CHAPTER xcv.

An Act for the Local Government of the parish of Hove in the county of Sussex; and for other purposes. A.D. 1873.

[7th July 1873.]

WHEREAS by "An Act for paving, lighting, watching, cleans- 11 G. 4. & 1 W. 4. c. xvi.
"ing, and otherwise improving Brunswick Square and Bruns-
"wick Terrace, and certain streets and other public places upon
"certain grounds late part of a farm called 'The Wick Farm,' in
"the parish of Hove in the county of Sussex" (in this Act called the Act of 1830), a district in the parish of Hove (coextensive with the Brunswick Ward herein-after described) was constituted for improvement purposes, and Commissioners were appointed for executing the said Act, and they were authorised to levy rates within the said district, and to borrow money on the security of such rates, and they have borrowed and now owe the sum of five thousand pounds on that security:

And whereas by "The Brunswick Square Improvement Exten- 14 & 15 Vict. c. cxl.
sion Act, 1851," (in this Act called the Act of 1851,) a district in the parish of Hove (nearly coextensive with Adelaide Ward herein-after described) was constituted for improvement purposes as an adjunct to the last-mentioned district, and additional Commissioners were appointed, and they and the Commissioners acting under the Act of 1830 were authorised to levy rates within the new district, and to borrow money on the security of such rates, and they have borrowed and now owe the sum of three thousand pounds on that security:

And whereas by "The Hove Improvement Act, 1858," (in 21 & 22 Vict. c. cxx.
this Act called the Act of 1858,) the remainder of the parish of Hove (excepting certain lands described in Schedule (A.) to that Act, and part of which said lands described in the said schedule as lands belonging to Charles Bellingham, Esquire, were subsequently, in accordance with the provisions of the said Act in that behalf, included within its limits) was constituted a district for improve-

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ment purposes, and Commissioners were appointed for executing the said Act, and they were authorised to levy rates for improvement purposes within the last-mentioned district, and to borrow money on the security of such rates, and they have borrowed and now owe the sum of four thousand two hundred pounds on that security:

And whereas other part of the lands described or referred to in the said Schedule (A.) to the Act of 1858 forms a district or estate known as the Saint Aubyn's Estate, and such district was some time since laid out for building purposes and partially built upon, and roads, sewers, and drains were made, and the portions built upon have been for some time past lighted, watered, cleansed, and repaired by Messieurs Frederick Tooth and John Tooth, under agreement with the other owners and occupiers of the same district that the costs incurred for such lighting, watering, cleansing, and repairing should be paid by the owners and occupiers rateably, and there is now owing to the said Messieurs Frederick Tooth and John Tooth on such account for watering, lighting, cleansing, and repairing the sum of six hundred and fifty pounds:

And whereas other large portions of the lands described or referred to in the said Schedule (A.) to the Act of 1858 have been laid out for building purposes and partially built upon, and roads, sewers, and drains have been made thereon and thereunder:

And whereas by the Act of 1858 the whole of the parish of Hove was constituted a district for police purposes, and provision was made for the appointment by the Commissioners acting in execution of the Acts of 1830 and 1851, and the Act of 1858, of police commissioners, to be selected out of their respective bodies, for the execution of the police purposes of that Act, and such last-mentioned commissioners were incorporated by the name of the Hove Police Commissioners:

And whereas it will be of public advantage to the inhabitants of the parish of Hove if the whole of that parish be formed into one district for sanitary, local government, improvement, and police purposes, and placed under the control of one and the same body of Commissioners, and if special powers for the purposes aforesaid be conferred upon the Commissioners:

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

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

PART I.—Preliminary.

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Short title.

1. This Act may be cited for all purposes as "The Hove Commissioners Act, 1873."

Commencement.

2. This Act shall commence and have effect on and from the first day of January one thousand eight hundred and seventy-four.

Interpretation of terms.

3. In construing this Act and any Act incorporated or to be read as one with this Act, as applicable to this Act, the following rules shall have effect:

The expression "the Sanitary Acts" shall have the meaning assigned thereto by the Public Health Act, 1872, and the words and expressions to which by the Sanitary Acts meanings are assigned shall have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the existing Commissioners" shall mean the Commissioners acting under the Acts of 1830 and 1851 and the Act of 1858 respectively:

The expression "the existing local authorities" shall mean the guardians of the poor for the union of Steyning, Messieurs Frederick Tooth and John Tooth, and any other corporation or person other than the existing Commissioners who now have or exercise sanitary or improvement powers within the parish of Hove, whether under Act of Parliament or otherwise:

The expression "the Commissioners" shall mean the Commissioners acting in execution of this Act:

The expression "the existing districts" shall mean the respective districts in the parish of Hove constituted or existing for sanitary, local government, or improvement purposes by Act of Parliament or otherwise:

The expression "the district" shall mean the parish of Hove, and shall include the beach and foreshore of the sea down to low-water mark of high spring tides:

The word "street" shall include any public esplanade or way:

The expression "rateable value" shall mean the rateable value for the time being according to the poor's rate assessment, or according to any valuation made by the Commissioners under the 56th section of "The Local Government Act, 1858:"

The word "ashpit" shall include any place for ashes and other refuse:

The expression "superior courts" or "court of competent jurisdiction" shall be read and have effect as if the debt or demand

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in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

Act to be read as one with Sanitary Acts.

4. This Act and the Sanitary Acts shall, as respects the district, be read as one Act: Provided always, that where the provisions of this Act and the Sanitary Acts conflict this Act shall prevail.

PART II.—Provisions for Repeal of existing Acts, and as to existing Contracts and Liabilities.

Repeal of certain provisions of existing Acts.

5. The Act of 1830, except sections 32, 112, and 113 thereof; the Act of 1851, except sections 25, 26, 27, 35, 36, and 37 thereof; and the Act of 1858, except sections 39 and 54 thereof, are by this Act repealed; and, with reference to the unrepealed sections, the Commissioners shall represent the existing Commissioners for all purposes. The unrepealed sections are set forth in Schedule (A.) to this Act. The existing Commissioners are hereby dissolved, and the existing local authorities from the time appointed for the commencement of this Act shall cease to have or exercise any sanitary or improvement powers within the parish of Hove.

Property, &c. of existing Commissioners, &c. to vest in and be carried over to Commissioners.

6. All works, property, contracts, rights, and liabilities of the existing Commissioners and the existing local authorities respectively shall vest in and be carried over to the Commissioners.

Repeal and vesting not to affect acts done under recited Acts.

7. Notwithstanding such repeal and vesting, and except only as is by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered under the recited Acts, or any of them, shall be as valid as if the recited Acts were not repealed and such vesting were not effected, and such repeal and vesting and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the recited Acts were not repealed, and such vesting were not effected, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered, and with respect to all such rights, liabilities, claims, and demands the Commissioners shall to all intents and purposes represent the existing Commissioners and the existing local authorities respectively.

Arrangements as between existing Commissioners and Commissioners.

