



## CHAPTER cclxii.

An Act to increase the number of Aldermen and Councillors of the borough of Brighton: to authorise the Corporation of the said borough to make and maintain certain Works and Improvements to provide a New Market to regulate the Racecourse and certain Squares and Enclosed Places and Burial Grounds to purchase Lands and to make further provision for the good government of the borough and to borrow further moneys; and for other purposes.

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[14th August 1884.]

**W**HEREAS the borough of Brighton in the county of Sussex herein-after referred to as "the borough" is a municipal borough under the government of the mayor aldermen and burgesses thereof (herein-after referred to as "the Corporation") and the Corporation acting by the council of the borough are the urban sanitary authority for the district of the borough:

And whereas the borough is subject to the provisions now in force of the several public Acts relating to municipal corporations and public health and also of the several local Acts and Orders mentioned and referred to in the Schedule (A) to this Act annexed:

And whereas under and by virtue of the Brighton Borough Extension Act 1873 the borough of Brighton is divided into and consists of seven wards which together return thirty-nine councillors and are represented by thirteen aldermen of whom three councillors are returned by and one alderman represents the Preston Ward and the remaining thirty-six councillors are returned by the other wards of the borough six being returned for each of such wards and the remaining twelve aldermen represent the other wards of the borough each ward being represented by two aldermen and it is expedient to increase the number of councillors returned by and the number of aldermen representing the Preston Ward by an addition of three councillors and one alderman so that each ward

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of the borough shall return the same number of councillors and be represented by the same number of aldermen :

And whereas it is expedient that the Corporation should be empowered as by this Act provided to extend and improve the Madeira Road to execute the works in relation thereto and to provide the modes of access thereto herein-after described together with the several sea-side improvements in connexion therewith by this Act authorised for the use accommodation recreation and amusement of the inhabitants of and visitors in the borough :

And whereas it is expedient that provisions such as are in this Act contained should be made for the purchase by agreement by the Corporation of such lands as they may think expedient for the purpose of providing thereon a new market for the sale of provisions in substitution for the existing market and for enabling the Corporation after the opening of such new market and the discontinuance thereupon of the existing market to appropriate the site of the existing market for the erection of municipal offices and otherwise as by this Act authorised :

And whereas by certain indentures particularly described in Part I. of the Schedule (B) to this Act annexed and therein and herein-after referred to respectively as "the first indenture" "the second indenture" and "the third indenture" certain lands and premises therein described as the race-ground and race-stand and other premises in the said indentures more particularly described and in Part II. of the said Schedule (B) described under the title of "the racecourse" together with their respective appurtenances were conveyed or assured to Thomas Read Kemp in the said indentures more particularly described his heirs appointees or assigns subject to certain covenants to be entered into and entered into by the said Thomas Read Kemp and contained in the third indenture and in particular to a covenant to the effect that he the said Thomas Read Kemp his heirs and assigns would for ever thereafter permit and suffer the inhabitants and visitors of the town of Brighthelmston and the public in general to use and enjoy the race-ground for the purposes of racing or of exercise or other diversions and to use the race-stand and other buildings on the race-ground and to use and enjoy a general right of way in over and upon certain roads in the third indenture mentioned subject to such orders and regulations as certain persons and their successors by the third indenture constituted managing trustees of certain trust estates and premises therein more particularly described or the majority of such managing trustees (with the consent of the vicar of Brighthelmston if resident in the parish of Brighthelmston and the lords of the manors of Brighthelmston and of Atlingworth if adult and competent or if not so resident or competent without

such consent) might from time to time devise and ordain and also that he the said Thomas Read Kemp his heirs or assigns would not at any time thereafter break up or convert into tillage any part of the race-ground then uncultivated with the plough nor divide nor enclose any part of the race-ground whether then in grass or under the plough and that he his heirs or assigns should and would when required by the trustees for the time being of the said indenture or the majority of them lay down in grass the portion at the eastern side thereof containing six acres or thereabouts then cultivated with the plough or any part thereof and should not at any time thereafter again break up and convert into tillage the said portion containing six acres or as much thereof as should be so laid down in grass and that when and as often as any new managing trustee or trustees should be appointed pursuant to the power in the third indenture contained he the said Thomas Read Kemp his heirs and assigns should and would at the request of the managing trustees for the time being or any of them but at the costs and charges of the said trust estates seal and deliver from time to time such deed or deeds as the said managing trustees or their counsel should advise whereby the said Thomas Read Kemp his heirs or assigns for the time being seised of or entitled to the inheritance or freehold of the piece of ground called the race-ground and the soil of the said road should and would oblige and bind himself and themselves and his and their real or personal estate and representatives in covenant with the trustees for the time being to the performance and observance of such and the like covenants and agreements for securing to the inhabitants and visitors of the town of Brightelmston aforesaid and the public in general such and the like rights powers and privileges connected with the use and enjoyment of the race-ground and the race-stand and other buildings thereon and the roads therein-before mentioned as were intended to be secured by the said covenants herein-before mentioned and in the third indenture contained :

And whereas by a certain indenture particularly described in Part I. of the Schedule (B) to this Act annexed and therein referred to as "the fourth indenture" William Furner James Murray Anderson Bright Smith Eardley Nicholas Hall and William Catt were appointed new trustees of the said trust estates and premises together with Charles Scrase Dickins and Thomas Attree :

And whereas by a certain indenture particularly described in Part I. of the Schedule (B) to this Act annexed and therein and herein-after referred to as "the fifth indenture" after reciting that Frederick William Marquis of Bristol party thereto of the one part was then seised to him and his heirs of the freehold and inheritance of the race-ground and that the several persons parties thereto of

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the other part had applied to him to enter into the covenants with respect to the race-ground therein-after contained in pursuance of the covenants on the part of the said Thomas Read Kemp his heirs executors and administrators in that behalf in the third indenture contained the said Frederick William Marquis of Bristol for himself his heirs executors administrators and assigns did covenant with the several persons aforesaid that he the said Marquis of Bristol his heirs and assigns from time to time and for ever thereafter would permit and suffer the inhabitants and visitors of the town of Brighthelmston and the public in general to use and enjoy the race-ground for the purposes of racing or of exercise or other diversion subject to the orders and regulations made by the managing trustees with the consent and in the manner in the fifth indenture mentioned and otherwise with respect to the race-ground as in the fifth indenture more particularly set forth :

And whereas by a certain indenture particularly described in Part I. of the Schedule (B) to this Act annexed and therein referred to as "the sixth indenture" Charles Lamb John Leonhardt Brigden Charles Spencer Scrase Dickins William Percival Boxall and Richard Alexander Bevan were appointed new trustees of the said trust estates and premises together with the said William Furner (since deceased) and Eardley Nicholas Hall :

And whereas it is expedient that the rights powers privileges and authorities of the said Eardley Nicholas Hall Charles Lamb John Leonhardt Brigden Charles Spencer Scrase Dickins William Percival Boxall and Richard Alexander Bevan and their successors as managing trustees under the said indentures and the benefit of all covenants with respect to the race-ground and appurtenances thereto should be transferred to and vest in the Corporation and be exercised and enjoyed by the Corporation without the consent of the vicar of Brighthelmston or of the lords of the manors of Brighthelmston and of Atlingworth or any of them and the said managing trustees have consented to such transfer and vesting and the Venerable Archdeacon Hannah the vicar of Brighthelmston and Somers Clarke the lord of the manor of Atlingworth and Thomas Faulconer Wisden and Charles Robert Scrase Dickins the lords of the manor of Brighthelmston have respectively consented to such exercise and enjoyment as aforesaid :

And whereas it is expedient that such provisions should be made as are in this Act contained with respect to the purchase by the Corporation of the squares and places specifically described in Part I. of the Schedule (C) to this Act annexed and with respect to the maintenance management and improvement of the same as pleasure grounds or gardens for the use and enjoyment of the

same by the persons entitled thereto and also with respect to the maintenance management and improvement as pleasure grounds or gardens of such other squares and places within the borough as the Local Government Board may from time to time deem proper :

And whereas the burial ground situate on the west side of Dyke Road between Upper North Street and Clifton Terrace and the burial ground situate on the east side of Dyke Road aforesaid and the north side of Church Street and the burial ground on the east side of Queen's Road and the north side of Church Street all in the borough have respectively been for a long time disused as burial grounds and it is expedient that the Corporation should be empowered in the manner and subject to the conditions by this Act prescribed to control maintain repair and improve the same and to keep the same as open spaces accessible to and for the use and enjoyment of the public :

And whereas it is expedient that the powers of the Corporation with respect to the prevention of the spread of infectious diseases and sanitary matters be amended and extended and that further and better provision be made with respect to streets buildings sewers and sewerage with respect to the management regulation and good government of the borough and with respect to rates and expenses and the recovery of the same :

And whereas for the purposes aforesaid it is expedient that the Corporation should be authorised to acquire lands and to expend and borrow moneys :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

And whereas an estimate has been prepared by the Corporation for the purchase of land for and the execution of the various works and sea-side improvements new market municipal buildings and buildings connected therewith by this Act authorised and such estimate amounts to one hundred thousand pounds :

And whereas the several works and sea-side improvements market and buildings included in such estimate respectively are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 and are herein-after referred to as "permanent works" :

And whereas thirty-six of the whole number of the council at a meeting held on the thirtieth day of October one thousand eight hundred and eighty-three after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Sussex Daily Post" a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in

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-- the district fund and general district rate :

And whereas such resolution was published twice in the "Brighton Examiner" a newspaper published and circulating in the borough and has received the approval of one of Her Majesty's Principal Secretaries of State and of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by thirty-nine being an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the third day of January one thousand eight hundred and eighty-four being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and plans showing the lands to be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands in the line of those works or within the limits of deviation as defined on the plans and describing those lands have been deposited with the clerk of the peace for the county of Sussex and are in this Act referred to respectively as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

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## PART I.

### PRELIMINARY.

- Short title. 1. This Act may be cited for all purposes as the Brighton Improvement Act 1884.
- Division of Act into parts. 2. This Act is divided into parts as follows :—  
Part I. Preliminary :  
Part II. Alteration of number of councillors and aldermen :  
Part III. Madeira Road and sea-side improvements :  
Part IV. Markets :  
Part V. Racecourse :

Part VI. Norfolk Square and other squares and places mentioned in the first column of the first part of the Schedule (C) to this Act annexed and certain other squares and places in the borough : A.D. 1884.

Part VII. Disused burial grounds :

Part VIII. Infectious diseases :

Part IX. Streets and buildings :

Part X. New streets and new buildings :

Part XI. Sewers and sewerage :

Part XII. Sanitary :

Part XIII. Local Government :

Part XIV. Financial :

Part XV. Miscellaneous.

3. The schedules to this Act annexed shall form part of this Act. Schedules to be part of Act.

4. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as the same are amended by the Lands Clauses (Umpire) Act 1883 are except where expressly varied by this Act incorporated with and form part of this Act. Incorporation of general enactments.

5. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction :— Interpretation of terms.

“The borough” means the municipal borough of Brighton in the county of Sussex as extended by the Brighton Borough Extension Act 1873 :

“The Corporation” means the mayor aldermen and burgesses of the borough :

“The mayor” and “deputy mayor” mean respectively the mayor and deputy mayor of the borough :

“The council” means the council of the borough :

“The sanitary committee” means the sanitary committee from time to time appointed by the council :

“The town clerk” “the treasurer” “the surveyor” “the medical officer of health” “the inspector of nuisances” mean respectively the town clerk the treasurer the surveyor the medical officer of health and any inspector of nuisances of the borough and include their respective deputies and “office” in relation to any of the said officers means the office of such officer at the town hall or at such other place in the borough as the Corporation may from time to time appoint :

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough :

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- “The Public Health Acts” means the Public Health Act 1875 and any Act amending the same :
- “The Municipal Corporation Acts” means the Municipal Corporations Act 1882 and any Act amending the same :
- “The Act of 1825” means the Act 6 Geo. IV. cap. 179 intituled An Act for the better regulating paving improving and managing the town of Brighthelmston in the county of Sussex and the poor thereof :
- “The Act of 1873” means the Brighton Borough Extension Act 1873 :
- “The Corporation Acts” means and includes the several Acts and Orders mentioned and referred to in the Schedule (A) to this Act annexed :
- “Sea-side improvements” means the sea-side improvements authorised by Part III. of this Act :
- “The old market” means the market for the sale of meat fish poultry butter herbs roots fruits garden stuff and other provisions in the borough as it exists at the time of the passing of this Act :
- “The new market” means the market authorised to be provided by this Act :
- “The racecourse” means the lands and premises described under that title in Part II. of the Schedule (B) to this Act annexed :
- “The Dyke Road Burial Grounds” means the burial grounds following (that is to say) :—
- (A.) The burial ground situate on the west side of Dyke Road between Upper North Street and Clifton Terrace :  
and
- (B.) The burial ground situate on the east side of Dyke Road aforesaid and the north side of Church Street both in the borough :
- “The Queen’s Road Burial Ground” means the burial ground situate on the east side of Queen’s Road and the north side of Church Street aforesaid in the borough :
- “The burial grounds” means the Dyke Road Burial Grounds and the Queen’s Road Burial Ground :
- “Public conveyance” means any omnibus hackney carriage fly or other vehicle let or used for the conveyance of passengers for hire within the borough whether such vehicle be licensed by the Corporation or not and whether the same be the property of a person residing or a company having offices within the borough or elsewhere :
- “Owner” (except in Part VI. of this Act and in Part II. of the Schedule (C) to this Act annexed) includes in the case of any



building or structure in course of construction or alteration any person by whose orders or at whose cost such building or structure is being constructed or altered such person not being any contractor or builder employed to construct the same :

“Building” shall include all erections or constructions of masonry brickwork or any materials whatsoever and whether under or above the natural ground level and whether intended for human habitation or for trade or any other purpose whatever :

“Public building” means any building used or intended constructed or adapted to be used either regularly or occasionally as a church chapel or other place of public worship or as a college school (not being merely a dwelling-house so used) theatre public hall public concert-room public ball-room public lecture-room public exhibition-room or public place of assembly or used or intended constructed or adapted to be used either regularly or occasionally for any other public purpose :

“Dwelling-house” means any building or part thereof used or intended constructed or adapted to be used wholly or partly for human habitation by day or night :

“Structure” as used in this Act includes any building wall bridge fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other such erection construction or thing :

“Ground floor” used with reference to any building means that floor thereof the upper surface of which is nearest to the level of the street or ground adjoining the principal or only entrance to such building :

“Ground storey” used with reference to any building means that storey thereof which is comprised between the ground floor and the floor next above the ground floor :

“First storey” used with reference to any building means that storey thereof which is next above the ground storey :

“Topmost storey” means the uppermost storey in any building whether constructed wholly or partly in the roof or not and whether used or constructed or adapted for human habitation or not :

“New” applied to a street or building or structure designates a street or building or structure begun to be laid out made built rebuilt or constructed after the passing of this Act Provided always that the expression “new building” shall include the re-erecting of any building pulled down to or below the ground storey thereof or of any building of which only the framework is left above the ground storey and that any addition to or external alteration of any existing building and the conversion into a dwelling-house of any building not originally constructed

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or theretofore lastly used for human habitation and the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only shall (but in the case of an addition or external alteration of an existing building so far only as regards such addition or external alteration) be deemed the erection of a new building and in cases of division or conversion of a building into more than one dwelling-house the Corporation shall determine which (if any) one of the houses formed out of the previously existing building shall be deemed to be the old or existing building :

“Old” applied to a street or building or structure designates a street or building or structure begun to be laid out made built or constructed before the passing of this Act or the plans for which shall have been approved by the Corporation within two years before the passing of this Act :

“Building line” means the line to which the outer face of an external wall of any building abutting upon any street has been built or can be built without encroaching (in any part of its height) upon the existing or required or intended available width of such street :

“Available width,” applied to any street means the whole width used or intended to be used for purposes of public traffic in such street exclusive of any gardens forecourts or enclosed areas measured at right angles to the course or direction of such street :

“Intended” applied to a new street or new building or to the available width of a new street means the new street or the new building or the available width of the new street as the case may be shown on the deposited plan :

“Person” includes Corporation :

The expression “new building” in the Public Health Act 1875 as applied to the borough shall have the same meaning as by this Act is assigned to that expression :

and the several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act (except where otherwise expressly provided) the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in this Act and (for the purposes of this Act) in enactments incorporated with this Act—

The expression “court of competent jurisdiction” “superior courts” or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt and not a debt or demand

created by statute and shall include any court of competent jurisdiction. A.D. 1884.

