



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lxxii.

An Act for enlarging the Town Quay of the Borough of *Portsmouth*, and for improving that Portion of the Harbour of *Portsmouth* called *The Camber*. [4th July 1839.]

WHEREAS the Town Quay of the Borough of *Portsmouth* is situate on a Portion of the Harbour of *Portsmouth* called the *Camber*, and the said Quay, and also the Cranes, Walls, Slips, and Pavements thereof, are kept in repair by the Mayor, Aldermen, and Burgesses of the said Borough, for the Use of Merchants and others residing at and trading to and from the Port of *Portsmouth*; And whereas divers Rates or Dues called Petty Customs and Wharfage Dues are paid to the said Mayor, Aldermen, and Burgesses, for Goods, Wares, and Merchandize imported at and exported from the said Quay, and elsewhere on the Banks, Shores, and Wharfs of the said Borough, and certain Dues or Duties called Harbour Dues and Bushelage are also respectively paid to the said Mayor, Aldermen, and Burgesses, in respect of Groundage and Anchorage for Vessels arriving or casting Anchor in the Port of the said Borough, such Bushelage being payable in respect of Vessels breaking Bulk in the said Port: And whereas the said Quay, from the great Increase of Population and the Extension of Trade, is become inadequate to the Wants of the said Borough, and of the Merchants and others residing at and trading to and from the Port of *Portsmouth*, and it would be of great public Utility if the same were enlarged, and other

[Local.]

22 F

Quays,

Corporation
empowered
to execute
the Works
herein
described.

Quays, Wharfs, and Works made in the *Camber*, and if the Channel thereof were deepened: And whereas, in order the better to provide for the above Purposes, it is expedient that the several Rates, Dues, or Duties payable as before mentioned should be altered and regulated, and more effectual Powers given for the Recovery thereof: And whereas the said Mayor, Aldermen, and Burgesses are willing and desirous to effect the proposed Improvements, and to construct all Works necessary for those Purposes; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to take down and remove the present Town Quay of the Borough of *Portsmouth*, and in lieu thereof to make and maintain, upon, across, over, or under the Lands delineated on the Plan and described in the Book of Reference deposited with the Clerk of the Peace for the County of *Southampton* and Borough of *Portsmouth*, a new Quay, together with such other Wharfs, Quays, Jetties, Landing Places, Docks, Basins, Groins, Sea Walls, Embankments, Inclined Planes, Slips, Bridges, Sheds, Cranes, Engines, Buildings, and other Works, as they shall think necessary or proper, not extending the same beyond a Line drawn from the North-east Angle of *Lindegren's Store* to the South-west Angle of the *New Gun Wharf*, and to put down and from Time to Time to remove, as Occasion shall require, such Buoys, Mooring Chains, and other Matters and Things as the said Mayor, Aldermen, and Burgesses shall think necessary or proper, for landing and embarking Goods and Passengers, and also to enlarge or make and maintain all necessary or convenient Roads or Approaches to such Town Quay and other the Works aforesaid, or any of them, together with all necessary Works, Buildings, and Conveniences connected therewith, and also to excavate and deepen the said *Camber*, and to dig, take up, and remove the Soil thereof for that Purpose.

Construction
of Words in
this Act.

II. And be it further enacted, That wherever in this Act any Word is used, or employed importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall include and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, unless in any of the Cases aforesaid it is otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Plans, &c.
to remain
with the
Clerk of the
Peace, and

III. And whereas Maps or Plans describing the Situation of the said Quay, Approaches, and Works, together with Books of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and the Occupiers of the Property upon
8
which

which the same are intended to be made, have been deposited with the respective Clerks of the Peace for the County of *Southampton* and the Borough of *Portsmouth*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain with and be kept by the said Clerks of the Peace respectively, and all Persons shall have Liberty to examine the same and make Copies thereof or Extracts therefrom, paying to the Clerk of the Peace at whose Office they shall examine the same the Sum of One Shilling for every Inspection, and after the Rate of Sixpence for every One hundred Words for such Copies or Extracts; and the said Maps or Plans and Books of Reference, or true Copies, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere.

IV. And whereas the Jurisdiction and Superintendence in and over all the Ports, Harbours, navigable Rivers, Estuaries, and Sea Coasts of the United Kingdom, and the Conservation thereof, are by Law vested in the Lord High Admiral of the said Kingdom; be it enacted and provided, That nothing in this Act contained shall extend to authorize the Mayor, Aldermen, and Burgesses of the said Borough, or any other Person, to make or construct any Works whatever in the said Harbour below the Line of High-water Mark at Spring Tides, or beyond the Line of the present Quay towards the Harbour, without the Consent of the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, for that Purpose first had and obtained, such Consent to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only under such Conditions, Restrictions, and Limitations as to the said Lord High Admiral or Commissioners aforesaid shall seem necessary and proper; nor shall any thing in this Act contained be construed to extend to the Ships, Vessels, Lands, or Possessions of Her Majesty, or to authorize the said Mayor, Aldermen, and Burgesses to take or use for the Purposes of this Act any Lands in the Occupation of any Department of the Public Service.

V. And whereas a Part of the Quays and other Works proposed to be erected and made under the Provisions of this Act extend in front of Part of the Defences of the Town of *Portsmouth*, which are under the Control of the Master General and principal Officers of Her Majesty's Ordnance: And whereas a Plan of the said intended Quays and Works has been submitted by the said Mayor, Aldermen, and Burgesses to the Inspection of the Master General and principal Officers of the Ordnance, who have approved thereof, and the same has been signed on behalf of the said principal Officers and of the said Mayor, Aldermen, and Burgesses; be it therefore further enacted, That no Buildings, Walls, or Erections, of what Kind soever, that shall be erected or constructed under the Powers of this Act against or in front of any Part of the said Defences, shall be of any other Description than those specified in the said Plan, without the Consent of the principal Officers of Her Majesty's Ordnance for the Time being in Writing first obtained for the Purpose, and that in no Case shall any such Buildings, Walls, or Erections exceed the Height of Two Feet above the High Water at ordinary Spring Tides.

VI. And

Errors in the Act or Schedule not to prevent the Execution of the Act.

VI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to make the said Quay, Approaches, and other Works upon, over, or through the Lands so delineated on the said Maps or Plans, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule hereto, if it shall appear to any Two or more of Her Majesty's Justices of the Peace acting for the Borough of *Portsmouth*, in case of Dispute about the same, and be certified in Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake, and the Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said Borough.

Not to deviate more than Ten Yards from Line delineated on Plan.

VII. And be it further enacted, That the said Mayor, Aldermen, and Burgesses, in making the said Quay, Approaches, and other Works hereby authorized to be made, shall not deviate more than Ten Yards from the Line, Course, or Direction of the Works delineated on the said Maps or Plans.

Certain Property not to be taken without Consent.

VIII. And be it further enacted, That nothing herein contained shall authorize the said Mayor, Aldermen, and Burgesses, or any Person acting under their Authority, to take, injure, or damage for the Purposes of this Act any House or other Building which was erected on or before the First Day of *November* last, or any Land then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any enclosed Ground planted as an Ornament or Shelter to any Dwelling House, or planted and set apart as a Nursery for Trees, or any Landing Place, Avenue, or Approach leading to a certain Floating Bridge or Bridges or other Works already made or hereafter to be made and constructed under or by virtue of a certain Act of Parliament passed in the First Year of Her present Majesty Queen *Victoria*, intituled *An Act for establishing a Floating Bridge or Bridges over the Harbour of Portsmouth, from or near a Place called Gosport Beach, in the Parish of Alverstoke in the County of Southampton, to the opposite Shore, to or near a Place called Portsmouth Point, in the Parish of Portsmouth in the said County, with proper Approaches thereto*, other than and except such as are specified in the First Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof respectively, unless the Omission thereof in such Schedule shall have proceeded from Mistake, and it shall be so certified in manner herein-before provided for in Cases of unintentional Errors in the said Books of Reference.

1 & 2 Vict. c. 11.

Corporation may contract for the Works to be done.

IX. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to contract and agree with any Person for making, erecting, building, and completing the said intended new Quays, Wharfs, and other Works, and for deepening the said *Camber*, and all other the Works by this Act authorized, and to contract with such Person for providing proper Materials for all or any

any of the Purposes aforesaid, or for doing any of the Works hereby authorized to be done and performed; and all Contracts and Agreements made and entered into by and between the said Mayor, Aldermen, and Burgesses, and any other Person whomsoever, relating to any Act, Matter, or Thing to be done or performed in the Execution of any of the Powers of this Act, shall be reduced into Writing, and sealed with the Corporate Seal of the said Mayor, Aldermen, and Burgesses, and signed and sealed by the other Parties thereto; and the said Mayor, Aldermen, and Burgesses may take such Security for the Performance of such Contracts as to them shall seem necessary, and such Contracts so entered into shall be binding upon the respective Parties thereto: Provided always, that it shall be lawful for the said Mayor, Aldermen, and Burgesses, from Time to Time as they shall think fit, to compound and agree with any Person on account of any Breach or Nonperformance of any such Contract, for such Sum of Money as they shall think fit.

Corporation may compound for Breach of Contract.

X. And be it further enacted, That, for the Purposes and subject to the Provisions and Restrictions of this Act, it shall be lawful for the said Mayor, Aldermen, and Burgesses, their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered, to enter into and upon the Lands of any Person or Corporation whatsoever mentioned and described in the said Map or Plan and referred to in the First Schedule to this Act annexed, authorized to be taken and used by them the said Mayor, Aldermen, and Burgesses, according to the Provisions this Act, and to survey and take Levels of the same, and every or any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and after Payment or Deposit of the Purchase Money of any Lands as hereinafter mentioned, in and upon such Lands to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Gravel, Sand, or other Materials or Things which may be dug or obtained in the Execution of the Powers of this Act, and may be proper or necessary for making, maintaining, altering, repairing, or using the said Quays and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act; and also to make Coffor Dams and all other necessary Works for any of the Purposes by this Act authorized, and to alter the Course of any Streams or Watercourses during such Time as may be necessary for constructing Tunnels or Bridges, or Passages over or under the same, and also to divert or alter the Course of any Street, Road, or Way, or to raise or sink any Street, Road, or Way for the Purpose of forming a convenient Access to the said Quays and other Works by this Act authorized; and also to erect such Toll or other Houses, Works, and Conveniences, upon the Lands by this Act authorized to be taken or used, as shall for the Purposes of this Act be deemed necessary or proper by the said Mayor, Aldermen, and Burgesses, and from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, not extending the same beyond a Line drawn from the North-east Angle

Power to enter upon and take possession of Lands for the Purposes of the Act.

of *Lindegren's Store* to the South-west Angle of the *New Gun Wharf*, and generally to do, perform, and execute all such other Acts, Matters, and Things as they shall think necessary or proper for making and maintaining the said Quay and Approaches, and for deepening the said *Camber* and other the Works by this Act authorized, they the said Mayor, Aldermen, and Burgesses, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted, and this Act shall be sufficient to indemnify the said Mayor, Aldermen, and Burgesses, their Agents, Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after contained: Provided always, that nothing herein contained shall in anywise empower or authorize the said Mayor, Aldermen, and Burgesses, their Agents and Workmen, or any other Person or Persons, to interfere with, impede, or obstruct the free Access to and Egress from the Floating Bridge erected by the Company of Proprietors of the Port of *Portsmouth* Floating Bridge, and the Landing Places and Approaches thereto.

Power to
treat for the
Purchase of
Lands.

XI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to treat and agree, and to employ any Person to treat and agree for the Purchase of any Lands authorized to be taken and used by them by this Act, and of any subsisting Leases, Terms, Estates, Rights, and Interests therein and Charges thereon, or such of them or such Part thereof as the said Mayor, Aldermen, and Burgesses shall think proper.

Corporations
and Persons
under legal
Disability
empowered
to sell and
convey
Lands.

XII. And be it further enacted, That it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this Act, in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any Lands authorized to be taken under the Powers of this Act, mentioned and described in the said Map or Plan and referred to in the said First Schedule to this Act, to contract for, sell, and convey the
same

same or any Part thereof to the said Mayor, Aldermen, and Burgesses ; and all Conveyances for the Purposes of this Act shall be made at the Expence of the said Mayor, Aldermen, and Burgesses, and may be in the Words or to the Effect following, or such other Variations, Covenants, or Conditions as the Number of the Parties and the Circumstances of the Case may render expedient ; (that is to say,)

‘ I of _____ in consideration of the Sum _____
 ‘ to me [or, as the Case may be, into the
 ‘ Bank of *England*, in the Name and with the Privity of the
 ‘ Accountant General of the Court of Exchequer, *ex parte* the
 ‘ Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*,
 ‘ or to *A.B.* of _____ and *C.D.* of _____
 ‘ Trustees appointed to receive the same], pursuant to the Act after
 ‘ mentioned, paid by the Mayor, Aldermen, and Burgesses of the
 ‘ Borough of *Portsmouth* [or said] Mayor, Aldermen, and Burgesses,
 ‘ by virtue of an Act passed in the _____ Year of the Reign of
 ‘ Queen *Victoria*, intituled [here insert the Title of this Act], do
 ‘ hereby convey to the said Mayor, Aldermen, and Burgesses, their
 ‘ Successors and Assigns [describing the Premises to be conveyed],
 ‘ together with all Ways, Rights, and Appurtenances thereto belong-
 ‘ ing, and all such Estate, Right, Title, and Interest in and to the
 ‘ same and every Part thereof as I am or shall become seised,
 ‘ possessed of, or entitled to, or am by the said Act capacitated or
 ‘ empowered to convey ; to hold the Premises to the said Mayor,
 ‘ Aldermen, and Burgesses for ever, according to the true Intent
 ‘ and Meaning of the said Act. In witness whereof I have hereunto
 ‘ set my Hand and Seal this _____ Day of _____ in the Year
 ‘ of our Lord _____’

Form of
 Conveyance
 to the Cor-
 poration.

And all such Conveyances and Assurances as aforesaid shall operate to bar and destroy all such Estates Tail, and all such Titles to Dower, and all such other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests of and to the Lands in such Conveyances respectively comprised, and also to merge all Terms of Years attendant by express Declaration or by Construction of Law, on the Estate or Interest thereby conveyed or aliened, except where the said Mayor, Aldermen, and Burgesses shall have express Assignments or other Dispositions made of such Terms for their Benefit ; but although the said Terms shall merge, they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on foot in Trust for the Mayor, Aldermen, and Burgesses, and to attend the Reversion and Inheritance.

