CHAPTER cxxv.

An Act to extend the Borough of Brighton to part of the Parish of Preston; and for other purposes. A.D. 1873.

[7th July 1873.]

WHEREAS by an Act passed in the sixth year of the reign of King George the Fourth, intituled "An Act for the better "regulating, paving, improving, and managing the town of Bright- "helmston, in the county of Sussex, and the poor thereof," (in this Act called "The Brighton Improvement Act, 1825,") the Brighton Town Improvement Commissioners were constituted, and powers conferred upon them for the regulation, improvement, and management of the said town; and by an Act passed in the thirteenth year of the reign of Her present Majesty, to enable the Commissioners acting under the first-mentioned Act 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, further powers were conferred upon the said Commissioners: 6 Geo. 4. c. clxxix.

And whereas by a charter of incorporation under Her Majesty's letters patent, dated the first day of April in the seventeenth year of her reign, after stating that the town of Brighton was for the purposes thereof to be co-extensive with the parish of Brighton, the inhabitants of the said town and their successors were constituted a body corporate by the name of "The Mayor, Aldermen, and Bur- "gesses of the Town of Brighton," (in this Act called "the Corpo- "ration,") and the said charter was confirmed by an Act passed in the eighteenth year of the reign of Her present Majesty, intituled "An Act to confirm the incorporation of the borough of Brighton:"

And whereas by the Brighton Commissioners Transfer Act, 1855, the property, powers, privileges, and liabilities of the said Commissioners were transferred to the Corporation:

And whereas the Local Government Act, 1858, was adopted in the borough of Brighton, and by a provisional order under that

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Act, confirmed by the Local Government Supplemental Act, 1861, certain of the provisions of the recited Acts were repealed; and by another provisional order, confirmed by the Local Government Supplemental Act, 1864, the Corporation acquired power to acquire certain lands and buildings for street improvements:

And whereas by the Brighton Pavilion Act, 1867, further powers were conferred upon the Corporation:

And whereas under the powers of the said Acts the Corporation have acquired the Pavilion estate and other lands and property, and have borrowed various sums on mortgage, whereof there remains owing two hundred and sixty-five thousand two hundred and nineteen pounds eight shillings and fourpence, or thereabouts:

And whereas the parish of Preston adjoins the borough of Brighton, and is divided into two parts by a certain road called the Dyke Road, and it is expedient that the said borough should be extended so as to include within its limits the eastern portion of the said parish of Preston, that is to say, the Dyke Road and so much of the said parish as lies to the eastward thereof, which portion of the said parish is in this Act referred to as East Preston:

And whereas under the powers of the Brighton Corporation Waterworks Act, 1872, (in this Act called "the Waterworks Act,") the Corporation have purchased the undertaking of the Brighton, Hove, and Preston Constant Service Waterworks Company, and the limits for water supply under the said Act extend to and include the parishes and places of Brighton, Hove, Preston, Rottingdean, Ovingdean, Patcham, Falmer, and Hangleton, in the county of Sussex:

And whereas by an indenture dated the seventeenth day of April one thousand eight hundred and twenty-two, and made or expressed to be made between Thomas Read Kemp and Frances his wife of the first part, Charles Scrase Dickins the elder and Elizabeth his wife and Charles Scrase Dickins the younger of the second part, John Whichelo of the third part, and 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, and enrolled in Chancery on or about the seventh day of May one thousand eight hundred and twenty-three, and by a fine in pursuance of a covenant contained in the said indenture. Also by indentures dated respectively the twenty-first and twenty-second days of April one thousand eight hundred and twenty-two, the latter made or expressed to be made between George Hoper of the first part, Charles Scrase Dickins the elder 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 of the seventh part, Thomas Read Kemp of the eighth part, and the said George Hoper of the ninth part. And by another indenture also dated the twenty-second day of April one thousand eight hundred and twenty-two, and made or expressed to be made between George Hoper of the first part, 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 the said Thomas Read Kemp, certain lands in the parish of Brighton, including pieces of land now known as the Old Steyne and the Level became subject to certain trusts for the inhabitants and visitors of the town of Brighton, and certain persons were constituted managing trustees of the trust estates and premises, and provision was made for appointing future managing trustees, and all such managing trustees were empowered, with the consent of the Vicar of Brighton, if resident in the parish, and the lords of the manors of Brighton and Atlingworth, if adult and competent, to consent to make rules and regulations for the ordering and managing of the said lands. And it is expedient that the said pieces of land called the Old Steyne and the Level should be transferred to and vested in the Corporation upon the said trusts:

And whereas by an indenture dated the twenty-fifth day of August one thousand eight hundred and forty-nine, and made or expressed to be made between Richard Hart and Sarah his wife of the one part, and Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood of the other part (a copy whereof is set forth in the schedule to this Act annexed), two pieces of ground in Brighton, called the North Steine Enclosures, were granted to the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood, their heirs and assigns, upon the trusts declared in the said indenture for the use and enjoyment of the said pieces of ground as pleasure grounds, and the said indenture was enrolled in the Court of Chancery:

And whereas by indentures dated respectively the twenty-fifth day of May one thousand eight hundred and fifty-seven and the nineteenth day of June one thousand eight hundred and sixty-six, Charles Vallance, William Percival Boxall, and Jacob Boys were appointed trustees under and for the purposes of the said indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine, in the room of the said Edmund Vallance, George Frederick

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Henwood, and William Boxall, and the present trustees under and for the purposes of the said indenture are the said Henry Hart, George Philcox Hill, Charles Vallance, William Percival Boxall, and Jacob Boys; and it is expedient that the trust declared by the said indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine should be continued, but that all future trustees should be nominated by the town council, and that no buildings should be erected on the said enclosures except such erections as may be considered necessary by the town council for the proper management of the enclosures:

And whereas it is expedient that the Corporation should be authorised to purchase other lands in the parish of Brighton for street improvements or otherwise for the benefit of the inhabitants of the borough:

And whereas a plan and book of reference relating to the lands so proposed to be transferred and purchased have been deposited with the clerk of the peace for the county of Sussex, which are herein-after respectively referred to as "the deposited plan and book "of reference:"

And whereas thirty-five of the whole number of the council (the whole number being forty-eight), at a meeting held on the fourth day of December one thousand eight hundred and seventy-two, after more than ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Brighton Daily News of the twenty-second day of November one thousand eight hundred and seventy-two, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund, borough rate, and general district rate, or some of them:

And whereas such resolution was published twice in the said Brighton Daily News, namely, on the sixth and seventh days of December one thousand eight hundred and seventy-two, and has received the approval of the Local Government Board with respect to matters within the jurisdiction of that board, and of Her Majesty's Secretary of State for the Home Department with respect to other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by thirty-eight of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighth day of January one thousand eight hundred

and seventy-three, being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1873.

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

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

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

Short title.

1. This Act may be cited as the Brighton Borough Extension Act, 1873.

Provisions of general Acts herein named incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act and the Acts incorporated herewith the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

The expression "the old borough" means the borough of Brighton prior to the extension thereof under the powers of this Act;

The expression "the borough" or "the new borough" means the borough of Brighton as extended under the powers of this Act;

The expression "the Municipal Corporation Act" means the Act passed in the session of Parliament held in the fifth and sixth years of the reign of King William the Fourth, intituled "An "Act to provide for the regulation of Municipal Corporations "in England and Wales," and the expression "the Municipal "Corporation Acts" means that Act and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England; and

The expression "superior courts" or "court of competent juris-"diction" shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

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Act to come into operation.

4. Except as otherwise provided by this Act, this Act shall come into operation on the first day of November one thousand eight hundred and seventy-three.

Borough extended to East Preston.

5. From and after the thirty-first day of October one thousand eight hundred and seventy-three the municipal borough of Brighton and the district of the Corporation as the urban sanitary authority shall extend to and include the parish of Brighton and that part of the parish of Preston in the county of Sussex which in this Act is referred to as East Preston, and the Municipal Corporation Acts as applicable to the borough of Brighton, the charter of incorporation of the first day of April one thousand eight hundred and fifty-four, and the Act confirming the same, and the provisions of the Brighton Improvement Act, 1825, (except sections one hundred and ninety-nine to two hundred and thirty-eight, both inclusive, relating to the management of the poor of the parish of Brighton), and of the Brighton Commissioners Transfer Act, 1855, so far as the same are not repealed and except as is otherwise provided by this Act, shall be in force in and throughout the whole of the new borough.

Division of the borough into wards.

6. On and from the first day of November in the year one thousand eight hundred and seventy-three the borough shall be divided into seven wards, the names and boundaries of which shall be fixed and determined by the Local Government Board upon the report of a commissioner to be for that purpose appointed by the said Board within two weeks after the passing of this Act.

Commissioner to report before 1st September 1873.

7. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch, and so as to make his report to the Local Government Board before the first day of September one thousand eight hundred and seventy-three; such report shall be subject to revision by the Local Government Board, who shall make such order therein as they think fit.

Order to be published.

