



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xxxvii.

An Act for the Improvement of *Landport* and *Southsea*, and the Neighbourhoods, in the Parishes of *Portsmouth* and *Portsea*, in the County of *Southampton*. [13th July 1857.]

WHEREAS the Towns or Places of *Landport* and *Southsea*, and the surrounding Neighbourhood, being Parts respectively of the Parishes of *Portsmouth* and *Portsea*, within the Borough of *Portsmouth* in the County of *Southampton*, and without the Fortifications of the Towns of *Portsmouth* and *Portsea*, have of late Years greatly increased in Population, and a large Number of Streets, Courts, Roads, Lanes, Ways, Rows, Alleys, and public Passages and Places have been formed, and Houses and other Buildings erected there: And whereas it would be of great public and local Advantage if the said Towns or Places, and the Neighbourhoods thereof, were sufficiently paved, drained, cleansed, lighted, regulated, and otherwise improved; but the Authority of Parliament is required for effecting the Purposes aforesaid: 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

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present

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present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. I. In citing this Act for any Purpose whatsoever it shall suffice to use the Expression "*Landport and Southsea Improvement Act, 1857.*"

Interpre-
tation of
Terms.

II. In this Act and in the Acts and Parts of Acts incorporated with this Act, the following Words and Expressions have the respective Meanings herein-after assigned to them, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; (that is to say,)

The Expression "The Highway Act" means the Public General Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*:

The Expression "the Highway Board" means the Board for Repair of the Highways in the Parish of *Portsea*, acting under the Highway Act, until and on the Day next after the First Election of Commissioners under this Act:

The Word "Justice" means any Justice of the Peace acting for the Borough of *Portsmouth*:

The Word "Owner," used with reference to any Lands or Building in respect of which any Work is required to be done, or any Rate to be assessed or paid, includes any Person receiving the Rents of such House or Building, either on his own Account or as Agent or Trustee for any other Person: and

The Expression "Quarter Sessions" means the General or Quarter Sessions of the Peace for the Borough of *Portsmouth*.

Same Mean-
ing to Words
in this Act
as in incor-
porated Acts.

III. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned, shall in this Act have the respective Meanings so assigned to them, unless other Meanings are by this Act assigned to them, or there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Limits of
Act.

IV. The Limits of this Act shall comprehend all such Parts of the respective Parishes of *Portsea* and *Portsmouth* as are within the Municipal Borough of *Portsmouth*, but are not included within the Limits of the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of Portsea in the County of Southampton, and for removing and preventing Nuisances and Annoyances therein*; or of the Act passed in the Eleventh Year of

6 & 7 Vict.
c. xxxv.

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of the Reign of Her present Majesty, intituled *An Act for paving, lighting, cleansing, watering, and otherwise improving the Town of Portsmouth in the County of Southampton, and for removing and preventing Nuisances and Annoyances therein*; and which said Limits of this Act are defined by an external Boundary Line coloured Blue upon a Map or Plan of the District within those Limits, signed by *Charles Crassweller*, Mayor of the said Borough of *Portsmouth*, and deposited in the Office of the Clerk of the Peace for that Borough, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom; and the said Map or Plan, or any Copy thereof, or of any Part thereof, certified by such Clerk of the Peace to be a Copy thereof, shall be good Evidence in all Courts of Law or Equity.

10 & 11 Vict.
c. cclvii.

V. "The Commissioners Clauses Act, 1847," (except so far as it is expressly altered or varied by this Act) shall be incorporated with and form Part of this Act.

10 & 11 Vict.
c. 16. incor-
porated.

VI. The Persons to be qualified and elected in the Manner provided by this Act shall be the Commissioners for executing the Purposes of this Act, and such Commissioners shall be a Body Corporate by the Name of "The *Landport and Southsea Improvement Commissioners*," and by that Name shall have perpetual Succession and a Common Seal, and shall have Power to sue and be sued, and to take, purchase, and hold, sell, and convey Lands, Tenements, Hereditaments, Goods, Chattels, and other Property, for any of the Purposes of this Act.

Commis-
sioners in-
corporated.

VII. The Number of the Commissioners to be elected under this Act shall be Thirty, Six to be elected by the Persons entitled to vote in each Ward as herein-after mentioned.

Number of
Commis-
sioners.

VIII. Every Commissioner under this Act shall be a resident Inhabitant within the Limits of this Act, and shall either be rated to the Relief of the Poor in respect of Property in his own Occupation situate within the Limits of this Act, in a Sum not less than Fifteen Pounds rateable yearly Value, or be possessed of a Real or Personal Estate, or of Real and Personal Estate together, of not less than Six hundred Pounds beyond what will satisfy all his Debts.

Qualification
of Commis-
sioners.

IX. Any Person elected as a Commissioner may at any Time resign his Office by Notice under his Hand, addressed to the Clerk of the Commissioners, which Notice shall be laid before the next Meeting of the Commissioners, and thereupon such Resignation shall be deemed complete.

Resignation
of Commis-
sioners.

X. Every

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Qualification
of Electors.

X. Every Person residing within the Limits of this Act who shall be on the Burgess Roll for the said Borough of *Portsmouth*, in right of Property within the Limits of this Act, shall be entitled to vote in the Election of Commissioners and Auditors to be elected under this Act: Provided always, that no Person shall be entitled to vote at any such Election unless he shall have paid all Rates made for the Relief of the Poor, and all Rates made under this Act, which shall have become payable by him Six Calendar Months before the Day of such Election.

Auditors to
be appointed.

XI. In case either of the Auditors to be appointed under this Act shall resign, die, or become bankrupt or insolvent, or from any other Cause become disqualified or incompetent to act, the Persons entitled to vote in the Election of Commissioners may, at the Meeting for the Election of Commissioners next after such Resignation, Death, Bankruptcy, Insolvency, or other Cause of Disqualification or Incompetency shall have become known, or at a Meeting to be called for the Purpose, in the same Manner as the Annual Meeting for Election of Commissioners, appoint some other Person to be Auditor until the next Annual Meeting for the Election of Commissioners.

Wards for
Election
Purposes.

XII. For the Purpose of the Election of Commissioners under this Act, the District within the Limits of this Act shall be divided into Five Wards, and the Limits of such Wards shall be those described by Boundary Lines upon the said Map or Plan, and such Wards are numbered respectively 1, 2, 3, 4, and 5, on the said Map or Plan, and shall so be bounded, distinguished, and described for all the Purposes of this Act.

First Elec-
tion of Com-
missioners.

XIII. The First Election of Commissioners shall take place within Eight Weeks next after the passing of this Act, and with a view to such First Election the Highway Board, at a Meeting to be held within Ten Days next after the passing of this Act, shall appoint a Day within such Period of Eight Weeks for such First Election, and shall also appoint a Person to be the Returning Officer, and also a Person to be the Presiding Officer in each Ward at such First Election, and at every other Election to be held between such First Election and the First Annual Meeting of the Commissioners: Provided always, that if either of the Persons so appointed to act as such Returning or Presiding Officer at such Election of Commissioners shall die, or refuse, neglect, or become incapable to perform his Duties as such Returning or Presiding Officer before he shall have fully discharged the same, the Mayor for the Time being of the said Borough of *Portsmouth*, upon Request in Writing by the Clerk to the Highway Board, shall, by Writing under his Hand, appoint some other Person to be a Returning Officer, or Presiding Officer (as the Case may be),
for

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for the Performance of the Duties of the Person so dying, refusing, neglecting, or becoming incapable to act, or such of those Duties as shall remain undischarged.

XIV. The annual Election of Commissioners, in the Place of those who go out of Office by Rotation, shall take place on the Fourth *Thursday* in the Month of *June* in every Year. Annual Election of Commissioners.

XV. At every Election of Commissioners the voting shall commence at Ten of the Clock of the Forenoon of the Day fixed for the Election, and shall finally close at Eight of the Clock in the Afternoon in the same Day, unless in case of Riot and Obstruction. Time of voting.

XVI. "The Towns Improvement Clauses Act, 1847," except Section VI., relating to the Inspector to be appointed under any General Towns Improvement Act; and so much of the said "Towns Improvement Clauses Act, 1847," as requires any Matter to be submitted to or done with the Approval of an Inspector to be appointed in the Manner mentioned in that Act; so much of Sections VII. and XII. of that Act as requires any Approval of the Appointment, Salary, and Removal of the Local Surveyor and Officers of Health; and so much of Section CXXI. of that Act as requires any Approval of the Works thereby authorized, and any Local Inquiry; and except also the Clauses of that Act with respect to the Appeal to be made against any Rate, which said Matter is herein-after otherwise provided for; and except so far as that Act is varied by this Act, shall be incorporated with and form Part of this Act. 10 & 11 Vict. c. 34. incorporated.

