



**CHAP. lxxxviii.**

An Act for re-incorporating and giving additional powers to the Brighton Aquarium Company; and for other purposes. A.D. 1869.

[12th July 1869.]

**W**HEREAS the construction of a marine aquarium on a large scale would be of considerable public utility, as well as afford an agreeable resort and place of recreation to the inhabitants of and visitors to Brighton; wherefore certain persons formed themselves into a Company by the name of The Brighton Marine Aquarium Company, Limited, which was duly registered on the second day of January one thousand eight hundred and sixty-eight, pursuant to "The Companies Act, 1862," with a capital of ten thousand pounds, divided into one thousand shares of ten pounds each, a portion of which has been subscribed, and a deposit of one pound per share paid up thereon:

And whereas it is expedient that the Company should be authorized to construct a new road and sea wall from the eastern end of the Grand Junction Road at Brighton to the north end of the Chain Pier at Brighton, and to make the improvements delineated on certain plans herein-after described as the amended deposited plans; and, inasmuch as such new road and sea wall would be a great public improvement to Brighton, it is expedient that the mayor, aldermen, and burgesses of the town of Brighton, who are the local board for the district of Brighton under "The Local Government Act, 1858," (herein-after referred to as "the Corporation,") should be empowered to contribute towards the cost of such construction such sum or sums of money and afford such other aid as they think fit, and to borrow under the provisions of "The Local Government Act, 1858," the money necessary for that purpose:

And whereas it is expedient for the purpose aforesaid that the Brighthelmstone Suspension Pier Company and the Corporation should be severally and respectively empowered from time to time to contract with the Company for granting to the Company such

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estates and interests in or right or easements in or over certain portions of the land belonging to the Brighthelmstone Suspension Pier Company and the Corporation respectively, and at such rent or rents and upon such terms and conditions as they the contracting parties may agree upon, and to execute all such deeds and to do all such acts as may be necessary or expedient for giving effect to the contracts which may be so entered into :

And whereas plans and sections showing the lines and levels of the roads or streets intended to be constructed or improved, and the lands which may be taken for the purposes of the works, together with a book of reference to such plans containing the names of the owners or reputed owners and occupiers of the said lands, have been deposited for public inspection with the clerk of the peace for the county of Sussex ; and subsequently to the deposit thereof two other amended plans, the one showing a ground plan and the other showing transverse sections, and each signed by John George Dodson, esquire, chairman of the committee on the bill in the House of Commons, have been deposited with such clerk of the peace as aforesaid, such amended plans and sections extending to and comprising no lands, or roads, or streets, or portions of them, other than such as were comprised in the plans and sections first deposited, and the plans and sections so last deposited are in this Act referred to as the amended deposited plans and sections :

And whereas some of 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 Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Brighton Aquarium and Improvements Act, 1869."

8 & 9 Vict.  
cc. 16. & 18.  
and  
26 & 27 Vict.  
c. 118. in-  
corporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form part of this Act.

Interpreta-  
tion of  
terms.

3. In construing this Act and the Acts wholly or partially incorporated herewith the following expressions shall have the several meanings hereby attached to them :

The expression "the Company," or the "promoters of the under-

taking," shall respectively mean the Company incorporated by this Act: A.D. 1869.

The "old Company" shall mean the Brighton Marine Aquarium Company, Limited:

"The Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Brighton:

"The Pier Company" shall mean the Brighthelmston Suspension Pier Company:

"The special Act" shall mean this Act:

"Superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

4. The Brighton Marine Aquarium Company, Limited, shall be and the same is hereby dissolved, and the present members of or shareholders in that Company, and all other persons who have already subscribed or shall hereafter subscribe to the undertaking, and their respective executors, administrators, successors, and assigns, shall be and they are hereby united and incorporated into a Company, by and under the name of "The Brighton Aquarium Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall and may sue and be sued, and have power to purchase and hold lands for the purposes of the undertaking, subject to the restrictions and provisions herein contained. Incorporation of Company.

5. All the property, rights and easements, choses in action, claims and demands, rights and remedies whatsoever, which immediately before the passing of this Act were vested in the old Company, or any person on their behalf, or to which the old Company were in anywise entitled, either at law or in equity, and the benefit of all contracts and engagements entered into with or on the behalf of the old Company, and immediately before the passing of this Act in force, shall be and the same are hereby transferred to and vested in the Company to the same extent and for the same estate and interest as the same were at the time of the passing of this Act vested in the old Company, or any person on their behalf, and may be held and enjoyed, sued for and recovered, maintained or removed accordingly. Present property vested in Company incorporated by this Act.

6. Subject to the provisions of this Act, the memorandum and articles of association, and all the existing regulations of the old Company, shall, as to any future or prospective operation thereof, Memorandum and articles of association to be void.

A.D. 1869. from and after the passing of this Act, be wholly void and of none effect, and the several persons who have executed the same, or who at the time of the passing of this Act may be members of or shareholders of the old Company, and their respective heirs, executors, administrators, and assigns, shall, immediately from and after the passing of this Act, stand and be by virtue of this Act released and discharged from any future obligation to observe, perform, abide by, fulfil, or conform to the said memorandum and articles of association, or any of the provisions therein contained.