8. The said order shall be published before the end of September in the London Gazette and in a newspaper circulating in the town of Brighton, and after such publication the names and boundaries of the wards as set forth in such order shall be the names and boundaries thereof for all purposes as if they had been specially set forth in this Act.

Overseers to make out list of burgesses.

9. The overseers of the respective parishes of Brighton and Preston shall, on or before the first day of September one thousand eight hundred and seventy-three, make out and deliver to the town clerk of the borough an alphabetical list, to be called the Burgess List, according to the Form No. 1 in Schedule (D.) annexed to the Muni-

cipal Corporation Act, of all persons who shall be entitled to be enrolled in the burgess roll of the borough of the year commencing first November one thousand eight hundred and seventy-three, according to the provisions of the Municipal Corporation Act, and on or before the first day of September in every subsequent year shall make out and deliver a similar list of burgesses in each of the wards or parts of wards (to be formed in manner herein-after mentioned) situate within their respective parishes, and the said overseers shall also keep copies of the said lists to be perused by any person without payment of any fee at all reasonable hours between the first and fifteenth days of September in every year, and the said overseers shall perform all other duties required to be performed by overseers under the Municipal Corporation Acts.

As to revision, &c. of burgess lists.

10. The lists delivered to the town clerk as mentioned in the preceding section shall be published, revised, and dealt with in manner prescribed by the Municipal Corporation Acts.

Constitution and number of the council.

11. The council for the new borough shall consist (including a mayor) of thirteen aldermen and thirty-nine councillors, who shall be respectively elected at such times and places and in such and the same manner as is provided by the Municipal Corporation Acts, and one of the wards, being that which is of the smallest rateable value, shall return three councillors and be represented by one alderman, and each of the other wards shall return six councillors and be represented by two aldermen.

First election of council of borough.

12. Except as herein-after mentioned, the several persons who on the first day of November one thousand eight hundred and seventy-three are councillors of the borough shall on that day go out of office, and the several persons who on the ninth day of November are aldermen of the borough shall on that day go out of office, and on such days respectively elections for councillors and for aldermen for the seven wards into which the borough is to be divided under the authority of this Act shall be held in all respects subject and according to the provisions of the Municipal Corporation Acts, and on the ninth day of November one thousand eight hundred and seventy-three an election of mayor of the borough shall be held according to the provisions of the said Acts: Provided always, that if any ward in the new borough shall be the same with respect to boundaries as any ward in the old borough, the councillors for that ward, except those going out of office by rotation, shall continue in office and go out by rotation as if this Act had not been passed: Provided also, that at the election on the ninth day of November one thousand eight hundred and seventy-three the

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aldermen going out of office shall not vote, and the mayor shall be elected by the councillors of the borough.

Aldermen to be eligible for election as councillors on 1st November 1873.

13. The several persons who on the first day of November one thousand eight hundred and seventy-three are aldermen of the borough shall be eligible for election as councillors at the election of councillors to be held on that day, notwithstanding that such persons are then aldermen of the borough.

Providing for the order in which aldermen shall go out of office.

14. Upon the ninth day of November in the year one thousand eight hundred and seventy-four, and in every sixth succeeding year, six of the whole number of aldermen of the borough shall go out of office. Upon the ninth day of November in the year one thousand eight hundred and seventy-seven, and in every sixth succeeding year, seven of the whole number of aldermen of the borough shall go out of office, and the councillors immediately after the first election of aldermen under the provisions of this Act shall appoint who shall be the aldermen who shall go out of office in the year one thousand eight hundred and seventy-four, and thereafter those who shall go out of office shall always be those who have been aldermen for the longest time without re-election, and in each instance the place of the retiring aldermen shall be supplied by the election of a like number of aldermen in the manner prescribed by the Municipal Corporation Acts: Provided always, that any alderman so going out of office may be forthwith re-elected, if then qualified: Provided also, that the aldermen so going out of office shall not be entitled to vote at the election of a new alderman.

Providing for the order in which councillors shall go out of office.

15. The councillors are to go out of office by rotation in the following manner, viz., on the first day of November one thousand eight hundred and seventy-four one third of the councillors are to go out of office, and on the first day of November one thousand eight hundred and seventy-five another third of the councillors are to go out of office, and on the first day of November one thousand eight hundred and seventy-six the remainder of the councillors are to go out of office, and on the first day of November in every subsequent year one third of the councillors, being those who have been longest in office, are to go out of office, and in each instance the place of the retiring councillors 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.