XVII. And whereas under and by virtue of an Act of the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-six, the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth* have the Power of appointing an Inspector of Nuisances throughout the District comprised within the Limits of this Act; and the Appointment of an Inspector of Nuisances, as required by the Ninth Section of "The Towns Improvement Clauses Act, 1847," may therefore, under certain Circumstances, be unnecessary and inexpedient: Therefore that Section of that Act shall, in connexion with this Act, be read and construed as if the Words "the Commissioners may appoint some Person," instead of the Words "the Commissioners shall appoint some Person," were inserted therein. Construction of Sect. 9. of 10 & 11 Vict. c. 34. as applied to this Act.

XVIII. If any Inspector of Nuisances be at any Time appointed by the Commissioners, the said Ninth Section of the "Towns Improvement Clauses Act, 1847," shall, in connexion with this Act, be read and construed as if instead of the Words "it shall be the Complaint by Inspector of Nuisances to be subject to certain Directions.

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Duty

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Duty of such Inspector of Nuisances, subject to the Direction of the Commissioners, to make Complaint before Justices," the Words " it shall be the Duty of the Inspector of Nuisances, subject to the Direction either of the Commissioners or of any Committee of the Commissioners, or of any Three of the Commissioners, (such Direction when given by Three Commissioners to be given in Writing), to make Complaint before Justices," were inserted therein: Provided always, that it shall not be necessary in any such Direction in Writing to be given by Three Commissioners as aforesaid to define the Offence for which Complaint is to be made or legal Proceeding taken, but it shall be sufficient only to state therein generally that such Offence is for a Breach of the Provisions of this Act, or of the Byelaws made by virtue of this Act.

Construction of Sects. 24. and 35. of 10 & 11 Vict. c. 34. as applied to this Act.

XIX. And whereas the greater Part of the District within the Limits of this Act which is built upon is exceedingly low, and the Drainage of the Houses and Buildings thereon, as provided by the Twenty-fourth and Thirty-fifth Sections of " The Towns Improvement Clauses Act, 1847," would in many Cases be practically impossible, on account of the Expense attendant thereon, and the small Value of the Houses to be rated to meet the same: Therefore, all Words and Expressions in those Sections importing any Obligation or Liability on the Part of the Commissioners to construct Sewers or Drains shall, in connexion with this Act, be construed in a permissive Sense only.

Construction of certain Sections of 10 & 11 Vict. c. 34.

XX. In construing " The Towns Improvement Clauses Act, 1847," in connexion with this Act, Sections LIII., LIV., and LXXIII. shall be construed as if the Word " Owners " were substituted therein for the Word " Occupiers ; " Section CLVIII. shall be construed as if the Words " the Commissioners may make a Sewer Rate " were substituted therein for the Words " the Commissioners shall make a Sewer Rate ; " the Word " Urinals " shall include Water-closets and Privies ; the Word " Sewer," in Section XLVI. of that Act, shall mean Drain, Privy, or Cesspool.

Commissioners to pave, &c.

XXI. The Commissioners shall and may, subject to the Provisions of this Act and of the Acts and Clauses of Acts incorporated herewith, cause to be paved, lighted, cleansed, watered, and otherwise improved the District within the Limits of this Act, and do all necessary Acts for promoting the Health or Convenience of the Inhabitants of the said District, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts and Clauses of Acts incorporated herewith.

XXII. No

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XXII. No House or Building within the Limits of this Act shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners, either then existing or marked out upon any Map to be made by them, or into the Sea, if there be such Means of Drainage existing within One hundred Feet of such intended House or Building; and in that Case the Commissioners may cause a Drain leading thereto from the intended Site of such House to be made, of such Materials, of such Size, at such Level, and with such Fall as they think fit; but if there be no such Means of Drainage within One hundred Feet of any Part of the intended Site of any House or Building within the Limits of this Act, then such House or Building shall not, if the Commissioners object, be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and being constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof; and the Commissioners may make a Drain leading from the intended Site of such House or Building into such covered Cesspool or other Place, to be made of such Materials, of such Size, at such Level, and with such Fall as they think fit; and when such Sewer as aforesaid is made by the Commissioners, they may make a Drain from such House or Building to communicate with such new-made Sewer, and may demolish and fill up any such Cesspool.

No House to be hereafter built without Drains being constructed.

XXIII. On the Day next after the First Election of Commissioners under this Act all Lands, Buildings, Tenements, Moneys, Securities for Money, Tools, Utensils, Materials, Books, Deeds, Papers, Accounts, Choses in Action, Estate, and Effects, of what Nature or Kind soever, of or to which on that Day the Highway Board shall be in any way seised, possessed, or entitled, either at Law or in Equity, or otherwise howsoever, shall be and the same are hereby vested in the Commissioners for all the then Estate and Interest of the Highway Board therein.

Property of Highway Board vested in Commissioners.

XXIV. All Rates and Arrears of Rates which on the Day next after the First Election of Commissioners under this Act shall be due or payable or accruing due or payable to the Highway Board, shall be payable to the Commissioners, and may be collected and recovered by the Commissioners in the same Manner as any Rates by this Act authorized to be levied.

For Recovery of Highway Rates.

XXV. All Persons who on the Day next after the First Election of Commissioners under this Act shall owe any Money to the Highway Board, or to any Person on behalf of that Board, shall pay the same, with

Debts due to and by the Highway Board to be paid by and

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to the Com-
missioners.

with all Interest (if any) due or to accrue due for the same, to the Commissioners; and all Debts and Moneys which on that Day shall be due or owing by or recoverable from the Highway Board shall, with all Interest (if any) due or to accrue due thereon, be paid by or be recoverable from the Commissioners.

Contracts,
&c. to remain
in force.

XXVI. All Deeds, Contracts, Mortgages, Bonds, and Securities made or entered into before the Day next after the First Election of Commissioners under this Act, to, with, in favour of, by, or on behalf of the Highway Board, shall thenceforth continue in force, and be as valid and effectual for, against, or with reference to the Commissioners as if the Commissioners had been Parties or privy thereto, instead of the Highway Board.

Officers of
Highway
Board to
continue till
removed.

XXVII. The Clerk, Treasurer, Collectors, and all other Servants and Officers appointed by the Highway Board, by virtue and in pursuance of the Highway Act, shall hold and enjoy their several and respective Offices and Employments, together with their several and respective Salaries, Gratuities, and Allowances thereto annexed, until he or they shall be removed therefrom respectively by the Commissioners; and every such Clerk, Treasurer, Collector, and other Servant and Officer shall, while he shall continue in Office, be subject to the like Pains and Penalties and Powers of Removal, and to the like Rules and Regulations, and have the same Powers and Authorities, as if he had been appointed by virtue of this Act.

Persons who
have acted
under High-
way Board
to account
for Money
and deliver
up Books.

XXVIII. The Highway Board, and all such Servants and Officers who shall have in their Custody, Power, or Possession any Money collected by virtue of that Act, or any Books, Papers, or Writings relating to the Execution of that Act, shall, upon or forthwith after the Day next after the First Election of Commissioners under this Act, pay and deliver up the same to the Commissioners, or to such other Persons as they shall appoint to receive the same; and in case of Neglect or Refusal, the Person so neglecting or refusing shall forfeit and pay any Sum not exceeding Fifty Pounds, and also be liable to such Actions or other Proceedings as the Commissioners may legally commence for the Recovery of the Money, Books, Papers, or Writings so refused or neglected to be paid or delivered up as aforesaid.

Books of
Highway
Board to be
received in
Evidence.

XXIX. All Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever of the late Surveyors under the Highway Act, kept according to the Directions of that Act and made Evidence thereby, or which might have been received as Evidence on the Day next after the First Election of Commissioners under this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

XXX. No

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XXX. No Person shall, in respect of any Property without the Limits of this Act, be subject or liable to repair or contribute to the Repair of any Street, Road, or Highway lying within the Limits of this Act; nor shall any Person, in respect of any Property within the Limits of this Act, be subject or liable to repair or contribute to the Repair of any Road or Highway without the Limits of this Act, or be appointed to the Office of Surveyor of the Highways, or vote for the Election of any such Officer or Officers.