8. Provided always, that as between the existing districts and the district the following provisions shall apply:

(1.) The amount of all moneys belonging or due to or recoverable by, and of all debts due by or recoverable from, the existing Commissioners and existing local authorities respectively shall be carried to the credit or debit respectively of districts

coextensive in area with the respective existing district entitled or liable thereto :

(2.) The offices and furniture of the exisiting Commissioners acting under the Acts of 1830 and 1851 shall be purchased by the Commissioners at a valuation to be agreed upon, or to be made by some person to be agreed upon, or failing agreement to be appointed by two justices of the peace for the county of Sussex, and the amount of such valuation shall be carried to the credit of districts respectively coextensive in area with the respective existing districts entitled thereto, and in the proportions in which they are so entitled :

(3.) The Commissioners shall sell the office and furniture of the existing Commissioners for improvement purposes, acting in execution of the Act of 1858, and the proceeds thereof shall be carried to the credit of a district coextensive in area with the existing district entitled thereto :

(4.) All moveable plant used in and about the lighting, watering, cleansing, and repairing streets belonging to the existing Commissioners and to the existing local authorities respectively shall be purchased by the Commissioners at a valuation to be agreed upon or made in manner aforesaid, and the proceeds shall be carried to the credit of districts coextensive in area with the respective existing districts, for the use and at the expense of which such plant shall have been provided :

(5.) The moneys which shall be received by the Commissioners under the directions contained in sub-sections 1, 2, 3, and 4 shall be applied in or towards the payment of the respective debts and obligations (if any) of the respective existing districts to the credit of which such moneys shall have been carried ; and after payment of such debts and obligations (if any), or if there shall be no such debts or obligations, such moneys, or any surplus thereof, shall be applied in or towards payment of the amounts to which the property comprised within the areas of the respective existing districts shall be assessed to the next general district rate.

Provision for payment of existing debts.

9. The Commissioners shall provide for the payment of the existing debts on the existing districts respectively as follows :

Every year the Commissioners shall levy upon all property within the limits of the existing districts respectively, which from time to time, but for the repeal of the Acts of 1830, 1851, and 1858 respectively, would have been liable to pay rates under those Acts respectively, and also as to any other existing districts in respect of which there is a debt due by or to any existing local authorities respectively upon property made

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liable to pay rates under this Act, a rate to be called "the special debt rate." Such rate shall be assessed upon the said districts separately, and shall be calculated to produce an amount equal to the annual interest, and not more than twenty nor less than two pounds per centum per annum on the principal of such debts respectively, and shall be applied—

First, in payment of the interest on such debts respectively;

Secondly, in forming accumulation or sinking funds for the gradual payment of the principal of such debts respectively;

And as often as the said sinking funds respectively shall amount to a sufficient sum the same shall be applied in payment of an equal amount of the said debts respectively as the Commissioners may deem expedient.

The said special debt rate may be levied and collected in like manner as any general district rate.

Annual return to Local Government Board with respect to sinking fund.

10. The clerk shall, within twenty-one days after the expiration of each year, during which any sum is required to be set apart for a sinking fund 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 invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the 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 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. If it appear to the Local Government Board, by such return or otherwise, that the Commissioners have failed to set apart 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 Court of Queen's Bench.

Borrowing powers under "The Public Health Act, 1848," to apply to existing debts.

11. The powers conferred by section 110 of "The Public Health Act, 1848," shall apply to the moneys forming the existing debts as aforesaid, as effectually as if such moneys had been borrowed under the authority of that section.

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Transfers of securities to be registered.

12. A copy of every transfer of the securities for such existing debts respectively shall be entered in a book to be kept for that purpose by the clerk, and for the entering of every such transfer the clerk shall be paid the sum of five shillings, and every such transfer, after the entering thereof as aforesaid, shall entitle the transferee to the benefit of the security thereby transferred without any registry or enrolment thereof.

Byelaws to remain in force.

13. All byelaws and regulations in force at the passing of this Act shall continue in force, unless repealed or altered under this Act, and may be enforced in all respects as if such byelaws and regulations had been made under and by virtue of this Act.

Compensation may be made to officers for loss of office.

14. In case any clerk or other officer appointed under the provisions of the Acts of 1830 and 1851, or of the Act of 1858, and holding his office at the time of the passing of this Act, be not appointed by the Commissioners to an office of equivalent value under this Act, the Commissioners may grant compensation to such officer for the loss of his office, but the amount of such compensation shall not exceed in any case the amount of emoluments derived by such officer from his office for the three years next preceding the passing of this Act.

PART III.—Constitution of Board of Commissioners for the District, and Division of the District into Wards.

Incorporation of Board of Commissioners.

15. This Act shall be carried into execution by a Board of Commissioners, to be called "The Hove Commissioners," who shall by that name be a body corporate with perpetual succession and a common seal, and with power to hold and dispose of lands within the restrictions and subject to the provisions of this Act.

Commissioners to be urban sanitary authority for district.

16. The Commissioners shall be the urban sanitary authority for the district under "The Public Health Act, 1872," to the exclusion of the existing Commissioners and all existing local authorities, and shall and may exercise and execute all the powers, authorities, and duties conferred and imposed by the Sanitary Acts as if the district were a corporate district as defined by "The Public Health Act, 1848."

Division of district into wards.

17. The district shall be divided into six wards, to be called, 1. Brunswick Ward; 2. Adelaide Ward; 3. Saint John's Ward; 4. Stanford Ward; 5. Medina Ward; and 6. Ventnor Ward. The abuttals and boundaries of the wards shall be as follows:

Brunswick Ward.—Conterminous with the Brunwick Square and Terrace District as defined by the Act of 1830:

Adelaide Ward.—Conterminous with the district defined by the Act of 1851, except that the western boundary shall be the

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present boundary between the "Goldsmid" and "Stanford" estates:

Saint John's Ward.—Bounded on the north by the centre of Church Road, on the west by the western boundary of the "Stanford Estate," on the south by the sea, and on the east by Adelaide Ward:

Stanford Ward.—Bounded on the north by the northern boundary of the parish of Hove, on the west by the eastern garden walls of the houses on the eastern side of Hova Villas, thence by the centre of the road running in a northerly direction from Hova Villas to the Cliftonville station of the London, Brighton, and South Coast Railway, thence by a line running due north to the northern boundary of the said parish, on the south by Saint John's Ward, and on the east by Adelaide Ward:

Medina Ward.—Bounded on the north by the centre of Church Road and the road made in continuation of the same to the western boundary of the parish of Hove, on the west by the western boundary of that parish, on the south by the sea, and on the east by Saint John's Ward:

Ventnor Ward.—Bounded on the north by the northern boundary of the parish of Hove, on the west by the western boundary of the said parish, on the south by Medina Ward, and on the east by Stanford Ward.

Number of Commissioners to be returned by each ward.

18. Subject to the provisoes to this section, each ward shall return nine Commissioners: Provided always, that any ward having a less rateable value than eighteen thousand pounds shall return three Commissioners only until it attain that rateable value; and any ward having a rateable value of eighteen thousand pounds, but less than thirty-five thousand pounds, shall return six Commissioners only until it attain the last-named rateable value, upon and after which it shall return the full complement of Commissioners: Provided also, that the increased return of Commissioners shall not take effect until the annual election next after the ward shall have attained the increased rateable value as aforesaid.