XIII. Provided always, and be it further enacted, That the Consideration Money agreed to be paid for any Land to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity as aforesaid, or not having Power to sell, except under the Provisions herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by Two able practical Surveyors, one of whom shall be nominated by the said Mayor, Aldermen, and Burgesses, and the other by the Person or Corporation contracting or agreeing to sell the same ; and if such Two Surveyors shall not agree in the Valuation thereof, or if such Person

Lands
 bought of
 any Corpo-
 ration or
 Person under
 Disability to
 be first va-
 lued by Two
 Surveyors or
 their Umpire.

5 & 6 W. 4.
c. 62.

Person or Corporation shall be absent from the United Kingdom, or cannot be found, then by such Surveyors as any Two Justices acting for the County of *Southampton* or Borough of *Portsmouth* shall for that Purpose nominate, and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation when completed a Declaration of the Correctness thereof in the Form prescribed by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affirmations;'* and to make other Provisions for the Abolition of unnecessary Oaths.

Persons willing to sell the Whole not compellable to sell Part.

XIV. Provided also, and it is hereby further enacted, That if any Person or Corporation shall be applied to, by or on behalf of the said Mayor, Aldermen, and Burgesses, to treat for, sell, dispose of, or convey, for the Purposes of this Act, any Part or Parts of any House or Building in the actual Occupation of any one Person or Corporation, or of several Persons or Corporations jointly, shall, by Notice in Writing to be left at the Office of the Town Clerk of the said Borough of *Portsmouth* within Fourteen Days after such Application, signifying his Desire to sell, dispose of, and convey the whole of such House or Building, then and in every such Case nothing in this Act contained shall extend to compel any such Person or Corporation giving such Notice to treat for, sell, dispose of, or convey, or to authorize the said Mayor, Aldermen, and Burgesses to take or use, Part only or less than the Whole of any such House or Building.

Power to purchase the Release of Lands wanted from Rents charged thereon.

XV. And be it further enacted, That where any Lands purchased or intended to be purchased by the said Mayor, Aldermen, and Burgesses shall be subject, solely, or jointly with other Lands not intended to be purchased, to or with any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Mayor, Aldermen, and Burgesses to agree for the Release of the Lands so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary) for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed upon between the said Mayor, Aldermen, and Burgesses, and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and other Persons by this Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands purchased or intended to be purchased, and shall also (where necessary) apportion

tion the Rent, Payment, or Incumbrance, as herein-before is mentioned, according to the respective Values of the Lands purchased or intended to be purchased, and of the Lands not intended to be purchased by the said Mayor, Aldermen, and Burgesses; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Mayor, Aldermen, and Burgesses and any such Party as aforesaid, respecting such Release (and which may be of the like Forms, *mutatis mutandis*, as by this Act are directed to be used in the Case of Conveyances of Lands), shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be: Provided always, that when any of the Lands purchased by the said Mayor, Aldermen, and Burgesses shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Mayor, Aldermen, and Burgesses, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Account only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Mayor, Aldermen, and Burgesses, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

XVI. And be it further enacted, That every Person or Corporation who shall have any Mortgage on any Lands which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in his own Right or in Trust for any other Person or Corporation, and whether in Possession thereof by virtue of such Mortgage or not, and whether such Mortgage shall affect such Lands solely, or jointly with any other Lands which shall not be so required,) shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the just Costs, if any, then due, and Six Calendar Months Interest on the Principal Monies, by or on behalf of the said Mayor, Aldermen, and Burgesses, which Payment the said Mayor, Aldermen, and Burgesses are hereby authorized to make, and to deduct the same from any Monies agreed or directed to be paid for the Value of the Estate and Interest of the Parties entitled to the Equity of Redemption, forthwith convey, assign, and transfer such Mortgage to the said Mayor, Aldermen, and Burgesses, or to such Person as they shall appoint, and which Conveyance may be in the same Form as the other Conveyance by this Act authorized, or in any other Form, or in case such Mortgagee shall have Notice

Mortgagees
to convey.

in Writing from the said Mayor, Aldermen, and Burgesses, or from such Person as they shall appoint, or from the Parties entitled to the Equity of Redemption, or any of them, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage, at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then, at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee shall convey, assign, and transfer his Interest in the Premises to the said Mayor, Aldermen, and Burgesses, or as they shall appoint; and in case such Mortgagee shall refuse to convey, assign, and transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment at any Time of the Principal Money and Interest due on any Mortgage as aforesaid, together with such just Costs (if any) as aforesaid, and with Six Months Interest thereon, to be calculated from the Time of giving such Notice as aforesaid, into the Bank of *England*, to the Use of the Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, as also upon any such Conveyance, Assignment, or Transfer as aforesaid by the Mortgagee, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee, and of every Person in Trust for him, or for whom he shall be Trustee, shall vest in the said Mayor, Aldermen, and Burgesses, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage to all Intents and Purposes whatsoever.

As to Cases where Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.

XVII. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the principal Mortgage Money and all Interest due and to become due thereon, and all Costs, the Value of such Lands, or, as the Case may be, of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage due in respect of the Part so required, shall be settled and agreed upon by and between such Mortgagee, and the Person or Corporation entitled to the Equity of Redemption of such Lands, whether absolutely or for such Estate as might capacitate him or them to convey, for the Purposes of this Act, on the one Part, and the said Mayor, Aldermen, and Burgesses on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such

Value

Value and Compensation, so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*, to the Credit of the said Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Mayor, Aldermen, and Burgesses, and the said Mayor, Aldermen, and Burgesses shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of the Lands (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Assignment thereof to the said Mayor, Aldermen, and Burgesses, have been paid to the Mortgagee thereof, in part satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Mayor, Aldermen, and Burgesses, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Mayor, Aldermen, and Burgesses, at their Expence, to the Person so entitled as aforesaid to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

XVIII. And for settling all Differences which may arise between the said Mayor, Aldermen, and Burgesses, and the several Owners and Occupiers of or Persons or Corporations interested in any Lands which may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted; be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled, and capacitated to sell, contract, or convey as aforesaid, shall not agree with the said Mayor, Aldermen, and Burgesses as to the Amount of such Purchase Money, or Satisfaction or other Compensation to be made for the taking, using, damaging, or injuriously affecting the same, under the Powers of this Act, or if any of such Parties shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid as shall be offered by the said Mayor, Aldermen,

In case the Parties refuse or are incapable to treat, the Amount of Satisfaction and Compensation to be settled by a Jury.

men, and Burgesses, and shall give Notice thereof in Writing to the said Mayor, Aldermen, and Burgesses within One Calendar Month next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of One Calendar Month next after Notice in Writing shall have been given to him, or in case of any Corporation to the Clerk, Agent, or principal Officer of any such Corporation, either personally or by being left at his last or usual Place of Abode, neglect or refuse to treat or shall not agree with the said Mayor, Aldermen, and Burgesses for the Sale and Conveyance or Release of the respective Estates and Interests which they respectively are hereby capacitated to convey or release, shall by reason of Absence be prevented from treating, or shall, by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Mayor, Aldermen, and Burgesses to take such Lands, and to proceed in making the said Works, or shall not disclose and prove the State of Title to the Premises of which they respectively may be in possession, or the Share, Interest, or Charge which they may claim to be entitled unto or interested in, in case they shall be required by the said Mayor, Aldermen, and Burgesses to do so, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of any of the Powers of this Act cannot be made, then and in every such Case the said Mayor, Aldermen, and Burgesses shall and they are hereby required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the said County of *Southampton*, or in case the said Sheriff or his Under Sheriff shall be one of the said Mayor, Aldermen, or Burgesses, or enjoy any Office of Trust or Profit under the said Mayor, Aldermen, and Burgesses, or shall be in anywise interested in the Matter in question, then to any of the Coroners of the said County, not interested as aforesaid, or if all the Coroners shall be so interested, then to some Person then living in the said County who shall have filled the Office of Sheriff or Coroner in the said County, and be free from personal Disability, and not interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff, Coroner, or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged, and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some other Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number

of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may order and authorize such Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views are had in Issues in any of Her Majesty's Courts of Record at *Westminster*, and so as not to delay the said Inquiry; and such Jury shall, upon their Oaths, or (being Quakers) upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths or Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of Right purchased by the said Mayor, Aldermen, and Burgesses from any other Person or Corporation), and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Mayor, Aldermen, and Burgesses, and which cannot or will not be further wholly obviated, removed, or repaired by them, (which Satisfaction, Recompence, or Compensation for such Damage or Loss shall be inquired into and assessed separately from the Value of the Lands so to be taken and used as aforesaid,) and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such further Money, Satisfaction, or Compensation as shall be assessed by such Jury: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be deemed the Plaintiff in such Action, and entitled to all the Privileges of a Plaintiff in Actions at Law: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Mayor, Aldermen, and Burgesses to the Party with whom any such Controversy shall arise, by personally serving or leaving such Notice at the Dwelling House of the Person or the Clerk or Agent or principal Officer of any Corporation.

XIX. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to apportion the Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid among the several Persons interested in any Manner in the Premises, according

[Local.]

22 I

Purchase Money, &c. may be apportioned between Parties having particular Interests. to

to their respective Interests therein, and the Loss or Damage which they may respectively sustain.

Verdicts to be recorded by the Clerk of the Peace.

XX. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Southampton* amongst the Records of the Quarter Sessions for the said County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying to such Clerk of the Peace for such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying to the said Clerk of the Peace for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff or his Substitute, or Jurors or Witnesses, making default.

XXI. And be it further enacted, That if any such Sheriff, or his Under Sheriff, or any Coroner, or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make his solemn Affirmation or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or, being a Quaker, affirmed, or to give Evidence, every Person so offending (having no reasonable Excuse, such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person,) shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Ten Pounds; all which Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Southampton* or Borough of *Portsmouth*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Superior Courts.

XXII. And be it further enacted, That every such Jury and Juryman shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oaths, or being Quakers, upon their solemn Affirmation, shall wilfully
and

and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the Pains and Penalties to which Persons guilty of wilful Perjury shall or may by Law be subject or liable.

XXIII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Mayor, Aldermen, and Burgesses, for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and the Attendance and reasonable Fees of One Counsel, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Expences of the Bond to be given as herein-after mentioned by the Party requiring the Jury to be summoned, shall be borne by the said Mayor, Aldermen, and Burgesses, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences, when so settled and determined, shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Mayor, Aldermen, and Burgesses (unless the Treasurer of the said Mayor, Aldermen, and Burgesses shall pay such Costs, Charges, and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on the Behalf of the said Mayor, Aldermen, and Burgesses, one Moiety of the said Costs, Charges, and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said Mayor, Aldermen, and Burgesses shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Mayor, Aldermen, and Burgesses; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Money so awarded shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender and Satisfaction of the whole thereof.

Expences of
Jury and
Witnesses
how to be
paid.

XXIV. And

Persons requesting Juries to enter into Bonds to prosecute their Complaints and pay Expences.

XXIV. And be it further enacted, That all Parties with whom the said Mayor, Aldermen, and Burgesses shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Mayor, Aldermen, and Burgesses shall be obliged to issue their Warrant for summoning such Jury, enter into a Bond to the said Mayor, Aldermen, and Burgesses in a Penalty of Two hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs, Charges, and Expences of summoning, impannelling, and returning such Jury, taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incidental to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

Demand of Compensation for Loss or Injury to be made before any Proceedings taken.

XXV. And be it further enacted, That the said Mayor, Aldermen, and Burgesses shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, without the Consent of the said Mayor, Aldermen, and Burgesses, to receive or take notice of any Complaint to be made by any Party for any Loss, Injury, or Damage by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless (after Application by the said Mayor, Aldermen, and Burgesses, setting forth this Provision,) a Notice in Writing by the Clerk or Treasurer or other proper Officer of the Corporation, or by the Person making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said Mayor, Aldermen, and Burgesses, within Two Calendar Months next after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased, and Thirty Days before the summoning of such Jury.

Compensation or Damages under 20l. may be settled by Justices.

XXVI. And be it further enacted, That in case any Difference shall arise between the said Mayor, Aldermen, and Burgesses, and any of the Owners or Occupiers of the Lands to be taken or used for the Purposes of this Act as to the Amount of Compensation to be paid for the same, or the Value of the Damages done by the said Mayor, Aldermen, and Burgesses, their Deputies, Engineers, Contractors, Servants, Agents, or Workmen, to such Lands, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Compensation or Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Justice of the Peace for the said Borough of *Portsmouth*, who, upon Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation or Damages which shall be payable by the said Mayor, Aldermen, and Burgesses.

Application of Compensation Money when

XXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands purchased, taken, or used by virtue of the Powers of this Act, or of any Interest therein, or for the

the Release of any Charge thereon, or for any Compensation or Satisfaction under this Act, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, or unborn, shall be entitled unto or interested in or hereby capacitated to convey, such Money shall, in case the same (after such Deduction, if any, for Costs, as herein-before is mentioned) amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; and shall, when so paid in, be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Corporation who would have been entitled to the Rents and Profits of the said Lands, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, or affecting any other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, and 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 any other Lands, 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 Lands 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 meantime, and until such Purchase shall be made, the said Money, by Order of the said Court of Exchequer, upon Application thereto, shall 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 meantime, and until the said Consolidated or Reduced Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of the Lands so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or adjudged to be paid for any Lands purchased, When not amounting to 200*l.* and exceeding 20*l.*
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taken, or used for the Purposes aforesaid, or any Interest thereon, or the Release of any Charge therein, belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall (after such Deduction, if any, for Costs, as herein-before is mentioned,) 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 Corporation for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of his Guardian, or Committee, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under his Hand, or if a Corporation Aggregate under their Seal) be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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 Persons, to be nominated as Trustees by the Person or Corporation making such Option, and approved of by the said Mayor, Aldermen, and Burgesses, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, or if Corporation Aggregate under their Seals, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When not exceeding 20*l*.

XXIX. Provided also, and be it further enacted, That where such Money shall not exceed the Sum of Twenty Pounds, then and in such Case the same shall be applied to the Use of the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Aldermen, and Burgesses shall think fit, or in case of Infancy, Idiocy, or Lunacy, then to his Guardian or Committee, to and for the Use and Benefit of the Person so entitled.

In case of not making out Titles, or of Absence, or Refusal to convey, the Money to be paid into the Bank.

XXX. And be it further enacted, That in case any Party to whom any Sum of Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken under or by virtue of the Powers of this Act, or for the Release of any Charge thereon, or for any other Right or Interest therein, or affecting any such Lands, or otherwise for Compensation or Satisfaction as aforesaid, shall refuse or neglect to accept the same, or shall refuse, neglect, or be unable to make a Title to such Lands to the Satisfaction of the said Mayor, Aldermen, and Burgesses, for the Purposes of this Act, or shall be absent from *England*, or cannot be conveniently found, or if any Party entitled unto or by this Act capacitated to convey any such Lands, Right, or Interest, be not known or discovered, or be absent from *England*, or shall refuse to convey the same, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Mayor, Aldermen, and Burgesses to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit

of the Parties interested in the said Lands, describing them, so far as the said Mayor, Aldermen, and Burgesses can do so, subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or any Part thereof by Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Mayor, Aldermen, and Burgesses, or to the Party so paying any Money into the Bank of *England*, under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use, described as aforesaid, the same is received, and in respect of what Purchase the same has been so paid in.