Mutual Ex-emption from Highway Rates.

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

Commissioners to provide Places for depositing Dirt.

XXXII. And whereas the Trustees for the Time being having the Management of the Turnpike Road from *Sheetbridge* to *Portsmouth*, comprised in the Local and Personal Act of Second *George* the Fourth, Chapter Fifty-six, will, by the Operation of this Act, be relieved from the Maintenance and Repair of a considerable Extent of Road, and will not be subjected to any Loss of Tolls: Therefore those Trustees shall yearly and every Year pay over to the Commissioners, as a Contribution towards the Expense of maintaining the said Road, the Sum of Four hundred Pounds, which said Sum shall be paid by Four Instalments of One hundred Pounds each, on the usual quarterly Days of Payment in each Year, the First Payment to commence on the Twenty-ninth Day of *September* next ensuing after the passing of this Act: Provided always, that if the said Trustees shall, by virtue of the Provisions of any Act of Parliament which may pass during the present or any future Session of Parliament, be deprived of the Power of collecting Tolls on that Portion of their Road which lies between the Northern Boundary of the Limits of this Act, where it crosses the said Turnpike Road and the Line of Railway belonging to the *London and South-western* Railway Company, which crosses the said Turnpike Road at or near to *Cosham* in the County of *Southampton*, then and from thenceforth the Payment of the said Sum of Four hundred Pounds, and every Part thereof, shall wholly cease and determine.

Provision as to Cost of maintaining Turnpike Road.

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XXXIII. If

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Roads and
Streets to be
paved and
flagged.

XXXIII. If any Road or Street, not being a public Highway at the passing of this Act, be not sufficiently paved and flagged, or otherwise made good to the Satisfaction of the Commissioners, the Commissioners may cause such Road or Street, or the Parts thereof not so paved and flagged, or otherwise made good, to be paved and flagged, or otherwise made good, in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands or Buildings abutting on such Street, or such Parts thereof as have not been theretofore well and sufficiently paved, flagged, or otherwise made good; and such Expenses shall be recoverable from such Owners respectively as herein-after provided, and thereafter such Streets shall be repaired by the Commissioners out of the Rates levied under this Act.

Footways
through
Fields not to
be charged
on Owners of
Land.

XXXIV. Nothing in this Act or in any Act incorporated herewith contained shall empower the Commissioners to charge the Owners of any Land with the Expenses of paving, flagging, making, or repairing any Footways passing solely through a Field or Fields.

Owner may
do Work at
his own
Expense,
subject to
Approval of
Commis-
sioners.

XXXV. In every Case in which the Commissioners are empowered to do any Act at the Expense of the Owner, the Owner may, if the Commissioners consent, do the Work at his own Expense, so as the Work be done under the Superintendence of the Surveyor, and to the Satisfaction of the Commissioners.

Owners of
Courts and
Passages to
flag and
drain the
same.

XXXVI. The Owner of any Court or Passage, or any Part of any Court or Passage, within the Limits of this Act, not being a public Thoroughfare, shall, to the Satisfaction of the Commissioners, sufficiently lead, pave, or flag such Court or Passage, or the Part thereof of which he shall be the Owner, and lay with Stone an overground Drain or Channel at a proper Level through, over, or along the same, or through, over, or along such Part thereof as the Commissioners may specify for the Purpose, and keep the Paving, Leading, or Flagging of such Court or Passage, or of such Part thereof as aforesaid, and also such Drain or Channel over the same, in good Repair, to the Satisfaction of the Commissioners; and the Owner of any such Court or Passage, or of any Part of such Court or Passage, shall, if required by the Commissioners, cause the Houses therein belonging to him to be sufficiently drained into an underground Sewer or Drain, and so to be kept and continued to the Satisfaction of the Commissioners.

In case of
Neglect of
Owners,

XXXVII. If the Owner of any Court or Passage, or any Part of any Court or Passage, shall not, within the Time and in such Manner as

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as shall be directed by the Commissioners, flag the same, or shall not lay with Stone such Drain or Channel as herein-before mentioned, or shall not, if required so to do by the Commissioners, cause his Houses in any such Court or Passage to be sufficiently drained into an underground Sewer or Drain; or in case any Owner shall not in the first instance flag, or in case any Occupier shall not, after the same shall have been flagged, keep in order the Footway opposite his Property in any Street to the Satisfaction of the Commissioners as aforesaid, then and in any such Case it shall be lawful for the Commissioners to flag such Court or Passage, or lay with Stone such Drain or Channel, or to cause such House to be sufficiently drained as aforesaid, or flag and keep in order such Footways; and the Costs, Charges, and Expenses thereof, and incidental thereto, shall be repaid to them by the Occupiers of such Houses, Courts, or Passages, or of the Houses or Lands abutting on such Footways (as the Case may be), and such Costs, Charges, and Expenses shall be recoverable from such Occupiers respectively as provided in "The Towns Improvement Clauses Act, 1847," with respect to private Improvement Expenses, or by Action of Debt in any Court of competent Jurisdiction; and every such Occupier shall be entitled to deduct from the Rent payable by him, the Sum paid by or recovered from him in respect of any Costs, Charges, and Expenses to which he may have become liable in consequence of the Default of any Owner in respect of the Duties and Liabilities so imposed upon such Owner as aforesaid.

Commissioners may cause Courts or Passages to be flagged and drained.

XXXVIII. The Owner of any Land adjoining to any Street within the Limits of this Act, and not built upon, shall, to the Satisfaction of the Commissioners, sufficiently fence off from the adjoining Street such Land, or the Part thereof whereof he shall be the Owner, with a good and substantial Fence, of the Height of Four Feet at the least, and the Occupier of such Land shall always afterwards keep such Fencing in good Repair to the Satisfaction of the Commissioners; and if any such Owner of any such Land shall not sufficiently fence the same as aforesaid, or if the Occupier of any such Land shall not keep the same Fencing in good Repair, to the Satisfaction of the Commissioners, within Fourteen Days next after Notice in Writing for that Purpose from the Commissioners or their Surveyor shall have been given to such Owner or Occupier, as the Case may be, or left for him at his usual or last known Place of Abode in *England*, or in case such Owner shall be unknown or be out of *England*, upon or affixed to the Premises in respect of which the same shall be given, then and in any such Case it shall be lawful for the Commissioners to fence such Land, or such Part thereof as shall not have been so done pursuant to such Notice, or to repair such Fence, and to charge such Owner or Occupier, as the Case may require, with the Costs and Expenses thereof, or incidental thereto; and all Costs, Charges, and Expenses

If Owner of Land does not fence the same, Commissioners may fence, and recover Costs from Owner.

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Expenses which the Commissioners shall thereby sustain, incur, or pay, and shall so charge upon such Owner or Occupier, shall, on Demand, be forthwith paid and refunded to the Commissioners by such Owner or Occupier, as the Case may require, and shall be recoverable as any Penalty imposed by this Act, or by Action or Plaint in any Court of competent Jurisdiction; or if such Owner be out of *England*, or is unknown, or cannot be found, and the Land be unoccupied, the Commissioners may take possession of and let all or any Part of such Land, in like Manner as is herein provided with respect to unoccupied or unproductive Property, and for that Purpose shall have the like Powers in reference to letting as are herein provided with respect to such Property; and every Lease granted under this Section shall have the like Force and Effect as a Lease granted under the Powers of this Act with reference to unoccupied or unproductive Property; and the Rents of the Land leased under this Section shall be paid to the Commissioners, who shall thereout pay all such Costs, Charges, and Expenses as aforesaid, and all Costs, Charges, and Expenses of and incidental to such letting and Receipt of the Rents, and after Payment thereof shall, on Demand, pay over the Surplus (if any) of such Moneys to the Owner of such Land, or his Assignees or other legal Representatives.

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

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

Coverings or
Gratings for
Coal Arches,
&c. to be
made.