6. This Act except where otherwise expressed or implied shall apply exclusively to the borough. Limits of Act.

7. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according to the Corporation Acts as a municipal body or urban sanitary authority and with all the rights powers privileges exemptions authorities and duties conferred and imposed by those Acts respectively on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the before-mentioned Acts respectively and as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by the Corporation by or under this Act were vested in imposed on or enjoyed by the Corporation by or under those Acts respectively. Act to be executed by council.

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## PART II.

### ALTERATION OF NUMBER OF COUNCILLORS AND ALDERMEN.

8. From and after the first day of November one thousand eight hundred and eighty-four the number of councillors for the borough shall be forty-two instead of thirty-nine and from and after the tenth day of November one thousand eight hundred and eighty-four the number of aldermen for the borough shall be fourteen instead of thirteen as prescribed by the Act of 1873 and each of the wards of the borough shall return six councillors and be represented by two aldermen instead of the number respectively prescribed by the Act of 1873 and the said Act shall be construed accordingly. From and after November 1st 1884 number of councillors and aldermen increased to forty-two and fourteen respectively.

Save as by this Act expressly provided the provisions of all enactments relating to the council shall continue unaffected and all references therein to the council shall apply to the council as altered by this Act.

9. On the first day of November one thousand eight hundred and eighty-four three councillors shall be elected for the Preston Ward in addition to and at the same time and place and in such and the same manner as the councillor to be then elected in the place of the councillor for that ward then going out of office by rotation under the Municipal Corporation Acts. First election of additional councillors.

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The expression "new councillor" means any one of the councillors for the Preston Ward elected on the first day of November one thousand eight hundred and eighty-four and includes any councillor elected in his place at any time before he would have gone out of office as by this Act provided.

Rotation of  
councillors  
for Preston  
Ward.

**10.** With respect to the councillors for the Preston Ward the following provisions shall be in force and have effect:—

On the first day of November one thousand eight hundred and eighty-five the new councillor elected by the smallest number of votes shall go out of office together with the councillor going out of office on that day by rotation under the Municipal Corporation Acts and on the first day of November one thousand eight hundred and eighty-six the new councillor elected by the next smallest number of votes shall go out of office together with the councillor going out of office on that day by rotation under the Municipal Corporation Acts:

On the first day of November in the year one thousand eight hundred and eighty-seven and in every year thereafter the councillors to go out of office shall be the councillors who have been longest in office without re-election:

In each instance the place of the councillors going out of office shall be supplied by the election of a like number of councillors in the manner prescribed by the Municipal Corporation Acts:

Every councillor going out of office may forthwith be re-elected: If there has not been a contested election or if any doubt arises the order of rotation shall be determined by the council.

Additional  
alderman.

**11.** On the tenth day of November one thousand eight hundred and eighty-four the council immediately after the election of a mayor shall elect in manner provided by the Municipal Corporation Acts a fit person to be an alderman of the borough.

The alderman to be so elected shall go out of office on the ninth day of November one thousand eight hundred and eighty-six together with the aldermen going out of office on that day by rotation and the places of the seven aldermen so going out of office shall be filled by the election of a like number of aldermen in the manner prescribed by the Municipal Corporation Acts.

On the ninth day of November in the year one thousand eight hundred and eighty-nine and in each succeeding third year one half of the aldermen of the borough shall go out of office and their places shall be filled by the election of a like number of aldermen in the manner prescribed by the Municipal Corporation Acts.

The aldermen so to go out of office by rotation shall be those who have been longest in office without re-election.

Every alderman going out of office may forthwith be re-elected.

12. If two-thirds of the council of the borough agree to petition and the council thereupon petition the Queen for the alteration of the boundaries of the wards of the borough such petition shall be deemed to be a petition authorised by section thirty of the Municipal Corporations Act 1882 and it shall be lawful for Her Majesty by Order in Council to declare that such petition shall be taken into consideration and such proceedings shall be taken thereupon as though a petition for the alteration of the boundaries of the wards of the borough were authorised by the said section and for the purposes of this Act the said section shall be construed accordingly Provided always that the Commissioner appointed by the Secretary of State under the said section may submit that no alteration be made in the boundaries of the wards of the borough.

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Alteration of boundaries of wards.

### PART III.

#### MADEIRA ROAD AND SEA-SIDE IMPROVEMENTS.

13. Subject to the provisions of this Act the Corporation are hereby (as far as any statutory authority in this behalf is requisite) authorised to make execute and maintain on the lands shown on the deposited Plan (A) and specified in the deposited book of reference and as far as the lines and levels of the works are shown in the deposited Plan (A) and sections in those lines and in accordance with those levels the several works and sea-side improvements by this part of this Act authorised and to enter upon take and use or appropriate such of the lands delineated on the deposited Plan (A) and described in the deposited book of reference as they may require for that purpose.

Powers for Corporation to make works in Madeira Road and sea-side improvements.

14. The several works and sea-side improvements which by this part of this Act the Corporation are authorised as aforesaid to make execute and maintain include the works and sea-side improvements following (that is to say):—

Description of works and sea-side improvements authorised.

#### WORKS.

An Embankment or Retaining Wall No. 1 commencing at a point fifty yards or thereabouts eastward of the toll-house on the eastern side of the landward end of the chain pier thence running in a southwardly direction for a distance of fifty yards or thereabouts thence eastward to and terminating at the concrete groyne opposite Paston Place at a point in that groyne sixty-four yards or thereabouts southward of the face of the archway under the centre of the steps leading from the beach to the Marine Parade opposite Paston Place aforesaid :

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An Embankment or Retaining Wall No. 2 commencing at the eastern side of the said concrete groyne at a point therein forty yards or thereabouts southward of the face of the said archway running thence in an easterly and north-easterly direction and terminating on the southern side of the Newhaven Road at or about the point at which the boundary of the borough joins that road :

A Roadway No. 1 commencing at or about the point of commencement herein-before described of the Embankment or Retaining Wall No. 1 by this Act authorised and terminating by a junction with the Marine Parade opposite the western end of Lewes Crescent :

A Roadway No. 2 commencing by a junction with the Roadway No. 1 by this Act authorised at a point thirteen yards or thereabouts southward of the foot of the westernmost flight of steps leading from the beach to the Marine Parade opposite Paston Place and terminating at or about the point of termination herein-before described of the Embankment or Retaining Wall No. 2 by this Act authorised.

#### SEA-SIDE IMPROVEMENTS.

Conservatories shelters reading rooms lavatories and other places and conveniences for the use accommodation recreation and amusement of the inhabitants of and visitors in the borough on the said sea-beach and adjoining land :

Lifts elevators or other means for the conveyance of passengers from and to the upper part of the cliff fronting Madeira Road aforesaid to and from the said road :

Together with all proper approaches works and conveniences thereto connected therewith or necessary for the use of the same.

Power to deviate vertically or laterally.

**15.** In making the said embankments or retaining walls and roads the Corporation may deviate vertically to any extent not exceeding three feet from the levels defined on the deposited sections and may deviate laterally to any extent within the limits of deviation defined on the deposited plans.

Power to Corporation to acquire or hire necessary machinery.

**16.** The Corporation may from time to time provide acquire purchase take on lease or hire such engines lifts elevators pumps machinery appliances and conveniences as they may think proper for the purposes of the sea-side improvements by this part of this Act authorised and they may from time to time make reasonable charges in respect of the use of conservatories shelters reading rooms lavatories lifts and elevators not exceeding the amounts specified in Schedule (D) to this Act annexed.

17. The Corporation may from time to time employ such officers servants and workmen as they may deem requisite for the purpose of executing maintaining applying and using all or any of the works and sea-side improvements by this part of this Act authorised and pay them such remuneration as the Corporation may deem proper and may from time to time discharge such officers servants and workmen.

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Power for Corporation to employ servants.

18. The Corporation may from time to time let all or any of the sea-side improvements for any term not exceeding five years to any person for such consideration on such terms and conditions as the Corporation may think fit and as shall in their opinion be consistent with the objects for which the same are by this part of this Act authorised.

Power to Corporation to let sea-side improvements.

19. The Corporation instead of themselves making any of the sea-side improvements upon the lands applicable thereto may lease the said lands to any person who shall covenant and agree with the Corporation to make and maintain such of the sea-side improvements upon the said lands for such consideration on such terms and conditions as the Corporation may think fit and as shall in their opinion be consistent with the objects for which such of the sea-side improvements are by this part of this Act authorised.

Power to Corporation to let land for sea-side improvements.

20. The powers of the Corporation for the compulsory purchase of lands for the purposes of this part of this Act shall not be exercised after the period of three years from the passing of this Act.

Period for compulsory purchase of land.

21. If the works shown on the deposited plans and authorised by this part of this Act be not completed within seven years from the passing of this Act then on the expiration of that period the powers by this part of this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Time for completing works.

22. The Corporation may from time to time make and when made may from time to time vary alter and repeal byelaws for all or any of the following purposes (that is to say):—

Byelaws with respect to the sea-side improvements.

For the management of all or any of the sea-side improvements :  
For regulating the use of all or any of the sea-side improvements and the conduct of persons resorting thereto.

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PART IV.

MARKETS.

Power to  
corporation  
to provide a  
new market.

**23.** The Corporation may by agreement but not otherwise purchase such lands within the borough not exceeding in the whole five acres as they may think suitable for the erection and maintenance of a market for the sale of meat fish poultry game milk butter eggs cheese herbs roots fruits garden-stuff and other provisions or any of them with such stalls sheds and other conveniences as they may think proper and the Corporation shall upon such lands and within such parts of the same as they may think proper provide establish maintain and regulate a market to be called "the new market" and may from time to time upon such lands enlarge or contract the limits of such market and may from time to time form construct maintain and regulate such market-places and market-houses and all such dwelling-houses buildings shops stalls works approaches conveniences and appurtenances therein thereto or connected therewith as they may think fit for the sale of meat fish poultry game milk butter eggs cheese herbs roots fruits garden-stuff and other provisions and may from time to time appropriate the same respectively for the sale therein of any of the said provisions or may upon any alterations of the limits of the new market discontinue the use for market purposes of any lands excluded from the new market by such alterations and appropriate or dispose of such lands as lands not required for market purposes.

Old market  
to be discon-  
tinued when  
new market  
is opened.

**24.** When and as soon as the new market provided by the Corporation in pursuance of the provisions of this part of this Act is ready to be opened for the use of the public the Corporation shall fix a day for the opening thereof and by a notice under the hand of the town clerk published once in a newspaper circulating in the borough notify that the new market has been provided and the day and hour when the same will be opened and from the day so notified the old market shall be discontinued and shall cease to be used as a market and no market shall thereafter be holden on the site thereof.

As to new  
market.

**25.** The new market shall when open be in substitution for the old market and from and after the opening of the new market all enactments byelaws and regulations with respect to the tolls to be demanded and taken and in relation to tolls in the old market and for preventing encroachments on the old market and otherwise in relation to the old market and all rights powers authorities privileges obligations and liabilities of the Corporation which



immediately before the opening of the new market were in force and operative with respect to the old market shall until the same be repealed or altered be in force and have effect and operate with respect to the new market in like manner in every respect as though the same were the old market and this Act had not been passed.

**26.** Upon the discontinuance of the old market the Corporation may pull down the buildings thereof and may erect upon the site of the old market buildings to be used for the purpose of municipal offices and buildings to be used as arcades or bazaars or for such other purposes as they may think fit or they may alter and extend the old market building so as to adapt it for use for all or any of the aforesaid purposes.

Site of old market may be used for erection of offices or other buildings.

**27.** The Corporation may from time to time let all or any of the buildings (except the municipal offices) erected upon the site of the old market under the authority of this part of this Act for terms not exceeding seven years to any person for such considerations at such rents and subject to such conditions as the Corporation may think fit and as shall in their opinion be consistent with the objects for which the same are by this part of this Act authorised.

Power to corporation to let buildings.

**28.** The Corporation instead of themselves erecting any of the buildings (other than the municipal offices) upon the site of the old market under the authority of this part of this Act may lease the lands available for the erection of the same to any person who shall agree with the Corporation to erect and maintain such buildings upon the said lands for such terms at such rents for such considerations and subject to such conditions as the Corporation may think fit and as shall in their opinion be consistent with the provisions of this part of this Act with respect to such buildings.

Power to Corporation to let land for buildings.

## PART V.

### RACECOURSE.

**29.** All the rights powers privileges and authorities of the managing trustees and the benefit of all covenants to which they are entitled at the time of the passing of this Act under the indentures described in Part I. of the Schedule (B) to this Act annexed or any of them with respect to the racecourse and the appurtenances thereto shall from and after the passing of this Act be transferred to and shall vest in the Corporation and may be exercised and enjoyed by them Provided always that the consent of the vicar of Brighthelmston or the lords of the manors of Brighthelmston and of Atlingworth or any of them shall not be

Corporation to manage and regulate racecourse.

A.D. 1884.

Power to purchase racecourse.

Byelaws with respect to racecourse.

required for the exercise by the Corporation of any of the said rights powers privileges and authorities.

**30.** The Corporation may at any time and from time to time by agreement but not otherwise purchase or acquire all the estate rights and interest of any person in the racecourse or any part of the same and may have hold and enjoy the same for such purposes as shall not be inconsistent with the use of the racecourse in the manner and for the purposes by the said indentures and this Part of this Act provided.

**31.** The Corporation may from time to time make and when made may from time to time vary alter and repeal byelaws for the regulation of the racecourse and for the removal therefrom of any person infringing such byelaws.

#### PART VI.

#### NORFOLK SQUARE AND OTHER SQUARES AND PLACES MENTIONED IN THE FIRST COLUMN OF PART I. OF THE SCHEDULE (C) TO THIS ACT ANNEXED AND CERTAIN OTHER SQUARES AND PLACES IN THE BOROUGH.

Purchase of squares and places mentioned in first column of Part I. of Schedule(C).

**32.** Subject to the provisions of this Act the Corporation may within four years after the passing of this Act purchase and the owners and persons interested therein respectively shall if requested so to do by the Corporation sell to the Corporation the enclosures and gardens forming part of the squares and places delineated on the deposited Plan (B) and described in the deposited book of reference and also in the first column of Part I. of the Schedule (C) to this Act annexed subject to all rights of the owners and occupiers of the houses described in the second column of Part I. of the said Schedule (C) or hereafter declared to be privileged houses in relation to such squares and places respectively to use the same respectively as pleasure grounds or gardens and forthwith after the purchase of any such enclosure or garden forming part of any such square or place as herein-before provided the same shall vest in the Corporation as trustees for the purposes of this part of this Act and such enclosure or garden forming part of such square or place shall for the purposes of this Act become an "enclosed place" and the houses described in the second column of Part I. of the said Schedule (C) in relation thereto shall be "privileged houses" and the same are so referred to in this Act.

On the completion of each purchase of an enclosed place the Corporation shall subject to the provisions of this Act be entitled to the benefit of the covenants originally entered into with the owner of the enclosed place by the first purchasers of the several sites of privileged houses entitled to the user thereof.

A.D. 1884.