XXXI. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Lands, or to any Interest in any Lands, or to any Compensation in respect of Damage, or 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands or any Interest therein, or the Release of any Charge therein, to be purchased, taken, or used in pursuance of this Act for the Purposes thereof, or for such Compensation as aforesaid, or to any Bank Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Bank Annuities or Securities, the Parties who shall have been in Possession or Receipt of the Rents and Profits of such Lands at the Time of such Purchase, and all Persons or Corporations claiming under such Parties, or under the Possession of such Parties, shall be deemed and taken to have been lawfully entitled to such Lands according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities or Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Securities, shall be paid, applied, and disposed of accordingly, until it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Corporation was lawfully entitled to such Messuages, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein, when the said Court shall be empowered to make such Order as to the Dividend, Interest, and Capital as the said Court shall deem proper.

In case of disputed Titles, Persons in Possession to be deemed presumptively entitled.

XXXII. And be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of this Act, or any Interest therein or Charge thereon, or from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money

Court of Exchequer may order reasonable Expences, &c. to be paid by the Corporation.

Money after mentioned, the Purchase Money for any Lands, or Interest therein or Charge thereon, or any Money to be paid by way of Recompence or Satisfaction for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Mayor, Aldermen, and Burgesses, and the said Mayor, Aldermen, and Burgesses shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences hereinbefore mentioned, as the said Court shall direct, out of the Monies to be raised by virtue of this Act.

Costs and
Expences of
Titles to be
paid by the
Corporation.

XXXIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Mayor, Aldermen, and Burgesses for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Mayor, Aldermen, and Burgesses may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Mayor, Aldermen, and Burgesses may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Mayor, Aldermen, and Burgesses, and the said Mayor, Aldermen, and Burgesses, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall obtain such Order as herein mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken; Provided always, that the said Mayor, Aldermen, and Burgesses shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to such Party, by the said Mayor, Aldermen, and Burgesses, deliver a Bill of their said Costs, Charges, and Expences to the said Mayor, Aldermen, and Burgesses; provided

provided also, that in case the said Mayor, Aldermen, and Burgesses shall not require the making out or furnishing of such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said Mayor, Aldermen, and Burgesses, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said Mayor, Aldermen, and Burgesses so to do, without furnishing any Abstract of his Title.

XXXIV. And be it further enacted, That if the said Mayor, Aldermen, and Burgesses, and the Party aforesaid, cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, it shall be lawful for the said Court, on Petition to be presented by the said Mayor, Aldermen, and Burgesses, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and, after Taxation thereof, it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Mayor, Aldermen, and Burgesses to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Mayor, Aldermen, and Burgesses shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Mayor, Aldermen, and Burgesses shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth; which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences; provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Mayor, Aldermen, and Burgesses, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the Lands were purchased or taken, and the Amount thereof may then be paid to the said Mayor, Aldermen, and Burgesses out of the said Sum so deposited by them as aforesaid.

XXXV. And be it further enacted, That upon Payment or legal Tender of such Money as shall have been agreed upon between the Parties, or awarded in manner aforesaid, for the Purchase of any Lands, or of any Estate or Interest in any Lands, to the respective Proprietors of such Lands, or other Persons entitled, according to the

[*Local.*]

22 L

Provisions

How such Costs and Expences to be ascertained.

Power to enter Lands on Payment or Tender of Purchase Money.

Provisions of this Act, to receive such Money, within Three Calendar Months next after the same shall have been so agreed upon or awarded, or whenever any of the respective Cases shall happen wherein such Money is herein-before authorized or directed to be paid into the Bank of *England*, then, upon Payment into the Bank of *England* in manner in such Case herein-before authorized or directed, it shall be lawful for the said Mayor, Aldermen, and Burgesses immediately to enter upon such Lands, in case such Lands shall have been purchased, and thereupon such Lands, and the Fee Simple in Possession and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, for which the Consideration shall have been so paid, tendered, or deposited as aforesaid, shall henceforth be vested in and become the sole Property of the said Mayor, Aldermen, and Burgesses, to and for the Purposes of this Act; and the said Mayor, Aldermen, and Burgesses shall not be bound to see to the Application of any such Purchase Money, Compensation, or Satisfaction; and such Payment or Tender and Conveyance as herein-before mentioned, or such Deposit in the Bank of *England* as aforesaid, shall not only bar all Right, Title, Interest, Claim, and Demand of every such Party, but shall also bar all such Dower, and all such Estates Tail and other such Estates in Reversion and Remainder, and all such Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands, as shall have been compensated for in manner herein-before mentioned: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid shall have been made, it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or for any Person acting under their Authority, to take or enter upon such Lands for the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Tenants at Will, &c. to deliver up Possession on Six Calendar Months Notice.

XXXVI. And be it further enacted, but without Prejudice to any Powers herein contained authorizing Possession of Lands to be taken by the said Mayor, Aldermen, and Burgesses under different Terms, That every Tenant at Will or Lessee for a Year, Tenant from Year to Year, or any other Person in Possession of any Lands, or any Part thereof, which shall be required by the said Mayor, Aldermen, and Burgesses to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the Mayor, Aldermen, and Burgesses, or to such Person as they shall appoint to take possession of the same, upon having Six Calendar Months Notice in Writing to quit such Possession from the said Mayor, Aldermen, and Burgesses, or from any Person authorized by them, such Notice to be given to the Party in Possession, or left upon the said Lands; and such Person in Possession shall, at the End of the said Six Calendar Months, or so soon after as he shall be required, whether such Notice be given with reference to the Time of the Commencement of such Tenant's holding or not, or before or after the Purchase by the said Mayor, Aldermen, and Burgesses of such Lands, peaceably and quietly deliver

deliver up the Possession of the Premises to the said Mayor, Aldermen, and Burgesses, or to the Person authorized by them to take possession thereof; and in case any such Person so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Mayor, Aldermen, and Burgesses to issue their Precept to the Sheriff of the County of *Southampton* to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue by or on account of the issuing and execution of such Precept on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his Goods and Chattels.

XXXVII. Provided always, and be it further enacted, That where any Tenant or Lessee or other Person who shall be required to deliver up the Possession of any Lands so occupied by him, to the said Mayor, Aldermen, and Burgesses, or to the Person authorized by them to take possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee or other Person as aforesaid in the said Premises, shall give the said Mayor, Aldermen, and Burgesses previous Notice in Writing, stating the Period of such unexpired Term or Interest, the said Mayor, Aldermen, and Burgesses shall and they are hereby required to make or tender unto such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Lands in the Occupation of such Tenant, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in manner by this Act directed with regard to any other Satisfaction or Compensation in and by this Act provided for and directed to be made and assessed.

Compensation to be made to such Tenants.

XXXVIII. And be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease or Grant thereof, the said Mayor, Aldermen, and Burgesses are hereby authorized to require such Party to produce or show the Lease or Demise, or Agreement for Lease or Demise or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power; and if such Lease or Demise, or Agreement for Lease, Demise, or Grant, or such best Evidence, shall not be produced and shown within Twenty-one Days after Demand made by the said Mayor, Aldermen, and Burgesses, the Party claiming such Compensation or Satisfaction shall be considered and treated as holding only from Year to Year.

Persons holding under Leases to produce the same.

XXXIX. And be it further enacted, That in all Cases where by this Act the said Mayor, Aldermen, and Burgesses are authorized or empowered to enter upon any Lands required for the Purposes thereof,

Sheriff may be authorized to deliver Possession thereof,

session of
Lands
required.

thereof, and the Owner or Occupier of the said Lands, or any other Person, shall refuse to give up the Possession thereof, or shall hinder or prevent the said Mayor, Aldermen, and Burgesses from entering upon or taking possession of the same, it shall be lawful for the said Mayor, Aldermen, and Burgesses to issue their Precept to the Sheriff of the County of *Southampton* to deliver Possession of the said Lands to such Person as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Lands accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession, or hindering or preventing the said Mayor, Aldermen, and Burgesses from entering upon or taking possession of the same, by Distress and Sale of his Goods and Chattels.

Power to take
Possession of
Land adjoining
the Work
for temporary
Purposes,
Compensation
being
made for
Damage.

XI. And whereas, in making and executing the Works by this Act authorized, it may be necessary for the said Mayor, Aldermen, and Burgesses, their Deputies, Engineers, Contractors, Servants, Agents, and Workmen, to enter upon and take temporary Possession of some Part or Parts of the Lands adjoining to the Situation thereof, for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Works, or for other Purposes connected with the said working; but inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will or may be sustained by the Owners or Occupiers of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid, until the said Works shall have been completed, it is expedient that the said Mayor, Aldermen, and Burgesses, their Deputies, Engineers, Contractors, Servants, Agents, and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid, without incurring or being liable to any Damages or Penalty for entering or remaining on the said Lands, without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned or referred to; be it therefore enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for the said Mayor, Aldermen, and Burgesses, their Deputies, Engineers, Contractors, Servants, Agents, and Workmen, and they are hereby empowered to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands any Soil, Gravel, Clay, Sand, Stone, Brick, Slate, Timber, Lime, or other Materials, and to dig, cut, take, remove, and carry away, out of and from such adjoining Lands or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found therein, and which may be requisite or convenient for making the said Works, and to manufacture the same, without having previously made such Payment,

ment, Tender, or Investment as herein-before mentioned, and also for forming temporary Roads or Approaches to and from the said Works, or for diverting or altering the Course of any Rivers, Canals, Brooks, Streams, Watercourses, Roads, Streets, or Ways under the Powers of this Act, or for any other Purposes connected with the said Works, without having previously made such Payment, Tender, or Investment as herein-before mentioned or referred to, they the said Mayor, Aldermen, and Burgesses, their Deputies, Engineers, Contractors, Servants, and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and the said Mayor, Aldermen, and Burgesses making such Compensation to the Owners or Occupiers thereof for such temporary Occupation of the said Lands for the Purposes aforesaid as shall be agreed upon between the respective Parties interested, and the said Mayor, Aldermen, and Burgesses; and in case the said Mayor, Aldermen, and Burgesses, and such respective Parties, shall not agree as to the Amount of such Compensation, then the same shall be ascertained and fixed in manner by this Act provided in Cases of Dispute as to the Value of Land through or upon which the said Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of any of the Works of this Act authorized, where such Amount does not exceed Twenty Pounds: Provided always, that the said Mayor, Aldermen, and Burgesses shall and they are hereby required, within Six Calendar Months after the Expiration of the Period by this Act granted for executing the said Works, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to such Lands by the Exercise of any of the Powers and Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Mayor, Aldermen, and Burgesses: Provided also, that before it shall be lawful for the said Mayor, Aldermen, and Burgesses to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Works, the said Mayor, Aldermen, and Burgesses shall and they are hereby required to give Ten Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fences so much of the Lands as shall be required to be used as aforesaid from the other Lands adjoining thereto: Provided also, that before entering upon any such Lands for such temporary Purposes as aforesaid the said Mayor, Aldermen, and Burgesses shall, if required by the Owner or Occupier thereof, find Two sufficient Persons who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per Acre*, conditioned for the Payment of such Compensation, such Securities to be approved of by Two Justices of the said Borough of *Portsmouth* in case the Parties differ about the same: Provided also, that it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or for any other Person or Persons, to make such temporary Use of any Part or Parts of the Piers, Avenues, or Approaches belonging or leading to the said Floating Bridge, or of such Lands as aforesaid lying at a greater Distance than Five hundred Yards, for any of the Purposes herein-before specified.

Corporation
to sell Lands
not wanted
for the Pur-
poses of the
Act.

XLI. And whereas by means of the Purchases which the said Mayor, Aldermen, and Burgesses are empowered to make by virtue of this Act they may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes aforesaid; be it therefore enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby required, within Ten Years after the passing of this Act, to sell and dispose of any such Land or Ground, or any Estate or Interest therein, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person as shall be willing to contract for and purchase the same, and to convey the same accordingly; and such Conveyances from the said Mayor, Aldermen, and Burgesses shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said Mayor, Aldermen, and Burgesses, before they shall sell and dispose of any such Land or Ground, shall first offer to re-sell the same to the Person from whom such Land or Ground was purchased by the said Mayor, Aldermen, and Burgesses, or his Heir, Assign, or Successor, in case he shall be the Owner of any Land or Ground adjoining thereto; and in case such Person cannot be found, or shall refuse or neglect to re-purchase such Land or Ground, then the Offer to sell the same shall be made to the Owner of any adjoining Land or Ground; and a Declaration, pursuant to the herein-before mentioned Act of the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, for the Abolition of unnecessary Oaths, made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace for the said County of *Southampton* or Borough of *Portsmouth*, by some Person not interested in the said Land or Ground, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not to be found, or that such Offer was made by or on behalf of the said Mayor, Aldermen, and Burgesses, and that such Offer was then and thereupon not agreed to, or was refused by the Person to whom the same was offered; as the Case may be, shall in all Courts whatever be sufficient Evidence and Proof of the Facts therein stated; and in case such Person shall be desirous of purchasing or re-purchasing the same, and he and the said Mayor, Aldermen, and Burgesses shall differ and not agree with respect to the Price thereof, in such Case the Price thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Mayor, Aldermen, and Burgesses in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as is herein-before directed with respect to Purchases made by the said Mayor, Aldermen, and Burgesses, *mutatis mutandis*; and the Money produced by the Sale which may be made by the said Mayor, Aldermen, and Burgesses of such Land or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Receipts to
be given for
Money paid

XLII. And be it further enacted, That upon Payment of the Money which shall arise by the Sale of any Lands authorized by this Act

Act to be sold by the said Mayor, Aldermen, and Burgesses, or upon Payment to the said Mayor, Aldermen, and Burgesses of any other Money under this Act, it shall be lawful for the Town Clerk for the Time being, or any Officer appointed by the Mayor, Aldermen, and Burgesses for that Purpose, to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands as shall be so sold, or for such other Sums of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase or other Monies, or any Part thereof respectively.

to the Corporation.