XL. Where any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act, for the Purpose of admitting Light into any Room or Cellar, the Covering or Grating to such Opening shall be made by the Person requiring the same of Iron or such other Material, of such Dimensions and Thickness, and in such Manner as the Commissioners shall direct; and such Covering or Grating shall from Time to Time be repaired or altered by such Person, and in such Manner as the said Commissioners shall direct; and any Person who shall not cause any such Covering or Grating to be made, repaired, or altered, or shall neglect or refuse to make, repair, or alter such Covering or Grating, according
to

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to such Direction or Appointment as aforesaid, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

XLI. If any House, Building, or Land abutting on any Street, or Part of any Street, which, or any Part of which, shall have been levelled, formed, paved, or flagged by the Commissioners, or if any House or Building, or other Hereditaments in respect of which any Drain or other Work shall have been constructed, done, made, or remade by the Commissioners, and the Costs and Expenses of which are to be repaid to the Commissioners by the Owners thereof, in manner provided by this Act or any Act incorporated herewith, shall be unoccupied or unproductive, and the Owner thereof shall for the Space of Two Years neglect or refuse to contribute and pay his Proportion of the Costs, Charges, and Expenses of levelling, making, paving, or flagging such Street, or the Costs of constructing, doing, making, or remaking such Drain or other Work, and such Costs, or Proportion of Costs, Charges, and Expenses, shall not have been recovered from any other Person, it shall be lawful for the Commissioners, at or after the Expiration of Two Calendar Months Notice to that Effect, to be delivered to such Owner, or at his usual Place of Abode in *England*, or sent by Post, directed to him at his usual Place of Abode, or if the Owner be unknown to the Commissioners, or cannot be found, or be absent from *England*, then to be affixed or placed on such House, Building, or Land, to take possession of any such unoccupied or unproductive House, Building, or Land, and to fence off and let the same, or any Part thereof, by any Deed under their Common Seal, for such Term, not exceeding Ten Years, as shall be agreed upon between the intended Lessee thereof and the Commissioners, and for the best yearly Rent which can be reasonably had or gotten for the same, and to appoint some Person to deliver the Possession of such House, Building, or Land to such Lessee; and every such Lease shall effectually vest the legal Estate in possession of the House, Building, or Land comprised therein in the Lessee therein named for the Term thereby expressed to be granted, and shall give such Lessee a good Title thereto for such Term against the Owner thereof; and the Rents of such House, Building, or Land shall be paid to the Commissioners, who shall thereout, in the first place, pay the Expenses of and incident to such fencing and letting, and in the next place pay the Sum due from such Owner for his Share of the Costs, Charges, and Expenses of levelling, making, paving, or flagging such Street, or constructing, doing, making, or remaking such Drain or other Work, and after Payment thereof shall, on Demand, pay over the Surplus (if any) of such Moneys to the Owner of such House, Building, or Land, or his Assignees or other legal Representatives.

If Owners of unproductive Property neglect to pay Costs, the same may be let to defray Expenses.

[*Local.*]

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XLII. Wherever

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Owners of unoccupied Houses to pay private Improvement Expenses.

XLII. Wherever any House, Building, or Land made liable to any special Rate in respect of any private Improvement Expenses shall become unoccupied before the Expiration of the Period for which such Rate was made, or before the same is fully paid off, such Rate shall become a Charge upon and be paid by the Owners of such House, Building, or Land so long as the same continues to be unoccupied.

Power to levy Rates.

XLIII. And in order to raise Money for carrying the several Purposes of this Act into execution, it shall be lawful for the Commissioners once in every Year after the passing of this Act, to be computed from the passing of this Act, or oftener if they shall think it necessary, to make One or more equal Rate or Rates upon the Occupiers of the several Houses, Workshops, Warehouses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments (except as herein-after mentioned) within the Limits of this Act, according to the rateable annual Value of the same, so as such Rate or Rates do not exceed in the whole in any One Year the Sum of One Shilling and Sixpence in the Pound on such annual Value: Provided always, that for any Sewer or special District Purpose it shall be lawful for the Commissioners to make One or more equal special Rate or Rates upon such Occupiers (except as herein-after mentioned), according to such rateable annual Value, so as such special Rate or Rates do not exceed in the whole in any One Year the Sum of Sixpence in the Pound on such annual Value: Provided always, that it shall not be necessary for the Commissioners to make any Sewer Rate separate from the Rates hereby authorized to be made: Provided also, that the Proportion in which every Person occupying Lands used as Arable, Meadow, or Pasture Land only, or as Woodlands or Market Gardens or Nursery Grounds, shall be rated in respect of the same shall be One Half only of the net annual Value thereof.

Owners of Houses let for short Periods to pay Rates.

XLIV. The Owners of all Property within the Limits of this Act which shall be let to weekly or monthly Tenants or in separate Apartments, or the Rents for which become payable or are collected at any shorter Period than quarterly, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Owners of ready-furnished Houses to pay Rates.

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

As to Rates upon Tenements of and

XLVI. The Owner of every Tenement (not consisting exclusively of Land) liable to Assessment under this Act, the yearly rateable Value

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Value whereof shall not exceed Six Pounds, shall be assessed to the Rates to be levied under this Act in respect of such Tenement at Three Fourths of the Amount at which such Tenement would otherwise be liable to be rated; and if any Owner of One or more such Tenements shall be desirous of paying a Rate for One Year in respect of all such Tenements within the Limits of this Act, whether such Tenements be occupied or unoccupied, and shall give Notice in Writing of such his Desire to the Commissioners, within One Calendar Month after the First Election of Commissioners, or in any subsequent Year within Fourteen Days next after the Twenty-fifth Day of *March* in that Year, then and in such Case such Owner shall be assessed to the Rates to be levied under this Act in respect of such Tenement or Tenements respectively, whether the same be occupied or unoccupied, from thenceforth till the Twenty-fifth Day of *March* following, at a Sum not being less than One Half of the Amount at which such Tenement or Tenements respectively would be liable to be rated if occupied, in case this Provision had not been made; and the Goods and Chattels of the Occupier of such Tenements shall be liable to be distrained and sold for Payment of such of the said Rates as shall accrue due during their respective Occupations, in the same Way as if such Rates were assessed on such Occupiers: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Tenement as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Non-payment of such Amount of Rates as may become due in respect of such Tenement occupied by him or them during his or their Tenancy, but shall not be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Tenement, and he or they may deduct any Amount paid by him or them from the Rent due or from Time to Time becoming due from him or them, unless there be an Agreement to the contrary, and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

XLVII. No Rate or Assessment shall be made, levied, or collected by virtue of this Act upon or in respect of any Parish Burial Grounds within the Limits of this Act, or of the Burial-Ground within such Limits usually called the *Hebrews* Burial Ground, or of the Poor Law Union House, the *Portsmouth*, *Portsea*, and *Gosport* Royal Hospital, the *Portsea Island* Penitentiary, while used respectively for the Purposes for which the same are now used, or upon or in respect of any Ramparts and Walls belonging to or forming Part of any Fortifications within the Limits of this Act, or in respect of any of the Ditches or Ground kept in an unproductive State in connexion with such

under the
annual
Value of 6l.,
&c.

Certain
Buildings
exempted
from Rates.

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such Fortifications, or upon any Custom House or other Buildings or Premises used by or for the Use of the Crown in the Service of the Customs.

Empty Houses not to be liable for Rates.

XLVIII. The Rates or Assessments aforesaid shall not be payable for or in respect of any Property for or during the Time the same shall be empty or unoccupied.

Valuation of Property not assessed to Poor Rate.

XLIX. If at any Time any Property rateable to the Rates to be levied under this Act shall not be assessed to the Rates for the Relief of the Poor, the annual Value thereof shall be ascertained by a Valuation to be made in the Manner prescribed by "The Towns Improvement Clauses Act, 1847," in Cases where the Rate for the Relief of the Poor is, in the Judgment of the Commissioners, an unfair Criterion.

Who to be deemed Occupiers of certain Properties.