The expenses incurred by the Corporation in the purchase of each of the enclosures and gardens forming part of the squares and places described in the first column of Part I. of the said Schedule (C) (including the purchase-money) shall be repaid to the Corporation by the committee of such square or place constituted as by this part of this Act provided by such annual or other payments on account of principal and interest as may be agreed upon by the Corporation and the said committee or as failing such agreement may be determined by the Local Government Board. Provided always that within three months from the completion of any such purchase the Corporation shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped in which the purchase money or consideration for the sale to the Corporation shall be fully and truly set forth and in default of such production the ad valorem stamp duty on such purchase-money or consideration with interest thereon at the rate of five pounds per centum per annum from the date of purchase to the date of payment shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

**33.** The owner or occupier of any house in the immediate vicinity of any enclosed place whether mentioned in the third column of Part I. of Schedule (C) to this Act or not may at any time within six years after the passing of this Act apply to the Local Government Board to add such house to the list of privileged houses in respect of such enclosed place and if the Local Government Board shall be satisfied upon the examination of documentary or other evidence produced to them by such owner or occupier that such owner or occupier is entitled in respect of such ownership or occupation to the use of such enclosed place and that the said house ought to be a privileged house in respect of such enclosed place the Local Government Board may so determine and declare and a copy of any such declaration shall be forwarded by the Local Government Board to the town clerk and thereupon the said house shall become a privileged house and the owner and occupier thereof shall respectively be entitled to the same rights and privileges and be subject to the same duties and liabilities as if the said house were included in the second column of the said Part I. of Schedule (C) to this Act in respect of such enclosed place. The expense of all proceedings under this section shall be borne as the Local Government Board shall direct.

Local  
Government  
Board may  
declare  
houses  
privileged.

**34.** Where in the borough any garden or enclosed ground has been set apart otherwise than by the revocable permission of the owner thereof in any public square crescent circus street or other public place for the use or enjoyment of the inhabitants of the

Power to  
Local Go-  
vernment  
Board to  
extend

A.D. 1884.  
preceding  
provision of  
this part of  
this Act to  
places not  
mentioned  
in Sche-  
dule (C).

houses abutting upon or in the immediate vicinity of the same subject to any condition or reservation for keeping such garden or enclosed ground as a garden or pleasure ground or unbuilt upon the Local Government Board may if requested by a majority of three fourths of the owners and occupiers of the said houses or if requested by the Corporation with the consent of such majority by order to be published in the "London Gazette" declare that immediately after the publication of such order in the "London Gazette" the following provisions of this part of this Act shall apply to the said garden or enclosed ground and to such houses and forthwith after the publication of such order in the "London Gazette" the following provisions of this part of this Act shall extend and apply to the said garden or enclosed ground and the said houses and the said garden or enclosed ground shall for the purposes of this Act become an "enclosed place" and the said houses shall in relation thereto be "privileged houses" and the same are in this Act referred to by such names respectively:

Provided always that the day for the first election of the committee for the management of the said garden or enclosed ground shall be a day to be specified in the said order by the Local Government Board and in relation to the said garden or enclosed ground and the said houses this Act shall be read and construed accordingly:

The production of a copy of the "London Gazette" containing any such order as aforesaid shall be conclusive evidence of the due making and publishing of the same and of the following provisions of this part of this Act being in force in relation to the garden or ground and the houses specified in such order.

Enclosed  
places.

**35.** Every enclosed place shall be kept free from all buildings and as a pleasure ground or garden for the use and enjoyment of the owners and occupiers of the privileged houses and their respective families visitors and friends only subject to the provisions of this part of this Act as to the maintenance management and improvement of the same and the same may from time to time be used and enjoyed respectively as a pleasure ground or garden by the owners and occupiers of the privileged houses and by any of their respective families visitors and friends and by no other persons subject to the provisions of this part of this Act and the byelaws from time to time made in manner by this part of this Act provided and for the time being in force:

Provided always that save as by this part of this Act expressly provided nothing in this part of this Act shall prejudice or affect the estate right title or interest of any person his heirs executors administrators or assigns in to or in respect of any of the enclosed

places other than those described in the first column of Part I. of the said Schedule (C): A.D. 1884.

Provided further that no visitors or friends of such owner or occupier shall be entitled to use any enclosed place unless accompanied by such owner or occupier or by some member of his family resident in his house.

**36.** For the purpose of providing for the maintenance management and improvement of every enclosed place and of the grass trees shrubs plants flowers rails fences seats and other things therein and the walks thereon and the enclosure railings or fences thereof there shall be a committee who shall to the exclusion of any other person or authority be charged with the duty of such maintenance management and improvement and such committee shall be called by the name of the enclosed place in respect of which the same shall be constituted as by this part of this Act provided and such committee is in this Act referred to in relation to such enclosed place as the "committee" Such committee shall consist of six persons of whom the mayor for the time being or some member of the council nominated in writing by the mayor shall be one and of whom the remainder shall be owners or occupiers of the privileged houses who shall be from time to time elected at the times in the manner and subject to the conditions prescribed by the regulations contained in Part II. of the said Schedule (C) Provided that the committee may from time to time within ten months after the then last election of members by resolution increase or decrease the number of members of the committee as they may think fit Provided also that such resolution shall only take effect at the annual election of members next after the passing of the same and that the number of the members constituting the committee shall not at any time be more than eight nor less than five of whom the mayor or such nominee of the mayor as aforesaid shall always be one and the expression "the prescribed number" in relation to any annual election of members of the committee shall be construed to mean the number to be then elected in pursuance of this part of this Act.

Committee  
for manag-  
ing enclosed  
places.

The committee shall for the purposes aforesaid have all such rights powers and authorities and be entitled to do all such acts matters and things and to cause to be executed all such works and to employ and remunerate all such superintendents gardeners and workmen as they may from time to time think necessary and the committee shall hold such meetings at such times and at such place as they may from time to time think necessary and appoint and of such meetings the mayor or such nominee of the mayor as aforesaid if present shall be the chairman and if he be absent from

A.D. 1884.  
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any meeting some other member to be chosen by the committee shall be the chairman of such meeting and at any such meeting all powers vested in the committee under this part of this Act may be exercised by any three or more members present at such meeting and no business shall be transacted at any such meeting unless such number of members be present and all questions shall be decided by a majority of those present and voting and in case of equality of votes the chairman of such meeting shall have a casting vote.

Power to  
committee to  
make rates to  
defray ex-  
penses.

**37.** The committee of any enclosed place may for the purpose of defraying any expenses incurred by them in the execution of this part of this Act including any annual or other sums payable by the committee to the Corporation as by this part of this Act provided once or more often in every year make assess and collect a rate or rates upon and from each and every person who shall occupy the privileged houses according to the rateable value of such houses respectively according to the then last assessment for the poor's rate of the said parish of Brighton but so nevertheless that such rate or rates so to be made assessed and collected do not in any one year exceed sixpence in the pound according to the said yearly rateable value of such houses respectively :

In assessing and collecting the rate or rates by this section authorised the committee shall distinguish the amount thereof assessed on account of and for payment of such annual or other sums payable by the committee to the Corporation (in this section called "the purchase rate") from the amount thereof assessed in respect of any other expenses incurred by them in the execution of this part of this Act and the provisions of section two hundred and fourteen of the Public Health Act 1875 authorising certain deductions from rent on account of a private improvement rate shall apply to the purchase rate as though the same were a private improvement rate and shall authorise the like deductions from rent.

If any rate by this section authorised shall be in arrear for one month after a notice in writing demanding payment thereof has been made on the occupier of a privileged house or in case of such house not being occupied on the owner by personal service or by leaving the same addressed to such occupier or owner as the case may be at such house the same may be recovered by and in the name of the town clerk on behalf of the committee for the time being in the county court for Sussex held at Brighton aforesaid as a simple contract debt and in any such proceeding it shall not be necessary to prove the appointment of the committee or any member thereof.

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Any three or more occupiers of separate privileged houses may appeal against any such rate within fourteen days after the demand of the same to the justices of the peace for the borough of Brighton in petty sessions assembled on the ground of irregularity in making the same or of the amount thereof per pound being larger than is necessary but no such appeal shall be heard unless ten clear days notice in writing be given to the town clerk on behalf of the said committee stating the objection to the rate and the justices shall have power in case of irregularity in making the said rate to quash the same or if in their judgment the amount thereof is larger than necessary to vary the rate accordingly and to make such order thereon as to costs as they may think just and right.

The provisions of subsections two and three of section two hundred and eleven of the Public Health Act 1875 as to the assessment of a general district rate shall extend and apply with respect to any rate to be made by the committee as aforesaid under this Act as though such rate were a general district rate under the said Act.

The committee may for the purpose of making assessing and collecting any rate or rates which they are by this part of this Act authorised to make appoint a fit person to assist them in making and assessing such rate or rates and to collect the same and may pay him such remuneration as they may think just.

**38.** Every such enclosed place shall be used exclusively by occupiers of the privileged houses and their families visitors and friends but in such manner and according to such byelaws as the committee shall from time to time make with the approval of the Corporation and such byelaws when further approved and published in the manner provided for byelaws made by the Corporation under this Act shall have all the force and effect of byelaws made by the Corporation.

Byelaws  
for use of  
enclosed  
places.

**39.** The committee of any enclosed place may from time to time in the name of the town clerk on behalf of the committee of such enclosed place bring any action of ejectment or trespass or other action for recovering or defending the possession for the purposes of this part of this Act of or for obtaining the payment of damages or any Mandamus or injunction in respect of or against any actual or contemplated injury or damage to such enclosed place or any part or parts thereof or the fences walks lawns and property in or about the same.

Power to  
committee  
to bring  
actions in  
respect of  
injury to the  
enclosed  
places.

**40.** Nothing in this part of this Act shall render the town clerk personally liable in respect of any legal proceedings instituted by

Town clerk  
not liable in  
respect of

A.D. 1884.  
certain legal  
proceedings  
instituted in  
his name.

the committee of any enclosed place in the name of the town clerk under this part of this Act and all damages costs charges and expenses to which the town clerk may be put or with which he may become chargeable in respect of any legal proceedings by the committee of any enclosed place in his name under this part of this Act shall be paid by the committee of such enclosed place and such committee shall be entitled to indemnify themselves for such payment out of moneys applicable or which may be raised by such committee for defraying the expenses incurred by such committee in the management of such enclosed place.

Proceedings  
of committee  
not to be  
invalidated  
for want of  
form.

41. No proceedings of the committee of any enclosed place shall be invalidated or be illegal in consequence of there being any vacancy in the number of such committee at the time of such proceedings and all proceedings of such committee or of any person acting on their behalf shall notwithstanding it be afterwards discovered that there was some defect in the appointment or election of any of the members of such committee or that they or any of them were disqualified be as valid as if every member of such committee had been duly appointed or elected and was qualified to be a member of such committee.

Special  
definition of  
owner and  
occupier.

42. In this part of this Act and in Part II. of the Schedule (C) to this Act annexed the words "owner" and "occupier" when used in relation to any request or consent by this part of this Act required to be made or given by any owners or occupiers of privileged houses or in relation to the right of voting at any election of any such committee as aforesaid shall respectively have the meanings following :—

"Owner" shall mean any person for the time being receiving on his own account or as agent or trustee for any other person or as mortgagee or other incumbrancer in possession the rack-rent of any privileged house or who would be entitled so to receive the same if such house were let at a rack-rent.

"Occupier" shall mean any person in the actual occupation of any such house who has been rated to the relief of the poor in respect of such house for not less than the space of one whole year immediately preceding the day of the making or giving by him of any such request or consent or the tendering of his vote at any such election and has also before that day paid all rates due from him under this Act except rates which have so become due within the six months immediately preceding.



PART VII.

DISUSED BURIAL GROUNDS.

43. Subject to the provisions of this part of this Act the Dyke Road Burial Grounds and Queen's Road Burial Ground respectively shall henceforth at all times be kept used and enjoyed as open spaces accessible to the public and under the control of the Corporation shall respectively be enclosed with such walls rails and fences and laid out with such roads approaches ornamental and other walks as the Corporation think fit and the Corporation shall have for themselves and their successors their officers servants and workmen a perpetual easement therein and thereover respectively and such powers and rights of entry access and otherwise in and over the burial grounds respectively and with respect to everything in and on the same respectively as are conferred by this part of this Act or as may be necessary for effectually carrying out the provisions thereof but not otherwise Provided that nothing in this part of this Act shall take away or diminish the right of access to the place of worship known as the Hanover Presbyterian Church.

Burial ground to become a public enclosure and Corporation to have easement thereover.

44. The Corporation shall at their own costs and charges repair maintain and keep in good and decent state of preservation and regulate and control the burial grounds respectively and the fences rails walls roads and walks thereof respectively including the present and such other walks and proper approaches as may be necessary and (subject to the rights privileges and easements by this part of this Act reserved in respect thereof) the vaults graves tombstones and monuments for the time being in or upon the burial grounds respectively and may drain level lay out turf plant ornament light seat and otherwise improve the same respectively and do all such works and things and employ such officers and servants as may be requisite for the purposes aforesaid or any of them.

Corporation to lay out and maintain burial grounds.

45. In order that the Corporation may better level lay out turf plant ornament and otherwise improve the burial grounds respectively they may with the consent of the heirs or personal representatives of any person whose remains are interred in any of the same remove any tombstone or monument and they may without such consent remove any such tombstone or monument if the inscription thereon shall have become illegible or if upon diligent inquiry the Corporation shall be unable to find such heirs or personal representatives Provided that any such stone or monument so removed shall be placed in some other part of such burial ground and that a register be kept of the situation from which such stone or monument shall have been removed and of all such marks and signs as may aid in the future identification of the same.

Power to remove tombstones in certain cases.

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—  
No alteration to be made in burial grounds without consent specified.

Power to appoint keepers and servants.

Power to fix days and hours of admission.

Power to make byelaws.

Burial grounds to be main-

**46.** Notwithstanding anything in this part of this Act contained the Corporation shall not remove any tombstone or monument or make any alteration in or to the Dyke Road Burial Grounds without the consent of the vicar and churchwardens of Brighton for the time being or in or to the Queen's Road Burial Ground without the consent of the minister and trustees of the Hanover Presbyterian Church.

**47.** The Corporation may from time to time appoint and pay keepers or servants to be employed in or about the burial grounds respectively and may prescribe the duties of such keepers or servants in relation thereto and may from time to time discharge such keepers or servants.

**48.** The Corporation may fix and from time to time vary the days and hours at which persons may be admitted to the burial grounds respectively Provided always that the Corporation shall from time to time if so required by the minister or trustees of the Hanover Presbyterian Church by the byelaws herein-after mentioned or otherwise exclude or prevent admission to the Queen's Road Burial Ground on the whole or any part of the Sunday and during such hours on any week-day as may be appointed for service in the said church.

**49.** The Corporation may from time to time make and when made may from time to time vary alter and repeal byelaws for all or any of the following purposes with respect to each of the burial grounds respectively (namely):—

For the prevention of the posting of bills or placards and the writing stamping cutting drawing or marking in any manner of any word or character or of any representation of any object on any building erection monument tombstone wall railing fence tree lamp-post walk pavement or seat or elsewhere in such burial ground :

For the preservation of order and good conduct among persons frequenting such burial ground :

For the prevention or restraint of acts or things tending to the injury or disfigurement of such burial ground or anything in or on the same or to interference with the use thereof by the public for purposes of exercise and recreation :

For preventing or regulating the admission of dogs to such burial ground :

For the removal from such burial ground of any person infringing any byelaw in force in relation to such burial ground.

**50.** From and after the passing of this Act the Corporation alone shall control maintain and repair the burial grounds respectively

and no other body or person shall be liable for any costs or expenses incident to the maintenance or repair of the burial grounds respectively or any of them.

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tained by Corporation only.

51. The Corporation may from time to time in their own name bring any action of ejectment or trespass or other action for recovering or defending the possession for the purposes of this part of this Act of or for obtaining the payment of damages or any Mandamus or injunction in respect of or against any actual or contemplated injury or damage to the burial grounds respectively or any part or parts thereof respectively or the fences walks graves tombstones and property in or about the same and in every such action or other proceeding all the parties thereto shall be bound to assume and shall be absolutely estopped from denying the title of the Corporation to such possession as aforesaid of the burial grounds respectively and the fences walks graves tombstones and property in or about the same.

Power to Corporation to bring actions in respect of injury to burial ground.

52. The freehold of and in the burial grounds respectively shall remain vested in the same corporations bodies and persons respectively in whom the same is vested at the passing of this Act but this enactment shall not prejudice or interfere with the easement powers and rights by this Act conferred on the Corporation Provided always that if the trustees or owners for the time being of the Queen's Road Burial Ground shall give notice in writing to the Corporation of such their desire then at the expiration of six calendar months from the time of giving such notice all the clauses and provisions of this Act so far as they regard and affect the Queen's Road Burial Ground shall cease and absolutely determine and the Corporation shall be discharged of and from all easements rights powers duties or interests in or over the said burial ground.

