſuch Parts thereof reſpectively as relate to Exemptions from Stamp Duties, and except ſuch as are repealed, altered, or varied by this Act), ſhall continue in full Force, and ſhall be exerciſed and put in Execution, and ſhall be applicable and applied in all and every Caſes and Caſe which ſhall or may ariſe under this Act as well as under the ſaid recited Act by all Perſons whomſoever, in ſuch and the like Manner, and as fully and effectually to all Intents and Purpoſes whatſoever, and in all reſpects (as far as the Circumſtances of the Caſe will admit) as if the ſaid ſeveral Clauſes, Proviſions, Powers, Authorities, Directions, Regulations, Limitations, Reſtrictions, Indemnities, Protections, Puniſhments, Penalties, Forfeitures, Matters, and Things, were or had been particularly repeated and re-enacted in the Body of this Act.

Appeal.

LXV. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, or by any Bye Law, Rule, Order, or Regulation to be made in purſuance of this Act, ſuch Perſon or Perſons ſhall and may within Three Calendar Months next after the Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at the General Quarter Seſſions of the Peace to be holden in and for the Town and County of the Town of *Southampton*, ſuch Appellant or Appellants firſt giving or cauſing to be given Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Cauſes thereof to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Two Days next after ſuch Notice, entering into a Recognizance or Recognizances before

ſome Juſtice of the Peace in and for the ſaid Town and County, with Two ſufficient Sureties conditioned to try ſuch Appeal, mentioned in ſuch Notice, and abide the Order and pay ſuch Coſts as ſhall be awarded by the Juſtices of the ſaid Town and County, and the Matter of ſuch Appeal ſhall be heard and determined by the ſaid Juſtices for the ſaid Town and County at the next General Seſſions of the Peace to be held in and for the ſaid Town and County, or at any Adjournment thereof, or at any Adjournment of the then laſt General Seſſion of the Peace in and for the ſaid Town and County, which of the Three ſhall firſt happen next after the Expiration of Twenty Days from the Day of giving ſuch Notice, and the ſaid Juſtices at ſuch Seſſions or Adjournment, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance or Recognizances, ſhall hear and finally determine the Cauſes and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts for the Appellant or Appellants, or Reſpondent or Reſpondents, as they the ſaid Juſtices ſhall think proper.

Removable by Certiorari.

LXVI. Provided always, and be it further enacted, That ſo much of the ſaid recited Act as enacts that all Orders and Judgments made and given by the Juſtices of the Peace at any General Seſſions of the Peace, or at any Adjournment thereof to be held in and for the Town and County of *Southampton*, touching any Matter or Thing done by virtue of the ſaid recited Act, ſhall be final and concluſive to all Parties, and ſhall not be removed or removable by any Writ or Writs of *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, ſhall be, and the ſame is hereby repealed: And any Appellant or Reſpondent who ſhall remove ſuch Appeal into any of His Majeſty's Courts of Record ſhall, in caſe the Order made at ſuch Seſſion ſhall be confirmed, pay treble Coſts to the other Party, and ſuch other Party ſhall have the like Remedy of recovering ſuch Treble Coſts as the common Coſts are recoverable by Law.

Expences of this Act how to be paid.

LXVII. And be it further enacted, That the Coſts, Charges, and Expences, preparatory to and attending the applying for and obtaining and paſſing this Act, ſhall be borne, paid, and defrayed out of the Monies in the Hands of the Treaſurer, which hath ariſen by virtue of the ſaid recited Act, or out of the firſt Monies which ſhall ariſe by virtue thereof and of this Act, before and in Preference to all other Payments whatſoever in the following Proportions; that is to ſay, Three Fifth Parts thereof from and out of the Monies to ariſe from any Rate or Aſſeſſment for paving, cleanſing, repairing, and widening the ſaid Streets, Squares, Lanes, Courts, Ways, and other public Paſſages in the ſaid Town, or from and out of any Sum or Sums of Money which ſhall be borrowed upon the Credit of ſuch Rates or Aſſeſſments; and Two Fifth Parts thereof from and out of the Monies to ariſe from any Rate or Aſſeſſment for the Purpoſes of lighting and watching the ſaid Town; or from and out of any Sum or Sums of Money which ſhall be borrowed upon the Credit of the ſaid laſt-mentioned Rates or Aſſeſſments.

Public Act.

LXVIII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1810.