L. For the Purposes of this Act the Storekeeper for the War Department, or the Person acting as such Storekeeper, at *Portsmouth*, for the Time being, shall be deemed the Occupier of all Houses, Lands, and Hereditaments within the Limits of this Act, which are or may be under the Charge of the War Department for the Time being, or which are or may be in the Use or Occupation of any Officer or Officers of Her Majesty serving under the said War Department for the Time being; and the Royal Marine Barrack Master, or the Person acting as Royal Marine Barrack Master, at *Portsmouth*, for the Time being, shall be deemed the Occupier of all Houses, Lands, and Hereditaments within the Limits of this Act, which are or may be appropriated for the Use of the Royal Marine or Royal Marine Artillery Forces; and the Storekeeper in Her Majesty's Dockyard, or the Person acting as such Storekeeper, at *Portsmouth*, for the Time being, shall be deemed the Occupier of all Houses, Lands, and Hereditaments within the Limits of this Act, which are or may be under the Charge of the Lords Commissioners of the Admiralty for the Time being, or which are or may be in the Use or Occupation of any Officer or Officers in Her Majesty's Service under the said Lords Commissioners of the Admiralty for the Time being; and the Treasurer of the Borough of *Portsmouth*, or the Person acting as such Treasurer for the Time being, shall be deemed the Occupier of any Police Station or Police Stations of the said Borough; and that it shall be lawful for the Commissioners, in the Rates or Assessments so to be from Time to Time made by them as aforesaid, to rate and assess the Storekeeper of the War Department, or the Person acting as such Storekeeper, at *Portsmouth*, for the Time being, the Royal Marine Barrack Master at *Partsmouth* for the Time being, Storekeeper in Her Majesty's Dockyard at *Portsmouth* for the Time being, and the Treasurer of the Borough of *Portsmouth* for the Time being, or the several

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several Persons for the Time being acting in those Capacities respectively, as the Occupiers of the respective Premises of which they are hereby declared to be the Occupiers respectively, according to the respective annual Values thereof; and the Sums so to be assessed upon them respectively as such Occupiers shall and may be levied and recovered of them respectively, in like Manner as the Rates or Assessments herein authorized to be levied and recovered of any Occupier of Lands or Houses within the Limits of this Act, and be allowed to them respectively in their respective Accounts as such Storekeepers, Barrack Master, and Treasurer respectively.

LI. It shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money, which, together with any Sum previously borrowed and then remaining due, shall not exceed the Sum of Ten thousand Pounds, and in the event of any Part of such Sum of Money being repaid by the Commissioners, to reborrow the same, and so *toties quoties*; and for securing the Repayment of the Moneys so borrowed, with Interest, the Commissioners may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same: Provided nevertheless, that there shall not be owing on the Security aforesaid any more than the Sum of Ten thousand Pounds in the whole at any One Time, and that (except for the Purpose of paying off any Principal Sum for the Time being due by borrowing Money at a Rate of Interest lower than the Rate payable on the Sum so to be paid off) the Commissioners shall not, after the Expiration of Twenty Years from the passing of this Act, reborrow any Money.

Power to borrow Money on Mortgage of Rates, &c.

LII. The Commissioners shall, from and after the Expiration of Twenty Years from the passing of this Act, in each Year, out of the Rates levied under this Act, apply in paying off the Principal Sums borrowed on Mortgage of those Rates, or set apart and appropriate as a Sinking Fund for that Purpose, a Sum equal to One Thirtieth Part of the Amount from Time to Time borrowed or secured on the Credit of those Rates: Provided always, that the Commissioners may, if they think fit, at any Time during such Twenty Years, apply and set apart and appropriate as aforesaid any Part of the Rates so levied.

Sinking Fund for paying off Mortgages.

LIII. Previously to borrowing any Money, an Order for that Purpose shall be made by the Commissioners at a Meeting specially

Directions as to borrowing Money.

[Local.]

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called

Landport and Southsea Improvement Act, 1857.

called for that Purpose, at which not less than Eleven Commissioners shall be present,

Application
of borrowed
Money.

LIV. All Moneys borrowed by the Commissioners as aforesaid shall be applied,—

First, in defraying the Charges and Expenses which shall have been incurred in or incident to the obtaining or passing of this Act;

Secondly, in the Purchase of Lands as authorized by this Act, and in widening Streets and making Sewers and Drains, and in the Execution of all Works and Improvements of a permanent Character;

Lastly, in paying off all Moneys due on the Credit of the Rates authorized to be levied under this Act.

Application
of Rates.

LV. All the Money which shall be raised by the Rates hereby authorized to be levied, after Payment of the Expenses of and incident to the applying for and obtaining and passing this Act, shall be applied for carrying the several Purposes of this Act into execution.

Powers to
purchase
Land for
widening
Streets, &c.

LVI. Subject to the Provisions of this Act, it shall be lawful for the Commissioners to purchase, take, and hold any Lands within the Limits of this Act, which they may require for any of the Purposes authorized by this Act or any Act incorporated with this Act.

Streets im-
proved, &c.
deemed
public High-
ways.

LVII. All Streets widened, enlarged, or otherwise improved under the Powers of any Act incorporated with this Act shall, when and as soon as the same shall be so widened, enlarged, or otherwise improved, become and be deemed public Highways.

8 & 9 Vict.
c. 18. incor-
porated.

LVIII. "The Lands Clauses Consolidation Act, 1845," (except in so far as the same is varied by this Act,) shall be incorporated with and form Part of this Act: Provided always, that nothing in "The Lands Clauses Consolidation Act, 1845," contained, shall authorize the Commissioners to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

Commis-
sioners in-
terested in
Sale, &c. not
to act.

LIX. No Person shall act as a Commissioner in any Case relating to the Sale or Purchase of any Lands, or of any Estate or Interest therein, wherein he shall be personally concerned or interested.

Application
of Moneys
arising from
Sale of

LX. All Moneys which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands under the Provisions of this Act, and of any Act or Clauses of any Act incorporated

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incorporated herewith, shall, in the first place, be applied and disposed of in paying off any Principal Moneys at the Time due and owing on the Credit of the Rates hereby authorized to be levied, and subject thereto, towards the general Purposes of this Act. superfluous Lands.

LXI. The Clauses of "The Gasworks Clauses Act, 1847," and "The Waterworks Clauses Act, 1847," respectively, with respect to the Construction thereof, and of any Act incorporated therewith, and with respect to the breaking up of Streets for the Purpose of laying Pipes, are incorporated with this Act; and in construing those Clauses in connexion with this Act, the Expression "the Undertakers" shall mean any Person or Corporation with whom the Commissioners may contract for a Supply of Gas or Water: Provided always, that nothing in the said "Gasworks Clauses Act, 1847," or herein contained, shall authorize the said Commissioners to exercise the Powers of the said "Gasworks Clauses Act" for any other Purpose than the lighting of the Streets and Roads within the Limits of this Act. 10 & 11 Vict. cc. 15. & 17. incorporated.

LXII. Upon and after the Day next after the First Election of Commissioners under this Act, the Powers, Duties, and Functions by the Public General Act of Third and Fourth *William* the Fourth, Chapter 90., for lighting and watching Parishes in *England* and *Wales*, given to, imposed upon, and vested in the Inspectors and Treasurer therein mentioned, the Churchwardens of any Parish, and the Overseers of the Poor of any Parish respectively, shall, within the Limits of this Act, be exercised and fulfilled by the following Persons and none others; (that is to say,) those of such Inspectors by the Commissioners, those of such Treasurer by the Treasurer of the Commissioners, those of such Churchwardens by the Clerk to the Commissioners, and those of such Overseers by the Collector of the Commissioners; and the Person who on the Day next before the Day of the First Election of Commissioners under this Act shall be the Treasurer for the District of *Portsea* under that Act, shall, as soon as conveniently may be thereafter, ascertain and discharge all Debts and Liabilities payable by him under that Act, and pay over the Balance (if any) of the Moneys received by him under that Act in respect of the *Portsea* District to the Treasurer of the Commissioners. Provisions of 3 & 4 W. 4. c. 90. as to lighting and watching applied to this Act.

LXIII. "The Markets and Fairs Clauses Act, 1847," except so much of Sections XLIV. and XLIX. of that Act as requires or relates to the Approval of Byelaws by One of Her Majesty's Principal Secretaries of State, and except so far as the said Act is varied by this Act, shall be incorporated with and form Part of this Act. 10 & 11 Vict. c. 14. incorporated.

LXIV. It shall be lawful for the Commissioners by special Order, as defined by "The Towns Improvement Clauses Act, 1847," but Power to provide Market not

Landport and Southsea Improvement Act, 1857.

Places and
maintain
and improve
them.

not otherwise, to build and provide, maintain and improve, as they shall think fit, a public Market Place or public Market Places, and Market House or Market Houses, for the Sale of Cattle and other live Animals, and for supplying the Inhabitants of the District within the Limits of this Act with Provisions, Goods, Wares, Merchandise, and all such other marketable Commodities as the Commissioners shall from Time to Time see fit to allow to be bought and sold therein, together with all Rooms, Offices, Stalls, Standings, Weighing Houses, Weighing Machines, and other Conveniences and suitable Approaches, which they shall think proper.