XLIII. And be it further enacted, That in all Conveyances to be made by the said Mayor, Aldermen, and Burgesses under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantee's Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Mayor, Aldermen, and Burgesses, for themselves and their Successors, and that they the said Mayor, Aldermen, and Burgesses, notwithstanding any Act and Default done by them, were at the Time of the Execution of such Conveyances seised of or entitled to the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them; and that the Purchasers thereof, their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Mayor, Aldermen, and Burgesses, their Successors, and all claiming under them, and be indemnified and saved harmless by the said Mayor, Aldermen, and Burgesses, and their Successors, from all Incumbrances committed by the said Mayor, Aldermen, and Burgesses, and also for further Assurance of such Lands by the said Mayor, Aldermen, and Burgesses, their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be thereby conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

The Word "grant" in Conveyances from the Corporation to amount to certain Covenants.

XLIV. And be it further enacted, That unless the said Mayor, Aldermen, and Burgesses shall, within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be valued, and pay or cause to be paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take and use, or otherwise so much thereof as shall be by them deemed necessary and proper,

If Land not contracted for within Three Years, Power of purchasing to cease.

proper, for the Purpose of improving the said *Camber*, and executing the other Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for the taking or using of such Land shall cease and be utterly void, except with the Consent in Writing of the Owners and Occupiers thereof respectively.

Corporation empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

XLV. And be it further enacted, That if at any Time after the said Mayor, Aldermen, and Burgesses shall have entered upon any Lands which shall be permanently required for the Purposes of this Act, and for which they shall *bonâ fide* and without Collusion have paid, deposited, or tendered the Purchase Money, Satisfaction, or Compensation agreed on by and between the said Mayor, Aldermen, and Burgesses, and the Party in Possession of the said Lands, or awarded in respect of the same, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Mayor, Aldermen, and Burgesses shall have failed or omitted duly to purchase, or to pay Satisfaction or Compensation for, by reason of the said Mayor, Aldermen, and Burgesses not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred or extinguished for the Benefit of the said Mayor, Aldermen, and Burgesses, by virtue of any of the Provisions herein-before contained, then, notwithstanding such Estate, Right, or Interest, and whether the last-mentioned Period of Three Years shall then have expired or not, the said Mayor, Aldermen, and Burgesses shall remain in the undisturbed Possession of such Lands for the Purposes of this Act, provided the said Mayor, Aldermen, and Burgesses shall, within Six Calendar Months after Notice of such Estate, Right, or Interest shall have been given to them, purchase or pay Compensation or Satisfaction for the same, and the Purchase Money, Compensation, or Satisfaction so to be paid, to be agreed on or awarded and paid, and such Estate, Right, or Interest, shall be vested in or barred or extinguished for the Benefit of the said Mayor, Aldermen, and Burgesses, in like Manner as, according to the Provisions herein-before contained, the same respectively would have been agreed on or awarded and paid, and vested, barred, or extinguished, in case the said Mayor, Aldermen, and Burgesses had purchased or paid Compensation or Satisfaction for such Estate, Right, or Interest before their Entry upon such Lands, or as near thereto as Circumstances will admit.

If Works not completed in Seven Years, Powers to cease, except as to such Part, if any, as shall be completed.

XLVI. Provided always, and be it further enacted, That in case the said Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers and Authorities given by this Act for completing the said Works, and all the Tonnage Dues comprised in the Second Schedule to this Act, and all the Powers, Authorities, and Privileges given by this Act for receiving the same, shall cease and determine, save only and except as to so much (if any) of the said Works as shall be declared and certified to have been completed within the said Term by the Recorder
of

of the said Borough of *Portsmouth*, at any General or Quarter Sessions of the Peace, to be held in and for the said Borough by the said Recorder, at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath (or in the Case of Quakers Affirmation) to be produced before such Recorder for that Purpose.

XLVII. And be it further enacted, That if the said Mayor, Aldermen, and Burgesses shall not within the Time herein-before limited have sold such Parts of the Lands purchased by them as shall not be wanted for the Purposes of this Act, then and in such Case such last-mentioned Lands shall vest in the Owners for the Time being of the Land adjoining that which shall not have been then sold in manner following; that is to say, one Moiety in the Owners of the Land on the one Side thereof, and the other Moiety in the Owners of the Land on the other Side thereof.

If Land not wanted is not sold within the Time limited, it shall revert to Owners of adjoining Lands.

XLVIII. And be it further enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Mayor, Aldermen, and Burgesses, or their Agent duly authorized, of their Intention to take or use any Lands, or any Part thereof, for the Purposes of this Act, shall have been given to any Person or Corporation, seised, possessed, or interested in, or authorized by this Act to convey, or accept and receive Satisfaction and Compensation for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, or left at the last known Residence of such Person, or given to the Clerk or known Agent of such Corporation, such Person or Corporation shall deliver or cause to be delivered at the Office of the Town Clerk of the Borough of *Portsmouth* a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in Satisfaction and Compensation for the Value of such Lands, Estate, Share, Interest, or Charge, and for such Injury or Damage respectively, and shall also, within the same Period, at the Expence of the said Mayor, Aldermen, and Burgesses, cause to be delivered to the said Mayor, Aldermen, and Burgesses, or their Agent, a true Schedule or List in Writing of all the Instruments by which he or they propose to establish his or their documentary Title to any Lands or Interest to which, or a Release or Apportionment whereof, entitling the same Person or Corporation to any Compensation claimed by him or them under this Act, shall be required for the Purposes thereof; and the said Mayor, Aldermen, and Burgesses, or their Agents, shall be at liberty to inspect the same Instruments, or any of them, and either before or after such Inspection to dispense with or require the Abstract or Verification in the usual Manner, as they shall think proper, of all or any of the same Instruments, subject to the foregoing Provisions respecting the Expences incident to the Premises.

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

Corporations and Persons capacitated to sell, and Owners and Occupiers empowered to agree for Satisfaction and Compensation.

XLIX. And be it further enacted, That all Corporations and other Persons by this Act capacitated to sell and convey any Lands, or to release Lands from Rents and other Incumbrances charged thereon, or to sell and convey any other Rights or Interests in any Lands, and the respective Owners, Lessees, and Occupiers of any Lands upon or over which the said Quays or Wharfs or other Works hereby authorized are intended to be made, may agree to accept and receive, and may (subject to such Restrictions as in this Act are contained as to the Payment thereof) accept and receive Satisfaction for the Value of such Lands, or of the Interest therein by them conveyed, and also Compensation for and on account of any Damage occasioned to such Lands by reason of the severing or dividing of the same, or by reason or on account of the Execution of any of the Acts by this Act authorized, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby incapacitated as aforesaid), Lessees, and Occupiers respectively, and the said Mayor, Aldermen, and Burgesses; and in case the said Mayor, Aldermen, and Burgesses and the said Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them, concerning which they do not so agree, shall be ascertained and settled by the Verdict of a Jury (if required) as herein-before is directed.

Mayor, &c. may raise 10,000*l.* by Mortgage of the Rates and Dues.

L. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses from Time to Time to borrow and take up at Interest for the Purposes of this Act any Sum of Money, not exceeding in the whole the Sum of Ten thousand Pounds, on the Credit of the Rates and Dues to be levied by virtue of this Act, and to mortgage, assign, and charge the said Rates and Dues or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates and Dues) as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and all which Mortgages, Assignments, and Charges shall be by Deed duly stamped, in which the Consideration for the same shall be stated, and shall be made under the Common Seal of the said Mayor, Aldermen, and Burgesses, and may be in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of Mortgage.

‘ BY virtue of an Act passed in the Year of the Reign of
 ‘ Her Majesty Queen *Victoria*, intituled [*here insert the Title of*
 ‘ *this Act*], we, the Mayor, Aldermen, and Burgesses of the Borough
 ‘ of *Portsmouth*, in consideration of the Sum of _____ to us in
 ‘ hand paid by *A. B.* of _____, do assign unto the said *A. B.*,
 ‘ his Executors, Administrators, and Assigns, all and singular the
 ‘ Rates, Dues, and Sums of Money payable to or for the Benefit of
 ‘ us the said Mayor, Aldermen, and Burgesses, by virtue of the said
 ‘ Act, and all the Estate, Right, Title, and Interest of us the said
 ‘ Mayor, Aldermen, and Burgesses in and to the same, to hold unto
 ‘ the _____ the

the said *A.B.*, his Executors, Administrators, and Assigns, until
 the said Sum of _____, together with Interest for the
 same after the Rate of _____ for every One hundred
 Pounds for a Year, shall be fully paid and satisfied. Given under
 our Common Seal this _____ Day of _____ in Year of
 our Lord _____.

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates, Dues, Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Number and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Town Clerk of the said Borough of *Portsmouth*, which said Book may be perused at all reasonable Times by any of the said Mortgagees of the said Undertaking, their Executors, Administrators, or Assigns, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall have been entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Party or Parties; and every Transfer thereof shall be by Deed or Writing duly stamped, in which the Consideration for the same shall be stated, and may be in the Words or to the Effect following; (that is to say,)

I *A.B.* of _____ in consideration of the Sum of _____
 paid by *C.D.* of _____ do hereby Form of Transfer of Mortgage.
 transfer to the said *C.D.*, his Executors, Administrators, and Assigns,
 a certain Mortgage, Number _____ made by the Mayor,
 Aldermen, and Burgesses of the Borough of *Portsmouth*, to
 bearing Date the _____ Day of _____ for
 securing the Sum of _____ and all my Right, Estate,
 and Interest in and to the Money thereby secured, and in and
 to the Rates, Dues, and Sums of Money and Property thereby
 assigned. Dated this _____ Day of _____ in the Year of
 our Lord _____.

And every such Transfer shall, within Twenty-one Days after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England*, if executed elsewhere, be produced to the Town Clerk of the said Borough, who shall cause an Entry or Memorial to be made thereof, or of the original Mortgage or Assignment, for which the said Town Clerk shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, his Successors, Executors, Administrators, or Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Party who shall have made such Transfer to make void, release, or discharge the

the Mortgage so transferred, or any Part thereof: Provided always, that no Interest shall be paid on any such Security unless to the *bonâ fide* Holder thereof, or the Party to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agent of such Holder or Party duly authorized to receive the same.

Mayor, Aldermen, and Burgesses empowered to stipulate Periods for Redemption of Money to be borrowed on Security of the Rates.

LI. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Mayor, Aldermen, and Burgesses, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof, and in such Case the said Mayor, Aldermen, and Burgesses shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured, and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid, at the Time or Times so to be fixed, to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

When Holders of Mortgages or Assignments for unlimited Periods may demand Payment.

LII. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Town Clerk of the said Borough for the Time being: Provided nevertheless, that the said Mayor, Aldermen, and Burgesses may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette* and in Two or more Newspapers circulated in *London*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Mayor, Aldermen, and Burgesses shall, on Demand, make default in the Payment thereof, in pursuance of such Notice.

In case Mortgages are paid off, the Corporation may raise the like Amount again.

LIII. And be it further enacted, That in case the said Mayor, Aldermen, and Burgesses shall raise the Whole or any Part of the Money herein-before authorized to be made by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum so raised or borrowed upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Mayor, Aldermen, and Burgesses, immediately and at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off, to the Holders of such Mortgages or Assignments or any of them, or any Part thereof,

and so from Time to Time as often as the same shall happen, but so nevertheless that the said Mayor, Aldermen, and Burgesses shall not in any Event borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Principal Sum of Ten thousand Pounds in the whole shall be owing at any One Time on Mortgage or Assignment, of or as a Charge upon the said Rates or Dues.

LIV. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby empowered, subject as herein-after mentioned, to raise or borrow from any Person any Sum of Money which they may think necessary towards carrying into effect the Purposes of this Act, on Mortgage of any Messuages or Tenements, Lands or Hereditaments vested in or belonging to the said Mayor, Aldermen, and Burgesses, or any Part or Parts thereof, or for such Purposes absolutely to sell, convey, and dispose of any Messuages, Lands, or Hereditaments belonging to them as aforesaid, and which said Sum shall be applied to the Purposes of this Act, and to no other Use or Purpose whatsoever; and any such Mortgage or other Security, or any Assignment thereof, or any such Sale or Disposition of any such Messuages or Tenements, Lands or Hereditaments, may be made in the Forms herein specified for such like Purposes, so far as the Evidences of the Case will admit thereof.

Corporation may raise Money by Mortgage or Sale of Corporation Property.

LV. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend or be construed to extend to enable the Mayor, Aldermen, and Burgesses of the said Borough of *Portsmouth* to take, appropriate, use, sell, demise, mortgage, or alienate for the Purposes of this Act, without the Approbation of the said Lords Commissioners of Her Majesty's Treasury, or any Three of them, any Messuages, Lands, Tenements, or Hereditaments which they could not have taken, appropriated, used, sold, demised, mortgaged, or alienated without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

No such Mortgage to be made without Consent of the Lords of the Treasury.

LVI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses and they are hereby empowered to raise and apply, for the Purpose of this Act, such Sum or Sums of Money as they shall think proper, by Sale of a competent Part of any Sums of Money or Shares standing in their Names, or otherwise held in Trust for them, in any Parliamentary Stocks or Funds or Government Securities.

Power to sell Stock.

LVII. And be it further enacted, That all the Money to be raised by the said Mayor, Aldermen, and Burgesses by virtue of this Act, and also the Monies which have arisen and which shall hereafter arise from the Sale of the Stock belonging to them in the Public Funds, shall be applied, in the first place, in paying and discharging all Costs, Charges, and Expences incurred in applying for, obtaining, and passing this Act, or preparatory thereto, or in any way connected therewith; and that the Residue of such Monies shall be applied in and towards purchasing Land authorized to be taken by this Act,

Application of the Money to be raised.

and enlarging and maintaining the said Quays, Wharfs, and other Works, and otherwise in carrying this Act into execution, and, subject thereto, shall form Part of the Borough Fund of the said Borough of *Portsmouth*.

Town
Council to
exercise the
Powers of
this Act.

5 & 6 W. 4.
c. 76.

LVIII. And be it further enacted, That all Acts, Matters, and Things by this Act authorized or directed to be made, done, and performed by the said Mayor, Aldermen, and Burgesses, shall and may be made, done, and performed by the Council of the said Borough at any general or adjourned Meeting of the said Council held in pursuance of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the better Regulation of Municipal Corporations in England and Wales*, and in such Manner and subject to the same Regulations as directed or authorized by the said Act in that Behalf.

Officers to
account.

LIX. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to appoint such Wharfingers, Coal Meters, Corn Meters, Collectors, and other Officers as they shall think necessary or proper for carrying the several Purposes of this Act into execution; and all Collectors, Officers, and Persons to be appointed by the said Mayor, Aldermen, and Burgesses to receive any Monies under or by virtue of this Act shall account to the Council of the said Borough of *Portsmouth* in the same Manner in all respects, and subject to all the Powers, Penalties, and Provisions for enforcing such Account, and the Payment of any Monies due, as is directed and contained in the Act of Parliament intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, in respect of the Town Clerk, Treasurer, or other Officers appointed by the Council of any Borough as in the said Act mentioned.