PART IV.—Qualification of Commissioners and Electors and Mode of Election.—Meetings of Commissioners.

Qualification of Commissioners.

19. The qualification of a Commissioner shall be as follows: He shall be seised or possessed in his own right, or in the right of his wife, for any estate or interest not being less than an estate for a life or a leasehold interest for a term of which twenty-one years shall for the time being be unexpired, of lands, tenements, or hereditaments within the district which shall be of the annual

value of thirty pounds at the least, or he shall be rated to the general district rate in respect of property situate within the district in the annual sum of sixty pounds at the least.

First Commissioners.

20. The first Commissioners shall be the persons named in the first column to Schedule (B.) of this Act, and they shall be deemed the first elected members, and shall respectively be deemed to be returned by the several wards set opposite to their respective names in the second column of that schedule.

Retirement of first Commissioners.

21. The Commissioners appointed under this Act shall all go out of office on the first day of January one thousand eight hundred and seventy-five, and thereupon an election of Commissioners shall take place in the manner prescribed by the Sanitary Acts for the election of members of a local board.

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

22. The Commissioners elected on the first day of January one thousand eight hundred and seventy-five shall go out of office by rotation in the following manner; namely, on the first day of January one thousand eight hundred and seventy-six, one third of the Commissioners returned by each ward shall go out of office; and on the first day of January one thousand eight hundred and seventy-seven another third of the Commissioners returned by each ward shall go out of office; and on the first day of January one thousand eight hundred and seventy-eight the remainder of the Commissioners returned by each ward shall go out of office; and on the first day of January in every subsequent year one third of the Commissioners returned by each ward, being those who have been longest in office, shall go out of office, and in each instance the place of the retiring Commissioners shall be supplied by the election of a like number of Commissioners. Every Commissioner going out of office may forthwith be re-elected.

For determining the rotation in which Commissioners are to go out of office.

23. In order to determine the rotation by which the Commissioners elected under the provisions of this Act on the first day of January one thousand eight hundred and seventy-five shall go out of office, the Commissioners shall at their first meeting after such election proceed to form rotation lists, and the clerk or some person to be then appointed for that purpose by the Commissioners shall write the names of all the Commissioners 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 clerk or other person in the order in which they are drawn, in as many lists as there are wards, each list containing the names

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of the Commissioners of one ward only; and every such list shall be kept by the clerk, and the names therein shall be numbered consecutively, and the Commissioners shall retire from office in the order in which their names appear on such lists, in the proportion in this Act mentioned; the same process shall be observed upon the first election of the increased number of members of any ward which shall have attained the requisite increase of rateable value: Provided always, that the members originally elected for such ward shall all retire before those elected as additional members.

Qualification of electors.

24. Every person who at the time of any election of Commissioners under this Act shall be the owner of any lands or tenements within the district, and every person who at the time of any such election shall be rated to the general district rate, and who shall, seven days at least before such election, have paid all general district rates which shall have become payable by him six months or upwards previous to such election, shall, subject to the provisions of this Act, be entitled to vote at any election of Commissioners under this Act.

Scale of voting.

25. At any election of Commissioners the scale on which every occupier and owner respectively shall be entitled to vote shall be the following; (to wit,)

If the tenement in respect of which he is entitled to vote be rated upon a rateable value of less than twenty pounds he shall be entitled to one vote:

If such rateable value amount to twenty pounds and be less than forty pounds he shall be entitled to two votes:

If such rateable value amount to forty pounds and be less than seventy pounds he shall be entitled to three votes:

If such rateable value amount to seventy pounds and be less than one hundred pounds he shall be entitled to four votes:

If such rateable value amount to one hundred pounds and be less than one hundred and fifty pounds he shall be entitled to five votes.

If such rateable value amount to or exceed one hundred and fifty pounds he shall be entitled to six votes.

Elector to vote for the ward only in which his rateable property is situate.

26. Every person entitled to vote in the election of Commissioners shall vote for Commissioners for that ward only wherein the property or part thereof in respect of which his name appears in the rate book is situate; and if any person be rated in respect of property situate in more than one ward he may vote for Commissioners for any one of such wards, and may in that ward give the full number of votes to which he is entitled, but having so voted he shall not afterwards at the same election vote for a Commis-

sioner for any other ward, and any vote so afterwards given by him shall be void. A.D. 1873.

Annual and other meetings of Commissioners.

27. The Commissioners shall hold an annual meeting and other meetings for the transaction of business at such other times as may be necessary for properly executing their powers and duties, and shall from time to time make byelaws with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business by them: Provided always, that no business shall be transacted at any meeting unless at least five members be present, and all questions shall be decided by a majority of votes, and the names of the members present shall be recorded; and the Commissioners shall at their annual meeting appoint one of their number to be chairman for one year at all meetings at which he is present, and, in case the chairman so appointed be absent from any meeting at the time appointed for holding the same, the members present shall appoint one of their number to act as chairman at such meeting, and in case the chairman appointed as first aforesaid die, resign, or become incapable of acting, another member shall be appointed to be chairman for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office and no longer; and the chairman at any meeting shall have a second or casting vote in case of an equality of votes. The first meeting of the Commissioners shall be held on the third Thursday next after the commencement of this Act, at the Town Hall, Hove, at the hour of eleven o'clock in the forenoon.

PART V.—Private Enclosures.

Certain private pleasure grounds in Brunswick, Adelaide, and Medina wards to be regulated by enclosure committees.

28. The Commissioners returned by Brunswick Ward, Adelaide Ward, and Medina Ward respectively shall form enclosure committees for such wards respectively, and such enclosure committees shall maintain and keep in good order the pleasure grounds in the centre of Brunswick Square, and in the centre of Adelaide Crescent, and in the centre of Palmeira Square, and the pleasure ground opposite Medina Villas, known as "the Lawn," respectively, and shall preserve the trees and shrubs therein, and repair the enclosure, fences, and gates thereof respectively, and such enclosure committees respectively may improve and alter the said pleasure grounds respectively, and may appoint such gardeners and keepers for the same respectively at such salaries as such committees respectively shall think proper.

Such private pleasure grounds to

29. Such pleasure grounds respectively shall be used exclusively by the inhabitants of the squares, crescents, terraces, villas,

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be used by persons now entitled thereto.

and other groups of buildings, who have hitherto been entitled to use the same respectively, and by the other persons who have been hitherto and who shall be by the enclosure committees respectively lawfully authorised to use the same respectively as herein-after provided, but in such manner and according to such regulations or byelaws as the enclosure committees respectively shall from time to time order and establish. Such byelaws may from time to time be made by the enclosure committees, and shall be approved by the Commissioners, and when so approved, and when further approved and published in the manner provided for byelaws made by the Commissioners, shall have all the force and effect of byelaws made by the Commissioners.

Byelaws.

Such private pleasure grounds to be maintained by private improvement rates.