Tolls to be
taken for the
Market as in
Sched. (A.);

LXV. After any such Market Place or Market House as aforesaid shall have been erected or otherwise provided by the Commissioners, and be opened for public Use, it shall be lawful for the Commissioners from Time to Time to demand and take from any Person occupying or using any Room, Office, Stall, Shed, or Stand in any such Market Place, or in the public Streets, or bringing therein any Cattle, Animal, Provisions, or Things specified in the Schedule (A.) to this Act annexed, such Stallages, Rents, and Tolls as the Commissioners or their Lessee shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in that Schedule.

for weighing
and measur-
ing, as in
Sched. (B.);

LXVI. It shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Article sold in any such Market or Markets as aforesaid by Weight or Measure, from Time to Time to demand and take such Tolls as the Commissioners shall from Time to Time appoint, not exceeding the several Tolls specified in that Behalf in the Schedule (B.) to this Act annexed.

and for
weighing
Carts, as in
Sched. (C.)

LXVII. It shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggons, Carts, or Carriages to demand and receive from the Person requiring the same to be weighed such Tolls as the Commissioners may appoint, not exceeding the Tolls specified in respect of the same in the Schedule (C.) to this Act annexed, and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Power to
lease Market
for not ex-
ceeding
Three Years;

LXVIII. It shall be lawful for the Commissioners from Time to Time to let such Market Place or Places, or Market House or Houses as aforesaid, or any Part of them respectively, and the said Weighing Houses or Places, and Machines, or any of them, and the said Stallages, Rents, or Tolls, or any of them, for any Period not exceeding Three Years, upon such Terms as shall be agreed upon between
the

Landport and Southsea Improvement Act, 1857.

the Commissioners and the Person to whom such Lease shall be made.

LXIX. It shall be lawful for the Commissioners to let any of the Stalls, Standing Places, Benches, or other Conveniences in such Market Place or Places, or Market House or Houses, to any Person for any Term not exceeding Three Years.

and to let Stalls, &c. for Three Years;

LXX. It shall be lawful for the Lessee of any such Stall, Standing Place, or other Convenience, his Executors or Administrators, with the Consent of the Commissioners, but not otherwise, to assign the same for the Residue of his or their Term.

and Power to Lessee to assign the same.

LXXI. Any Person who shall spoil, deface, or injure any Part of any such Market Place or Market House, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market Place or Market House, or in any of the Approaches thereto, cause any Obstruction, or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justices before whom the Conviction of such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Penalty for Damages and Nuisances committed in the Market Place.

LXXII. It shall be lawful for the Commissioners at any Time and from Time to Time to purchase or provide, on Terms to be agreed on, proper Buildings or Places, in such convenient Situations within the Limits of this Act as the Commissioners shall think proper, as or for Slaughter-houses for slaughtering Cattle and other Animals, and to maintain the same, and to provide all proper Conveniences and Appurtenances connected therewith; and it shall be lawful for the Commissioners to demand and receive from the Person using the said Slaughter-houses such Charges as the Commissioners may appoint, not exceeding the Charges specified in respect of the same in the Schedule (D.) to this Act annexed, and such Charges shall be paid before using the said Slaughter-houses.

Power to provide Slaughter-houses, and make Charges, as in Sched. (D.)

LXXIII. It shall be lawful for the Commissioners to let any Slaughter-house to any Person for any Term not exceeding Three Years, and it shall be lawful for the Lessee of any such Slaughter-house, his Executors or Administrators, with Consent of the Commissioners, but not otherwise, to assign the same for the Residue of his or their Term.

Power to let Slaughter-houses for Three Years, &c.

LXXIV. All Stallages, Rents, Tolls, and Charges specified in the Schedules (A.), (B.), (C.), and (D.) to this Act, and all other Moneys received by the Commissioners in respect of any such Market Place

Application of Market Tolls, &c.

[*Local.*]

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or

Landport and Southsea Improvement Act, 1857.

or Market House, Stall, Standing, or other Convenience, in respect of the Weighing Houses or Weighing Machines, or of weighing or measuring, or in respect of the Slaughter-houses, shall be applied in the first place in discharging the current Expenses attending the Maintenance and Use of such Market Place or Market House, and of the Stalls, Standings, Weighing Houses, and Weighing Machines, and other Conveniences connected therewith, and of the Slaughter-houses, and subject thereto, in aid of the Rates by this Act authorized to be levied, other than any Sewers Rate.

10 & 11 Vict.
c. 89. incor-
porated.

LXXV. "The Town Police Clauses Act, 1847," except so much thereof as relates to the Appointment of Constables, and except so far as the same is varied by this Act, shall be incorporated with and form Part of this Act.

Power for
Commis-
sioners act-
ing under
10 & 11 Vict.
c. cclvii.,
6 & 7 Vict.
c. xxxv., and
this Act, to
appoint a
Committee
to license
Hackney
Carriages.

LXXVI. And whereas the Commissioners for paving, lighting, and improving the Town of *Portsmouth*, herein-after called "the *Portsmouth* Commissioners," have and exercise under an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of Portsmouth in the County of Southampton, and for removing and preventing Nuisances and Annoyances therein*, herein-after called "The *Portsmouth* Improvement Act," the Power of licensing Hackney Carriages to ply for Hire within a Distance of Five Miles from the General Post Office of the Town of *Portsmouth*: And whereas the Commissioners acting in execution of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of Portsea in the County of Southampton, and for removing and preventing Nuisances and Annoyances therein*, herein-after called "The *Portsea* Improvement Act," have and exercise the Power of licensing Carriages to ply for Hire within the Limits of that Act, which Limits include a Portion of the District lying within a Distance of Five Miles from the General Post Office of the Town of *Portsmouth*: And whereas the Limits of this Act also include a Portion of the District lying within the Distance last aforesaid; and the Commissioners also have the Power of licensing Hackney Carriages to ply for Hire therein: And whereas in order to avoid the public Inconvenience which may result from the concurrent Exercise of the Powers of licensing Hackney Carriages within the same District by Three different Bodies of Commissioners, it is expedient that such Three Bodies of Commissioners should be empowered to appoint a Committee to exercise the Power of licensing Hackney Carriages to ply for Hire throughout the whole of the District comprised within the Limits of the *Portsmouth* Improvement Act, the *Portsea* Improvement Act, and this Act, and the Powers

Landport and Southsea Improvement Act, 1857.

Powers of the other Clauses and Provisions of "The Town Police Clauses Act, 1847," with respect to Hackney Carriages: Be it therefore enacted, That some Time in the Month of *September* in the Year One thousand eight hundred and fifty-seven, and some Time in the Month of *June* in every subsequent Year, the *Portsmouth* Commissioners shall nominate and appoint Three competent Persons out of their Members, the *Portsea* Commissioners shall nominate and appoint Three competent Persons out of their Members, and the Commissioners shall nominate and appoint Three competent Persons out of their Members, and the Nine Persons so nominated and appointed shall constitute the Committee for the Purposes of licensing Hackney Carriages within the District last aforesaid, and of exercising the other Powers of "The Town Police Clauses Act, 1847," with respect to Hackney Carriages; and such Persons shall go out of Office at the Meeting of their respective Boards to be holden in the Month of *June* then next for appointing new Members of the Committee, but shall, notwithstanding, be respectively eligible for Re-appointment.

LXXVII. Whenever after the Nomination and Appointment of such Committee any Vacancy shall occur in the Committee by reason of any Member thereof ceasing to be a Member of the Body of Commissioners by which he had been nominated and appointed, or dying or becoming incapable of acting, or voluntarily withdrawing from such Committee, or absenting himself for Six consecutive Meetings of the Committee, after due Notice of the same, the Commissioners by whom such Member was appointed shall nominate and appoint another in his Stead, and so *toties quoties*; and if any of the said Bodies of Commissioners shall refuse, or for One Month after Application from either of the other Bodies of Commissioners neglect, to nominate their Members of such Committee, or to fill up any Vacancy, the Nomination and Appointment may be made by a Quorum of the remaining Members of such Committee.

For filling
up occasional
Vacancies in
Committee.