Books of
Accounts to
be kept, and
to be opened
for Inspec-
tion of Cor-
poration and
Creditors.

LX. And be it further enacted, That the said Mayor, Aldermen, and Burgesses shall and they are hereby required to order and direct a Book to be provided and kept by the Treasurer of the Borough Fund, in which Book such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book shall at all seasonable Times be open to the Inspection of the said Mayor, Aldermen, and Burgesses, or any Creditor on the Rates, Tolls, and Duties hereby granted, without Fee or Reward; and the said Mayor, Aldermen, and Burgesses, and the said Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or any Part thereof, without paying any thing for the same; and in case such Treasurer shall refuse to permit or shall not permit the said Mayor, Aldermen, and Burgesses, or any of them, or any such Creditor, to inspect any such Book, or take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum not exceeding Five Pounds; and the said Accounts shall be audited in the same Manner as the other Accounts of the said Treasurer are directed to be audited by the before-mentioned Act, intituled

An

An Act to provide for the Regulation of Municipal Corporations in England and Wales.

LXI. And be it further enacted, That the said Mayor, Aldermen, and Burgesses shall have full Power and Authority from Time to Time to make such Bye Laws, Rules, Orders, and Regulations as to the said Mayor, Aldermen, and Burgesses shall seem right and proper, for regulating all Officers, Servants, Agents, and Workmen to be employed in or about the Affairs or Business of the said Quays, Wharfs, or other Works by this Act authorized, and for lighting the same; and for the Convenience of Persons walking upon or landing or embarking therefrom, or shipping or landing Goods, Merchandize, or other Commodities at or from the same; and the Nature of the Goods, Merchandize, or other Commodities, Articles, Matters, or Things, which may or may not be shipped or landed, and the Mode and Time of shipping and landing the same; and for the Regulation, stationing, removing, distributing, and arranging all and every the Ships, Packets, Boats, and other Vessels resorting thereto for the Purpose of landing or embarking, or which may come to anchor or remain within the Distance of Two hundred Yards from the said Quays or Wharfs; and for the effectually preserving the Works to be done in pursuance of this Act; and for the well governing, ordering, and managing of the Officers and Crews of such Ships, Packets, Boats, and other Vessels, and the Boatmen, Servants, and others employed therein or belonging thereto; and for the governing and regulating Porters, Carters, Carmen, and others carrying Goods, or using or driving Horses, Waggons, Carts, Drays, Trucks, or other Carriages for conveying Passengers, Goods, Merchandize, or other Commodities, Articles, Matters, or Things, to or from the said Quay or Wharf, for the Convenience of the Persons using or resorting to the same; or otherwise in regard to the several Works to be made under or by virtue of this Act; and the said Mayor, Aldermen, and Burgesses may from Time to Time, as they shall think fit, repeal, alter, add to, or amend such Bye Laws, Rules, Orders, and Regulations, or any of them, and may impose and inflict such reasonable Fines and Forfeitures on all Persons offending against such Bye Laws, Rules, Orders, and Regulations, or any of them, not exceeding the Sum of Five Pounds for any One Offence, to be recovered as any Penalty or Forfeiture may by this Act be recovered; and all such Bye Laws, Rules, Orders, and Regulations shall be reduced into Writing under the Common Seal of the said Mayor, Aldermen, and Burgesses, and shall be binding upon and be observed by all Persons using or in anywise concerned in the said Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, Orders, and Regulations be not inconsistent with any of the Laws of this Kingdom, or the Provisions and Directions in this Act contained, or any of them: Provided also, that no such Bye Laws, Rules, Orders, or Regulations so made, or any Alteration, Amendment, or Repeal whereof, shall be of any Force until the same, or a Copy thereof, shall have been sent, sealed with the Seal of the said Borough, to One of Her Majesty's principal Secretaries of State, and shall have been affixed on the outer Door of the Town Hall, or in some other public Place

Corporation
may make
Bye Laws.

Place within the said Borough, and until Her Majesty, with the Advice of Her Privy Council, shall allow the same Bye Laws.

Tonnage
Dues.

LXII. And be it further enacted, That when and so soon as the said Mayor, Aldermen, and Burgesses shall have completed the said Wharfs, Quays, and others Works for a Length of Three hundred and fifty Feet towards the North-east, commencing at the Landing Stairs on the North Side of *East Street*, marked in the Map or Plan deposited as aforesaid, so as that the same shall be fit for the Purposes of Traffic, and shall also have opened a Communication therefrom to *East Street* aforesaid, and a Certificate of such Completion and of such Opening having been made shall have been given, under the Hand of the Recorder of the said Borough, at any General or Quarter Sessions of the Peace for the said Borough, which he is hereby required to give, upon the Evidence of Two Witnesses, to be produced and examined before him on Oath, or being Quakers on Affirmation, for that Purpose, then from and immediately after the granting of such Certificate it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby authorized and empowered, to demand, take, receive, and collect, for or in respect of all Ships, Boats, or other Vessels lading or unlading upon or from the said Wharfs and Quays and other Works to be made by the said Mayor, Aldermen, and Burgesses, by virtue of this Act, or in the said *Camber*, within a Line drawn from the North-east Angle of *Lindegren's Store* to the South-west Angle of the *New Gun Wharf*, the several Tonnage Dues or Sums specified in the Second Schedule hereunto annexed; and the Master, Commander, or other Person having the Charge of any Ship, Boat, or other Vessel which shall lade or unlade, take on board or discharge, any Goods, Merchandize, or other Commodities, Articles, Matters, or Things, at the said Wharfs or Quays or other Works to be made as aforesaid, in the said *Camber*, within the Limits aforesaid, shall pay the said Tonnage Dues or Sums to the said Mayor, Aldermen, and Burgesses, or to such Person or Persons as they shall from Time to Time appoint to receive the same.

Power to take
Wharfage
Rates.

LXIII. And be it further enacted, That immediately after the granting of such Certificate of the Recorder as aforesaid the Tolls, Rates, or Duties heretofore and now payable to the said Mayor, Aldermen, and Burgesses, as Petty Customs and Wharfage Dues in respect of Goods, Wares, and Commodities laden or unladen upon or from the Wharfs and Quays of the said Mayor, Aldermen, and Burgesses, and elsewhere on the Banks, Shores, and Wharfs of the said Borough, shall cease and be no longer payable; and the said Mayor, Aldermen, and Burgesses shall be and they are from that Time authorized and empowered by this Act to demand, take, receive, and collect, for or in respect of all Goods, Wares, and Merchandizes, or other Commodities or Things, except the personal Luggage of Passengers which shall be laden or unladen, landed or shipped, upon or from the Wharfs and Quays of the said Mayor, Aldermen, and Burgesses, or upon or from any other Works to be made by them as aforesaid, or upon or from any other Wharfs or Quays, or elsewhere upon or from the Banks or Shores of the said Borough within the

Limits or Boundaries of the same as now settled by Law, and which shall be there imported or exported, the several Rates or Sums specified in the Third Schedule hereunto annexed, and so in proportion for any greater or less Weight, Measure, Quantity, or Number, as the Case may be, than the Weights, Measures, Quantities, or Numbers specified in the same Schedule; which several Rates or Duties shall be paid to the said Mayor, Aldermen, and Burgesses, or such Person as they shall appoint, by the Merchant or other Person lading or unlading, or exporting or importing, such Goods, Wares, and Merchandize, or in whose Custody or Possession the same shall be delivered, or by whom the same shall be shipped respectively, upon the Delivery or Shipment thereof respectively.

LXIV. Provided always, and be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses from Time to Time to fix the Rates or Sums payable upon Commodities or Things not specified in the said Third Schedule, proportionable to their Bulk, Weight, or Value, as compared with similar Commodities or Things specified in the said Schedule, and the Rates or Sums so fixed shall be demanded, taken, received, and collected in like Manner and from the same Persons as the said Rates or Sums specified in the said Third Schedule.

Rates may be taken upon Commodities not specified in the Third Schedule.

LXV. Provided always, and be it further enacted, That in respect of all Goods, Wares, and Merchandize, Commodities or Things, which shall be laden or unladen, landed or shipped, or imported or exported, at any Place within the said Borough not comprised within the said Line drawn from the North-east Angle of *Lindegren's Store* to the South-west Angle of the *New Gun Wharf*, they the said Mayor, Aldermen, and Burgesses shall accept and take One Half only of the Rates or Sums specified in the said Third Schedule hereto annexed, and One Half only of the proportionate Rates or Sums payable for any greater or less Weight, Measure, Quantity, or Number than in the said Third Schedule specified, and One Half only of such other proportionable Rates or Sums as the said Mayor, Aldermen, and Burgesses are by this Act authorized to fix in respect of Commodities or Things not mentioned in the said Third Schedule: Provided also, that in respect of all Coals and Culm, laden or unladen, landed or shipped, or imported or exported, at any Place not within the said Line, the said Mayor, Aldermen, and Burgesses shall accept and take the Sum of Two-pence *per* Ton only in lieu of the Sum of Sixpence *per* Ton in the said Third Schedule mentioned.

One Half only of the Rates to be payable for Goods other than Coals not landed at the Works of the Mayor, Aldermen, and Burgesses, and 2d. *per* Ton on Coals.

LXVI. And be it further enacted, That from and immediately after the granting of such Certificate of the Recorder as aforesaid, all Tolls, Rates, and Dues heretofore payable to the said Mayor, Aldermen, and Burgesses in respect of Harbour Dues and Bushelage, for Groundage and Anchorage, shall cease and be no longer payable; and the said Mayor, Aldermen, and Burgesses shall and they are from that Time authorized and empowered by this Act to take, receive, and collect, for or in respect of all Ships or other Vessels arriving and casting Anchor or making fast in the Harbour of *Portsmouth*, except Vessels coming in Ballast, the Harbour Dues specified.

Harbour Dues.

and set forth in the Fourth Schedule hereunto annexed, for each and every Time such Ship or other Vessel shall enter or come into the said Harbour; and the Master, Commander, or other Person having the Command of any Ship, Boat, or other Vessel subject to such Harbour Dues shall pay the same accordingly to the said Mayor, Aldermen, and Burgesses, or such Person or Persons as they shall from Time to Time appoint to receive the same.

Steam Boats
to pay only
once a Day.

LXVII. Provided always, and be it further enacted, That the Harbour Dues by this Act granted shall be payable Once only on each Day in respect of Steam Vessels entering the Harbour, such Day to be computed from Twelve of the Clock in the Night to Twelve of the Clock in the next succeeding Night.

General Ex-
emptions.

LXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge with the Payment of any of the Rates or Dues by this Act imposed or made payable any Person or Persons whilst on Duty and actually employed in Her Majesty's Service in respect of any of Her Majesty's Ships, Vessels, or Boats, or of any other Ship, Vessel, or Boat whatsoever in the Service or Employ of Her Majesty's Customs or Excise, or in the Service or Employ of the Board of Ordnance; nor of any Vessel which may be seized by the Officers of Her Majesty's Revenues; nor in respect of any Goods or Merchandize the Property of the Crown or under Seizure; nor of any Articles shipped or landed for the Public Service; nor of any Ship or Transport or Packet employed in Her Majesty's Service in carrying the Mails of Letters or Express under the Authority of Her Majesty's Postmaster General, or in the Conveyance by any of Her Majesty's Ships, Vessels, or Boats of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage belonging to them or any of them; nor in respect of any Goods, Wares, Merchandize, Horses, Beasts, Cattle, Carriages, or other Articles going or passing upon the said Floating Bridge, or over or across the said Harbour, which, by an Act passed in the last Session of Parliament authorizing the making of the said Floating Bridge, are exempted from the Payment of Tolls or Wharfage or other Dues to the Mayor, Aldermen, and Burgesses of the said Borough of *Portsmouth*; or of any Pilot Boat, Fishing Vessel, Boat not decked, or Ship or other Vessel arriving in Distress; or the personal Luggage of Passengers; or to charge any Person who at the Time of the passing of this Act is entitled to any Exemption from Toll by virtue of any Lease or Leases with the Payment of any Toll in respect of the Matters or Things to which such Exemption extends, so long as the said Lease or Leases shall continue; but if any Person or Persons shall claim and take the Benefit of any Exemption as aforesaid without being entitled thereto every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Rates, Dues, or Sums imposed by this Act.

The Treasury
may reduce
the Rates on
Foreign
Vessels.

LXIX. Provided always, and be it further enacted, That it shall be lawful for the Lords of the Treasury, or any Two of them, by their Order in Writing, to reduce the Rates and Dues hereby directed to be levied upon Foreign Ships to such Sum as they shall think fit, so

as

as the same be not less than hereby directed to be levied upon *British Vessels*.

LXX. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses from Time to Time to reduce all or any of the Rates and Dues by this Act granted, and again to raise the same to any Amount not exceeding the respective Rates and Dues by this Act granted; and such reduced, and also such advanced Rates and Dues, shall be paid, collected, recovered, and applied in the same Manner as the Rates and Dues in this Act specified and made payable are directed to be paid, collected, recovered, and applied.

Power to reduce Rates and Dues.

LXXI. Provided always, and be it further enacted, That the aforesaid Rates and Dues to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate in respect of Persons, Corporations, Goods, Merchandize, Commodities, Articles, Matters, and Things landed and embarked at the said Quay or Wharf; and no Reduction, Exemption, or Advance in the said Rates or Dues shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Corporation, but that every such Reduction, Exemption, or Advance of Rates or Dues upon any particular Kind or Description of Articles, Matters, or Things shall extend and take place upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons using the said Wharf liable to the Payment of such Rates and Dues respectively; any thing to the contrary thereof herein contained in anywise notwithstanding.

Rates to be charged equally.

LXXII. And be it further enacted, That the said Mayor, Aldermen, and Burgesses shall from Time to Time cause to be fixed and continued, and renewed as often as the same shall be obliterated or defaced, on some conspicuous Part of the said Quays or Wharfs of the said Mayor, Aldermen, and Burgesses, or the Approaches thereto, a Table of the Rates and Dues which the said Mayor, Aldermen, and Burgesses shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act; and in case any Collector of the Rates or Dues aforesaid shall, after such Table shall be affixed as aforesaid, demand or take more than the Price or Sum of Money therein specified and ascertained, such Collector or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

List of Rates and Dues to be fixed in conspicuous Places.

LXXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses to demand or take any Rates or Dues except during such Time as a Table of the Rates or Dues payable under this Act shall remain affixed as aforesaid, unless the same shall have been removed or obliterated without the Knowledge or Privity of the said Mayor, Aldermen, and Burgesses, in which Case the same shall be restored by them with as little Delay as possible.

Rates and Dues payable only whilst such Board remains.