For determining the rotation in which coun-

16. In order to determine the rotation by which the first body of councillors elected under the provisions of this Act for the new or altered wards shall go out of office, the council shall, imme-

diately after determining who shall be the aldermen to go out of office on the ninth day of November one thousand eight hundred and seventy-four, proceed to form rotation lists, and the town clerk, or some person to be then appointed for that purpose by the council, shall write the names of all the councillors for such new or altered wards on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner he shall put them into the balloting box, and shall in the presence of the meeting draw out such slips of paper in succession, and the names upon the slips so drawn shall be written by the town clerk or other person in the order in which they are drawn, in as many lists as there are new or altered wards, each list containing the names of the councillors of one such ward only, and every such list shall be kept by the town clerk, and the names therein shall be numbered consecutively, and the councillors shall retire from office in the order in which their names appear on such lists in the proportions in this Act mentioned.

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cillors are to go out of office.

17. From and after the time when this Act comes into operation the jurisdiction, powers, authorities, rights, and privileges of all justices of the peace, coroners, and clerks of the peace appointed for the borough, and of the court of quarter sessions for the peace established in and for the borough, as the borough existed at the time of the passing of this Act, shall extend to and be in full force throughout the new borough.

Extension of jurisdiction of justices, &c. and general or quarter sessions.

18. After and notwithstanding the extension of the borough under this Act, the Pavilion estate, and all other the estates, lands, and property of the Corporation at the time when this Act comes into operation, and the duties on coal, culm, coke, cinders, ashes, and charcoal leviable by the Corporation, shall continue vested in them, but upon trust for the inhabitants of the old borough, and are in this Act referred to as the separate property of the old borough, but such duties shall be leviable only within the old borough and not within any part of East Preston, and all mortgages of the Corporation at the time when this Act comes into operation, whether as municipal corporation or urban sanitary authority, shall not be a charge upon East Preston or the rates or revenues thereof, and the interest thereafter to accrue upon all such mortgages, and all future instalments or payments to the sinking fund in respect of such mortgages, and all debts of the Corporation at the time when this Act comes into operation, shall be paid by the Corporation out of the separate property of the old borough or the revenues thereof, or out of a separate rate or rates to be from time to time as occasion requires levied within the old borough.

Property of Corporation to be the separate property of the old borough, and debts to be paid by the old borough.

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Commissioner to be appointed to inquire whether any separate property shall become general property, &c.

19. Provided always, and be it enacted, that the Local Government Board shall on the application at any time of the Corporation appoint a commissioner, who shall inquire and report to the said Board whether any, and if any, what, part of the separate property of the old borough ought to become the property of the new borough in consideration of an equivalent amount of debts of the old borough being made a debt of the new borough, and also to ascertain and fix for the purposes of the arrangement the value of the separate property to be so dealt with.

Corporation to assist commissioner in his inquiry.

20. The Corporation and their officers shall give every assistance and information in their power to any commissioner appointed for the purposes aforesaid to enable him to arrive at a just and fair conclusion, and shall produce to him all such books and documents as he may require or as may be necessary or useful to assist him in the objects of his inquiry.

Commissioner to report to Local Government Board, and their order to be final.

21. When the commissioner has completed his inquiry he shall make his report in writing to the Local Government Board, and the Board may make such order in the matter as they think fit, which order shall be conclusive and binding on all parties, and to the extent of such order the separate property of the old borough shall become the property of the new borough, and the separate debt or portion of the separate debt of the old borough shall become the debt of the new borough, and all Acts of Parliament relating to such separate property or separate debt or portion of separate debt shall, so far as they relate to the same respectively, be applicable throughout the new borough.

Officers of Corporation continued.

22. The town clerk and all other officers and servants of the Corporation shall continue to be the town clerk, officers, and servants of the Corporation, and shall hold their offices and situations by the same tenure as they held the same previous to the passing of this Act.

Powers of commissioner and costs of inquiries.

23. Every commissioner appointed under this Act shall have the same powers with regard to the examination of witnesses and production of documents as an inspector of the Local Government Board under the Public Health Act, 1872, and the costs of every inquiry held by any such commissioner under this Act shall be paid by the Corporation.

As to repair of highways in Preston.

24. The rateable property of East Preston shall not be liable or rateable for the repair of highways in that part of the parish of Preston which lies to the westward of the Dyke Road, and the last-mentioned part of the parish of Preston shall not be liable or rateable for the repair of highways in East Preston.

Waterworks to be the property of the new borough, &c.