LXXVIII. The Committee shall, at their First Meeting after the First Appointment of Members of such Committee after the passing of this Act, and after every annual Appointment of Members, elect One of their Number to be the Chairman of the Committee; and whenever a Vacancy shall occur in the Office of Chairman by reason of Death, Incapacity to act, or Resignation, or by reason of his ceasing to be a Member of the Body of Commissioners by which he was nominated and appointed, or absenting himself from Three consecutive Meetings of the Committee, after due Notice of the same, the Committee shall in like Manner elect some other of their Members Chairman; and the Chairman so appointed shall preside at the Meetings of the Committee when he is present, and in his Absence some other Member of the Committee, to be elected at the Meeting, shall preside, and the Person

Chairman of
Committee.

presiding

Landport and Southsea Improvement Act, 1857.

presiding shall in all Cases be entitled to a Casting Vote in addition to his own.

Quorum.

LXXIX. At every Meeting of the Committee Three shall be a Quorum.

Place of Meeting of Committee.

LXXX. The Committee shall meet at some convenient Place within the District last aforesaid.

Power to Committee to license Hackney Carriages.

LXXXI. The Committee may license Hackney Carriages to ply for Hire within the District last aforesaid, and the Clauses and Provisions of "The Town Police Clauses Act, 1847," with respect to Hackney Carriages, shall apply to that District and the Committee, and shall, with reference to this Section, be read and construed as if throughout those Clauses and Provisions the Word Committee had been inserted instead of the Word Commissioners.

Clerk to Commissioners.

LXXXII. The Clerk to the *Portsmouth* Commissioners, the Clerk to the *Portsea* Commissioners, and the Clerk to the Commissioners shall alternately be Clerk to the Committee for a Period of One Year, and the Rotation in which each Clerk shall so act shall be determined by the First Committee to be appointed as aforesaid at their First Meeting.

As to Division of Expenses and Receipts of Committee.

LXXXIII. All Expenses incurred by the Committee, and all the Receipts of the same, shall be borne and divided equally between the *Portsmouth* Commissioners, the *Portsea* Commissioners, and the Commissioners.

Penalties for certain Offences herein specified.

LXXXIV. Every Person shall be liable to a Penalty of not more than Forty Shillings who, within the Limits of this Act, shall commit any of the following Offences ; (that is to say,)

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :

Every Person who, without the Consent of the Owners or Occupiers, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendages thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden :

Every Person who, in any Street, Road, or Way within the Limits of this Act, shall blow any Horn or use any other noisy Instrument for the Purpose of calling any Persons together, or of announcing

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announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms :

Every Person who shall keep any Poultry, Pigs, or Cattle in any Cellar or Storehouse, or in or near any Dwelling, so as to be a Nuisance to any Person :

Every Person who shall, for the Purposes of Trade, slaughter or cause or permit to be slaughtered any Bull, Ox, Cow, Heifer, Calf, Sheep, Lamb, Pig, or other Beast in any Cellar, or in any open or inclosed Yard or Garden attached to any Dwelling House, so as to be a Nuisance to any Person.

LXXXV. Every Person or Corporation who shall, within One hundred Yards of any Dwelling House within the Limits of this Act, after the Commissioners shall, by their Clerk, Surveyor, Inspector of Nuisances, or any other Officer, have given Notice in Writing that they object thereto, make, manufacture, or produce any Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, Gunpowder, or inflammable Air, or store up or keep for future Use in any Gasholder, Gasometer, Reservoir, Store, or other Place, any Stock of Coal Gas or inflammable Air (any existing Company constituted by the Authority of Parliament only excepted) ; or who shall drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any noisome or offensive Liquids, Substances, Matters, or Things whatsoever, arising from the making, manufacturing, producing, or supplying any or either of the said Articles, Matters, or Things aforesaid, into any public Drain, Sewer, or Reservoir within the Limits of this Act, shall be liable to a Penalty not exceeding Fifty Pounds for each Offence.

Prohibiting
Manufacture
of Gas, &c.
within cer-
tain Limits.

LXXXVI. In any Blacksmith, Whitesmith, Anchor Smith, Nail Maker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings: Provided that nothing herein contained shall extend to Forges below the Pavement of the Street,

Penalty on
Blacksmiths
&c. not shut-
ting out the
Light of
their Forges
from the
Streets.

LXXXVII. And whereas the Districts comprised within the Limits of the *Portsmouth* Improvement Act, the *Portsea* Improvement Act, and this Act are respectively comprised within the Municipal Borough of *Portsmouth*, and by reason thereof Appeals against Rates made

Appeal to
Special Ses-
sions on the
Ground of
Inequality
of Rates.

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under those Acts and this Act are subject to the Determination of the same Justices; and it is expedient that the Provisions of this Act with respect to Appeals against Rates should be uniform with the Provisions of those Acts: Therefore, in lieu of the Clauses of "The Towns Improvement Clauses Act, 1847," with respect to the Appeal to be made against any Rate, be it enacted as follows: If any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, or Amount of Assessment, he may appeal to the Justices at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates; but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Clerk of the Commissioners, and to the Party (if any) against whom such Appeal shall happen to be made, or whose Interest may be affected by such Appeal, Seven Days at least before the Day appointed for such Special Sessions.

Determi-
nation of
Special Ses-
sions to be
final unless
appealed
against from
Quarter Ses-
sions.

LXXXVIII. The Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated; nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

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

LXXXIX. If any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Special Sessions assembled, he may appeal to the next General or Quarter Sessions, but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners and to the Party (if any) against whom such Appeal shall happen to be made, or whose Interest shall be affected by such Appeal, but the same shall be adjourned to the next General or Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Special Sessions assembled be entertained, unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof,
to

Landport and Southsea Improvement Act, 1857.

to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

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

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

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

On Appeals, Quarter and Special Sessions to have the same Power of amending and quashing Rates, &c.

XCII. No Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice in the Execution of the same.

Liability to Rates not to disqualify Justices.

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

Rates may be recovered by Action or by Distress.

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Rate shall be shown accordingly, the same shall be levied by Distress; and any Justice shall issue his Warrant accordingly to levy the same and the Costs incurred in the Premises.

Form of Summons and Warrant of Distress.

XCIV. The Summons for the Nonpayment of any Rate may be to the Effect mentioned in Schedule (E.) to this Act annexed, and the Warrant of Distress for the Nonpayment of any Rate may include One Person or several Persons, and One Sum or several Sums, and may be to the Effect mentioned in Schedule (F.) to this Act annexed.

Parties may appeal to Quarter Sessions with reference to any Penalty or Forfeiture on giving Security.

XCV. If any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice (other than the Determination of any Justices in Special Sessions assembled in an Appeal against any Rate made under the Authority of this Act), or of the Commissioners under the Provisions of this Act, he may appeal to the next General or Quarter Sessions of the Peace, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after Notice enter into Recognizances with Two sufficient Sureties before a Justice, conditioned duly to prosecute such Appeal and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

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

Sea Shore to Low-water Mark to be deemed a public Highway.

XCVII. The Sea Shore between High and Low Water Mark within the Limits of this Act shall, for the Purpose of preventing Nuisances to Persons walking thereon and resident near the same, be deemed and taken to be a public Highway within the Limits of this Act, and, as such, subject to such and the same Management and Control as is by this Act or any other Act given to the Commissioners for Prevention of Nuisances on any Highway or the Sides thereof: Provided
always,

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always, that nothing herein contained shall be construed so as to prevent bathing on any Part of the Shore within the Limits of this Act: Provided also, that nothing in this Act contained shall diminish, alter, take away, or prejudice, or be deemed or construed to diminish, alter, take away, or prejudice, any Right, Title, Estate, or Interest which the Queen's most Excellent Majesty, or any Person or Persons claiming under Her, now has or have or claims to have in or to the Sea Shore within the Limits of this Act, or Her, his, or their Right of exercising any Acts of Ownership in or over the same, or the Powers of leasing or Sale vested in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or the free Use or Enjoyment thereof by Her, him, or them, or Her, his, or their Lessees or Under-tenants.

XCVIII. The Costs, Charges, and Expenses of and incident to the applying for and obtaining and passing this Act shall be paid by the Commissioners. Expenses of Act.

XCIX. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Commissioners to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors. Saving the Rights of the Crown.

C. Nothing herein contained shall be deemed or construed to take away, prejudice, or lessen any Estate, Right, Title, Privilege, or Claim of the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*, in their Corporate Capacity, in or to any Real or Personal Property, or of holding Markets within the Liberties of the said Borough, or to the collecting, levying, or receiving the Rents, Tolls, Emoluments, or Profits arising therefrom, or any of the Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, and Jurisdictions of the said Mayor, Aldermen, and Burgesses within the said Borough, or the Liberties thereof; but the said Mayor, Aldermen, and Burgesses shall and may from Time to Time and at all Times hereafter have, hold, exercise, and enjoy all such Real and Personal Property, Markets, Tolls, Emoluments, Profits, Liberties, Customs, Privileges, Franchises, Immunities, Exemptions, Rights, Powers, Saving the Rights of the Corporation of Portsmouth.