30. The expenses of and incidental to the maintenance, improvement, and management of such pleasure grounds respectively shall be paid by private improvement rates to be levied upon the occupiers for the time being of the squares, crescents, terraces, villas, or other groups of buildings entitled to the use of the same respectively. Such private improvement rates shall be made by the Commissioners on the request of the enclosure committees respectively testified by some writing under the hand of the chairman for the time being of such committees respectively, and shall be levied and collected by the Commissioners in like manner and, if the Commissioners think fit, at the same time as any general district rate or rates: Provided always, that the private improvement rate or rates to be made in respect of any pleasure ground in any one year shall not exceed fourpence in the pound on the rateable value of the property included in any such rate or rates.

Enclosure committees may grant licenses to use such pleasure grounds.

31. The enclosure committee of Brunswick Ward may grant to the inhabitants of houses in Brunswick Terrace licenses to use the pleasure ground in the centre of Brunswick Square aforesaid, and the enclosure committee of Medina Ward may grant to any persons licenses to use "the Lawn," such licenses to be granted upon such money payments and other terms as the committees respectively may see fit: Provided always, that the money payment to be made in respect of any house in Brunswick Terrace for license to use the pleasure ground in Brunswick Square aforesaid shall not be less than the annual sum of one guinea; the money payments shall be carried to the credit of the improvement rate for the pleasure ground in respect of which they were made.

Commissioners may take charge of other private pleasure grounds.

32. The Commissioners may at any time with the written consent of the owner, and in Saint John's Ward of William Morris, or his successors in the title, and at the request of the majority of the persons entitled to use any other private enclosure or pleasure

ground now or hereafter to be made within the district, accept the management of such pleasure ground upon such terms as to the Commissioners may seem fit; and thereupon such pleasure ground shall be managed, improved, maintained, and regulated in like manner as is herein-before provided with respect to the pleasure grounds herein specifically named.

Provision in case of any private pleasure ground not under management of Commissioners being allowed to fall into decay.

33. Should any private enclosure or pleasure ground set apart for the use of the inhabitants of any group or groups of buildings within the district, and not under the management of the Commissioners or the enclosure committee of the ward within which it is situate, be allowed at any time to fall into decay or want of repair, it shall be lawful for the Commissioners, by notice in writing, to call upon the person or persons having the management thereof to repair and make good the same, and the enclosure walls, fences, and gates thereof; and if within three calendar months such notice shall not be complied with, the Commissioners may, with the consent of the Local Government Board, enter upon such private enclosure or pleasure ground and take the management thereof, and thereupon the provisions herein contained for the management of the pleasure grounds hercin specifically named shall apply to such pleasure ground so entered upon by the Commissioners as aforesaid as fully and effectually as if the same had been specifically mentioned in this Act: Provided always, that any such notice as aforesaid need not be addressed to any person or persons by name, and may be served by the same being affixed to any gate or enclosure wall of the pleasure ground to which it refers: Provided also, that if the buildings, the inhabitants of which are entitled to the use of any pleasure ground which may be entered upon as aforesaid, cannot be ascertained to the satisfaction of the Commissioners, the Commissioners may include in any private improvement rates for the repair, maintenance, and management of such pleasure grounds the occupiers of such group or groups of buildings as they may see fit, and may grant the use of such pleasure ground to such occupiers accordingly.

PART VI.—Special Powers of Commissioners.

The Commissioners may purchase land for recreation purposes.

34. The Commissioners may purchase or lease lands and accept gifts and grants of land for the purpose of forming any public walk, exercise, or playground, and the expenses incurred by them in so doing shall be chargeable upon and paid out of the general district rate.

26 Vict. c. 13. to extend to district.

35. The district shall be held to be a borough within the meaning of the Act passed in the twenty-sixth year of the reign

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of Her present Majesty, entitled "An Act for the protection of "certain garden or ornamental grounds in cities and boroughs," and the Commissioners shall be held to be the corporate authority for executing such Act; and any expense which may be incurred by the Commissioners in the execution of the said Act shall be chargeable upon and paid out of the general district rate, and all sums which may be received by the Commissioners under the said Act shall be carried to the credit of the district fund account.

Commissioners to be the burial board.

36. The Commissioners shall be the burial board for the execution of the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, entitled "An Act to amend the Burial "Acts," and the Act passed in the 23rd and 24th years of the same reign, entitled "An Act to make further provision for the expenses "of Local Boards of Health and Improvement Commissioners "acting as Burial Boards," and the Acts to be read as one with those Acts, or either of them, and shall have all the powers, duties, and obligations of a burial board under the said Acts; and all expenses which may be incurred by the Commissioners in carrying the said Acts into execution shall be chargeable upon and paid out of the general district rate, and all sums which may be received by the Commissioners under the said Acts shall be carried to the credit of the district fund account.

Local Government Act, 1858, sect. 53, extended to Gas Company.

37. As regards the Commissioners, section 53 of "The Local Government Act, 1858," shall be read and have effect as if the words "or Gas Company" had been inserted in that section after the words "Market Company."

Power to keep the beach in good order.

38. The Commissioners may keep in good order, manage, and regulate and protect from encroachment or otherwise the beach and foreshore of the sea between high and low water mark of high spring tides, and shall have the like powers for regulating such beach and foreshore as if the same were a street within the meaning of the Sanitary Acts: Provided always, that the powers herein-before given shall cease if and so soon as such beach and foreshore may be otherwise appropriated by or on behalf of Her Majesty, her heirs or successors, or other the owner or owners thereof for the time being: Provided also, that nothing herein contained shall extend to divest any ownership or affect any rights or easements of or belonging to Her Majesty, her heirs or successors, or any other person or persons, in or over the soil or surface of the said beach and foreshore, or any part thereof, or to empower the Commissioners to control or in any way interfere with the free use, enjoyment, and

disposal of the said beach and foreshore, or any rights or easements in or over the same by Her Majesty, her heirs and successors, or other the owners thereof respectively for the time being, in such manner as the same respectively might have been used, enjoyed, or disposed of in case this Act had not been passed.

Streets may be stopped for repairs.

39. The Commissioners may stop up any street and prevent all persons from passing along and using the same for a reasonable time during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

Commissioners may place fences to footways.

40. The Commissioners may, if they see fit, from time to time place such fences and posts on the side of the footways of the streets under their management as may be needed for the protection of passengers on such footways, and place posts in the carriageways of such streets so as to make the crossing thereof less dangerous for foot passengers, and they may from time to time repair any such fences or posts, or remove the same, or any obstructions to any such carriageway or footway, as they think fit.

Commissioners may alter levels of streets.

41. The Commissioners may from time to time, when sanctioning the formation of any street, by order, direct that the line and level of any street be altered so as to be adapted in such manner and to such extent as the Commissioners think fit to the line and level of any adjoining or other street, and the Commissioners shall in such case make compensation to the owners and occupiers of buildings and lands for any damage or expenses sustained or incurred by them by reason or in consequence or in the execution of such order.

PART VII.—Police and Police Regulations.

10 & 11 Vict. c. 89. incorporated.

42. "The Town Police Clauses Act, 1847," save so far as any of the clauses or provisions thereof respectively are by this Act varied or excepted, is incorporated with this Act.

Power to make rules, &c. for regulating constables.

Penalty.