25. From and after the thirty-first day of October one thousand eight hundred and seventy-three the waterworks undertaking and all lands and property of the Corporation under the Waterworks Act shall be held by the Corporation in trust for the inhabitants of the new borough, and the special water rate under that Act shall be leviable throughout the new borough, and all mortgages and debts of the Corporation shall be charges upon or payable out of the rates leviable within and throughout the new borough in like manner in all respects as if the said Act had applied to the new borough instead of to the old borough, and the expression "the borough" in the said Act shall mean the new borough and not the municipal borough of Brighton as it existed at the time of the passing of the said Act.

The Old Steyne, &c. vested in Corporation.

26. All such estate and interest as the late Thomas Read Kemp, his heirs or assigns, had or may have in the said lands, called respectively the Old Steyne and the Level, are hereby transferred to and vested in the Corporation upon the trusts thereof respectively declared by the recited indentures dated respectively the seventeenth, the twenty-first, and twenty-second and the twenty-second days of April one thousand eight hundred and twenty-two for the inhabitants and visitors of the town of Brighton, and all the powers, rights, and authorities by the said indentures or some of them given to the managing trustees therein named, or other the managing trustees for the time being, with respect to the making of rules, orders, and regulations, and otherwise, so far as they relate to the Old Steyne or the Level, but not further or otherwise, are hereby transferred to the Corporation, and may be exercised by them without the consent of the Vicar of Brighton or the lords of the manors of Brighton and Atlingworth, or any of them: Provided always, that nothing herein contained shall affect the piece of land formerly called Richmond Green (comprised in the before-mentioned indentures), formerly part of the Tenantry Down, but now enclosed and on part whereof the church or chapel-of-ease of St. Peter has been erected.

As to the north enclosures.

27. It shall not be lawful for the Corporation under the powers of this Act to acquire the north enclosures (being the properties numbered respectively 9 and 10 in the parish of Brighton on the deposited plan), but no building, except such gardeners lodges, tool sheds, or other erections as may be considered by the trustees for the time being necessary for the proper management of the said enclosures, shall be erected or placed thereon. And whenever a trustee under the indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine, set forth in the schedule

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to this Act, shall die or desire to be discharged from or refuse or become incapable to act in the trusts by the said indenture declared, it shall be lawful for the town council to nominate a person to act as trustee under the said indenture in the place of the trustee so dying or desiring to be discharged from or refusing or becoming incapable to act in the said trusts, and such person shall be selected as far as reasonably practicable from amongst the principal owners or occupiers of the property in the immediate neighbourhood of the said enclosures, and shall by the surviving or continuing trustees be appointed a trustee in manner provided by the said indenture as if he had been selected or nominated by such surviving or continuing trustees; but, except as herein expressly provided, nothing in this Act contained shall alter, prejudice, or affect the said indenture.

Power to purchase lands.

28. Subject to the provisions of this Act, the Corporation may enter upon, purchase, take, and use all or any of the lands in the parish of Brighton delineated on the deposited plan and described in the deposited book of reference, except the properties numbered respectively 9 and 10 and from 13 to 20, both inclusive.

Distance within which hackney carriages may ply for hire and shall carry fares. Byelaws to apply in both limits.

29. The prescribed distance within which the Corporation may license to ply for hire hackney coaches or carriages of any kind or description adapted to the carriage of persons shall be the limits of the borough: Provided always, that it shall be obligatory on the drivers of such licensed hackney coaches or carriages to carry persons for hire, if required, to any distance not exceeding five miles from the Town Hall, Brighton: Provided also, that all byelaws for regulating such hackney carriages and the conduct of the drivers thereof which are now or may hereafter be in force shall apply to such hackney carriages and drivers both within the prescribed distance for plying for hire and the prescribed distance for carrying persons as aforesaid, and any offence against any such byelaws, whether such offence shall have been committed within the borough or not, shall be brought before, and may be determined by any justice or justices of the peace for the borough.

As to byelaws with respect to bathing and pleasure boats.

30. The powers of the Corporation to make byelaws and impose penalties for the breach thereof with respect to bathing machines and bathing, and with respect to boats let on hire or used for the purpose of rowing or sailing for pleasure, shall extend and be applicable for a distance not exceeding three miles seaward from low-water mark, and all byelaws relating to the matters aforesaid at the time of the passing of this Act shall (subject to the powers of the Corporation to repeal or alter the same) have the same

operation and effect within the said distance seaward from low-water mark as they have within the borough, and all breaches of such byelaws committed within the said distance seaward from low-water mark may be inquired into, and punishment or penalties inflicted or imposed in respect thereof, as if they had been committed within the borough.

As to levying rates.