Freehold of burial grounds to be vested as at passing of Act.

53. Nothing in this part of this Act shall prejudice or interfere with the rights privileges or easements which any person immediately before the passing of this Act had or his heirs or personal representatives may hereafter have in respect of any vault grave tomb tombstone or monument or the maintenance thereof or the access thereto respectively in any or either of the burial grounds.

Saving rights of heirs &c. of persons interred in burial grounds.

PART VIII.

INFECTIOUS DISEASES.

54. In this part of this Act "infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria.

Infectious diseases.

A.D. 1884.

Cowkeepers  
and others  
to furnish  
lists of cus-  
tomers in  
certain cases.

**55.** Whenever it shall be certified to the Corporation by the medical officer of health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every day during which the offence is continued after conviction.

Temporary  
shelter, &c.

**56.** The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and may further provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

Further  
powers with  
respect to  
prevention  
of infection  
from infec-  
tious  
diseases.

**57.** Where the Corporation are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any dwelling-house and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such dwelling-house the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such dwelling-house and any such articles and may for that purpose remove any such articles and shall make compensation to such owner or occupier for all property or articles destroyed or injured by the exercise of the provisions of this section.

And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a further

penalty not exceeding forty shillings for every day during which the obstruction continues after conviction.

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**58.** Every person who shall cease to occupy any dwelling-house in which any person has within six weeks previously been suffering from any infectious disease without having such dwelling-house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such dwelling-house notice of the previous existence of such disease and every person ceasing to occupy any dwelling-house and who on being questioned by the owner thereof or by any person negotiating for the hire of such dwelling-house as to the fact of there having been within six weeks previously therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

**59.** No person shall without the sanction in writing of the medical officer of health or of a legally qualified medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

Prohibiting the retention of dead bodies in certain cases.

**60.** If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Corporation and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

**61.** Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a legally qualified medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or

Justices may in certain cases order dead bodies to be buried.

A.D. 1884. building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

**62.** Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

When any public conveyance has been used for the conveyance of a person suffering from an infectious disease or the conveyance of the corpse of a person who has died from any such disease and the owner of such public conveyance has not made provision for the immediate disinfection thereof the same may be taken possession of and immediately disinfected by any officer of the Corporation and the expense thereby incurred may be recovered in a summary manner from the owner (if such conveyance was so used with the knowledge of the owner) or (if not) from the person hiring or using such conveyance.

Penalty for offences under section 84 of Public Health Act 1875.

**63.** Any keeper of a common lodging-house in the borough who fails to give the notice required by section eighty-four of the Public Health Act 1875 shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a penalty not exceeding forty shillings for every day on which the offence is continued after conviction.

**64.** For the purpose of carrying into effect the provisions of sections one hundred and twenty and one hundred and twenty-one of the Public Health Act 1875 or either of those sections the Corporation may by any officer appointed in that behalf enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

A.D. 1884.  
Power of entry for purposes of sections 120 and 121 of the Public Health Act 1875.

**65.** The Corporation may from time to time make and enforce byelaws for all or any of the following purposes (that is to say):—

Power to make byelaws for sanitary purposes.

For preventing infectious rubbish being thrown into ashpits or ashtubs:

For prescribing the times for the removal or carriage through the streets of any foecal offensive or noxious matter or liquid and the construction and manner of using any vessel or vehicle used therefor and to compel the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

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## PART IX.

### STREETS AND BUILDINGS.

**66.** In cases of streets in the borough not being highways repairable by the inhabitants at large but which are open to the public the Corporation at their own expense may execute temporary repairs and may erect lamps in and scavenge light and water such streets but the execution of such repairs or the erection of such lamps in or the scavenging watering or lighting of such streets by the Corporation under this section shall not be deemed to amount to or be evidence of an adoption by them of any such street nor impose upon the Corporation any liability whatever in respect of such street.

Powers as to temporary repairs of private streets.

**67.** Every person desirous of forming a communication for horses or vehicles across any footpath in the borough so as to afford access to any premises from a street shall first apply in writing to the Corporation for an estimate of the cost of making such a communication and putting down curbing and a paved crossing and such person after having obtained such estimate may deposit with the Corporation the amount thereof and the Corporation shall thereupon with all convenient speed carry the works into effect Any difference between the sum so deposited and the actual cost of

Crossings for horses or vehicles over footways.

A.D. 1884. — the works shall be received or paid by the Corporation or such person as the case may be.

If any person after the expiration of fourteen days notice from the surveyor to make such a communication as aforesaid drives or permits or causes to be driven any horse or vehicle across any paved footpath unless and until the same has had such communication as aforesaid made and approved by the Corporation he shall be liable to a penalty not exceeding forty shillings and to make compensation for any damage done.

Recovery of damages caused to footways by excavations.

**68.** If the footway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavation on lands adjoining to such footway the Corporation may repair or replace the footway injured and all damages or expenses of or arising from such injury or repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavation has been made and may be recovered by the Corporation as new street expenses.

Corporation may define future line of streets.

**69.** Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested. No new building or erection shall be made nearer to the centre of the street than such line.

The Corporation may purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

Whenever in any of the above cases the Corporation require the said line to be observed and kept they shall make full compensation to the owner and other persons immediately interested in any new erection for any loss or damage they may sustain in consequence of such new erection being set back and the Corporation shall also make to the owner of any adjoining land or building and all other persons interested in any such land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Corporation requiring the said



line to be observed and kept All compensation under this section shall in case of difference be settled by arbitration. A.D. 1884.

If after any such line shall be so defined and prescribed as aforesaid any person wilfully or negligently acts contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and a further penalty not exceeding the like sum for every day upon which such offence shall continue after conviction.

**70.** Where in any case the upper part of a building has been built or rebuilt above the first storey or to the extent of one half of the height of such building between the ground floor and the ceiling of the topmost storey since the third day of September one thousand eight hundred and sixty it shall not after the passing of this Act be lawful to take down and rebuild the lower portion only of such building or any part thereof except with the consent of the Corporation and upon compliance with the regulations with respect to new buildings contained in any Act or byelaws for the time being in force in the borough. Rebuilding of old houses.

**71.** No building shall be erected without the consent in writing of the Corporation in any existing court on any land on which a building shall not be standing at the passing of this Act and when in any existing court any building shall fall or be burnt or pulled down to or below half the height of the front elevation thereof such building shall unless the Corporation otherwise consent in writing be entirely pulled down and removed and shall not without such consent be rebuilt. Existing courts not to be rebuilt.

If the Corporation refuse their consent to the re-erection of any such building they shall make compensation to the owner of the site of such building for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and in the case of dispute as to the amount of compensation to be made by the Corporation under this section the same shall be settled by arbitration.

**72.** The Corporation may by order from time to time determine and declare the points or limits at or within which any street is to be taken as beginning and ending. Power to define streets.

**73.** All vaults arches and cellars made either before or after the passing of this Act under any street and all openings into the same in such street shall be repaired and kept in proper order by the owners or occupiers of the houses or buildings to which the same respectively belong and in case any such vault arch or cellar be at any time out of repair the Corporation may cause the Vaults &c. under streets to be repaired by owners or occupiers.

A.D. 1884. — same to be repaired and put into good order and recover the expenses thereof as new street expenses.

Restrictions on making new vaults and cellars under streets.

**74.** It shall not be lawful to make any new vault arch or cellar under any street in the borough without the written consent of the Corporation nor otherwise than in accordance with the conditions as to construction (if any) laid down by the Corporation and if any vault arch or cellar is made contrary to the provisions of this enactment the Corporation may remove such vault arch or cellar and fill up the excavation and recover summarily the expenses incurred in so doing from the person making such vault arch or cellar.

Prevention of projections &c. in streets.

**75.** It shall not be lawful for any person to erect place fix or hang any door shutter trap platform shoot cathead crane hoist or other apparatus or thing in connexion with any building or structure so as to project over the surface of any street or to place fix or hang any projecting signboard advertising board or other projection at or from any building over any part of any street (if such projection is or is likely to become a source of danger to the passengers in the street) and every person who shall offend against the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings and to a further penalty not exceeding twenty shillings for every day upon which the offence is continued after conviction.

Special conditions as to public buildings.

**76.** Every public building shall be provided with ample and convenient means of ventilation and ingress and egress to be approved by the Corporation Provided always that this section shall not apply to any barracks public lunatic asylum workhouse prison or hospital.

Ovens and furnaces to have protecting walls.

**77.** The owner of any oven to be used by any baker for the first time after the passing of this Act and of any furnace to be used by any tradesman or artificer for the first time after the passing of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building on which such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation.

Prevention of lock-up shops and other places of business being improperly used for purposes of habitation.

**78.** Where on the plan of any building as submitted to and approved by the Corporation a part of such building is described or shown as or appears to be intended to be separated from the remainder of such building for the purpose of being used as a lock-up shop workshop shed or place of business and not as a dwelling-house the use of such part of such building for the purposes of human habitation shall be an offence Every person

so using such part of such building or permitting the same to be so used shall for every such offence be liable to a penalty not exceeding forty shillings and to a further like penalty for every day during which such offence shall continue after notice in writing thereof served upon him by the Corporation. A.D. 1884.

Provided that if the said part of such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses and if such part of such building has undergone the structural alterations necessary in the opinion of the Corporation for converting it into a dwelling-house or if in the opinion of the Corporation no structural alterations are necessary to render the same fit for use as a dwelling-house the Corporation may on the application of the owner thereof authorise the same to be used as a dwelling-house. It shall be lawful for the mayor or his deputy or any justice of the peace by warrant under his hand to authorise the surveyor or any other officer of the Corporation at any time to enter upon and examine any part of any building suspected of being used in contravention of this section.

Every person who shall prevent or obstruct any such surveyor or officer so authorised from or in making such inspection shall be liable to a penalty not exceeding five pounds.

**79.** Whenever any structure or any part thereof or anything thereon or attached thereto or projecting therefrom or any ground is deemed by the surveyor to be in a state or position whereby danger to any person is or may be occasioned the surveyor shall give notice under his hand to the owner or occupier of such structure or ground or to both or either of them requiring such owner or occupier forthwith to effectually fence guard take down remove repair or secure the same to the satisfaction of the surveyor. Dangerous structures and projections and unfenced ground.

In case the work of fencing guarding taking down removing repairing or securing such structure or such part thereof or such thing thereon or attached thereto or projecting therefrom or such ground is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits it shall be lawful for the surveyor to give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction.

In case it appears to the court that immediate danger to any person from such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid or such

A.D. 1884. — ground is to be apprehended the court shall make an order authorising such surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid or such ground to be forthwith effectually fenced guarded taken down removed repaired or secured.

In case it appears to the court that danger to any person is to be apprehended but that such danger is not immediate the court shall make an order on such owner or occupier or both or either of them requiring him or them to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid or such ground to be effectually fenced guarded taken down removed repaired or secured to the satisfaction of the surveyor within a period to be prescribed in such order. In case such order is not obeyed within the period prescribed therein any and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding forty shillings for every day during which such order has not been obeyed after the end of the period prescribed therein.

The court may at any time after the end of the period prescribed in such order make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid or such ground to be effectually fenced guarded taken down removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses attendant on the fencing guarding taking down removing repairing or securing of such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid or such ground.

If the owner or occupier of any structure or ground which the surveyor has deemed to be in a dangerous state or position cannot be found or does not appear after service of notice and summons as herein-before provided it shall be lawful for the court having cognisance of the matter to make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid or such ground to be forthwith effectually fenced guarded taken down removed repaired or secured and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid.

Power to sell materials of dangerous structure.

**80.** Where a dangerous structure is taken down or removed by the Corporation or the surveyor under the powers of this part of this Act the Corporation may sell the materials thereof or part of them and shall apply the proceeds of the sale or any part thereof either in or towards payment of the costs and expenses incurred by

them in relation to such structure or shall pay the same or any part thereof to the owner of such structure as a court of summary jurisdiction shall determine. A.D. 1884.

**81.** Nothing in this part of this Act shall be construed to apply to any telegraphic line of Her Majesty's Postmaster-General or to any apparatus or works connected therewith constructed under or by virtue of the Telegraph Acts 1863 to 1878. Saving for property of Postmaster-General.

**82.** Whenever large numbers of persons are likely to assemble on the occasion of any public procession open-air meeting or other like occasions every building platform balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons shall be safely constructed or secured to the satisfaction of the surveyor and unless the same be so constructed or secured the sections of this Act whereof the respective marginal notes are— Safety of platforms erected or used on public occasions.

Dangerous structures and projections and unfenced ground :

Power to sell materials of dangerous structure :

shall be applicable to such building platform or other structure and may be put in full force accordingly.

**83.** Every person intending to build or take down any building or to alter or repair the outward part of any building in any street shall before beginning so to do unless the Corporation otherwise consent in writing cause a close-boarded hoarding or fence to be put up in order to separate the building from the street with (if the surveyor so require) a convenient covered platform and hand-rail to serve as a footway for passengers outside of such hoarding or fence and shall continue such hoarding or fence with such platform and hand-rail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as in their opinion the public safety or convenience requires and shall when required by the Corporation in order to prevent accidents cause the same to be sufficiently lighted during the night and shall remove such hoarding or fence when required by the Corporation. Hoards to be set up during progress of buildings &c.

And when any scaffolding or platform shall with the sanction of the Corporation be constructed over any footpath or footpavement such scaffolding or platform shall be constructed in such a manner as to prevent rain or other water from such scaffolding or platform dropping on to passengers below.

**84.** It shall not be lawful for any person to erect on or in front or at the side of any fence or scaffold any hoarding to a greater extent or height than the surveyor shall consider necessary for the protection of the public. Hoardings not to be higher than necessary.

A.D. 1884.

Provisions  
as to de-  
posits of  
building  
materials or  
excavations.

**85.** It shall not be lawful for any person without the consent of the Corporation first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials or thing or fill up such excavation (as the case may be) when required by the Corporation or the surveyor and if any person fails to comply in any respect with the requirements of this enactment the Corporation may remove any such materials or thing or fill up such excavation (as the case may be) and recover the expenses from the offender in a summary manner.

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## PART X.

### NEW STREETS AND NEW BUILDINGS.

Exemptions.

**86.** The following buildings and structures shall be exempt from the operation of the provisions of this part of this Act relating to buildings and structures (that is to say) :—

Every building or wall or other structure or work in the possession of Her Majesty Her heirs and successors or used or intended to be used for Her Majesty's service such as those comprised in prisons barracks naval or military stores custom offices post offices or law courts : and

Every building (not being a dwelling-house) or bridge or tunnel or wall or other structure or work in the possession of and used or intended to be used for the purpose of any railway company under the provisions of any Act of Parliament.

As to plans  
&c. deposited  
with Corpo-  
ration.

**87.** Every drawing plan and section deposited with the Corporation for or in relation to a new street or new building shall be drawn on tracing cloth in ink and shall contain the name and address of the person intending to lay out the street or to erect the building and be signed by him or his authorised agent.

Plans &c.  
deposited to  
belong to  
Corporation.

**88.** In all cases the plans and sections deposited in pursuance of any byelaw made by the Corporation with the Corporation or their surveyor shall if approved be retained by the Corporation unless the same have been supplied in duplicate when one copy of such plans and sections shall be returned with the notice of approval.

A.D. 1884.

**89.** The approval or disapproval of plans and sections of new streets and new buildings by a committee of the Corporation shall be of the same force and have the same effect as approval or disapproval by the Corporation.

Approval or disapproval of plans by the committee.

**90.** If any new building the plans and sections for which have been approved by the Corporation shall not be completed so as to be fit for use or occupation within two years from the date of such approval or where the plans and sections have been approved before the passing of this Act within two years from the passing of this Act fresh notice and approval shall unless the Corporation otherwise determine be requisite as if notice and approval had never been given. Provided that this section shall not apply to plans or sections which have been the subject of a special agreement between the Corporation and an owner of property.

Duration of approval.