43. The Commissioners may make such rules and orders as they think fit for regulating the conduct of the constables, and, if any constable do not faithfully observe and perform such rules and orders, every constable so offending shall for every offence forfeit a sum not exceeding twenty shillings, and, if the Commissioners think proper, shall also be immediately discharged from his office or employment.

Extension of 22 & 23 Vict. c. 32. to this Act.

44. The Act of the session holden in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act to amend the law concerning the police in counties and "boroughs in England and Wales," as amended by an Act passed

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in the 24th and 25th years of the same reign, chapter ninety-five, shall be held to apply to the district in the same manner as if the district were a borough under the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter seventy-six: Provided always, that no watch rate or separate rate in the nature of a watch rate need be levied within the district; that the powers and duties of the watch committee shall be exercised and performed by the police committee appointed by the Commissioners, if and when any such committee shall be appointed, and until such appointment by the Commissioners; that the superannuation fund shall be made good out of the district fund or district rates; that the powers and duties of the council shall be exercised and performed by the Commissioners, and that a separate account shall be kept with respect to such superannuation fund by the treasurer of the district, under the same provisions as to keeping, auditing, and publishing such account as is provided in relation to the general account of the district to be kept by the treasurer.

The sum of 200*l.* already in hand to be carried to credit of superannuation fund.

45. The sum of two hundred pounds, or thereabouts, which without any statutory provision in that behalf has been already accumulated for the purpose of forming a superannuation fund for the constables of the district, shall be paid over to the treasurer of the district to the credit of the superannuation fund account.

Periods of service for superannuation allowance, when and from what time to be reckoned.

46. The period of service of constables with respect to superannuation allowance shall be reckoned from the time when such constables respectively shall have first been appointed as constables for the parish of Hove or any part thereof, whether under the provisions of any Act of Parliament or otherwise: Provided always, that one half only of the respective periods of service of such constables before the passing of this Act shall be reckoned or allowed to such constables for the purpose of determining what superannuation allowances may be granted.

Commissioners may grant gratuities to widow or family of deceased constable out of superannuation fund.

47. The Commissioners may grant out of the superannuation fund to the widow or family of any constable who may die in their service such sum as to the Commissioners may seem fit, not exceeding the full amount which such constable may have contributed to the superannuation fund.

All penalties except where payable to informers to be paid to police superannuation fund.

48. All penalties recovered under this Act, except so much of any such penalties as may be by law payable to any informer not being a constable of the district, shall be paid to the credit of the police superannuation fund.

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Commissioners may provide police barracks.

49. The thirteenth section of "The Town Police Clauses Act, 1847," shall be extended or construed so as to empower the Commissioners to provide police barracks in addition to the other buildings enumerated in that section.

Hackney carriages to be subject to inspection.

50. All hackney carriages, and horses intended to draw the same, and harness used in and about the same, and all boats and hand chairs, shall be at all times subject to the inspection of an inspector appointed by the Commissioners, and if any such hackney carriage, horse, harness, boat, or hand chair be let for hire after such inspector shall have declared the same unsafe or unfit for use, and shall have given notice thereof to the persons engaged in the conduct thereof, such owner or person shall for every such offence be liable to a penalty not exceeding forty shillings: Provided always, that such hackney carriage, horse, harness, boat, or hand chair may be again let for hire or used respectively when such inspector shall have granted a certificate to such owner or person that such carriage, horse, harness, boat, or hand chair is fit for use.

Distance within which hackney carriages may ply for hire and shall carry fares.

51. The prescribed distance within which the Commissioners 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 district: 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, Hove, whether within or without the district: Provided also, that all byelaws for regulating the conduct of such drivers which are now or may hereafter be in force shall apply to such drivers both within the prescribed distance for plying for hire and the prescribed distance for carrying persons as aforesaid, and any offence against such byelaws, whether such offence shall have been committed within the district or not, shall be brought before, and may be determined by, any justice or justices of the peace acting in the district.

Byelaws to apply in both limits.

Power to license boats and hand chairs, and to make byelaws to regulate the same.

52. The Commissioners may license to ply for hire within the district such number and descriptions of boats for sailing or rowing, and such number of hand chairs, as they may think fit, and may also make byelaws for fixing the duration of and the amounts to be paid for such licenses; for regulating the number of boatmen who shall accompany such boats, and the number of passengers, and in what manner the number of boatmen and passengers shall be indicated on the boats; for fixing the stations on the beach for such boats, and the stations for such hand chairs, and the rates or fares to be paid for the hire thereof respectively, whether by time or

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distance; for regulating the general conduct of the boatmen and chairmen in respect of their employment, and for preventing their plying for hire within the district without being first duly licensed by the Commissioners.

Regulation as to sale of fish on the beach.

53. No fish whatever shall be sold by fishermen or others on the beach above high-water mark within the district, either to persons to sell again or to private individuals; and every person who shall sell or offer for sale any fish at any time on the beach above high-water mark shall for every offence, upon conviction before any justice, forfeit and pay any sum not exceeding five pounds.

Constable or other person may be authorised to break open premises in case of fire.

54. Any constable, officer, or other person appointed in that behalf by the Commissioners may enter, and if necessary may break into, any building which may be or be reasonably supposed to be on fire, or any building or land adjoining or near to any such first-mentioned building, without the consent of the owner or occupier thereof respectively, and may do all such acts and things as he may deem necessary for extinguishing any fire, or for protecting such building or any goods or chattels therein from fire.

Penalty for certain offences in any part of the district.

55. Every person who shall commit any of the following offences (namely),

1. Every person who shall write or describe any profane, obscene, or indecent language or figure on any building, wall, door, or post, or otherwise mark or deface the same;
2. Every person who, without the consent of the owner or occupier thereof, shall affix any posting bill or other paper to or against any building or wall;
3. Every person who shall for the purpose of trade, manufacture, or commerce, within two hundred yards of any dwelling-house situate within or near any street, cure or dry any fish, or burn any cork, rags, or bones, or other offensive substance: Provided always, that this sub-section shall not apply to any such trade, manufacture, or commerce carried on within two hundred yards of any such dwelling-house prior to the commencement of this Act;
4. Every person who shall in any street cause any waggon, cart, or van, with or without horses, to stand longer than is necessary for loading or unloading goods;
5. Every person who shall sweep or wash any footway in any street after nine o'clock in the morning, except for the removal of snow, or after that hour clean any windows by means of steps placed on the footway, or by means of a syringe or hose from the footway;

6. Every person who shall place any sun-blind to project over any footway in any street so as to leave a less clear headway thereunder of seven feet. Every day such annoyance shall exist shall be deemed a separate offence;

7. Every person who shall cast upon the sea-beach or foreshore of the sea glass, earthenware, rubbish, filth, or other dangerous or objectionable deposit, or dry clothes thereon;

Shall for every such offence be liable to a penalty not exceeding forty shillings, and any constable or other officer may take into custody without warrant, and forthwith convey before a justice, any person who within his view commits any offence specified in sub-sections 1, 2, or 7.

Burning of bricks and tiles.