LXXIV. And

Penalty on
Persons de-
facing or
destroying
Table of
Rates.

LXXIV. And be it further enacted, That if any Person shall, except by Direction of the said Mayor, Aldermen, and Burgesses, wilfully pull down, remove, deface, or destroy any Table containing any such Rates or Dues, or any Bye Laws, Rules, Orders, or Directions of the said Mayor, Aldermen, and Burgesses, or shall actually or constructively aid or concur therein, he shall, on Conviction, forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Method of
ascertaining
Tonnage.

LXXV. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act of Parliament, and liable to the Payment of the Rates or Dues by this Act imposed, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any Ship or Vessel is hereby required to produce such Certificate of Register at the Time of Payment of the said Rates or Dues to the Person duly authorized to collect and receive the same; and in case of any Dispute about the same, or in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained, and in the Manner and according to the Direction of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels.

For settling
Disputes
concerning
Rates.

LXXVI. And be it further enacted, That if any Dispute shall arise concerning the Amount of Rates, Dues, or Sums payable, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distresses, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Rates or Sums due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall be ascertained by some Justice of the Peace for the said Borough of *Portsmouth*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath, and determine the Amount of the Rates or Sums due, and of such Charges as aforesaid, and it shall be lawful for such Justice to assess and award such Costs, to be paid by either of the said Parties to the other of them, as he shall think just and reasonable; and in case of Nonpayment thereof on Demand such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Recovery of
Rates or
Dues.

LXXVII. And be it further enacted, That all Rates and Dues by virtue of this Act shall be paid to such Persons and in such Manner as the Mayor, Aldermen, and Burgesses shall in that Behalf direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, or Dues or any Part thereof, or any Arrears of such Rates or Dues, on Demand, to the Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said Mayor, Aldermen, and Burgesses to sue for and recover the same, by Action of Debt or upon the Case, in any of Her Majesty's Courts of Record; and in every such Action it shall be sufficient for the Plaintiff to
declare

declare that, under or by virtue of this Act, the said Mayor, Aldermen, and Burgesses are lawfully possessed of or entitled to such Rates or Dues as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Rates or Dues accrued and became payable to the said Plaintiff; or it shall be lawful for the Mayor, Aldermen, and Burgesses, or their Clerk, Collector, or any other Person or Persons authorized and deputed by the said Mayor, Aldermen, and Burgesses, or for the Person to whom such Rates or Dues, or any Arrears thereof, ought to be or to have been paid, and they and he are and is hereby empowered, to seize all Goods, Merchandize, Commodities, Articles, Matters, or Things for or in respect whereof, or being in any Ship, Packet, Boat, or Vessel for or in respect whereof any such Rates or Dues ought to be or to have been paid, or any Part thereof, and the Ship, Packet, Boat, or other Vessel laden therewith, and the Tackle, Gear, and Furniture thereof, and to detain such Ship, Boat, or other Vessel, Goods, Merchandize, Commodities, Articles, Matters, or Things, until Payment of the Amount of all Rates or Dues which at the Time of such Seizure and Distress shall be due and owing, together with reasonable Charges for such Seizure and Distress; and if such Seizure or Distress shall not be redeemed within Seven Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; any thing in this Act to the contrary thereof notwithstanding.

LXXVIII. And be it further enacted, That every Master or other Person having the Rule, Command, or Government of any Ship or Vessel, Boat, or other Craft, which shall arrive in the said Harbour, with Goods, Wares, or Merchandize or any other Thing intended to be landed or disembarked within the Limits or Bounds of the said Borough, shall in every Case make a Report of such Ship, Vessel, Boat, or other Craft, and deliver or cause to be delivered a true Account in Writing, signed by such Master or other Person, of the Cargo of such Ship or Vessel, Boat, or other Craft, to or left at the usual Place of Business of the Collector appointed by the said Mayor, Aldermen, and Burgesses to collect and receive the Rates and Dues hereby authorized to be collected, received, and taken, or such other Person as the said Mayor, Aldermen, and Burgesses shall from Time to Time appoint for that Purpose, within Twenty-four Hours next after the Arrival of such Ship or Vessel, Boat, or other Craft in the said Harbour, or after such Ship or Vessel, Boat, or other Craft shall be anchored or moored, unless some Master or other Person as aforesaid shall be prevented from landing by Stress of Weather or other inevitable Accident; and every Master or other Person having the Rule, Command, or Government of any Ship, Vessel, Boat, or other Craft, who shall be about to depart from the said Harbour with any Goods, Wares, or Merchandize, laden, taken on board, or embarked within the Limits of the said Borough, shall in like Manner make a Report of his Intention to depart and deliver a true Account in Writing, signed as aforesaid, of the Cargo of such Ship or Vessel, Boat, or other Craft, to or left at the usual Place of Business of such Collector or other Person as aforesaid, at least One Hour before the Departure of such Ship or Vessel, Boat, or other Craft; and every Master or other Person having the Rule, Command, or Government

Masters of Ships to report their Arrival and deliver to the Collector an Account of Cargo.

of such Vessel, Boat, or other Craft, who shall refuse or neglect to make such Report, or to deliver such Account, shall deliver a false Account of the Cargo of such Ship or Vessel, Boat, or other Craft, within the respective Times and in manner before mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, over and above the Rates and Dues hereby authorized to be taken.

Goods to be weighed and gauged.

LXXIX. And be it further enacted, That all such Goods, Wares, and Merchandize, and Commodities, as shall be chargeable with the Payment of the Dues mentioned in the Third Schedule to this Act, according to Weight or Measure, shall be respectively weighed or gauged, as the same may require, immediately, or as soon as may be after the same shall be landed or unshipped or shipped respectively, by or under the Superintendence of the Collector or other Person appointed by the said Mayor, Aldermen, and Burgesses for that Purpose, in case he shall think proper so to do.

The Collector of Her Majesty's Customs may refuse to give a Cocquet until the Rates are paid.

LXXX. And for the more effectually securing the Payment of the said Rates and Dues, be it further enacted, That it shall be lawful for the Collector or Comptroller, and every other Officer whatsoever of Her Majesty's Customs, with the Consent of the Commissioners of Customs, to refuse to give or make out any Cocquet or other Discharge, or take any Report, Outwards or Inwards, for any Ship, Vessel, or Boat using the said Quay or Wharfs, until the Rates or Dues by this Act made payable, according to the true Intent and Meaning hereof, shall be paid unto the Collector or other Person from Time to Time appointed by the said Mayor, Aldermen, and Burgesses to receive the same; and such Collector or Comptroller, or other Officer of Her Majesty's Customs, shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from Her Majesty's Commissioners of Customs relating thereto.

Corporation empowered the to lease Rates.

LXXXI. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to let, lease, or demise all or any of the Rates and Dues by this Act authorized to be taken, for any Term of Years, not exceeding Three Years at any One Time, for such Rent, payable at such Times and under such Covenants as they shall think fit, taking sufficient Security from the Person or Persons to whom such Rates and Dues shall be leased or demised for Payment of such Rent and Performance of such Covenants respectively.

For Recovery of the Rents from a Lessee.

LXXXII. And be it further enacted, That in case all or any of the Rates or Dues arising by virtue of this Act shall be demised or let to farm to any Person in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent agreed to be paid by such Lessee or Farmer, or any Part thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting such

such Rates or Dues ; or in case any such Lease, Agreement, or Contract shall in any other Manner become void ; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said Borough of *Portsmouth*, upon Application made by the Treasurer for the Time being of the said Borough, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to remove such Lessee, Farmer, or other Person from the Collection of such Rates or Dues, and to put the said Mayor, Aldermen, and Burgesses, or their new Lessee, Farmer, or Collector, into Possession, and thereupon it shall be lawful for the said Mayor, Aldermen, and Burgesses, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement, if any, which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenant and Agreements for Payment of the Rent thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made ; and it shall be lawful for the said Mayor, Aldermen, and Burgesses in every such Case again to demise or let to farm the said Rates or Dues to any other Person, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

LXXXIII. Provided always, and be it further enacted, That until the Rates and Dues specified in the Third and Fourth Schedules to this Act shall become payable to the said Mayor, Aldermen, and Burgesses, the said Mayor, Aldermen, and Burgesses shall have and be entitled to demand, take, receive, and collect the several Rates and Sums as they are now entitled to demand, take, receive, and collect, and shall and may have and exercise all such Powers and Remedies for the Recovery of any of such last-mentioned Rates and Sums, other than Arrears due at the passing of this Act, as are provided by this Act for the Collection and Recovery of the Tolls, Rates, and Dues granted by this Act ; and that nothing herein contained shall prejudice or affect the Right of the said Mayor, Aldermen, and Burgesses to any Rates and Sums which they are now entitled to demand and receive, unless and so long as they shall, under the Powers of this Act, be entitled to demand and receive the Rates and Dues specified in the said Third and Fourth Schedules to this Act.

The old Wharfage Dues to be recoverable in like Manner as the new Dues.

LXXXIV. And whereas Damage may frequently be done to the said Quays and Wharfs, or to the Cranes, or the Tackle and Gear thereof, or to the other Works belonging thereto, by Ships, Packets, Boats, and other Vessels, owing to the Wilfulness or Negligence of the Master or other Person having or taking the Command or the Care or Charge of such Ships and Vessels ; be it therefore enacted, That every Master or Owner of or other Person having the Command or Charge of any Ship, Packet, Boat, or Vessel, by whose wilful Neglect or Mismanagement thereof any Damage shall be done or happen to the said Quays and Wharfs, or to the Cranes, or the Tackle and Gear thereof, or to any of the Works constructed in pursuance of

For preventing Damage to the Works.

of this Act, shall pay for or make good all such Damage; and the Amount of such Damage, in case the same shall exceed the Sum of Twenty Pounds, may be recovered by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; but if the Amount of Damage claimed do not exceed the Sum of Twenty Pounds, then the same shall be recovered before any Justice or Justices of the Peace for the said Borough of *Portsmouth*, who are hereby authorized and empowered to summon such Master or other Person having the Command or Charge of such Ship, Packet, Boat, or other Vessel charged with doing such wilful or negligent Damage as aforesaid, and to hear and determine the Matter, and ascertain such Damage; and if Judgment shall be given by any such Justice against such Master or other Person, then it shall be lawful for such Justice or Justices, or any other Justice or Justices of the Peace for the said Borough, and they are hereby authorized, by Warrant under his or their Hand and Seal or Hands and Seals, to levy or cause to be levied the Sum awarded by them as the Amount of such Damage, and for that Purpose to seize and distrain the Ship, Packet, Boat, or other Vessel doing such Damage as aforesaid, and any Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Seven Days after any Distress so made or taken, then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges of taking, keeping, and selling the same, rendering the Overplus (if any) to the Master or other Person entitled to the same, on Demand; and the Monies so awarded and levied shall go and be paid to the said Mayor, Aldermen, and Burgesses, to be applied by them for the Purposes of this Act.

Owners
liable for
Damages
done by their
Vessels or
Crews.

LXXXV. And be it further enacted, That the Master and Owner of every Ship, Packet, Boat, or Vessel shall be and he is hereby made answerable for any Trespasses, Damages, Spoil, or Mischief that shall be done by his Ship, Packet, Boat, or Vessel, or by any of the Seamen or Boatmen or other Persons belonging to or employed in or about the same respectively, to the Quays, Wharfs, and other Works or Approaches to be made by virtue of this Act, or to the Property of any Person using the same at the Time, by any Means whatsoever, and such Owner of such Ship, Packet, Boat, or other Vessel shall for every such Damage, upon Conviction of such Person before One Justice of the Peace, either by Confession of the Party offending, or upon the Oath, or in case of a Quaker the Affirmation, of some credible Witness, pay to the said Mayor, Aldermen, and Burgesses, or the Person injured, the Damages to be ascertained by such Justice, provided that such Damage do not exceed the Sum of Twenty Pounds, and also over and above such Damages forfeit and pay all the Costs, Charges, and Expences attending such Conviction, which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner of any such Ship, Boat, or Vessel, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and Costs

and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner of such Ship, Boat, or Vessel may be sued and prosecuted for the same in any of Her Majesty's Courts of Record, and if a Verdict shall be given against him, either on Proof made or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover Damages thereby sustained.

LXXXVI. Provided always, and be it further enacted, That if the Owner or Master of any Ship, Packet, Boat, or Vessel shall be compelled to pay any Penalty, or make any Satisfaction for any Damages, by reason of any wilful Act or Neglect or Default of his Seamen, Boatmen, or other Persons employed by him, then and in such Case every such Seaman, Boatman, or other Person shall be liable to repay such Penalty or Satisfaction for Damages with the Costs attending the same, to such Owner; and in case of Nonpayment thereof on Demand, and on Oath, or in case of a Quaker on Affirmation, made before a Justice of the Peace of the said Borough of *Portsmouth* by such Owner, of the Payment by him of such Penalty and Satisfaction, or either of them, and that the same hath not been repaid to him by such Seaman, Boatman, or other Person, though demanded, such Penalty and Satisfaction, or either of them, with the Costs aforesaid, shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the offending Party, together with the Costs and Charges of such Distress and Sale; and the said Penalty and Satisfaction, or either of them, as the Case may be, and the Costs and Charges paid by such Owner, shall be repaid to him, and the Surplus shall be paid to the Offender; and in case no sufficient Distress can be had, such Justice shall and is hereby required to convict such Boatman, Seaman, or other Person to some Common Gaol or House of Correction of the said Borough, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months.

Owners may recover such Damages from their Servants.

LXXXVII. And be it further enacted, That it shall be lawful for the Wharfinger or other Person for that Purpose appointed in pursuance of this Act by the said Mayor, Aldermen, and Burgesses, to direct any Person having the Command of any Vessel entering into or being within the said *Camber*, to moor, anchor, and place the same in such Situation within the said *Camber* as the said Wharfinger or other Person shall think fit; and in case the Master of such Vessel shall refuse or neglect to remove the same as soon as may be after being required, and to moor, anchor, and place the same as such Person as aforesaid shall direct, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and it shall be lawful for the said Wharfinger or other Person, and such other Persons as he shall call to his Assistance, to remove or cause to be removed the said Vessel in such Manner as he shall deem necessary or proper, and such Master shall pay all the Charges and Expences attending the removing such Vessel, after such Direction, Refusal, or Neglect as aforesaid, such Charges and Expences to be recovered in manner herein directed with respect to the Recovery of Penalties and Forfeitures;

Officer of the Corporation to direct the placing and Removal of Vessels.

feitures; and if any Person shall prevent or impede the Removal of any such Vessel, such Person shall forfeit and pay any Sum not exceeding Ten Pounds.

For prevent-
ing Obstruc-
tions and
Nuisances in
the Camber,
and on the
Quays.