**91.** When the plans and sections of any new street shall have been approved by the Corporation the surveyor shall specify the depth and inclination form size and materials the means of ventilation and flushing and other particulars of the sewers and their appurtenances according to which the works for the proper drainage of such street and of the adjoining houses and properties shall be carried out. And no person shall carry out any works for the drainage of such street or of the adjoining houses and properties otherwise than in accordance with such specification.

Drainage of new streets.

**92.** It shall not be lawful for any person except with the consent of the Corporation to erect or build or to begin to erect or build any new building abutting upon any new street or part of a new street unless the Corporation shall have previously approved of the level and available width of such new street or part of a new street nor until the site of the carriageway and footway of such new street or part of a new street shall have been formed to such a level and of such a width and constructed and sewered in such a manner as to comply with the requirements of this part of this Act and the byelaws for the time being in force within the borough relating to new streets.

Formation of new streets.

**93.** Every continuation of an existing street shall be deemed a new street and shall be of the full available width at the least of the street of which it shall be a continuation. Provided always that such new street shall in no case without the consent of the Corporation be of less available width than that specified in the byelaws for the time being in force. Provided also that this section of this Act shall not apply to or in the case of any continuation of any existing street the plan and section of which have been approved of by the Corporation before the passing of this Act. Provided

Continuation of existing streets to be deemed new streets.

A.D. 1884. further that the Corporation may allow areas or spaces below the level of the pavement covered to their approval not exceeding twelve inches in width.

Power to vary communication &c. of new streets.

**94.** The Corporation may vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto.

Duration of approval as to private streets.

**95.** If any new street approved by the Corporation is not made and completed so as to be fit for use within two years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall as to so much of the street as is not so completed be requisite as if notice and approval had never been given.

Gardens forecourts &c. to be fenced off from streets.

**96.** Whenever the person erecting any new building shall be desirous of placing any steps or other projections in any forecourt area or space left in front of such building the same shall be well and sufficiently fenced off from the footpath or street by a railing or parapet or dwarf wall and palisades or otherwise to the satisfaction of the Corporation but where such garden forecourt areas or spaces are free from any steps or other projections the extent of the same or such portion thereof as the person erecting the building may not wish to give to the street shall either be so fenced off from the footpath or street as aforesaid or be defined by the owner by a line of curb stones or other suitable material laid flush with the surface of the footpath so that footpaths shall be freed from objectionable obstructions and the owner of the building secured of his full rights over any land he may wish to retain in front of his building.

Byelaws as to timbers &c. in buildings.

**97.** Subject to the provisions of this Act the Corporation may from time to time make and when made amend vary or rescind byelaws with respect to all or any of the following matters that is to say :—

- (1.) The thickness and height of walls of any new buildings and the materials of which the plastering to be placed on any wall of any such building shall be composed :
- (2.) The use of timbers joists and rafters or any wood in any new building and for prescribing the size and strength of such timbers joists and rafters :
- (3.) The use of beams girders or bressummers in any new building :
- (4.) The foundations floors stairs roofs and chimneys of new buildings and for securing stability and prevention of fire therein :



- (5.) The regulation of openings in walls and the supporting of walls thereover: A.D, 1884.
- (6.) The regulation of footings and recesses in walls and of fireplaces and hearths in new buildings:
- (7.) The materials to be used in the construction of any wall pier or chimney of any new building:
- (8.) The drainage of new buildings and of the subsoil and curtilage thereof and the materials to be used therein.

**98.** Every fireplace opening or chimney opening in a new building shall have a sufficient hearth or horizontal slab of durable and incombustible material at the level of the floor extending throughout the length and depth of such opening and to a distance of at least eighteen inches beyond the face of the chimney breast and at least six inches beyond each side of the opening of the chimney-piece.

Fire places of buildings to have hearths of certain dimensions.

Every such hearth shall be laid upon a bed of cement concrete brick or other compact and incombustible material having a depth of at least seven inches below the upper surface of the hearth and in no case shall the hearth be supported or rest on wood or timber.

**99.** No building not already occupied as a dwelling-house shall be so occupied until the drainage thereof has been made and completed and a proper water supply laid on thereto nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements for the time being in force within the borough. Provided that if the surveyor fail to give such certificate within fourteen days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime specify to the owner which of the aforesaid requirements have not been complied with with respect to such building then such building shall be thenceforth deemed to be in accordance with the aforesaid requirements and may be occupied as a dwelling-house and if any building is occupied contrary to the provisions of this section the owner of such building occupying the same or allowing the same to be occupied and every person wilfully occupying the same shall be deemed to have committed an offence against the provisions of this section.

Certificate that houses fulfil certain requirements.

**100.** No new building shall without the approval of the Corporation be erected on the side of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building erected on the side of any street either before or after the passing of this Act be at any time subsequently increased so as to exceed such distance without such approval as aforesaid.

Height of buildings.

A.D. 1884.

In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the ceiling of the topmost storey if the building has a room or rooms in the roof and up to one half of the height of the rafters if there be no room in the roof.

Height of rooms.

**101.** In any new building every habitable room except rooms in the roof and ante or slip rooms shall be in every part eight feet and six inches in height at the least from the floor to the ceiling and every habitable room in the roof of any such building and every ante or slip room shall over the whole area of such room be at the least seven feet and six inches in height on the average but no part of any such room which shall be less than four feet six inches in height shall be taken into account in calculating the average height of such room.

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## PART XI.

### SEWERS AND SEWERAGE.

Corporation may make communications between private drains and their sewers on payment &c.

**102.** If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Corporation may agree to make drains at expense of owner.

**103.** The Corporation may agree with the owner of any premises that any sewer or drain required to be made altered or enlarged by such owner or any part of such sewer or drain shall as to so much thereof as shall be in a street be constructed made altered and enlarged by the Corporation and the cost price of making altering or enlarging such sewer or drain and also the cost of preparing the requisite plans and sections for and superintending the execution of the works as estimated or certified by the surveyor shall be paid in advance or repaid to the Corporation by the owner so agreeing and in default of payment the Corporation may recover the same from such owner in a summary manner or as new street expenses.

Saving as to old highways.

**104.** Nothing in this Act shall be held to make any person liable who is not now liable to contribute towards the construction of sewers in streets being highways repairable at the public expense or otherwise to affect the liability of any such person in respect of the construction of sewers in any such street.

**105.** No person shall sweep or cast or permit to flow into any street sewer or drain or over any grating or opening communicating with any sewer or drain any soil earth rubbish or filth or any matter or substance which would interfere with the free flow of the sewage or which would be injurious to the construction of the sewers or drains or produce corrosion or decay in the materials thereof or generate noxious or offensive gases and every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1884.  
Refuse and other injurious matters not to pass into sewers.

## PART XII.

### SANITARY.

**106.** Any factory shop or other building in which five or more persons of either sex or of both sexes are employed or intended to be employed in any manufacture trade or business shall be deemed to be a house within the meaning of sections thirty-five to thirty-eight of the Public Health Act 1875.

Factory &c. in which more than five persons employed to be deemed a house within sections 35 to 38 of 38 and 39 Vict. cap. 55.

**107.** No cesspool shall be made or continued on any premises if there is a sewer belonging to the Corporation within one hundred feet of any part of such premises fit to receive the drainage thereof except when in the opinion of the Corporation the making or continuance of such cesspool shall be unavoidable and when any cesspool shall be allowed to be made it shall be constructed in such situation and in such manner as the Corporation shall direct. Every person who shall make a new cesspool contrary to the provisions of this section or who shall continue an existing cesspool for two months after notice in writing from the Corporation to discontinue the same shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence continues after conviction.

Cesspools.

**108.** In addition to all powers vested in the Corporation the Corporation may if the surveyor medical officer of health or inspector of nuisances shall report in writing to the Corporation that any building is not provided with a proper sink or drain or drains and other necessary appliances for the effectual drainage of such building by notice require the owner of such building in the manner and within the time to be specified in such notice to provide such sink drain or drains and other appliances. If any such owner fails or neglects to comply with such notice within the time therein appointed he shall be liable for every such offence to a

Summary power for providing sinks and drains for dwelling-houses.

A.D. 1884.

penalty not exceeding five pounds and a further penalty of forty shillings for every day upon which such offence shall continue after conviction.

As to waste pipes.

**109.** Every pipe for carrying off waste water whether from a sink bath lavatory or cistern shall be taken through an external wall to discharge where practicable in the outer air over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped. No stack pipe shall be used as a soil pipe from a watercloset or without the consent of the Corporation be connected with a sewer or with a drain leading into or connected with a sewer.

Every person failing to comply with or offending against this enactment shall be liable to a penalty not exceeding five pounds.

Water supply to closets.

**110.** Every watercloset shall have a good supply of water laid on and an efficient flushing apparatus attached thereto and shall have an opening as near to the top as practicable communicating directly with the external air or shall be otherwise furnished with sufficient means of ventilation. And the pipes immediately supplying water to a watercloset and the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom.

Any owner of any building who fails to provide efficient flushing apparatus or means of ventilation for any watercloset in or connected with such building in accordance with the provisions of this section and any occupier of any such building who fails to keep a good supply of water to any such watercloset in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which such offence shall continue after conviction.

Penalty on injuring a privy.

**111.** If any person injures or improperly fouls any privy watercloset ashpit or ashtub used in common by the occupiers of two or more dwelling-houses or any tub or receptacle for belonging to or connected with such privy watercloset or ashpit he shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to supply houses or courts with waterclosets privies &c.

**112.** The Corporation for the purpose of supplying a court or place with a watercloset ashpit ashtub or other sanitary accommodation may from time to time purchase by agreement any building and remove the same and execute all consequent structural and other works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase of such building and the other expenses incurred by the Corporation in the execution of this section and the amount

thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable from him in a summary manner or as new street expenses Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction to determine the amount or apportionment as the case may be.

**113.** If any ashpit urinal privy or watercloset used in common by the inmates of separate dwellings or by the inmates of premises used as separate dwellings or the approaches to or the walls floors seats or fitting of any such ashpit urinal privy or closet or any of them is or are in the opinion of the Corporation or of the medical officer of health or inspector of nuisances in such a state or condition as to be a nuisance for want of the proper cleansing thereof that one of the persons having the use thereof in common as aforesaid who is in default or in the absence of proof satisfactory to the justices as to which of them is in default each of the persons having the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and a further penalty not exceeding five shillings for each day during which the same shall remain in such a state or condition after notice of the state or condition of the same shall have been posted thereon.

As to cleansing of privies &c. used in common.

**114.** If any passages not being public highways leading to the back of several buildings in separate occupations be not regularly and effectually swept and kept clean and free from rubbish or other accumulations to the satisfaction of the Corporation each of the occupiers of the buildings to the back of which the passage leads shall be liable to a penalty not exceeding forty shillings and in the case of a continuing offence to a further penalty not exceeding twenty shillings for every day upon which such offence continues after the day upon which the first penalty is incurred and the Corporation may if they think fit sweep and clean any such passage and the expense thereby incurred may be recovered in a summary manner in equal proportions from the occupiers of the buildings to the back of which the passage leads.

Penalty for not keeping common passages clean.

**115.** The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing.

Entrance to courts &c. not to be closed without consent of Corporation.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and in the case of a continuing

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offence to a further penalty not exceeding forty shillings for every day upon which such offence continues after conviction.

Penalty on filling up or embanking ground with any offensive matter.

**116.** It shall not be lawful to raise fill or embank any ground within the borough with any offensive or unwholesome matter and every person who does or causes to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and a further sum not exceeding forty shillings for every day after conviction upon which such offensive or unwholesome matter continues unremoved.

Rooms over privies or ashpits not to be used as dwelling or sleeping rooms.

**117.** No room built before or after the passing of this Act any portion of which extends immediately over any privy cesspool midden or ashpit shall be occupied as a dwelling or sleeping or work room and no person shall after the expiration of one month after the passing of this Act suffer to be occupied as a dwelling or sleeping or work room any such room.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day upon which such offence continues after conviction.

Power to purchase dwelling-houses unfit for human habitation.

**118.** The Corporation if they think fit may purchase or otherwise acquire by agreement any dwelling-houses including the site and appurtenances thereof which or a part of which is in their opinion unfit for human habitation.

Notice to be given in case of change of occupation of a slaughter-house.

**119.** Upon any change of occupation of any building within the borough registered or licensed for use and used as a slaughter-house the person thereupon becoming the occupier or joint occupier shall give notice in writing of the change of occupation to the inspector of nuisances and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds Provided that notice of this section shall be endorsed on all licenses hereafter granted.

Corporation may revoke slaughter-house license if occupier convicted of selling &c. diseased meat.

**120.** If the occupier or one or two or more joint occupiers of any building registered or licensed to be used as a slaughter-house shall after the passing of this Act be convicted of selling or exposing for sale or for having in his possession or on his premises the carcase of any animal or any piece of meat or any flesh diseased or unsound or unwholesome or unfit for the food of man a court of summary jurisdiction may if it think fit by order cause such building to be removed from the list of registered slaughter-houses or revoke the license to use such building as a slaughter-house as the case may be during the period such occupier or joint occupier continues in the occupation or joint occupation of such building

and the Corporation may thereafter refuse if they think fit to grant a license for the use as a slaughter-house of any building belonging to or occupied by or which they may reasonably believe is intended to be occupied by the person so convicted.

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**121.** The provisions contained in section one hundred and sixteen to one hundred and nineteen (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Extension of section 116 to 119 inclusive of Public Health Act 1875.

**122.** For the purpose of enabling the medical officer of health or inspector of nuisances to effectually inspect and examine under the provisions of section one hundred and sixteen of the Public Health Act 1875 any article sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough and intended for the food of man such medical officer of health or inspector of nuisances may subject to the provisions of section three hundred and eight of the Public Health Act 1875 open any box or other receptacle in which any such article may be contained and any person who shall obstruct any such officer or inspector in the execution of this section shall be liable to a penalty not exceeding ten pounds.

Power to medical officer of health and inspector of nuisances to open boxes &c. containing provisions.

**123.** Section one hundred and seventeen (power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 shall extend and apply to every diseased unsound or unwholesome article of food sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale as human food whether such article be or be not seized and carried away to be dealt with by any justice or ordered by any justice to be destroyed or disposed of as mentioned in such section. Provided that the justice before whom any complaint with respect to such article of food is made be satisfied on the evidence laid before him that such article of food was diseased or unsound or unwholesome or unfit for the food of man.

Extending powers as to unwholesome food.

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### PART XIII.

#### LOCAL GOVERNMENT.

**124.** The Corporation may from time to time pay or contribute towards the payment of a public band or public bands of music for the borough to perform in any public park or other place of public resort within the borough as the Corporation may prescribe. Provided that the amount of all such payments or contributions for

Power for Corporation to promote and regulate public bands.

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Public drinking fountains.

**125.** The Corporation from time to time when and as they think it expedient may put up and continue and from time to time remove or discontinue drinking fountains and cattle-troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply in such public places as the Corporation may think fit but not against any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof and every person who wilfully uses any water so gratuitously supplied elsewhere than at such fountain or trough or for other purposes than are herein-before mentioned shall upon conviction be liable for every such offence to a penalty not exceeding five pounds.

Power to erect public waterclosets &c. and to make a charge for the use of same.

**126.** The Corporation may by agreement purchase or take on lease and hold land for the purpose of and may erect on such land or on any land belonging to the Corporation waterclosets urinals and lavatories for the use of the public and may charge a reasonable sum for the use of such waterclosets and lavatories and the Corporation may make byelaws for the management of such waterclosets urinals and lavatories and for regulating the conduct of the persons resorting thereto or using the same.

Application of district fund and rates to works executed by the Corporation in default of owners &c.

**127.** Whenever the Corporation are by the Corporation Acts or this Act or any byelaw for the time being in force authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Corporation execute any works upon the application of or by agreement with the owner of the premises for or in respect of which the same are to be executed the Corporation may apply the district fund or general district rate in or towards defraying the expenses incurred in the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

In executing works instead of owner Corporation

**128.** Whenever the Corporation or their surveyor are by the Corporation Acts or this Act or any byelaw for the time being in force authorised to execute re-execute or alter any work or to do



any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing except damages arising from any neglect or default by the Corporation or their officers in or about the executing re-executing or altering of such work or the doing of such act or thing Provided always that such damages penalties costs or expenses may be recovered from such owner occupier or other person in default.