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and Jurisdictions to them belonging or appertaining, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they might have held and enjoyed the same before the passing of this Act.

Saving the Rights of the Portsmouth and Farlington Waterworks Company acting under 14 G. 2. c. xliii., 49 G. 3. c. cxviii., and 7 & 8 G. 4. c. xxxviii.

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

Saving the Rights of the Portsea Island Gaslight Company acting under 1 & 2 G. 4. c. lxxiii. and 15 & 16 Vict. c. xiii.

CII. Nothing in this Act contained shall extend to take away, prejudice, affect, or in any Manner interfere with the Powers granted under the Authority of an Act passed in the Second Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for incorporating the Portsea Island Gaslight Company*; or of an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Portsea Island Gaslight Company to raise a Sum of Money*; but such several Powers and Authorities, and every of them, shall be exercised and enjoyed in the same full and ample Manner, to all Intents and Purposes, as if this Act had not been passed.

CIII. Nothing

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CIII. Nothing in this Act contained shall extend or be construed to extend to defeat, lessen, prejudice, derogate from, or affect any Estate, Right, Title, Interest, Franchise, Prerogative, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs and Successors, in right of Her Crown, or otherwise howsoever, or of or to the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or of or to the Commissioners for the Time being for executing the Office of Lord High Admiral of *Great Britain and Ireland*, or of or to Her Majesty's Principal Secretary of State for the War Department.

Saving
Rights of the
Crown and
the Admi-
ralty.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

List of Tolls to be taken for the Market.

For every covered and uncovered Shed, Stall, Bulk, Block, Tressel, Standing Place, or Station used by any Person for exposing for Sale Flesh Meat, Cheese, Bacon, Pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, or Thing whatsoever (except as herein otherwise specifically charged), Tolls not exceeding the following may be taken per Day :	s.	d.
Not exceeding Forty-five Superficial Feet	1	0
For every additional Superficial Foot	0	0½

Carts.

For every Cart used by any Person for exposing, or in which shall be exposed to Sale, any Article, Commodity, or Thing, the following Tolls per Day :		
For every One-horse Cartload	0	9
For every Two-horse Cartload	1	0
For every Waggon used for the like Purpose, per Day	1	9
For every Cartload drawn by any Animal except a Horse	0	6
For every Cartload drawn by Two or more Animals (except Horses)	0	9

Butter.

For every Basket, Parcel, or Quantity of Butter, not exceeding Twelve Pounds Weight, per Day	0	1½
For each additional Six Pounds Weight, per Day	0	1

Poultry, Rabbits, and Pigs.

For Poultry (including Fowls, Chickens, and Ducks, Wild Fowls, and Pigeons) and Rabbits; (videlicet,)		
Not exceeding Three Couples, per Day	0	1
For each additional Three Couples, per Day	0	1
For every Turkey or Goose, per Day	0	1
For every Hog or Pig, per Day	0	3
For every Sucking Pig, per Day	0	1

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Eggs.

	<i>s.</i>	<i>d</i>
For every Basket, Quantity, or Parcel of Eggs under Two Dozen - - - - -	0	1
For every additional Dozen - - - - -	0	0½

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads; (that is to say,)

Not containing more than One Bushel - - - - -	0	1
Every additional Half Bushel - - - - -	0	0½

Tolls to be taken for the Cattle and Produce Market.

For every Horse or Bull, the Sum of - - - - -	0	8
For every Colt, Cow, Ox, Stirk, Bullock, Ass, or Mule, the Sum of - - - - -	0	4
For every Score of Calves, Sheep, Lambs, Pigs, or other Animals not herein-before specified, and so in proportion for a greater or less Number, the Sum of - - - - -	1	3
For every Load of Hay or Straw, Green Clover, Vetches, or other Green Crop, the Sum of - - - - -	0	6

Tolls to be taken at the Fairs.

For every Horse, Colt, Foal, Mule, or Ass, Bull, Ox, Cow, or Bullock, which shall be offered or exposed for Sale, the Sum of - - - - -	0	3
For every Score of Calves, Sheep, Lambs, Pigs, or other Animals not herein-before specified, which shall be offered or exposed for Sale - - - - -	1	3
And so on in proportion for a greater or less Number.		
For every covered Stall, the Sum of - - - - -	1	0
For every uncovered Stall, the Sum of - - - - -	0	10
For every Cart, Waggon, Gig, or other Carriage which shall be offered or exposed for Sale, the Sum of - - - - -	2	6

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SCHEDULE (B.)

Weighing and Measuring.

	s.	d.
For weighing every Piece of Meat or Thing weighing not more than Twenty-eight Pounds Avoirdupois - - -	0	1
For weighing every Piece of Meat or Thing weighing more than Twenty-eight Pounds, and not exceeding One hundred and twelve Pounds - - - - -	0	2
And so in proportion for any greater or smaller Quantity than One hundred and twelve Pounds Weight over and above One hundred and twelve Pounds Weight.		
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel - - - - -	0	0½
For measuring every Quantity more than a Bushel, and not exceeding Two Bushels - - - - -	0	1
And for every Bushel beyond Two Bushels - - - - -	0	0½

SCHEDULE (C.)

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage, not exceeding One Ton - - - - -	0	6
And so in proportion for any greater or smaller Weight than One Ton.		

SCHEDULE (D.)

Slaughter-houses.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer - - -	1	0
For every Calf - - - - -	0	6
For every Sheep or Lamb - - - - -	0	3
For every Hog or Pig - - - - -	0	6
For every other Beast - - - - -	0	9

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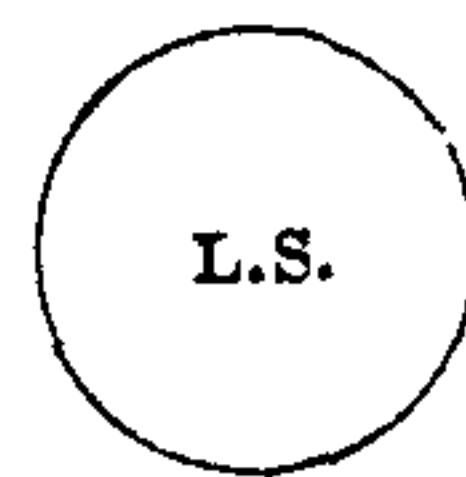
SCHEDULE (E.)

Form of Summons.

Borough of Portsmouth, } To _____ of _____
 County of } in the Parish of _____ in the
 Southampton, to wit. } Borough of Portsmouth.

WHEREAS Complaint hath this Day been made before the under-
 signed, One of Her Majesty's Justices of the Peace in and for the
 Borough of Portsmouth, by the Landport and Southsea Improvement
 Commissioners, that you being a Person duly rated and assessed under
 the Authority of the Landport and Southsea Improvement Act, 1857,
 in and by a Rate made on the _____ Day of _____
 One thousand eight hundred and _____ in the Sum of _____
 have not paid the same, or any Part thereof, but have refused or
 neglected so to do: These are therefore to command you in Her
 Majesty's Name to be and appear on the _____ Day of _____
 One thousand eight hundred and _____ at
 Twelve of the Clock at Noon, at the Council Chamber adjoining the
 Sessions Room in Penny Street, Portsmouth, in the said Borough,
 before such Two or more such Justices of the Peace for the said
 Borough as may then be there, to show Cause why you have not paid
 and neglect and refuse to pay the same, otherwise you shall be pro-
 ceeded against by default as if you had appeared, and be dealt with
 according to Law.

Given under my Hand and Seal this _____ Day of _____
 in the Year One thousand eight hundred and _____ at
 Portsmouth, in the Borough aforesaid.



Take Notice, that you have already incurred the under-mentioned
 Costs, namely:

Clerk to Justices - -
 Constable for serving the Summons - -

If the Amount of these Charges, together with the Rate claimed,
 be paid to the Commissioners before the Day on which the Summons
 is returnable, all further Proceedings will be stayed.

SCHEDULE (F.)

Form of Warrant of Distress.

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

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

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

Sums due for Rates.			Costs.		
£	s.	d.	£	s.	d.

A.B.

C.D.

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