LXXXVIII. And be it further enacted, That if the Owner, Master, or other Person having the Care or Command of any Ship, Boat, or Vessel, shall suffer the Cargo or Loading of any Ship, Boat, or Vessel using the said *Camber* to be over the Sides thereof, or shall overload any Ship, Boat, or Vessel, or shall leave or place, or suffer any Ship, Boat, or Vessel to be left or remain, in any Part of the said *Camber*, so as to obstruct the Passage of any other Ship, Boat, or Vessel, and shall not immediately upon Notice given of such Obstruction remove the same, so as to make a free Passage for other Ships, Boats, or Vessels respectively; or if any Person shall destroy, injure, or remove any Mooring Ropes or Chains placed in the said *Camber* by the Authority or with the Permission of the said Mayor, Aldermen, and Burgesses; or shall float any Timber within the said *Camber* (except with the Permission of the Mayor, Aldermen, and Burgesses, or their Wharfinger); or shall throw any Ballast, Gravel, Stones, Rubbish, or other Matters or Things into the said *Camber*, or upon any of the said Wharfs, Quays, or other Works (except in such Place as shall be set out and fixed by the said Mayor, Aldermen, and Burgesses); or shall extinguish any Lamp, break, throw down, displace, or injure any Lamp, Lamp Post, or Lamp Iron on the said Quays or Wharfs, or any Part thereof; every Person so offending in any of the Matters aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Indictments,
&c., how to
be prepared.

LXXXIX. And be it further enacted, That in all Indictments, Informations, or legal Proceedings whatsoever to be preferred, instituted, or carried on against any Person, for feloniously taking, stealing, or embezzling, or for destroying, damaging, or injuring, removing or carrying away, any Goods, Chattels, or Property of or belonging to the said Mayor, Aldermen, and Burgesses, or any Goods, Chattels, or Property in their Custody or Possession, or in the Custody or Possession of any Officer or Servant of the said Mayor, Aldermen, and Burgesses, for and on behalf of any other Person or Corporation, having deposited such Goods, Chattels, or Property in the Care or Custody of the said Mayor, Aldermen, and Burgesses, or their Officers or Servants, or any Goods, Chattels, or Property in or on the said Quays or Wharfs, or any of the Yards, Works, Warehouses, or Premises belonging to the said Mayor, Aldermen, and Burgesses, and in all other Indictments, Informations, or legal Proceedings whatsoever, of or concerning such Goods, Chattels, or Property respectively, it shall be sufficient to describe and refer to such Goods, Chattels, and Property respectively as the Goods, Chattels, and Property of the said Mayor, Aldermen, and Burgesses; and in case the same shall have been so as aforesaid feloniously taken, stolen, or embezzled, or removed or carried away, to allege that the same were so feloniously taken, stolen, embezzled, removed, or carried away (as the Case may be) from the said Mayor, Aldermen, and Burgesses; and it shall be sufficient, on the Trial or Hearing of any such Indictment, Information, or other legal Proceeding to prove, that at the
Time

Time when such Goods, Chattels, and Property respectively were so feloniously stolen, taken, or embezzled, or so damaged, destroyed, or injured, or removed or carried away, or when other the Matter or Thing complained of in such Indictment, Information, or other legal Proceeding took place, such Goods, Chattels, and Property were on the said Quays or Wharfs, or some of the Yards, Works, Warehouses, or Premises belonging to the said Mayor, Aldermen, and Burgesses, or in the Custody or Possession of some Officer or Servant of the said Mayor, Aldermen, and Burgesses, for and on behalf of the said Mayor, Aldermen, and Burgesses, or for and on behalf of some Person or Corporation having deposited the same with the said Mayor, Aldermen, and Burgesses, without any other Proof of Property.

XC. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or any Dispute respecting the same, shall be ascertained and determined by any Justice of the Peace for the said Borough of *Portsmouth*; and where by this Act any Damages or Charges are directed or authorized to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be ascertained, determined, and settled by the Justice of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for levying of any Penalties or Forfeitures.

Damages or Charges in Cases of Dispute to be settled by Justices.

XCI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and Recovery whereof is not otherwise herein particularly directed), or which shall be inflicted or imposed by any Rule, Order, or Bye Law of the said Mayor, Aldermen, and Burgesses as aforesaid, shall and may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace having Jurisdiction, on Complaint to him for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Money so to be levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Ten Days from the

Recovery and Application of Penalties.

the taking of such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, and Fines can be levied, if a Warrant of Distress were issued, in which Case such Justice shall not be required to issue such Warrant of Distress, then and in either of such Cases it shall be lawful for the said Justice and he is hereby required, by Warrant under his Hand and Seal, to cause such Offender to be committed to the Gaol or House of Correction for the said Borough of *Portsmouth*, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, to be ascertained by such Justice, shall be sooner paid and satisfied, or until such Offender shall be discharged by due Course of Law; and such Penalties and Forfeitures, when so levied, (the Application whereof is not otherwise directed,) shall be paid, one Moiety thereof to the Informer or Person suing or recovering the same, and the other Moiety thereof to the Treasurer for the Time being of the said Borough, in aid of the Borough Fund: Provided always, that no Person, although liable to or interested in the Rate contributing to the Borough Fund, shall be deemed an incompetent Witness in proof of any Offence against this Act by reason of any Penalty or Forfeiture for such Offence being applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to or interested in any Rate contributing to the Borough Fund of the said Borough.

Justices may proceed by Summons for Recovery of Penalties.

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

For securing transient Offenders.

XCIII. And be it further enacted, That it shall be lawful for any Officer of the said Mayor, Aldermen, and Burgesses, and such Person as any such Officer shall call to his Assistance, without any Warrant or other Authority other than this Act, to seize and detain any Person (being unknown to the said Mayor, Aldermen, and Burgesses, Officer or Person,) who shall commit any Offence against any or either of the Provisions of this Act, or against any Bye Law,
Rule,

Rule, Order, or Regulation to be made in pursuance thereof, and to convey him before any Justice of the Peace acting within the said Borough, and such Justice is hereby required forthwith to proceed and act with respect to such Offender according to the Provisions of this Act.

XCIV. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

‘ to wit. } BE it remembered, That on the Day of Form of Information.
 ‘ informeth me in the Year of our Lord
 ‘ the Peace for the Borough of *Portsmouth*, that [*here describe the Name of the Offender, and the Offence, and Time and Place when and where the same was committed*], contrary to an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me

‘ to wit. } BE it remembered, That on the Day of Form of Conviction.
 ‘ is convicted before me One of Her Majesty’s
 ‘ Justices of the Peace of or acting for the Borough of *Portsmouth*, by virtue of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act, and specify the Offence, and the Time and Place when and where the same was committed*], and I do adjudge the said for the said Offence to forfeit the Sum of [or to be committed to the House of Correction at as the Case may be]. Given under my Hand and Seal the Day and Year first above written.’

XCV. And be it further enacted, That when any Distress shall be made for any Sum of Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of Defect or Want of Form in the Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party so distraining, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

XCVI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of Her Majesty’s Courts of Record
 [Local.] 22 S at Proceedings not to be quashed for Want of Form.

at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Persons ag-
grieved may
appeal to the
Court of
Quarter
Sessions.

XCVII. And be it further enacted, That if any Person or Corporation shall think himself or themselves aggrieved by any Rule, Bye Law, or Order, or any Judgment or Determination made or given in pursuance thereof, or any other Matter or Thing done or to be done by virtue or in pursuance of this Act, and for which no Power of Appeal is specifically given by this Act, such Person or Corporation shall or may appeal to the Court of General or Quarter Sessions of the Peace to be holden for the said Borough within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant giving or causing to be given Ten clear Days Notice at the least in Writing of such Appeal, and of the Grounds thereof, to the Town Clerk for the Time being of the said Borough, and within Four Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said Borough, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Court of General or Quarter Sessions; and such Court of General or Quarter Sessions, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, or may adjourn the Hearing thereof to the following Court, and may, if it seem fit to the said Court, mitigate any Fine, Penalty, or Forfeiture, and may order such Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Court of General or Quarter Sessions shall think fit, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable; and the Determination of such Court of General or Quarter Sessions shall be binding and conclusive.

In case of
Appeal, the
Justices may
state Facts
specially for
Determina-
tion of Court
of Queen's
Bench.

XCVIII. And be it further enacted, That in any Case of Appeal the Court of Quarter Sessions before whom the same is heard and determined may, if they think fit, state the Facts specially for the Determination of Her Majesty's Court of Queen's Bench, in which Case it shall be lawful to remove the Proceedings by Writ of Certiorari or otherwise into the said Court of Queen's Bench.

Justices may
administer
Oaths.

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

Compelling
Attendance
of Witnesses.

C. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice

Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, or any Matter which is by this Act referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Loss of Time, Costs, and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker, a solemn Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

CI. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, against or by or on behalf of the said Mayor, Aldermen, and Burgesses, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Mayor, Aldermen, and Burgesses to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the Mayor, Aldermen, and Burgesses, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid; and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any such Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Mayor, Aldermen, and Burgesses.

Corporation
may grant
Releases to
Witnesses.

CII. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Mayor, Aldermen, and Burgesses, the Production of a written or printed Paper, purporting to be the Bye Laws, Rules, or Orders of the said Mayor, Aldermen, and Burgesses, and authenticated by having the Common Seal of the said Mayor, Aldermen, and Burgesses affixed thereto, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders, and it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such of the Bye Laws, Rules, or Orders as shall inflict or impose the Fine or Penalty sought to be recovered, hath been affixed and published in manner by this Act directed, and, in case of its being afterwards displaced or damaged, hath been replaced or repaired, as the Case may require, as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or painted Board
does

Authenti-
cated Bye
Laws to be
Evidence.

does not contain a Copy of such of those Bye Laws, Rules, or Orders as aforesaid, or hath not been duly affixed and generally continued in manner by this Act directed.

Declaring
what shall be
good Service
of Notice on
the Corpora-
tion.

CIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or Writ, or other Proceeding, at Law or in Equity, upon the said Mayor, Aldermen, and Burgesses, under the Provisions of this Act, Personal Service thereof upon the Town Clerk of the said Borough, or leaving the same at his Office, or delivering the same to some Inmate at such Office, shall be deemed good and sufficient Service of the same respectively on the said Mayor, Aldermen, and Burgesses.

Declaring
what shall be
good Service
of Notice by
the Corpora-
tion.

CIV. And be it further enacted, That in all Cases in which it may be necessary for the said Mayor, Aldermen, and Burgesses to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding, at Law or in Equity, upon any Corporation or Person whomsoever, under the Provisions or Directions contained in this Act, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Town Clerk for the Time being of the said Borough, without being required to be under the Common Seal of the said Mayor, Aldermen, and Burgesses, and may be personally delivered to such Person, or left or sent by the Post to his last or most usual Place of Abode in *England*, or be delivered to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at his last or usual Place of Abode, which shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation, as the Case may be, except in Cases where any other Mode of Service is by this Act particularly directed.

How Debts
may be
proved in
Cases of
Bankruptcy.

CV. And be it further enacted, That in case any Fiat in Bankruptcy shall be awarded against any Person who shall, under the Provisions of this Act, be indebted to the said Mayor, Aldermen, and Burgesses, or against whom the said Mayor, Aldermen, and Burgesses shall have any Claim or Demand, under the Provisions of this Act, it shall be lawful for any Person, who shall from Time to Time in that Behalf be appointed by Writing under the Hands of any Three or more of the Mayor, Aldermen, and Burgesses for the Time being, to appear and he is hereby authorized to appear and act on behalf of the said Mayor, Aldermen, and Burgesses, in respect of any such Claim, Debt, or Demand, before the Commissioners under any such Fiat in Bankruptcy, either personally or by his Affidavit, to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat; and such Person so to be appointed shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Commission on behalf of the said Mayor, Aldermen, and Burgesses, in respect of such Claim or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees and signing Certificates, and otherwise, in respect of any Debt admitted to be proved on behalf of the said Mayor, Aldermen, and Burgesses, as any other Person, being

a Creditor of such Bankrupt in his own Right, would have in respect of the Debt proved by him under such Fiat.

CVI. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to recover after Tender of sufficient Amends.

CVII. Provided always, and be it hereby enacted, That nothing herein contained shall be deemed or construed to take away, prejudice, or lessen, or confirm, or in any Manner interfere with, the Privileges, Immunities, Exemptions, Rights, or Powers of the Company of Proprietors of the Port of *Portsmouth* Floating Bridge, but that the said Company of Proprietors, and all and every Officer and Officers of or belonging to such Company, shall and may from Time to Time and at all Times hereafter have, hold, exercise, and enjoy all such Privileges, Immunities, Exemptions, Rights, and Powers, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they respectively might have held, exercised, and enjoyed the same before the passing of this Act, or in case this Act had not been passed.

Saving Rights of Company of Proprietors of the *Portsmouth* Floating Bridge.

CVIII. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Mayor, Aldermen, and Burgesses out of the first Money to be raised or received by virtue or for the Purposes of this Act, in preference to any other Payment whatsoever.

For defraying the Expences of the Act.

CIX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or derogate from any of the Rights, Privileges, Jurisdiction, or Authority of the Lord High Admiral or Lords Commissioners of the Admiralty, or of Her Majesty's Honourable Board of Ordnance, for the Time being.

Saving Rights of Admiralty and Board of Ordnance.

CX. 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.

Public Act.

The First SCHEDULE to which this Act refers.

No. on Plan.	Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
72	All that Building or Storehouse, with the Wharf and Ground thereto belonging, situate at or near the East End of East Street, in the Parish of Portsmouth, in the Borough of Portsmouth, in the County of Southampton - - }	Sarah Deacon	- - -	Thomas Howell.

The Second SCHEDULE to which this Act refers.

TONNAGE DUES.

To or from Rye or Salcombe, or any Port or Place between them, including the Isle of Wight - - - }	Per Ton. 2d.
To or from any other Port or Place in Great Britain or Ireland, Coastwise - - - }	3d.
To or from Foreign Parts - - - -	4d.

The Third SCHEDULE to which this Act refers.