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only liable for negligence.

**129.** The Corporation may from time to time make and when made may from time to time vary alter and repeal byelaws for all or any of the following purposes (that is to say) :—

As to traffic and order in streets.

For regulating the speed of waggons carts carriages and omnibuses during specified hours and generally for regulating street traffic in the borough and may for such purpose prescribe separate rules with respect to carriages and vehicles for carrying passengers and with respect to heavy waggons carts vans and other vehicles for carrying goods or merchandise and the parts of the roadways of streets along which the same shall respectively be allowed to proceed and may make all or any of such rules applicable to all the streets in the borough or to some or one only of the same as they may think fit:

Provided that by any byelaw to be made under this section the free passage of traffic from or to any railway station or premises shall not be obstructed or interfered with.

**130.** The provisions of the Towns Police Clauses Act 1847 with respect to the drivers of hackney carriages shall extend and apply to persons drawing or propelling any wheeled carriage licensed to stand or ply for hire in any street within the prescribed distance as though such persons were the drivers of hackney carriages.

Extension of provisions of Town Police Clauses Act 1847 as to drivers of hackney carriages.

**131.** Any three or more persons assembled in any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purpose of betting.

**132.** If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any such person shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Penalty on persons obstructing footpaths.

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Street  
musicians to  
depart when  
required.

**133.** Any householder personally or by his servant or by a constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who sounds or plays any musical instrument or sings near or within hearing of any house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Prohibition  
of obscene  
bills &c.

**134.** If any person in or near to any street affixes to or inscribes on any house building wall board or convenience or to or on any tree lamp lamp-post pavement or seat or delivers or exhibits to any inhabitant or passenger any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

Hours of  
public  
bathing.

**135.** The Corporation notwithstanding anything in any Act contained may by resolution from time to time fix and determine and alter the hours during which bathing may take place from those parts of the sea-beach in front of the borough which are not comprised in any public bathing place or any stand for bathing machines.

And any person who shall undress on the sea-beach or bathe in the sea in front of the borough except from a bathing machine or from a public bathing place or from a boat distant from the shore and from any stand for ladies bathing machines not less than two hundred yards at any other time than between the hours so appointed shall for every such offence pay a penalty not exceeding forty shillings.

And the Corporation may from time to time make and when made vary amend or rescind byelaws for the preservation of decency and order at public bathing stations and with respect to the hours during which bathing may take place therefrom and may by such byelaws prescribe the use of decent and sufficient bathing garments.

Power to  
annexed con-  
ditions to  
licenses of  
bathing pro-  
prietors.

**136.** The Corporation may from time to time annex to any license granted to the owner or lessee of any bathing machine such conditions as to the employment of boats boatmen and attendants for the purpose of ensuring the safety of bathers as the Corporation may think fit and as to the qualifications of such boatmen and attendants and any owner or lessee of any bathing machine who or any of whose boatmen attendants or servants shall commit a breach of any

such conditions shall be liable to a penalty not exceeding five pounds and the Corporation may in the event of conviction suspend or revoke the license of any such owner or lessee. A.D. 1884.

**137.** When any licensed driver or conductor of any omnibus wagonette or hackney carriage or any owner or lessee of any bathing machine or licensed waterman who has in the exercise of his calling been convicted of any misconduct or of any contravention of this Act or any other Act or any byelaw in force within the borough or has been guilty of any contravention of any condition annexed to any license under this or any other Act in force within the borough which should have been observed by him the Corporation may suspend the license of such driver conductor owner lessee or waterman for such period as they may think proper or they may revoke the same. Provided that if any such driver or conductor or any such owner lessee or waterman feels himself aggrieved by the suspension or revocation of his license he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear expedient. Every driver or conductor and every such owner lessee or waterman acting as such after any such suspension or revocation shall be deemed guilty of an offence and be liable to a penalty not exceeding twenty shillings and a further penalty not exceeding ten shillings for every day upon which such offence continues after conviction. Suspension of licenses and penalty.

**138.** The Corporation may cause any park-keepers inspectors of nuisances or any officer or servant appointed by the Corporation and at the request of any board of guardians or other public body or the committee of any enclosed place or any public company may cause any officer of such guardians or other public body committee or company to make such declaration as is by law required to be made by constables of the borough and the men making such declaration shall (if in uniform or provided with a warrant which they shall show if required) have such powers authorities and privileges and shall be subject to such supervision and liable to such responsibilities and (subject to the directions of the Corporation) shall perform all such duties as constables appointed under the Municipal Corporation Acts. Park-keepers and others may be appointed constables.

But nothing in this section shall be deemed to render applicable to any such officer or servant the provisions of the Police Superannuation Acts or of the Municipal Corporation Acts relative to a police superannuation fund or superannuation allowances.

**139.** Any constable or person who has made a declaration as a constable under this Act or under any of the Corporation Acts Arrest of offenders in public walks

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—  
or pleasure  
grounds.

and all persons called by such constable or officer to his assistance may without warrant remove or seize and detain any person offending or having offended against the Corporation Acts or this Act or any byelaw for the time being in force within the borough with respect to any public walk or pleasure ground under their control or with respect to bathing who shall refuse to give his name and address on demand or who shall fail to satisfy such constable or officer as to his true name and address and such constable or officer shall convey him before a justice to be dealt with according to law.

Control of  
coal-dealers.

**140.** Every person delivering coal not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales or a balance steelyard or weighing machine whereby the purchaser may have his coals weighed and the coal shall on the request of the purchaser be weighed accordingly by the person delivering the same.

Any person delivering coal as aforesaid and not provided with weights and scales or a balance steelyard or weighing machine for weighing or not weighing the coal when requested by the purchaser so to do or failing to give just weight or using his weights and scales or instruments for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings.

Byelaws as  
to bicycles.

**141.** The Corporation may from time to time make and enforce byelaws for regulating the use of bicycles in highways in the borough in the same manner as a county authority may by virtue of the Highways and Locomotives (Amendment) Act 1878 make and enforce byelaws for that purpose in highways in their county but subject to the like confirmation as is required by that Act And for the purposes of this section "bicycle" shall include any tricycle velocipede and other similar mechanical contrivance.

Provisions  
with respect  
to disorderly  
houses.

**142.** It shall be lawful for the Corporation to institute and prosecute proceedings against the occupier or other person keeping or occupying any brothel or house of ill-fame or any lewd or disorderly house which in the judgment of the court of quarter sessions is a nuisance or annoyance to the persons residing in the neighbourhood thereof and the proceedings shall be by indictment preferred at such sessions and the said court shall have power to impose such fine or penalty not exceeding fifty pounds in addition to the costs of the prosecution or may order the imprisonment of the offender for such period not exceeding twelve months as the court may deem expedient.

Provided that in any such prosecution a copy of the indictment to be preferred against any such person as aforesaid shall be supplied to such person not less than seven days prior to the holding of the court at which such indictment is intended to be preferred. A.D. 1884.

**143.** The sea-beach and foreshore in front of the borough and any unfenced ground adjoining or abutting upon any street shall for the purposes of sections twenty-eight and twenty-nine of the Towns Police Clauses Act 1847 and of the provisions of this Act with respect to offences in streets be deemed to be a street and shall for the purposes of the Act passed in the fifth year of the reign of King George the Fourth intituled "An Act for the punishment of Idle and Disorderly Persons Rogues and Vagabonds in that part of Great Britain called England" so far as such Act is unrepealed and any Act altering affecting or amending the same for the time being and from time to time hereafter in force be deemed to be a public place. Provided always that nothing in this section contained shall extend or be construed to extend to a deprivation of any right or privilege appertaining to the fishermen and fishery of or belonging to the borough by virtue of any Act charter power or award now in existence entitling the said fishermen and fishery to any rights privileges and benefits or to any other rights privileges and benefits usually enjoyed by the said fishermen and fishery under any ancient custom of the said manor of Brighthelmston or any other manor or by any other lawful means whatsoever.

Sea-beach and foreshore &c. to be a street for certain purposes.

## PART XIV.

### FINANCIAL.

**144.** If after any rate is made under any of the Corporation Acts a house or building not included therein is finished and becomes rateable it may be inserted in the rate but the rate shall not be charged on any person in respect of such house or building while unoccupied and if it is afterwards occupied during any part of the period for which the rate was made and before the same has been fully paid the name of the incoming tenant shall be inserted in the rate and thereupon such portion of the rate as bears to the whole rate the same proportion that the remainder of the said period bears to the whole period shall be collected recovered and paid in the same manner in all respects as if the house or building had been occupied at the time when the rate was made and had been included in the rate.

Assessment of houses finished after rate.

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Corporation  
may charge  
supervision  
in addition  
to costs.

**145.** Whenever under any enactment or byelaw for the time being in force within the borough the Corporation either on the application or in consequence of the default of the owners or occupiers of any premises execute any work the cost of which is payable by such owners or occupiers the Corporation may if they see fit in addition to the actual costs of such works charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per centum of the amount of the actual cost of such works in this Act referred to as supervision costs.

What to be  
deemed  
new street  
expenses.

**146.** The expression "new street expenses" in this Act shall include private improvement expenses and all expenses at any time incurred by the Corporation for the repayment whereof the owner or occupier of the premises in respect whereof such expenses may have been or may be incurred is liable under any of the Corporation Acts or this Act or under any byelaw made in pursuance thereof or under any agreement with or by reason of any application of such owner or occupier and whether such expenses shall have been declared to be private improvement expenses or not.

New street  
expenses  
to carry  
interest.

**147.** If any new street expenses be not paid within the period of fourteen days from the date of the demand thereof unless the same be disputed and in that case within fourteen days after the settlement of such dispute the Corporation may after the expiration of such period to the date of payment charge interest thereon after such rate as they may determine not exceeding five pounds per centum per annum and such interest shall be added to and be deemed part of the new street expenses and be recoverable accordingly and notice of the surveyor's apportionment shall be deemed a sufficient demand for all purposes whatsoever except in case of dispute in which case a fresh demand shall be made after the settlement of the dispute.

As to appor-  
tionment of  
new street  
expenses.

**148.** The Corporation and the owner for the time being of any lands liable to new street expenses may at any time or times agree as to the apportionment of such expenses or any part or parts thereof or any division or subdivision thereof among the premises affected by such expenses with due regard to the respective value of such premises and every such agreement shall be binding on the parties thereto and their successors and sequels in estate and subject thereto such expenses shall be apportioned by the surveyor between owners of lands subject thereto and between lessees and reversioners of such lands according to their respective interests Provided that nothing in this section shall alter the liabilities as between owner and lessee under

any special contract relative thereto made before the passing of this Act. A.D. 1884.

**149.** Whenever new street expenses have been settled or apportioned by the surveyor such settlement or apportionment shall be binding and conclusive upon the person liable to pay the same unless within one month from the time of written notice being given to him by the Corporation or the surveyor of the amount of such settlement or apportionment such person shall by written notice object to such settlement or apportionment and state the particulars and grounds of his objection. The provisions of this section shall be endorsed on every notice of settlement or apportionment.

Surveyor's apportionment of new street expenses.

**150.** Successive owners of the lands houses or other property for or in respect of which any new street expenses have been incurred shall be liable to the Corporation for the payment of the same or for such part thereof as may for the time being remain unpaid until the same shall have been fully paid and satisfied and such expenses or such part thereof as may for the time being remain unpaid shall constitute a debt due from each successive owner to the Corporation recoverable from him in a summary manner within twelve calendar months of his succession and after that period may be recovered by the Corporation from the owner for the time being of the lands houses or other property summarily or in any court of competent jurisdiction. Provided that no debt shall be recovered under the provisions of this section after the expiration of six years from the completion of the works in respect of which such debt is due or in the case of payment by instalments after the expiration of three years from the time when any instalment became due.

Successive owners to continue liable.

**151.** The Corporation may by resolution at any time or from time to time allow to any person liable to the payment of new street expenses time for the payment thereof or any part or parts thereof and may accordingly order the same to be repaid in one sum or by such instalments as the Corporation think fit with such interest for the sum or sums for the time being unpaid as the Corporation may determine not exceeding five pounds per centum per annum but all sums for the time being remaining unpaid shall nevertheless at the expiration of the periods allowed for their repayment be recoverable as the same would have been recoverable had no such time been allowed and with respect to any such instalment the time limited for the recovery of new street expenses shall be deemed to run only from the time when such instalment becomes due:

Corporation may take payment of new street expenses by instalments.

Provided that nothing in this section nor in any proceedings taken by the Corporation thereunder shall prejudice the right of

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the Corporation under the preceding section or any subsequent sections of this part of this Act or their right to recover from the owner for the time being of the premises in any court of competent jurisdiction the sum or sums for the time being unpaid together with interest thereon at the rate aforesaid.

Power to enter into possession &c. where owner fails to pay expenses.

**152.** If the owner of any premises charged with any new street expenses fails for the space of six months after the same become recoverable from him to fully pay the same or if any such owner is or becomes bankrupt or is after diligent inquiry unknown to the Corporation or cannot be found by them then and in every such case and as often as the same happens the Corporation (by way of additional remedy and whether any action or suit or other proceedings against such owner has been brought by them or not) may on or at any time and from time to time after the expiration of one month from service of a notice on such owner or in the case where such owner is unknown or cannot be found after the expiration of one month from the affixing of a notice on some conspicuous part of such premises of their intention to put in force the powers of the present section proceed as follows (namely) :—

- (1.) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such premises and in case of non-payment may use all or any such lawful remedies by way of distress or otherwise for recovering and obtaining payment of the same or any part thereof as may be used by landlords in case of arrears of rent reserved on a common lease for years and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the premises and the tenants occupiers and persons liable shall pay the rents and profits to the Corporation and the receipt of the treasurer or of any officer of the Corporation appointed in that behalf shall be and shall alone be an effectual discharge for the same :
- (2.) Where any such premises is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any) or at any time afterwards while the claim of the Corporation is unsatisfied then and in every such case and as often as the same happens the Corporation may enter into possession of the premises and may occupy enclose and use the same or any part thereof :
- (3.) The Corporation may from time to time let from year to year or for any shorter period any such unoccupied or unpro-



ductive premises or any part thereof and receive the rents and profits thereof as if they were the owners thereof. A.D. 1884.

**153.** All rents and profits received in respect of any such premises as aforesaid shall be applied in the manner and in the order following (namely):— Application of rents and profits received.

(1.) There shall be paid any chief rent payable in respect of the premises :

(2.) There shall be paid thereout all taxes rates assessments expenses of repairs expenses of collecting the rents and other outgoings properly payable by the owner in respect of the premises except any chief rent :

(3.) There shall be paid the interest on all mortgages created prior to and subsisting at the date when the Corporation commenced the works on account of which new street expenses shall be payable Provided that in case any mortgage shall include other property a portion only of such interest on such mortgage shall be paid proportionate to the value of such premises such portion to be agreed on between the mortgagee and the Corporation or failing such agreement to be determined by two justices :

(4.) There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such new street expenses as aforesaid in respect of the same premises or any other premises in the same or any other street with interest thereon and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such new street or other expenses as aforesaid :

(5.) The surplus (if any) shall be paid to the owner or his representatives or assigns :

(6.) Upon satisfaction of the new street expenses and all moneys payable under this section the Corporation shall cease (if in occupation) to hold possession of such premises and if the same be let shall forthwith give due legal notice to determine the tenancy thereof.

**154.** Whenever the Corporation so enter into the receipts of the rents and profits or into possession of any such premises then for and in respect of the period during which their claim against the owner is unsatisfied as well after the termination of that period as during its continuance the owner of the premises shall not have any right to receive any rents or profits of the premises or have any interest therein except under the provisions of this Act directing the application of rents and profits received by the Right of Corporation to rents to exclude that of owner &c.

A.D. 1884. Corporation and for and in respect of the period aforesaid as well after its termination as during its continuance every or any such right shall as against any lessee of the premises or other person taking through or under the Corporation be by virtue of this Act absolutely extinguished.