31. The Corporation may make all general district rates, water rates, Pavilion rates, and all or any other rates to be levied by them in the new borough, or any part thereof, to commence from such period of the year as they from time to time think fit, and may include all or any of such rates in one book or set of books of assessment, with separate columns for each rate, or may make separate books of assessment for each rate, as they may from time to time think fit, and may make any rate or rates to be payable by half-yearly instalments or by quarterly instalments as they think fit, and each such instalment shall be recoverable as a year's rate made under the Local Government Act, 1858, is recoverable, and the recovery of any such instalment shall not prejudice the right of the Corporation to recover the remainder of the same rate, and nothing in any of the Acts relating to the Corporation shall make it obligatory upon them to levy a highway rate within any particular part or parts of the borough.

Power for town clerk and borough surveyor to appoint deputy.

32. The town clerk and the borough surveyor respectively may from time to time, with the approval of the town council, appoint a deputy, and delegate to such deputy the performance of all or certain of the duties of his office, under any Act of Parliament for the time being in force within the borough or under any byelaw of the Corporation.

Act not to extend school board district for Brighton.

33. This Act or anything therein contained shall not be construed to extend the district of the school board for the old borough, and until such district shall be extended in manner provided by law, all expenses payable by the Corporation to or in relation to the school board shall be raised and defrayed by and out of the rates leviable within the old borough.

Expenses of Act.

34. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation.

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SCHEDULE referred to in the foregoing Act.

Indenture of August twenty-fifth, one thousand eight hundred and forty-nine, relating to the North Steine Inclosures.

This Indenture, made the twenty-fifth day of August in the year of our Lord one thousand eight hundred and forty-nine between Richard Hart, now residing at Seaford in the county of Sussex, Esquire, and Sarah his wife, of the one part, and Henry Hart, of Beddingham in the said county, Esquire, George Philcox Hill, of Brighton aforesaid, Esquire, William Boxall, of Brighton aforesaid, Esquire, Edmund Vallance, of Brighton aforesaid, brewer, and George Frederick Henwood, of Brighton aforesaid, Esquire, of the other part. Whereas the two pieces or parcels of ground called or known by the name of the North Steine Enclosures, situate, lying, and being in the town and parish of Brighton aforesaid, between the Pavilion and Saint Peter's Church in the said town and parish of Brighton, have for several years past been used as pleasure grounds: And whereas the said Richard Hart is advised that by his title at law and the terms on which the said grounds have been so used, he is clearly entitled to the same pieces or parcels of ground, but he is desirous of conveying the same to the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood as trustees thereof, in order that the same may be clearly and absolutely appropriated for pleasure grounds, and be managed and used as herein-after mentioned, and the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood have consented to become the first trustees thereof, as they do hereby respectively acknowledge and declare, and the said Sarah the wife of the said Richard Hart hath agreed to concur in these presents for the purpose of releasing the said pieces or parcels of ground from all her dower and right to dower in or out of the same: Now this indenture witnesseth, that in execution of the said intention of the said Richard Hart, and in consideration of the sum of five shillings sterling by the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood to the said Richard Hart and Sarah his wife, in hand paid at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, he, the said Richard Hart, and the said Sarah his wife, with his concurrence testified by his being made a party to and executing these presents, do and each of them doth by this present indenture made in pursuance of the Act passed in the fourth year of the reign of Her present Majesty for rendering a release as effectual for the conveyance of freehold estates as a lease and release by the same parties, and by the said Richard Hart and Sarah his wife signed, sealed, and delivered in the presence of and attested by two credible witnesses and intended to be forthwith enrolled in Her Majesty's High Court of Chancery, having been as to the execution thereof by the