56. Every person who shall burn bricks or tiles in any place not used for that purpose at the time of the passing of this Act nearer than five hundred yards to any dwelling-house, except with the previous consent in writing of the Commissioners or of the occupier of such dwelling-house, shall be liable to a penalty not exceeding forty shillings, and the like sum for every day the offence shall be continued.

Street musicians to depart when desired to do so.

57. Any householder, personally or by his servant, or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder; and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings; and any constable or other officer may take into custody without warrant, and forthwith convey before a justice, any person who within his view commits an offence under this section.

Prohibition of carriage or distribution of advertisements except as approved by Commissioners.

58. No picture, print, board, placard, or notice, except in such form and manner as may be approved of by the Commissioners, shall by way of advertisement be carried or distributed in any street by any person conveyed in, or driving, drawing, or pushing any vehicle, or riding, or on foot. Any person doing any act in contravention of this section shall be liable for each offence to a penalty not exceeding ten shillings. This section shall not apply to the sale of newspapers.

Penalty for defacing churches, &c.

59. Every person who shall fix up any bills or papers (other than such as may be lawfully affixed thereto) against any church, chapel, or other public building, or shall write with chalk or any other matter thereon, shall for every such offence be liable to a penalty not exceeding forty shillings.

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11 & 12 Vict. c. 43. extended to this Act.

60. The Act passed in the eleventh and twelfth years of Her present Majesty, intituled "An Act to facilitate the performance of "the duties of Justices of the Peace out of sessions within England "and Wales, with respect to summary convictions and orders," shall be applicable to all such proceedings of justices under this Act.

PART VIII.—As to the Brighton Intercepting and Outfall Sewers Board.

Providing for election of members and auditor.

61. The Commissioners shall at their first meeting appoint from their body one person in respect of every twenty-five thousand pounds of the rateable value of all property within the district rateable to the poor's rate, fractions of twenty-five thousand pounds beyond the first twenty-five thousand pounds being reckoned as twenty-five thousand pounds; and the persons so appointed shall be members of the Brighton Intercepting and Outfall Sewers Board, and thenceforth the Commissioners shall be a local authority within the meaning of "The Brighton Intercepting and Outfall Sewers Act, 1870," and all the provisions of that Act shall thenceforth be applicable to them and to the district in like manner in all respects as such provisions are applicable to the existing Commissioners and the existing districts; and from the time of such appointment by the Commissioners, but not till then, the members appointed by the existing Commissioners shall cease to be members of the Sewers Board; and the Commissioners shall also at their first meeting appoint an auditor of the Sewers Board, and thereupon the auditors of the Sewers Board appointed by the existing Commissioners shall cease to act as such, and thenceforth there shall be two auditors only of the Sewers Board instead of three, as provided by "The Brighton Intercepting and Outfall Sewers Act, 1870," one to be appointed by the Brighton Local Board, and one by the Commissioners.

PART IX.—Byelaws.

General power to make byelaws.

62. In addition to the byelaws which the Commissioners are empowered to make under the provisions of "The Sanitary Acts," of "The Town Police Clauses Act, 1847," of this Act, and of any other Act, they may from time to time make any byelaws which they may deem necessary and expedient for the due execution of this Act; and repeal, alter, or vary any such byelaws, and make any new byelaws for the like matters; such byelaws shall be subject in all respects to the provisions with respect to byelaws contained in section 115 of "The Public Health Act, 1848."

63. A printed copy of byelaws, purporting to be made, approved, and published as aforesaid, and signed by the clerk, shall be conclusive evidence of the validity of such byelaws.

Printed copy of byelaws to be evidence.

PART X.—Miscellaneous Provisions.

64. The expenses of carrying this Act into execution shall, except where otherwise expressly provided for, be chargeable upon and paid out of the general district rate; and the Commissioners may exercise the borrowing powers conferred by the Sanitary Acts, or any of them, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by the Commissioners in the execution of this Act, in the same manner, and as fully and effectually, as if such costs, charges, and expenses were incurred under the Sanitary Acts, or any of them.

All expenses to be paid out of general district rate.

65. Section fifty-nine of "The Public Health Act, 1848," shall with respect to the district be held to extend to and include goats and poultry.

Public Health Act, 1848, sect. 59, extended.

66. If any tenement shall be partly within the district and partly without the district, or partly within a special area and partly without such special area, such tenement shall be assessed to the general district rate and to the special rate (as the case may be) for a proportionate part only of the annual value thereof, and such proportionate part may be settled by the Commissioners.

As to rating tenements partly within the district or partly within a special area.

67. Whenever default is made by the owner of any buildings or lands in the execution of any work by this Act required to be executed by him, the occupier of such buildings or lands may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be repaid to such occupier by the owner of the buildings or lands; and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

Occupier may execute works in default of owner.

68. Whenever under the provisions of this Act, or of any byelaw or any notice or order of the Commissioners made under the provisions of this Act, any work, act, or thing of any kind is required to be executed by the owner or occupier of any building or lands, and default is made in the execution of such work, or if any such work or thing is improperly or insufficiently done, the Commissioners may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act or any byelaw thereunder prohibited from being done, and nevertheless is done, the Commissioners may abate, remove, or alter such work, act, or thing so

Commissioners may execute works in default of owner or occupier.

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done, and the expenses incurred by the Commissioners in respect thereof shall be repaid to them by the person by whom such work, act, or thing ought to have been executed, or has been improperly or insufficiently or unlawfully executed (as the case may be), and notwithstanding any penalty may be imposed upon such person by the Act or such byelaw, and such expenses may be recovered from such person in a summary manner, or may by order of the Commissioners be declared to be private improvement expenses, and be recoverable as such accordingly.

Commissioners may use their own land for purposes of this Act.

69. The Commissioners may from time to time appropriate and use for any of the purposes of this Act any lands from time to time vested in them.

Judge, &c. not disqualified.

70. 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 gas rent, water rent, or other charge due to the Commissioners, or by reason of his being a Commissioner.

Copies of Act as printed by Queen's printers to be kept and sold.

71. The Commissioners shall cause copies of this Act, as printed by the Queen's printers, to be at all times after the expiration of one month from the passing of this Act, kept in the office of the clerk, open to inspection of any person on payment of a fee not exceeding one shilling, and sold at that office to all persons applying for the same at the price at which ordinary copies are sold by the Queen's printers; and if at any time the Commissioners fail to comply with the requisitions of this section they shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding one pound for every day during which such failure continues.

Saving rights of the Crown in the foreshore.

72. Except as provided in section thirty-eight, nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may 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 lords, &c. of manors.

73. Nothing in this Act contained shall extend to lessen, prejudice, or in any manner affect the rights, privileges, title, or

interest of the lords of the hundred and manor of Preston, or of the manor of Hova Villa et Hova Ecclesia respectively.

Saving powers of Brighton Sewers Board.

74. Nothing in this Act shall prejudice or affect the powers and provisions of "the Brighton Intercepting and Outfall Sewers Board."

To pay trustees of Vallance Estate for sewer made by them.