Persons having partial interests may raise expenses by mortgage.

**155.** All owners of premises being tenants for life only and all committees of the estates of lunatics and all trustees seised possessed or entitled to any estate or interest either at law or in equity in any premises for or on behalf of any person or charity (all of whom are in this section included in the expression "mortgagor") may charge such premises with such sum as may be necessary to defray the whole or any part of any new street expenses which the owners of such premises for the time being are liable to pay and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such premises for the term of twenty years unto or in trust for any person who shall advance such moneys but so that every such mortgage be made with a condition to cease and be void or with an express trust to be surrendered or assigned when the money to be thereby secured with all interest thereon shall have been fully paid and satisfied and so that in every such mortgage there be contained a covenant by the mortgagor to pay and keep down the interest of the money to be secured during his life or the continuance of his interest therein as the case may be and to set aside during such life or continuance as the case may be yearly and every year following the execution of such mortgage one-twentieth part at least of the whole original sum secured by such mortgage in such manner that no person afterwards becoming possessed of such premises or of any estate or interest therein shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when his title to possession shall accrue or commence or any greater proportion of the original sum secured by such mortgage than the unexpired term of such mortgage doth or shall bear to the whole term mentioned and the amounts annually set aside under the covenants of such mortgage shall be invested in exchequer bills or other Government securities in the joint names of the mortgagor and the mortgagee and shall accumulate until the whole amount secured by such mortgage can be paid off or until the sum so accumulated shall be accepted by the mortgagee in discharge of the like amount of the principal sum secured by such mortgage and every such mortgagee and his representatives and assigns shall have the like remedies in case of non-payment of the moneys thereby secured as in the case of other mortgages of the like nature If the mortgagor shall advance or

pay the whole amount of the moneys so repayable as aforesaid he shall be deemed to be a mortgagee in respect thereof and shall have the same rights and priority as a mortgagee would have under this section and a certificate of such advance or payment under the hand of the treasurer shall be conclusive proof of the rights of such mortgagee to the extent of the amount certified for under this section.

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**156.** Nothing in this part of this Act shall alter the liabilities of any owner and occupier as between themselves under any special contract respecting the payment of any rates or expenses made payable and recoverable by this Act or any byelaw for the time being in force in the borough.

Saving for special contracts between landlords and tenants.

**157.** The Corporation may from time to time borrow at interest (not exceeding the rate of five pounds per centum per annum) such moneys as they may think requisite not exceeding in the aggregate the sum of one hundred thousand pounds for the permanent works by this Act authorised and with the consent of the Local Government Board such further moneys as they may require for the purchase of the enclosures and gardens forming part of the squares and places mentioned in the first column of Part I. of the Schedule (C) to this Act annexed and for the payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act.

Power to borrow.

Provided always that in case further moneys shall be required for any of the purposes of this Act the Local Government Board may at the request of the Corporation authorise them to borrow such further sums as the Local Government Board may from time to time think fit subject to such terms as to repayment and otherwise as the Local Government Board shall prescribe.

**158.** For securing the repayment of moneys borrowed under the authority of this Act the Corporation may mortgage the district fund and general district rate.

Power to mortgage.

Every mortgage made by the Corporation under the authority of this Act shall be by deed under their common seal duly stamped and truly stating the consideration.

The provisions of the Public Health Act 1875 with respect to mortgages to be executed by the Corporation except where the same are herein-after expressly altered or varied shall apply with respect to mortgages by the Corporation under this Act Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the fund rate or rates or other property comprised in their mortgages respectively according

A.D. 1884. to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sums so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

Protection of lenders from inquiry.

**159.** A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

As to repayment of borrowed moneys.

**160.** All moneys borrowed or re-borrowed by the Corporation under the authority of this Act may be borrowed and re-borrowed for any terms not exceeding the terms herein-after respectively mentioned from the date of the original loan :—

As regards moneys borrowed or re-borrowed for the purposes of the embankments or retaining walls and roads by this Act authorised twenty-five years :

As regards moneys borrowed or re-borrowed for markets and municipal buildings thirty years :

As regards moneys borrowed or re-borrowed for the purposes of the seaside improvements fifteen years :

As regards moneys borrowed or re-borrowed for the purchase of the enclosures or gardens forming part of the squares and places mentioned in the first column of Part I of Schedule (C) to this Act annexed and moneys borrowed or re-borrowed for paying the costs of this Act ten years :

and subject as aforesaid shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking fund for payment of money borrowed on mortgage.

**161.** The Corporation in case they borrow any moneys on mortgage not repayable by yearly or half-yearly instalments shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys borrowed on mortgage under this Act out of the district fund or the general district rate such equal annual or half-yearly sum or sums as will with such accumulations as herein-after mentioned be sufficient to pay within such a period as they may think fit (not exceeding the term for which the same were first borrowed) the amount of the principal moneys so borrowed All sums so set apart and the income thereof shall from

time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust-money or any mortgage bond debenture debenture stock Corporation stock annuity rent-charge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporations in Great Britain or of any other local authority within section thirty-four of the Local Loans Act 1875 (excluding any mortgage bonds debenture stock or other securities issued by the Corporation).

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The Corporation may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied. Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

**162.** The town clerk shall within forty-two days after the first day of January of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of such securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which may be recovered in a summary manner by the Local Government Board. If it appear to the Local Government Board by such return or otherwise that the

Annual return to Local Government Board with respect to sinking fund in respect of moneys borrowed on mortgage.

A.D. 1884. Corporation have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in the event of the Corporation borrowing under the provisions of the Local Loans Act 1875.

Power to mortgagees to appoint a receiver.

**163.** The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal or principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than five thousand pounds.

Power to re-borrow.

**164.** If the Corporation pay off any part of any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of surplus lands or property acquired by them under the powers of this Act they may re-borrow the same and so from time to time and all moneys re-borrowed shall be deemed to be part of the original loan and be paid off within the period prescribed in the case of the original loan.

Power to borrow under Local Loans Act 1875.

**165.** The Corporation if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the district fund and general district rate and such fund and rate shall be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act from the date thereof and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit. And if the Corporation at any time think fit to form any such sinking fund all sums paid into the

same shall as soon as may be unless the same be appropriated and used in the repayment of debt be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys or as by this Act authorised.

A.D. 1884.

**166.** All money borrowed under this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended and not in defraying the expenses of maintenance of any works or other ordinary current expenses of or connected with any work or establishment. All money received by the Corporation either as purchase moneys of lands sold or for equality of exchange or as consideration for a lease shall be applied to such works or objects as aforesaid or the same may in the discretion of the Corporation be applied towards the reduction of the debt owing by the Corporation or towards the increase of the sinking fund.

Application of money borrowed.

**167.** Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money upon mortgages or other securities granted created or issued by the Corporation under the authority of the Corporation Acts or this Act as they have of investing it in the mortgages debentures or debenture stock aforesaid :

Holdings of securities under Corporation Acts or this Act by trustees.

Provided that where two or more persons are successively interested in trust money no investment thereof shall be made in any redeemable securities created or issued under the Corporation Acts or this Act at a price exceeding the redemption value of such securities.

**168.** Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation and the borough fund and borough rate and the district fund and general district rate or any of them by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or other security granted created or issued under this Act.

Saving existing charges.

**169.** The powers of borrowing money by this Act given shall not be restricted by any of the provisions contained in sections

Certain regulations of Public

A.D. 1884. **Health Act 1875 as to borrowing not to apply.** two hundred and thirty-three and two hundred and thirty-four of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under the Public Health Act 1875 any sums which they may borrow under this Act shall not be reckoned.

**Investment of sinking funds.** **170.** The sinking funds prescribed by the Corporation Acts and the Police Superannuation Fund may be invested by the Corporation (in addition to the securities in those Acts mentioned) in any mortgages bonds debenture stock or other securities authorised by Parliament of any municipal corporation or local board or of any company incorporated by Act of Parliament and paying dividends on its original capital. Provided that this section shall not authorise the Corporation to invest any sinking fund in mortgage bonds debenture stock or other securities issued by them.

**Corporation not to regard trusts.** **171.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

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## PART XV.

### MISCELLANEOUS.

**Power to certain persons to grant easements &c. by agreement.** **172.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.



**173.** If any omission misstatement or erroneous description shall have been made of any lands or easements in through or over lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Corporation may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Sussex and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands or easements in accordance with such certificate.

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Errors and omissions in plan &c. to be corrected by justices who shall certify the same.

**174.** Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and which they may not require for the purposes of this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

Power to retain sell &c. lands.

**175.** Except as to lands acquired by the Corporation under this Act nothing in this Act shall enable the Corporation to sell alienate encumber or demise without the approbation of the Commissioners of Her Majesty's Treasury signified in writing after due notice in accordance with the Municipal Corporation Acts any lands which the Corporation could not have sold alienated encumbered or demised without such approbation before the passing of this Act.

Lands in certain cases not to be sold without consent of Treasury.

**176.** Any person who considers himself aggrieved by any order determination or requirement or the withholding of consent or approval by the Corporation or any officer of the Corporation or by any order or conviction of any court of summary jurisdiction may appeal to the court of quarter sessions Such appeal shall

Appeal to quarter sessions.

A.D. 1884. be made to the next court of quarter sessions for the borough holden not less than twenty-one days next after the order or decision from which the appeal is made and the provisions of section two hundred and sixty-nine of the Public Health Act 1875 shall so far as the same are applicable extend and apply to such appeal.

Penalty on occupiers refusing execution of Act.

**177.** In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under any of the Corporation Acts or this Act or any byelaw for the time being in force then after notice of this provision given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully mis-states the same he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

Penalty on persons obstructing officers &c.

**178.** Any person who wilfully assaults hinders obstructs or molests, any member or officer of or any person appointed or employed by the Corporation in the execution of his duty under any enactment or byelaw for the time being in force within the borough shall be liable to a penalty not exceeding five pounds.

Penalty on injuring notice boards.

**179.** Any person who destroys pulls down injures or defaces any board on which any notice or other matter is inscribed or intended to be inscribed or any notice placard bill or advertisement affixed to any such board or any notice placard bill or advertisement issued and put up by authority of the Corporation or any officer of the Corporation or any notice of the position of any fire-plug or hydrant or any board on which any byelaw of the Corporation is painted or placed shall be liable for every such offence to a penalty not exceeding forty shillings.

Entry on lands for purposes of Act.

**180.** Whenever it becomes necessary for the Corporation or any of their officials to enter examine and lay open any lands or

premises for any of the purposes of this Act and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for any of the purposes aforesaid the Corporation may three days after notice in writing to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Corporation or any of their officials to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

A.D. 1884.

If no sufficient cause is shown against the application the court may make an order accordingly and on such order being made the Corporation or any of their officials may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine and lay open the lands and premises mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry and the object thereof be given to the occupier of the premises intended to be entered.

**181.** Where the Corporation give their consent to the execution of any work or the doing of any Act or thing subject to any terms or conditions any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to consent of Corporation.

**182.** All byelaws heretofore made by the council with respect to the matters mentioned in this Act shall be controlled by and be subject to the provisions of this Act and such byelaws so far as the same are inconsistent with the provisions of this Act shall be repealed as from the passing of this Act and the Corporation shall instead thereof where it is in their opinion necessary forthwith make amended byelaws in conformity with this Act.

As to existing byelaws.

Provided always that such repeal shall not affect anything duly done or suffered under any such byelaw before the passing of this Act or any penalty forfeiture or punishment incurred in respect of any offence committed against such byelaw before the passing of this Act or any legal proceeding or remedy in respect thereof.

**183.** Except where otherwise expressly provided all byelaws authorised by this Act to be made by the Corporation shall be made subject to and in accordance with the provisions of the Public Health Act 1875 with respect to byelaws as though the same were made under and for the purposes of the said Act and sections one hundred and eighty-two to one hundred and eighty-

Byelaws to be subject to provisions of Public Health Act 1875.

A.D. 1884.

seven both inclusive of the Public Health Act 1875 except so much of section one hundred and eighty-five as applies exclusively to byelaws made by a rural authority shall be applicable to such first-mentioned byelaws accordingly.

Penalties under Parts IX. and X. of this Act.

**184.** Every person wilfully failing to comply with or otherwise wilfully offending against any enactment contained in Parts IX. or X. of this Act whether he be the owner agent architect builder contractor workman labourer servant or other person employed in or about any work or matter shall in every case in which a penalty is expressly provided by such enactment be liable to such penalty and in every case in which no penalty is expressly provided by such enactment be liable to a penalty not exceeding forty shillings and in the case of a continuing offence to a further penalty not exceeding twenty shillings for every day upon which such offence continues after conviction. Provided always that if any such agent architect builder contractor workman labourer servant or other person has acted in relation to any such offence with the privity or consent of the owner or person causing or directing the work to be done he shall not be liable to any penalty under this Act.

Offences against byelaws to be prosecuted as if offences against the Public Health Act 1875.

**185.** Except as otherwise by this Act expressly provided all offences against the Corporation Acts or this Act or any byelaw made under the authority thereof may be prosecuted and all penalties or forfeitures which may be imposed for the breach of any such Act or byelaw and the cost and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such Act or byelaw may respectively be recovered and applied in the manner provided by sections two hundred and fifty-one and two hundred and fifty-four of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

Extending time for summary recovery of rates.

**186.** Proceedings in a court of summary jurisdiction for the recovery of new street expenses and any rate payable to the Corporation may be commenced at any time within twelve months from the time when such expenses and rates respectively become due and payable.

Information by whom to be laid.

**187.** All informations under or for the breach of any of the provisions of this Act or of the Corporation Acts may be laid by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or chief superintendent of police of the borough.

Certain penalties to be carried to borough fund.

**188.** When after the passing of this Act any penalty shall be recovered upon the information or complaint of any peace officer or constable within the borough such penalty shall be paid to the

treasurer and carried to the borough fund or to the police super-annuation fund as the Corporation may direct.

A.D. 1884.

**189.** Except where otherwise expressed to the contrary any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk or by being sent through the post in a registered letter directed to the town clerk in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

Service of  
notice on  
Corporation.

**190.** Where by this Act or any of the Corporation Acts or any byelaw in force within the borough it is required that any notice plan or instrument be left at the office of the town clerk or surveyor the same shall be left there between the hours of ten o'clock in the forenoon and five o'clock in the afternoon on any week-day except Saturday and between the hours of ten o'clock in the forenoon and one o'clock in the afternoon on a Saturday. Christmas Day Good Friday and all Bank holidays are however excepted days on which no notices shall be given by or sent to the Corporation.

Hours for  
notices &c.

**191.** Any order or resolution of the Corporation or of the council and any notice declaration requisition demand or other instrument made given delivered or served under or in pursuance or in exercise of the powers of the Corporation Acts or this Act or any byelaw in force within the borough may be either in print or in writing or partly in print and partly in writing and shall be sufficiently authenticated by the name of the town clerk being affixed thereto in print lithography or writing and a copy thereof certified by the town clerk shall be receivable in evidence and the production of the original thereof shall not be necessary and it shall be sufficient in all cases where any such order resolution notice declaration requisition demand or other instrument is required to be given to or served upon the owner or occupier of any property to address the same to him by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which the order resolution notice declaration requisition demand or other instrument is given or served without further name or description and any such order resolution notice declaration requisition demand or other instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned) and any such order resolution notice declaration requisition demand or other instrument may be served on any owner occupier or other person either

Authenti-  
cation proof  
and service  
of orders  
and notices.

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personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or in the case of an occupier to any inmate of the premises in respect of which such order resolution notice declaration requisition demand or other instrument is given or served or if the premises are unoccupied and the place of abode of the person to be served is unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises And in the case of a railway or other company such order resolution notice declaration requisition demand or other instrument shall be served personally on the secretary or clerk of such company or by sending the same through the post by registered letter addressed to him at the principal office of such company Any order resolution notice declaration requisition demand or other instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the order resolution notice declaration requisition demand or other instrument was properly addressed and posted and any such order resolution notice declaration requisition demand or other instrument may in addition to any other modes of service pointed out by such Acts and byelaws respectively be served upon any owner occupier or other person by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business.

Complicity  
in offences  
punishable.