said Sarah the wife of the said Richard Hart first duly acknowledged, grant and release unto the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood, and their heirs, all those two pieces or parcels of ground situate, lying, and being in the town and parish of Brighton aforesaid, between the Pavilion and the church called Saint Peter's Church aforesaid, and called or known by the name of the North Inclosures, the same being respectively inclosed all round and being divided by a public road between one of the said inclosures lying towards the north thereof, and the other towards the south thereof, and both of them being bounded on the east by the public road running from Saint Peter's Church aforesaid to the Steine at Brighton aforesaid, and on the west by the public road running from Saint Peter's Church to Church Street. And all buildings, trees, fences, ways, waters, watercourses, drains, easements, privileges, advantages, and appurtenances to the said pieces or parcels of land and hereditaments respectively belonging or in anywise appertaining, or now or at any time heretofore used or enjoyed therewith, or reputed or deemed as part or parcel thereof. And the reversion and reversions, remainder and remainders, yearly and other rents, issues, and profits thereof. And all the estate, right, title, interest, use, trust, property, claim, and demand whatsoever at law and in equity of the said Richard Hart and Sarah his wife into and out of the said premises and every part thereof, and all deeds, evidences, and writings relating to or in anywise concerning the said premises or any part thereof now in the custody or power of the said Richard Hart, or which he can procure without suit at law or in equity. To have and to hold the said pieces or parcels of land and hereditaments, and all and singular other the premises hereby released or expressed or intended so to be, unto and to the use of the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood, their heirs and assigns for ever. Nevertheless, upon and for the trusts, intents, and purposes, and with, under, and subject to the powers, provisoes, declarations, and agreements herein-after expressed, contained, and declared of and concerning the same, that is to say: In trust to permit the same to be used and enjoyed for ever hereafter as pleasure grounds by such persons as herein-after mentioned, but subject to such payments for permission to use the same, and such rules, orders, and regulations with respect to the right of enjoyment, and the management and ordering of the same, and the costs of keeping the same and the fences thereof in repair, and renewing such fences when necessary, as the said trustees or trustee of the said pieces or parcels of ground under or by virtue of these presents may from time to time require or establish respectively, and permit to continue in force the same pleasure grounds to be so used and enjoyed by the persons for the time being making such payments as shall be so required, and conforming to and observing and obeying the said rules, orders, and regulations. And that the said Henry Hart, George Philcox Hill, William Boxall, Edmund Vallance, and George Frederick Henwood, and the persons who for the time being shall be the trustees thereof under or by virtue of these presents, and the power herein-after contained of appointing new trustees, or the majority of such trustees for the time being, shall and may from time to time and at all times hereafter make and establish such rules, orders, and regulations as well with respect to the keeping in order the said pieces or parcels of

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land called the North Inclosures and the repairing and renewing from time to time the fences thereof, and also shall and may make all such other rules, orders, and regulations touching or concerning the ordering and managing of the said several pieces or parcels of land, and the ordering and disposing of the profits to arise therefrom or otherwise relating thereto, as the said trustees for the time being, or the majority of them, shall think proper. And further, that the said trustees for the time being, or the majority of them, shall, so far as they may think fit, make and execute all such contracts, acts, and deeds for carrying into effect or enforcing all such rules, orders, and regulations as shall be so made as aforesaid as they shall from time to time think necessary or expedient. And that the said trustees for the time being shall apply and dispose of the money which shall be received from time to time by way of payment for permission to use the said pleasure grounds, or on any other account for or in respect of the said pieces of land and premises, or any of them, or any right or privilege to be granted therein, and for which moneys the receipt of such trustees or the majority of them or of any treasurer whom they may appoint, or of any receiver or agent to be appointed by such trustees or the majority of them or by such treasurer, shall be absolute discharges to the persons paying the same in preserving and keeping in good and sufficient order the said pieces of land and premises, and the fences and boundaries thereof respectively, or otherwise in altering, improving, or ornamenting the said trust lands and premises, or any part thereof, or otherwise in such manner as the said trustees shall think fit in relation to the said trust property or the object of the trusts thereof: Provided always, that the trustees for the time being shall meet together once at least every year at such place or places, not being more than half of a mile from some one point of either of the said pieces or parcels of ground expressed to be hereby granted and released as they may from time to time determine on, and at such other times as they shall agree upon, or as they shall be duly called together for a special meeting in manner herein-after mentioned: Provided also, that any one or more of the said trustees from time to time may from time to time call any special meeting of the said trustees by sending to each of the other trustees (transmission by the post to his residence as stated in this present deed or other instrument by which he may have been appointed, or to any other residence which he may, by writing endorsed on such deed or instrument, have substituted in lieu thereof, being sufficient), or by leaving at his usual place of residence at least six days and not more than fourteen days before the day on which the meeting is to be held, a letter signed by the trustee or trustees calling such meeting, wherein the day and hour and place of such meeting and the object for which it may be called shall be specified: Provided also, that, except as to the appointment of new trustees, all questions relating to any business or matter to be transacted at a meeting shall be decided by a majority of the votes of the trustees present and not declining to vote, but the trustee who shall be chairman at any meeting shall, in addition to the privilege of voting with the other trustees, have a casting vote when the votes happen to be equal: Provided also, that the trustees from time to time may, if they shall think fit, appoint one of them to be a treasurer to receive and hold moneys which may from time to time be payable to the said trustees in respect of the said premises, and at pleasure remove such treasurer from time to time, and appoint the same or any other trustee to