75. The Commissioners shall within one year from the passing of this Act pay to the trustees of the Vallance Estate the value to the Commissioners of the main sewer laid down by the said trustees in the Hove Droveway, being the road leading from the upper to the lower Shoreham Roads; and on payment of such value, the amount whereof, if not agreed upon, shall be settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," the said sewer shall become the property of and be vested in the Commissioners, and the Commissioners shall also save the said trustees harmless as regards any payment which they have agreed to make to the Hove Improvement Commissioners in respect of the extension of the said sewer, so as to connect it with the Brighton intercepting and outfall sewer.

Saving rights of William Morris as proprietor of waterworks.

76. For the purpose of affording to William Morris in regard to the waterworks within the limits of Stanford Ward constructed by him the like protection as against the Commissioners as is awarded to a waterworks company under the seventy-fifth section of "The Public Health Act, 1848," he, his heirs, executors, administrators, and assigns, or other the person or persons for the time being the proprietors of the said waterworks, shall as against the Commissioners be deemed to be a waterworks company established for supplying water within the meaning of that section.

Expenses of Act.

77. All the costs, charges, and expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of any moneys now in their hands, or to be received by them under this Act.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Sections of recited Acts not repealed.

Sections of Act of 1830.

Carriageways, footways, &c. vested in the Commissioners, subject to the use and enjoyment thereof by inhabitants.

XXXII. And be it further enacted, that all and singular the beach down to the high-water mark, and the carriageways, footways, and other public ways within the limits of this Act (subject to the free use and enjoyment thereof by all the inhabitants within the same limits, and by all other His Majesty's subjects to be used as and for public ways only), and also the lawns and pleasure grounds enclosed and to be enclosed in the respective centres of the said Brunswick and other intended squares (subject to the use and enjoyment of the said lawn and pleasure grounds enclosed in the centre of the said Brunswick Square by the inhabitants of the same square and of Brunswick Place aforesaid respectively in common, and as to the lawns and pleasure grounds to be enclosed in the said other intended squares, subject to the use and enjoyment of the same respectively by the respective inhabitants of the said other intended squares respectively in common), and also all and singular the areas made and to be made in front of all or any of the several houses erected and to be erected within the limits of this Act, subject to the liberty of making, and of exclusively using and enjoying the same respectively by the respective inhabitants of the said several houses respectively, and also subject to the like liberty of making and exclusively using and enjoying coal vaults and cellars made and to be made beyond the said areas respectively, to the extent of and under the public footways, the same being arched with brickwork of not less than nine inches thickness, and in a substantial manner, to the satisfaction of the surveyor of the said Commissioners, shall respectively, from and immediately after the passing of this Act, be and remain vested in the Commissioners for the time being for carrying this Act into execution.

For preserving uniformity in the exterior of the houses in Brunswick Square, &c.

CXII. And for preserving a uniformity of appearance in the respective fronts of the several houses respectively erected and to be erected in Brunswick Square and Brunswick Place, and on Brunswick Terrace respectively aforesaid, be it further enacted, that the several areas in front of the several houses respectively erected and to be erected in Brunswick Square and Brunswick Place, and on Brunswick Terrace respectively aforesaid, shall at all times hereafter, at the costs and charges of the several proprietors of the said houses respectively, be and remain enclosed with open iron palisadoes four feet high, let into a stone curb of eight inches by six inches, of the now existing pattern, or of some other pattern to be approved by the said Commissioners; and, at the like costs and charges, a balcony shall be and remain erected and maintained at all times hereafter in front of each window on the drawing-room floor

of the same several houses, which said balcony shall project not exceeding two feet from the front of the said several houses, and shall be surmounted by an iron railing of the now existing pattern, or of some other pattern to be approved by the said Commissioners; and no veranda or other projection (except such balconies as aforesaid) shall at any time be set up in front of any of the said respective houses; but the present front elevations of the said several houses shall at all times hereafter be in all things maintained unaltered and without variation, and the fronts of the same houses, and the chimney shafts thereof respectively, be and remain covered with Parker's or Roman cement of one uniform stone colour; and in case any of the said houses shall at any time or times hereafter be burnt down, destroyed, or damaged by fire, the same shall, as soon as may be afterwards, at the like costs and charges, be rebuilt, or well and substantially repaired and amended, according to the original plan and elevation thereof, and the front thereof be and remain covered with Parker's or Roman cement of one uniform colour as aforesaid; and also that the respective proprietors or occupiers for the time being of the said several houses shall and do at their respective proper costs and charges, at the end of every three years, to be computed from the twenty-fifth day of March one thousand eight hundred and twenty-nine, paint or cause to be painted the outside woodwork and ironwork in front of the said several and respective houses and premises with two coats of paint in oil at the least, and of such colour or colours as shall be ordered and directed by the said Commissioners; and that no shop window shall be made or set up, or any signboard, or other notification of trade, business, or calling whatsoever, shall be set up or affixed to or in any of the said houses; and no trade or business whatsoever shall at any time or times hereafter be exercised or carried on in or upon any of the said houses or premises, or any part thereof (except the trade or business of an hotel keeper in or upon the house being number forty-two on Brunswick Terrace aforesaid), or any other calling or employment be carried on or exercised to the annoyance or injury of any of the houses or premises adjoining; and further, that the chimneys of any domestic office or offices, or other buildings now already built or hereafter to be built behind any of the said several houses within the distance of ninety feet, to be computed from the respective fronts of the said houses respectively, shall be carried up against the respective bodies of the said houses to the full height of the respective chimneys of the same houses respectively; and every person who shall act contrary to or in anywise deviate from or neglect to comply with any of the aforesaid particulars or provisions, and shall not within two calendar months after he shall be required so to do by the said Commissioners remove, alter, amend, or otherwise supply such contrariety, deviation, or neglect to the satisfaction of the said Commissioners, shall forfeit the sum of two pounds for every week after the expiration of the said two calendar months during which such offence shall continue; and it shall be lawful for the said Commissioners to order every such contrariety, deviation, or neglect to be in all things removed, altered, amended, supplied, or otherwise, as the case shall require, for the complete observance of the said several particulars and provisions, at the costs and charges of the proprietor or proprietors of the house or houses in respect of which such contrariety, deviation, or neglect shall happen, to be recovered by action of debt in any of His Majesty's courts of record at Westminster.

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Restriction as to building south of Brunswick Terrace.

CXIII. And be it further enacted, that no building, erection, or enclosure whatever shall at any time hereafter be made, erected, or set up, by or by the means, privity, or procurement of the said Commissioners for the time being, on the south side of Brunswick Terrace or Brunswick Square aforesaid, save and except any open iron or other fence or fences, with or without a stone curb or stone curbs, and any lamp-posts and lamps.

Sections of Act of 1851.

Powers for Baron de Goldsmid to drain other property through the new district.

XXV. That the said Baron de Goldsmid, his heirs or assigns, being the owners of any lands or hereditaments lying north of the limits of the new district, may upon payment to the Commissioners of a reasonable sum of money, either annually or in gross, to be agreed upon between them, at the expense of the said Baron de Goldsmid, his heirs or assigns, and under the superintendence of the surveyor of the Commissioners or other person appointed by them, cause to branch into and communicate with any of the sewers or drains belonging to the Commissioners within the new district, any sewers or drains which may be lawfully made from the said property, of such size, and in such manner and form of communication, as the united Commissioners may approve.