A.		s.	d.
Apples	per Bushel	0	0½
Anchors, not exceeding 2 Tons	per Ton	1	8
Anvils	per Ton	1	8
Ashes	per Barrel	0	3
	less than a Barrel	0	2
Alva Marina	per Bag	0	1
Alum	per Ton	1	8
Ale, Beer, or Porter	per Hhd.	0	3
	per Barrel	0	2
	per Kilderkin	0	1
	other Casks in proportion. bottled	0	1
Alkali	per 3 Dozen	0	1
	per Hhd.	1	6
Almonds	per Bale	0	6
Anchovies	per Barrel	0	1
Ash, Black	per Ton, loose	1	8
Asphalte	per Ton	0	6
B.			
Bottles	per Gross	0	1½
Barilla	per Ton, loose	1	3
	per Hhd.	1	0
	per Seron	0	4
Bacon, per Bale, not exceeding 3 Cwt.		0	2
Biscuit	per Ton	1	3
Beef and Pork	per Barrel	0	2
	per Tierce	0	3
Butter	per Firkin	0	1
	per Dozen	0	0¼
Burr Stones	per Ton	1	8
Bricks	per 1,000	0	3
	per 1,000, scouring.	0	10
Beans	per Quarter	0	1½
Barley	per Quarter	0	1½
Barley, Scotch	per Sack	0	2
Bran and Pollard	per Sack	0	0½
Bottles, Stone	per 10 Gallons	0	1
Bones	per Ton	0	8
Barley Meal	per Sack	0	1
Brooms, new	per Bundle	0	0½
Brushes	per Dozen	0	1
Bark	per Ton	0	8
Bread and Bread-dust	per Ton	1	3
Barrels of Sundries, each, not herein rated		0	4
Boxes, each, not herein rated		0	2
Bedsteads	each	0	2
Bone-dust	per Bag	0	1

		s.	d.
Black Lead, in Boxes or Casks	per Cwt.	0	2
Blacking	per Tierce	0	6
	per Barrel	0	3
	small Casks	0	2
C.			
Cheese	per Ton	1	8
Currants	per Butt	1	6
	per Carotel	0	9
Cordage, as Rope.			
Copper or Brass	per Ton	3	4
Colours	per Hhd.	1	6
	per Firkin	0	2
	per Half Firkin	0	1
	per Keg	0	0½
Candles	per Chest	0	2
	per Box	0	1½
	small Boxes	0	1
Cork	per Ton	1	3
Candy	per Box	0	2
Carboys	each	0	3
under 8 Gallons	each	0	2
Cement	per Barrel	0	1
Canvass	per Bolt	0	0½
Bales in proportion.			
Clap-board Logs	per Ton	1	8
Calves	each	0	2
Carriages with 4 Wheels		4	0
with 2 Wheels		2	0
Cyder	per Pipe	0	6
	per Hogshead	0	3
Coals	per Ton	0	6
Chairs	per Dozen	0	4
Culm, as Coals.			
Cedar, as Mahogany.			
Choppers	per Hhd.	1	6
Chain Cables	per Ton	1	4
Cranberries	per Hhd.	0	4
	per Half Hhd.	0	2
Chicoree	per Cwt.	0	1½
Coffee	per Tierce	0	9
	per Bale	0	4
	per Barrel, Chest, or Bag	0	2
Cocoa	per Cwt.	0	1
Carboys } containing Oil, Turpentine, Vitriol, } or } Ink, &c. }	each	0	3
Cases } under 8 Gallons }	each	0	2
China and Earthenware	per Crate	0	6
	per Hhd.	1	0
	per Cribb	0	3
	smaller Packages	0	2
Crates, not herein rated		0	6
Cochineal	per Seron	0	9
Cows	each	0	6

D.		s.	d.
Deals, the 120, 12 Ft. × 3 In.	- - - - -	2	0
— other Sizes and Battens in proportion.			
Dung	- - - - - per Ton register (O. M.)	0	3
Donkeys	- - - - - each	0	6
Drapery Goods in general, in Cases or Trusses	- - - - - { per Ton Mea- surement - }	2	0
Dye Wood	- - - - - per Cwt.	0	1
E.			
Earthenware. See "China."			
Eggs	- - - - - per Case	0	2
F.			
Fish, loose	- - - - - per Ton	1	8
—	- - - - - per Barrel	0	2
—	- - - - - per Half Barrel	0	1
Firkins, not rated herein,	- - - - -	0	1
Fire Stoves	- - - - - each	0	2
Flour	- - - - - per Sack	0	1½
—	- - - - - per Barrel	0	1
Fagots	- - - - - per 100	0	2
Fruit	- - - - - small Baskets, 8 per	0	2
—	- - - - - per Butt	2	0
—	- - - - - per Carotel	1	0
—	- - - - - per Barrel	0	3
—	- - - - - per Box	0	1
—	- - - - - per Drum	0	0½
Felt	- - - - - per Case	0	3
Fullers Earth	- - - - - per Tierce	0	6
Fat	- - - - - per Bag	0	1
Fire Bricks	- - - - - per 1,000	0	10
Feathers	- - - - - per Cwt.	0	6
G.			
Glass	- - - - - per Cribb or Side	0	3
—	- - - - - per Case	0	2
—	- - - - - per Box	0	1
Glue, the Bag	- - - - - per Cwt.	0	1
— Pieces or Fleshings	- - - - - per Ton	0	10
Garden Seed	- - - - - per Bushel	0	0½
Grinding Stones	- - - - - per Ton	0	10
Guns, as Anchors.			
Glass, broken	- - - - - per Hhd.	1	0
Greaves	- - - - - per Ton	1	3
Grocery Goods, not rated herein	- - - - - per Ton	2	0
Grapes	- - - - - per Barrel	0	2
Gypsum	- - - - - per Ton	0	10
H.			
Hemp	- - - - - per Ton	1	8
Hides and Kips, dry	- - - - - per Ton	2	0
— and Kips, Green or Salted	- - - - - per Ton	1	6
Hay and Straw	- - - - - per Ton	0	10

[Local.]

		s.	d.
Hops	per Bag	0	6
—	per Pocket	0	4
—	per End	0	2
Household Goods	per Waggon Load	3	0
—	per Cart Load	1	6
Horses	each	1	0
Horsehair	per Cwt.	0	2
Hogsheads of sundry Goods of all Descriptions not rated herein	each	1	6
Horns	per Waggon Load	1	0
Herrings, cured	per Barrel	0	2
—	per Half Barrel	0	1
Hams	per Hhd.	1	6
—	per Tierce	0	9
—	per Barrel	0	6
Hoops, Wood	per 10 Bundles	0	1
I.			
Iron, in Bars, Bolts, or Pigs	per Ton	0	6
— Stoves	each, large	0	3
—	small	0	2
— Pots	each	0	0 $\frac{1}{2}$
— Hoops and Rods	per Cwt.	0	1
— Bundles of Plate and Saws	per Cwt.	0	1
— in Stove Metal	per Cwt.	0	1
Ironmongery	per Hhd.	1	6
Iron, manufactured, not otherwise rated herein	per Ton	1	8
Ivory	per Cwt.	1	0
L.			
Leather	per Ton	2	0
Lead, in Pigs or Sheet	per Ton	1	8
— Pipes	per Bundle, not exceeding 1 Cwt.	0	1 $\frac{1}{2}$
(All others in proportion.)			
— Shot	per Bag of 28 lbs.	0	0 $\frac{1}{4}$
— White	per Cwt.	0	1 $\frac{1}{2}$
Logwood	per Ton	1	8
Lignum Vitæ	per Ton	1	8
Laths	per 10 Bundles	0	1
Lemons	per Chest	0	3
—	per Box	0	2
Lard	per Hhd.	1	0
— loose	per Ton	1	8
— in Bladders	10 in Number	0	1
Lance Poles	each	0	1
Linseed Cake	per Ton	1	3
Lambs or Sheep	each	0	0 $\frac{3}{4}$
M.			
Molasses	per Puncheon	0	8
—	per Half Puncheon	0	4
Mahogany, in Pieces not exceeding 2 Tons	per Ton	1	8
Marble, in Pieces not exceeding 2 Tons	per Ton	1	8
Millstones, not exceeding 2 Tons	per Ton	0	1 $\frac{1}{2}$
Malt	per Quarter	1	3

		s.	d.
Money, or Bullion	per Ton	3	4
Mustard	per Barrel	0	3
_____	per Firkin	0	2
_____	per Half Firkin	0	1
Mules, as Horses.			
Mats of sundry Goods not herein rated	each	0	2
Mats in Bundles	per Bundle	0	2
N.			
Nails, in Bags	per Cwt.	0	1
Nuts	per Bushel	0	0½
O.			
Oatmeal	per Sack	0	1½
Oil Cake	per Ton	1	3
Oats	per Quarter	0	1
Oil	per Leager	3	0
_____	per Butt or Pipe	1	6
_____	per Puncheon	1	0
_____	per Hhd.	0	9
_____	per Barrel	0	6
_____	per Half Barrel	0	3
_____	per Chest	0	2
Oranges	per Chest	0	2
_____	per Box	0	1
Oakum	per Ton	0	10
Osiers	per 20 Bundles	0	4
Oil, Jars of	each	0	4
_____ empty	each	0	1
_____ Half Jars of	each	0	2
_____ empty	each	0	0½
Oxen	each	1	0
P.			
Peas	per Quarter	0	1½
_____ Split	per Sack	0	2
Pitch	per Barrel	0	2
_____	per Half Barrel	0	1
Pork, as Beef.			
Porter, as Ale.			
Plums, as Fruit.			
Paper	per Cwt.	0	1
Paper Stuff	per Ton	0	10
Plaster	per Ton	0	10
_____	per Barrel	0	2
_____	per Firkin	0	1
Pipes	per Cask	0	2
Potatoes	Ton	0	6
Packages	each	0	2
_____ under 28lbs.	each	0	1
Pigs, fat	each	0	2
_____ store	each	0	1
Pipeclay	per Ton	0	6
Pollard or Bran	per Sack	0	0½
Pelts	per Ton	1	0

		s.	d.
Poultry	- - - - - per Dozen	0	0½
Pianos	- - - - - each	2	0
Pepper	- - - - - per Cwt.	0	3
Pictures	- - - - - per Ton Measurement	1	8
Plate	- - - - - per Cwt.	0	6
Paint.	See "Colours."		
R.			
Rope, new	- - - - - per Ton	1	8
— old	- - - - - per Ton	0	10
— Yarn, new	- - - - - per Ton	1	8
— old	- - - - - per Ton	0	10
Raisins.	(See Fruit.)		
Rice	- - - - - per Barrel	0	6
—	- - - - - per Half Barrel	0	3
—	- - - - - per Bag	0	2
Rosin	- - - - - per Barrel	0	2
—	- - - - - per Mat	0	1½
Rags, White	- - - - - per Ton	1	8
— coloured	- - - - - per Ton	0	10
Rubbing Stones	- - - - - per Basket	0	2
Rye	- - - - - per Quarter	0	1
Rushes	- - - - - per Load of 63 Bdls.	1	0
S.			
Soda Water	- - - - - per Gross	0	1
Sugar	- - - - - per Hhd. solid	1	3
—	- - - - - per ditto, packed	1	3
—	- - - - - per Tierce	0	8
—	- - - - - per Barrel	0	4
—	- - - - - per Bag or Mat	0	1
—	- - - - - per 10 Lumps	0	4
—	- - - - - per 10 Titlers	0	2½
—	- - - - - per 10 Loaves	0	1
Spirits	- - - - - per Pipe or Puncheon	1	6
—	- - - - - per Hogshead	1	0
—	- - - - - per Half Hhd. and smaller Casks	0	6
Shot.	(See Lead Shot.)		
Soap	- - - - - per Cwt.	0	1
Salt	- - - - - per Ton	0	8
—	- - - - - per Prickle	0	2
Sheep or Lambs	- - - - - each	0	0¾
Stones, craned	- - - - - per Ton	1	8
— paving	- - - - - per Ton	0	3
— Pitchers, and other Stone	- - - - - per Ton	0	2
Slates	- - - - - per Ton	0	6
Storbridge Clay	- - - - - per Tierce	0	3
(Other Casks in proportion.)			
Shovels	- - - - - per Dozen	0	2
Sand	- - - - - per Load	0	1
Sacks, new	- - - - - per Bundle of 50	0	2
Starch	- - - - - per Hhd.	1	0
—	- - - - - per Chest	0	4
—	- - - - - per Box	0	2
Soda	- - - - - per Cwt.	0	0¾
Seed	- - - - - per Bushel	0	0½

		s.	d.
Saltpetre	per Barrel	0	2
Salts	per Barrel	0	2
Staves, Pipe	per Hundred	1	0
— Hogshead	per Hundred	0	8
— Barrel	per Hundred	0	6
— long Heading	per Hundred	0	4
Sofas	each	0	4
Sumach	per Bag	0	1½
T.			
Tobacco	per Hhd.	1	6
—	per Tierce	0	9
—	smaller Casks	0	4
Tar	per Barrel	0	2
Tallow (English)	per Hhd.	1	3
— (Russian)	per Hhd.	0	8
Turpentine, Spirits of	per Hhd.	0	6
—	per Barrel	0	4
— rough	per Barrel	0	2
Twine	per Bag	0	2
Tripe	per Keg or Jar	0	1
Tin	per Box	0	2
—	per Block	0	1
Tares	per Quarter	0	1
Treenails	per 1,000	0	3
Tiles	per 1,000	0	3
Timber	per Load	0	4
— craned	per Load	1	3
Tierces of sundry Goods not rated herein	each	0	9
Tea	per Chest	0	3
—	per Box	0	1½
Tongues	per Barrel	0	1
—	per Half Barrel	0	0½
V.			
Vinegar	per Pipe	1	0
—	per Hhd.	0	6
—	per Half Hhd.	0	3
Varnish	per Barrel	0	2
—	per Keg	0	0½
Vegetables	per Hamper	0	1
—	per Bag	0	0½
W.			
Whitening	per Hhd.	0	9
(Small Casks in proportion.)			
— loose	per Ton	0	10
Wine	per Pipe or Butt	1	6
—	per Hhd.	1	0
—	per Half Hhd. and Casks	0	6
—, bottled, in Hampers and Cases	per Dozen Bottles	0	1
Wool	per Ton	2	6
Wood	per Fathom	0	4
— Cord Wood	per Cord	0	2
Wheat	per Quarter	0	1½

[Local.]

[22 X]

Wire	per Cwt.	s.	d.
Whalebone	per Ton	3	4
Witheys	per 10 Bundles	0	2
Wainscot Logs	per Ton	1	8
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Articles in One Piece or Package weighing above Two Tons, and not exceeding Three Tons	per Ton	2	6
— weighing above Three Tons, and not ex- ceeding Four Tons	per Ton	3	4
— weighing above Four Tons	per Ton	5	0

The Fourth SCHEDULE to which this Act refers.

	£	s.	d.
For all Ships and Vessels —			
Under 30 Tons	0	1	0
30 Tons and under 60 Tons	0	2	0
60 Tons and under 150 Tons	0	3	0
150 Tons and under 200 Tons	0	4	0
200 Tons and under 300 Tons	0	5	0
300 Tons and under 400 Tons	0	8	0
400 Tons and upwards	0	10	0

Exemptions:—Pilot Boats, Fishing Vessels, Boats not decked, and Ships and Vessels arriving in Distress.

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