**192.** Where the doing of any act or thing is made punishable by this Act or the Corporation Acts or by any byelaw thereunder respectively the causing procuring aiding or abetting such act or thing to be done shall be punishable in like manner if the nature of the case permits and if an intention to the contrary does not appear in the enactment or byelaw creating the offence.

Saving for  
indictments  
&c.

**193.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Judges &c.:  
not dis-  
qualified.

**194.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or other charge thereunder or by reason of his being a member of the council.

Saving the  
rights of the  
Marquis of

**195.** Nothing in this Act shall prejudice or affect the estate right title or interest of the Most Honourable Frederick William

John Marquis of Bristol his heirs or assigns in to or upon the racecourse or race-stand or any part thereof respectively.

A.D. 1884.

—  
Bristol in  
racecourse.

**196.** Nothing in this Act shall prejudice or affect the estate right title or interest of the lessees of the stand now erected upon the racecourse in or to the said stand or be deemed to authorise during the term of the existing lease any interference with or obstruction to the use by the said lessees for the purposes of racing of any portion of the said racecourse in the manner in which the same has heretofore been so used by them.

Saving the  
rights of the  
lessees of the  
race-stand.

**197.** Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milk-stores or milk-shops or the slaughter-houses to which this Act relates or any of them or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies or milk or animals already passed or to be passed in this or any future session of Parliament.

Saving for  
Acts relating  
to dairies  
animals &c.

**198.** Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in this Act contained extend 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 rights  
of the  
Crown.

**199.** The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and

Works affect-  
ing tidal  
lands not to  
be con-  
structed  
without  
consent  
of Board  
of Trade.

A.D. 1884. — where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs. Provided always that nothing in this section shall be deemed to prejudice or limit the power conferred on the Corporation by section one hundred and sixty-two of the Act of 1825.

Powers of Act cumulative.

**200.** All powers given by this Act shall unless otherwise expressly stated be deemed to be in addition to and not in derogation of any other powers conferred upon the Corporation by Act of Parliament charter law or custom and nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not passed: Provided that no person shall be adjudged to pay more than one penalty for the same offence.

Saving rights of Corporation.

**201.** Nothing in this Act shall take away abridge or pre-judicially affect any right power authority estate or interest of the Corporation under any former Act or the Public Health Acts or the Municipal Corporation Acts or any charter or otherwise and every such right power authority estate and interest may be had enjoyed and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Expenses of Act.

**202.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty (chapter ninety-one) with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.



The SCHEDULES referred to in the foregoing Act.

A.D. 1884.

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SCHEDULE (A).

SETTING FORTH THE SEVERAL ACTS AND ORDERS MENTIONED AND REFERRED TO IN THE FOREGOING ACT UNDER THE TITLE OF "THE CORPORATION ACTS."

The Municipal Corporation Acts.

The Public Health Acts.

The Act 6 Geo. IV. cap. 179 intituled "An Act for the better regulating paving improving and managing the town of Brighthelmston in the county of Sussex and the poor thereof."

The Act 13 Vic. cap. 5 intituled "An Act to enable the Commissioners acting under an Act for the better regulating paving improving and managing the town of Brighthelmston in the county of Sussex and the poor thereof to purchase improve and manage the Royal Pavilion at Brighton and the grounds thereof and to enlarge extend and apply the powers and provisions of the same Act with reference thereto."

The Brighton Commissioners Transfer Act 1855 (18 Vic. cap. 6).

The Act 18 & 19 Vic. cap. 31 intituled "An Act to confirm the incorporation of Brighton."

The Provisional Order relating to the district of Brighton confirmed by the Local Government Supplemental Act 1861 (24 and 25 Vic. cap. 39).

The Provisional Order relating to the district of Brighton confirmed by the Local Government Supplemental Act 1864 (27 and 28 Vic. cap. 26).

The Brighton Pavilion Act 1867 (30 Vic. cap. 22).

The Brighton Corporation Waterworks Act 1872 (35 & 36 Vic. cap. 86).

The Brighton Borough Extension Act 1873 (36 and 37 Vic. cap. 125).

The Brighton Pavilion Acts Amendment Act 1876 (39 Vic. cap. 34).

The Provisional Order relating to the borough of Brighton confirmed by the Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1876 (39 and 40 Vic. cap. 87).

The Provisional Order relating to the borough of Brighton confirmed by the Local Government Board's Provisional Orders Confirmation (Bingley &c.) Act 1876 (39 and 40 Vic. cap. 198).

The Brighton Corporation Waterworks Act 1883 (46 and 47 Vic. cap. 103).

A.D. 1884.

SCHEDULE (B)

PART I.

DESCRIPTION OF THE SEVERAL INDENTURES REFERRED TO IN THE FOREGOING ACT.

THE FIRST INDENTURE.

An indenture dated the seventeenth day of April one thousand eight hundred and twenty-two and expressed to be made between Thomas Read Kemp and Frances his wife of the first part Charles Scrase Dickins and Elizabeth his wife and Charles Scrase Dickins the younger of the second part John Whichelo of the third part Nathaniel Kemp of the fourth part Philip Mighell of the fifth part Thomas Attree of the sixth part Isaac Tree Rich and Mary his wife of the seventh part and George Hoper of the eighth part.

A fine in pursuance of a covenant contained in the same indenture was levied by the parties thereto of the first seven parts to the said George Hoper in or as of Hilary Term one thousand eight hundred and twenty-two and the same indenture was enrolled in Chancery on or about the seventh day of May one thousand eight hundred and twenty-two.

THE SECOND INDENTURE.

An indenture dated the twenty-second day of April one thousand eight hundred and twenty-two and expressed to be made between George Hoper of the first part and Charles Scrase Dickins the elder and Charles Scrase Dickins the younger of the second part and John Whichelo of the third part Nathaniel Kemp of the fourth part Philip Mighell of the fifth part Thomas Attree of the sixth part and Isaac Rich of the seventh part Thomas Read Kemp of the eighth part and the said George Hoper of the ninth part.

THE THIRD INDENTURE.

An indenture dated the said twenty-second day of April one thousand eight hundred and twenty-two and expressed to be made between the said George Hoper of the first part the said Thomas Read Kemp Charles Scrase Dickins the elder Charles Scrase Dickins the younger John Whichelo Nathaniel Kemp Philip Mighell Thomas Attree and Isaac Tree Rich of the second part and Thomas Read Kemp of the third part.

THE FOURTH INDENTURE.

An indenture dated the twenty-ninth day of May one thousand eight hundred and forty-nine and expressed to be made between the said Charles Scrase Dickins and Thomas Attree of the one part and William Furner the Reverend James Stuart Murray Anderson Bright Smith Eardley Nicholas Hall and William Catt the younger of the other part.

THE FIFTH INDENTURE.

An indenture dated the nineteenth day of April one thousand eight hundred and fifty and expressed to be made between the Most Honourable Frederick William Marquis of Bristol of the one part and the said Charles Scrase Dickins the younger and the said Thomas Attree and William Furner James Stuart Murray Anderson Bright Smith Eardley Nicholas Hall and William Catt of the other part.

THE SIXTH INDENTURE.

An indenture dated the seventeenth day of August one thousand eight hundred and seventy-seven and expressed to be made between the said William Furner and Eardley Nicholas Hall of the one part and Charles Spencer Scrase Dickins Richard Alexander Bevan William Percival Boxall and Charles Lamb of the other part.

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PART II.

DESCRIPTION

Of the lands and premises in the foregoing Act collectively referred to as "the Racecourse."

The lands and premises described in the first indenture as the race-ground the race-stand and other buildings thereon and the several strips or parcels of land described on the map to the said indenture annexed and by the said indenture granted to George Hoper his heirs and assigns upon trust for the conveyance and assurance of the same unto and to the use of Thomas Read Kemp his heirs and assigns subject to the rights of way therein mentioned upon the conditions therein mentioned as to the use of the same by the inhabitants and visitors of Brighthelmston and the public in general for the purposes of racing or of exercise or other diversion and generally as in the said indenture mentioned.

A.D. 1884.

SCHEDULE (C).

PART I.

Setting forth the squares and places and houses referred to in Part V. of the foregoing Act and thereby defined to be respectively enclosed places and privileged houses.

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Description of the enclosed places.	Description of the privileged houses.	Description of houses occupiers of which have used the enclosed places but whose right to do so is not proved.
<p>A certain piece or plot of land near the Western Road and known as Norfolk Square.</p>	<p>Houses No. 1 to No. 9 inclusive on the west side of Norfolk Square.                      Houses No. 29 to No. 34 inclusive on the south side of the said square.                      Houses No. 35 to No. 45 inclusive on the east side of the said square and Nos. 110 and 111 Western Road.                      Houses No. 47 to No. 53 inclusive on the north side of the said square.</p>	<p>Houses Nos. 10 to 19 inclusive in Norfolk Square.                      Houses Nos. 20 20A 21 21A and 22 to 28 inclusive in Norfolk Square.</p>
<p>A certain piece or plot of land near the King's Road and known as Bedford Square.</p>	<p>Houses No. 4 to No. 20 inclusive on the west side of Bedford square.                      Houses No. 21 to No. 26 inclusive on the north side of the said square.                      Houses No. 27 to No. 39 inclusive on the east side of the said square and houses No. 146 to No. 148 inclusive in the King's Road formerly 1 2 and 3 Bedford Square and Houses Nos. 143 to 145 inclusive in the King's Road formerly Nos. 40 41 and 42 Bedford Square.</p>	<p>Houses Nos. 10 and 11 in Sillwood Street.</p>
<p>A certain piece or plot of land near the King's Road and known as Regency Square.</p>	<p>Houses No. 1 to No. 20 inclusive on the west side of Regency Square.                      Houses No. 21 (formerly the corner of Preston Street) and all the houses therefrom to No. 43 inclusive on the northern side of Regency Square.                      House No. 51 to House No. 69 inclusive on the west side of Regency Square and House No. 129 King's Road formerly No. 70 Regency Square.</p>	

FIRST COLUMN.	SECOND COLUMN.	THIRD COLUMN.
Description of the enclosed places.	Description of the privileged houses.	Description of houses occupiers of which have used the enclosed places but whose right to do so is not proved.
A certain piece or plot of land near Powis Road and known as Powis Square.	Houses No. 1 to No. 12 inclusive on the north side of Powis Square. Houses Nos. 13 to 24 inclusive on the south side of the said square and Houses Nos. 2 and 3 in Powis Villas adjoining the said square.	
A certain piece or plot of land near Cannon Place and known as Russell Square.	Houses Nos. 11 to 27 inclusive on the north side of Russell Square. Houses Nos. 28 to 31 inclusive on the west side of the said square and houses No. 35 to No. 46 inclusive on the south side of the said square.	Houses Nos. 1 2 3 3A and Nos. 4 to 10 and 32 to 34 inclusive in Russell Square and houses Nos. 23 to 26 inclusive in Cannon Place.
A certain piece or plot of land near the Lewes Road and known as Hanover Crescent.	Houses Nos. 1 to 24 inclusive being the whole of the houses comprised in Hanover Crescent and the two houses known respectively as North Lodge and South Lodge.	
A certain piece or plot of land near St. James' Street and known as Dorset Gardens.	Houses Nos. 1 to 20 inclusive on the east side of Dorset Gardens.	
A certain piece or plot of land near the Marine Parade and known as the New Steine.	Houses Nos. 1 to 16 inclusive on the west side of New Steine the New Steine Hotel (No. 49, Saint James' Street) on the north side of the New Steine. Houses Nos. 17 to 31 inclusive on the east side of the said Steine and No. 41 Marine Parade.	
A certain piece or plot of land near the Marine Parade and known as Royal Crescent.	Houses Nos. 1 to 14 inclusive being the whole of the houses comprised in Royal Crescent.	
A certain piece or plot of land near the Marine Parade and known as Marine Square.	Houses Nos. 4 to 12 inclusive on the west side of Marine Square. Houses Nos. 12A to 19 inclusive on the north side of the said square and Houses Nos. 20 to 28 inclusive on the east side of the said square. Houses Nos. 124 to 128 inclusive on the Marine Parade.	

A.D. 1884.

PART II.

REGULATIONS AS TO ELECTION OF MEMBERS OF A COMMITTEE FOR  
THE MANAGEMENT OF AN ENCLOSED PLACE.

A meeting for the election of the prescribed number of members of the committee shall be held on such day in the month next after any square or place becomes an enclosed place for the purposes of the foregoing Act and on such day in the same month of each succeeding year and at such convenient place in the borough and at such time as may from time to time be appointed by the mayor.

The mayor shall cause a notice of every such intended meeting and of the time and place of holding the same and of the prescribed number of members to be elected to be left at each of the privileged houses and to be sent by letter to each of the owners of the privileged houses known to the mayor addressed to their last known residence three clear days at least before the day of election and at every such meeting the election of members of the committee shall take place as herein-after mentioned.

The mayor when present shall preside at every such meeting as chairman and shall be the returning officer and in the case of his absence the owners and occupiers of the privileged houses present at such meeting shall appoint one of themselves to preside as chairman at such meeting and such chairman shall then be the returning officer.

The members of the committee elected at any such meeting as aforesaid shall continue in office for one year from the date of their election or until a new committee is appointed.

Every member of the committee going out of office as aforesaid or otherwise ceasing to be a member of such committee may be re-elected and after such re-election he shall with reference to going out of office be considered as a new member of the committee.

Every person who is the owner or occupier of any privileged house shall be qualified to attend and be an elector at any meeting for the election of members to serve on the committee and shall have one vote for each member then to be elected and the electors present at such meeting shall proceed to elect the prescribed number of persons being electors to be together with the mayor members of the committee.

Where two or more persons shall be joint owners or joint occupiers of any privileged house each of such persons shall be entitled to one vote.

Any person who is owner and also bonâ fide occupier of the same privileged house shall be entitled to vote both in respect of such ownership and of such occupation.

At any such meeting as aforesaid any elector may if he consent thereto be nominated by any other elector as a member of the committee.

If at the expiration of one hour after the time fixed for the holding of such meeting no more candidates stand nominated than there are vacancies to be filled up the returning officer shall forthwith declare the candidates who may stand nominated to be elected but if at the expiration of one hour more candidates stand nominated than there are vacancies to be filled up the returning officer shall proceed to take the votes of all electors present.

Every such election shall be determined by the majority of the votes of the electors present and voting at such election and in case of an equality of votes the said returning officer shall have a casting vote.

Any member of the committee who after his election ceases to be qualified to be an elector or becomes bankrupt or submits his affairs to liquidation by arrangement or compounds with his creditors shall be disqualified to be and shall cease to be a member of the committee.

If any member of the committee die or resign or be disqualified or cease to be a member of the committee from any other cause than that of going out of office the remaining members of the committee if they think fit may as soon as may be after the happening of such vacancy elect another elector to serve on the committee in his place and every member so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

If from any cause whatever the first or any subsequent election under this Act does not take place on the day appointed for such election then such first or other election shall stand adjourned until the fourteenth day following and the mayor shall give notice thereof within three clear days after the day on which such first or subsequent election should have taken place in manner herein-before prescribed with respect to the giving of notices of elections.

If the mayor fails to give notice of any adjourned election as by the regulations in this Act prescribed any two owners or occupiers of privileged houses may give such notice instead of the mayor.

If from any cause whatever on the occurrence of any election subsequent to the first election the number of candidates nominated is less than the number to be elected the persons so nominated shall be deemed to be elected and the remaining places shall be filled up by an equal number of the retiring members or failing them of electors and the persons to fill up such vacancies shall be settled at the first meeting of the committee after such election by the members then present.

### SCHEDULE (D).

#### CHARGES IN RESPECT OF SEA-SIDE IMPROVEMENTS.

1. For the use of the conservatories reading rooms lavatories or other places or conveniences—

For admission to any conservatory for each person a sum not exceeding - - - - - one shilling

For admission to and use of any reading room lavatory or other place or convenience for each person a sum not exceeding - - - - - threepence

When a concert or entertainment takes place in any of the above-named buildings a charge for admission may be made in addition to the sums above mentioned.

2. For the use of the lifts or elevators—

For conveyance in a lift or elevator for each person a sum not exceeding - - - - - twopence