Beach, carriageways, &c. vested in the Commissioners.

XXVI. That the beach down to high-water mark, and all carriageways, footways, and other public ways, and also the ground lying between the Shoreham Road and the beach within the new district (subject to the free use and enjoyment thereof by all the inhabitants within the same district, and by all other Her Majesty's subjects to be used as and for public ways only), and also all lawns and pleasure grounds enclosed and to be enclosed within any existing or future squares or crescents in the new district (subject to the use and enjoyment thereof in common by the inhabitants of such existing and future squares or crescents respectively, and subject also as to the crescent called Queen Adelaide Crescent to the liberty or privilege on the part of the said Baron de Goldsmid of erecting and putting upon the southern end or side of the lawn or pleasure ground forming part of the said crescent a building not exceeding in depth from south to north thirty-two feet, and in width from east to west one hundred and sixty feet, and in height five feet above the curbstone along the southern side of the present enclosure fence of the said lawn, such building nevertheless to be erected at an equal distance from the south-east and south-west corners of the same fence, and also of erecting or putting up on any part of the said lawn or pleasure ground a garden seat or summer house, not exceeding in height above the ground eight feet), and also all areas made and to be made in front of all houses erected or to be erected within the new district (subject to the liberty of making and of exclusively using and enjoying the same respectively by the respective inhabitants of the same several houses respectively, and also subject to the like liberty of making and exclusively using and enjoying coal vaults and cellars made and to be made beyond the same areas respectively, to the extent of and under the public footways, the same being arched with brickwork of not less than nine inches in thickness, and in a substantial manner, to the satisfaction of the Commissioners), shall from and after the passing of this Act, so far as such beach, carriageways, footways, public ways, grounds, lawns, pleasure grounds, and areas are the absolute

property of the said Baron de Goldsmid, be vested in the Commissioners, and, so far as the same respectively are the property of any other person, be under the management of the Commissioners.

Restriction as to buildings on the south side of Adelaide Crescent.

XXVII. That no building, erection, or enclosure whatsoever shall at any time hereafter be made, erected, or set up on any part of the new district to the south of the Shoreham Road aforesaid, save and except any open iron or other fence or fences, with or without any stone curb or stone curbs, and any lamp-posts and lamps.

Reservation of road.

XXXV. That the Commissioners shall reserve a good and sufficient road or right of way from Adelaide Crescent aforesaid to the sea along the west end of the esplanade in front of Adelaide Crescent aforesaid, for the use of Baron de Goldsmid, his heirs and assigns; and, notwithstanding anything in this Act contained, the said Baron de Goldsmid, his heirs or assigns, and his or their tenants, grantees, agents, servants, and workmen, may at all times hereafter use and enjoy such road or right of way with horses, beasts, carts, and waggons.

Reserving right of Baron Goldsmid to beach, &c.

XXXVI. That nothing in this Act contained shall prejudice or take away any right, title, or interest which the said Baron de Goldsmid now hath, or which he, his heirs or assigns, might (if this Act had not been passed) have had, in or to the beach or sand below high-water mark, along the whole length of the said esplanade fronting Adelaide Crescent aforesaid, or his or their right or power of granting to any persons any right, license, or liberty of digging, getting, and carrying away any of the said beach or sand, or any boulders or shingle therefrom.

Act not to prejudice covenants of a certain indenture.

XXXVII. That nothing in this Act contained shall, with regard to the parties to the indenture of covenant herein-after mentioned, prejudice or affect the covenants, stipulations, and agreements contained in a certain indenture of covenant bearing date the twenty-first day of June one thousand eight hundred and forty-nine, made between the said Sir Richard Grant of the one part and the said Sir Isaac Lyon Goldsmid of the other part, except where the same shall be inconsistent with the provisions of this Act.

Sections of Act of 1858.

A piece of land known as "the Lawn" vested in Improvement Commissioners.

XXXIX. And whereas Mr. George Gallard claims to be the owner of the copyhold or customary fee simple of and in a piece of land known as "the Lawn," purchased by William Kirkpatrick and the said George Gallard from Mrs. Inman, and surrendered to them on the eighth day of May one thousand eight hundred and fifty-two, and used for the recreation of the inhabitants of certain dwelling-house herein-after referred to: And whereas the said George Gallard is willing that his estate and interest in such land should be vested in the Improvement Commissioners for the purposes of this Act: Be it enacted, that upon the commencement of this Act the said land shall, by surrender or other proper assurance, be vested in the Improvement Commissioners, or in a trustee or trustees for and to be nominated by them, for all the estate and interest of the said George Gallard therein, but subject as by such surrender or assurance may be provided, and they may from time to time thereafter lay other lands thereto, and level, drain, plant, and otherwise lay out and improve

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the same, and alter and divert the roads and ways thereon for the more convenient use and enjoyment thereof by the occupiers of the present and future houses in certain streets or places called Saint Catherine's Terrace, Albany Villas, Ventnor Villas, Hova Villas, Medina Villas, and Osborne Villas, and by such other persons as may acquire a license to use the same as herein-after provided, and may make byelaws to regulate the use thereof.

Reservation of Mr. Gallard's right of supplying water.

LIV. The several rights and privileges of laying down, maintaining, altering, and replacing water mains and pipes in and through the present and future streets and other public and private places upon the upper and lower Cliftonville Estate, and of supplying water to the occupiers of the present and future buildings upon that estate, lawfully exercised or claimed by Mr. George Gallard, are hereby reserved to him, his heirs and assigns, in as full and ample a manner as if this Act had not been passed: Provided always, that in exercising such rights and privileges the said George Gallard, his heirs and assigns, shall be subject to the sections of "The Waterworks Clauses Act, 1847," with respect to the breaking up of streets for the purpose of laying down pipes, for which purpose such sections shall be incorporated with this Act, and the word "undertakers" shall mean the said George Gallard, his heirs and assigns.

SCHEDULE (B.)

Names of Commissioners.	Wards.
Bennett, John Edwards	Brunswick Ward.
Carpenter, Charles	
Hawkes, Henry	
Hunt, James	
Nash, George	
Newbery, Major Thomas	
Round, John	
Scott, Montagu David	
Upperton, Robert	
Creak, Albert	Adelaide Ward.
Dunhill, Captain Thomas	
Goldsmid, Sir Francis Henry, Bart.	
Hurlock, Francis Swanton	
Johnston, Thomas Hayter	
Kebbell, William, M.D.	
Penton, Colonel Henry	
Pycroft, Reverend James	
Young, John George	
Davis, George	Saint John's Ward.
Howlett, James Warnes	
Leon, George Isaac	
Benett-Stanford, Vere Fane	Stanford Ward.
Lanchester, Henry Jones	
Rigden, William Marsh	
Baines, Colonel Cuthbert Athelstan	Medina Ward.
Callaway, Arthur	
Corrie, Major Valentine Byrom	
Smith, Heckstall	
Tooth, Frederick	
Woodman, James	
Hardwick, John George	Ventnor Ward.
Gallard, George	
Goodban, Charles	

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