be such treasurer, and such treasurer or the said trustees or a majority of them may appoint, if he or they think fit, a receiver or agent to collect or receive such moneys from time to time, or any of them: Provided always, and it is hereby agreed and declared between and by the said parties hereto, and the said Richard Hart doth hereby order and direct, that in case the trustees in and by these presents nominated and appointed, or any of them, or any succeeding trustees or trustee to be nominated and appointed as herein-after mentioned, shall die or desire to be discharged from or refuse or become incapable to act in all or any of the trusts or powers herein-before declared and contained, then, and so often as the same shall happen, it shall be lawful for the said trustees or trustee for the time being, or, if there shall be more than two trustees, for any of them not being less in number and two thirds of the said trustees then living, or if no trustees or trustee of the said premises shall from time to time be capable, then for the acting executors or administrators of any deceased trustee, by any deed or writing under their, his, or her hands and seals or hand and seal, or for the High Court of Chancery or other competent authority, to nominate, substitute, and appoint any other persons or person to be trustees or trustee in the place and stead of such trustees or trustee so dying, desiring to be discharged, or refusing or becoming incapable as aforesaid, and so as to increase, or before or after any such increase, restore the number of trustees hereby originally appointed. And that when and so often as any new trustee or trustees shall be nominated and appointed as aforesaid, all the trust estates and premises, if any, which shall be then subject to any of the trusts of these presents shall be thereupon, with all convenient speed, conveyed, transferred, and assured respectively according to the respective tenures and natures thereof in such manner and so that the same shall and may be legally and effectually vested in the newly appointed trustee or trustees, either jointly with such of the former trustees (if any) of the same trust premises as shall be willing and capable to act, or (if no continuing former trustee thereof) in such newly appointed trustees only, upon and for the trusts and purposes in and by these presents expressed and declared of and concerning the same trust estates and premises respectively, or upon and for such of the same trusts and purposes as shall be then subsisting and capable of taking effect. And that as well before as after the trust estate and premises shall have been conveyed, transferred, and assured as aforesaid, and every new trustee who shall be from time to time appointed as aforesaid, or who shall be otherwise on any account whatsoever appointed by the High Court of Chancery or other competent authority, shall and may, either in conjunction with his co-trustee or co-trustees for the time being (if any) of the same trust estate and premises, or, if no such trustee, then by himself, in all things and in all respects act in the execution and performance of the trusts and purposes to or for which such new trustee shall be so appointed, and also have and exercise the same powers and authorities, both express and implied, as if such new trustee had been originally in and by these presents nominated and appointed a trustee thereof: Provided also, that the trustees and trustee for the time being of the trust premises, and each and every of them, and the heirs, executors, administrators, and assigns of every one of them, shall be charged and chargeable only for so much money as they shall respectively actually receive by virtue of or under these presents or the trusts aforesaid, notwith-

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standing their joining in receipts for the sake of conformity, and that any one or more of them shall not be answerable or accountable for the others or other of them, but each of them for his own acts, receipts, neglects, and defaults only, nor shall they or any of them be answerable or accountable for any person or persons who may at any time or times be a receiver or receivers of the profits of the said trust premises, or with whom or in whose hands any part of the trust moneys shall or may be deposited or lodged for safe custody, nor for any misfortune, loss, or damage which may happen in the execution of any of the aforesaid trusts, or in relation thereto, except the same shall happen by or through their own wilful neglects or defaults respectively. And also that they the said trustees and trustee for the time being of the said trust premises, and every one of them, and the heirs, executors, administrators, and assigns of them and every one of them, shall and may, by, with, and out of the moneys which shall come to their respective hands by virtue of or under these presents or the trusts aforesaid, retain to and reimburse themselves respectively, and also allow to their cotrustees respectively, all loss, costs, damages, and expenses which they shall or may respectively suffer, sustain, expend, disburse, be at, or be put to, or which shall or may be to them respectively occasioned for or on account or by reason or means of the trusts hereby in them reposed or otherwise howsoever relating thereto. In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written. Richd. (L.S.) Hart. Sarah (L.S.) Hart. Henry Hart (L.S.). Geo. P. (L.S.) Hill. W. (L.S.) Boxall. George Frederick (L.S.) Henwood. Signed, sealed, and delivered by the within-named Richard Hart and Sarah his wife and Henry Hart in the presence of Thos. Attree, Wm. Turner. Signed, sealed, and delivered by the within-named George Philcox Hill, William Boxall, and George Frederick Henwood in the presence of J. S. M'Whinnie, solicitor, Brighton.

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