General  
saving of  
rights, &c.

7. Notwithstanding the dissolution of the old Company and the avoidance of the said memorandum and articles of association, and except as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company shall be as valid as if that Company had not been dissolved; and such dissolution 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 such Company had not been dissolved and this Act had not been passed would be incident to and consequent on any and everything so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Company shall to all intents and purposes represent and be deemed a continuation of the old Company: Provided always, that the generality of this enactment shall not be limited or confined by any of the provisions of this Act.

Deeds, &c.  
to remain in  
force.

8. All deeds, instruments, contracts, agreements, and other acts and things done, entered into, executed, or instituted before the passing of this Act, by, with, or with reference to the old Company, and now in force, shall be as valid and effectual for, against, and with reference to the Company, and may be enforced as fully and effectually as if instead of the old Company the Company had been a party or privy thereto.

Actions, &c.  
not to abate.

9. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding, either at law or in equity, or whether civil or criminal, which at the time of the passing of this Act shall be pending by or against the old Company, but any such action, suit, or other proceeding may be maintained, continued, or prosecuted by, in favour of, or against the Company, as the case may be, in the same manner and as effectually as the same might have been maintained, continued, or prosecuted if this Act had not been passed, the Company being in reference to the matters aforesaid in all respects substituted for the old Company.

10. Every trustee or other person in whom or in whose name any property of the old Company was vested or standing immediately before the passing of this Act, and who before the passing of this Act had lawfully entered into any bond, covenant, contract, or other engagement in relation thereto, or otherwise on behalf of the old Company, and every person who being duly authorized in that behalf had before the passing of this Act entered into any other contract on behalf of the old Company, shall, notwithstanding the dissolution thereof, be indemnified out of the property of the Company from all liability and against all expenses by reason or in consequence of his having entered into the same.

A.D. 1869.  
Trustees  
indemnified.

11. All persons who immediately before the passing of this Act owed any money to the old Company, or to any person on their behalf, shall pay the same with all interest (if any) due and payable or accruing upon the same to the Company, and all debts and monies which immediately before the passing of this Act were due or owing by or recoverable from the old Company, or for the payment of which the old Company were or but for this Act would be liable, shall be paid with all interest (if any) due or payable or accruing upon the same by or be recoverable from the Company.

As to pay-  
ment of  
debts owing  
before the  
passing of  
this Act.

12. Every clerk or other officer and servant of the old Company, in office at the passing of this Act, shall hold and enjoy his office and employment with the salary thereunto annexed, and be deemed to be an officer or servant of the Company, until he be removed from such office or resign, and shall for all purposes be deemed to have been appointed under this Act.

Officers, &c.  
continued.

13. Subject to the provisions of this Act, the Company may make and maintain the roads and other works shown on the amended deposited plans, in the lines and according to the levels and within the limits of deviation shown on the amended deposited plans and sections, and may excavate, construct, arch over, or otherwise cover in caverns, buildings, tanks, tunnels, and air shafts necessary for the purpose of their undertaking, together with all proper works and conveniences connected therewith; and for any of the purposes aforesaid may enter upon, take, appropriate, and use such of the lands delineated on the amended deposited plans and described in the deposited book of reference as may be necessary; and the Company may erect upon the eastern, western, and southern boundaries of the aquarium site a dwarf wall three feet six inches in height, and an open iron fence on the top of such wall two feet six inches in height, making together six feet, and the southern boundary of the aquarium site shall be next to the north side of the new road to be constructed under the powers of this Act:

Power to  
make aqua-  
rium and  
to construct  
works.

A.D. 1869. Provided always, that it shall not be lawful for the Company to acquire, otherwise than by agreement, any lands belonging to the Corporation; but the lands which may be set apart by the Corporation, or privileges or rights over the same which the Corporation may grant for the purposes of the Company, shall be so set apart or granted subject to such conditions as the Corporation and the Company may agree on, but without pecuniary payment other than a nominal rent: Provided also, that so far as regards any deviation from the amended deposited plans and sections, although within the limits of deviation shown thereon, the same shall only be made with the consent of the Corporation, by writing under their common seal: Provided also, that the Company shall not acquire any land seaward of the toe of the sea wall.

Company to construct the new road and sea wall to the satisfaction of the Corporation.

14. The Company shall construct the new road shown on the amended deposited plans, from the eastern boundary of the said Grand Junction Road marked C on that amended deposited plan, which shows the ground plan to and across the north end of the Chain Pier, so as to extend to and communicate, free from all obstructions, with the lands lying to the eastward of the Chain Pier Company's lands, and shall protect the said new road on the south side thereof by a sea wall as far eastward as the west side of the Chain Pier, and such new road shall consist of a carriage road and footway, which shall be together not less than sixty feet wide, and the said new road and sea wall shall be constructed according to plans to be approved by the Corporation under their corporate seal, and shall be completed in all respects to the satisfaction of the Corporation.

Company to complete the new road and sea wall within two years.

15. The said new road and sea wall shall be completed within two years from the passing of this Act, or such extended time (if any) as the Corporation may under seal agree on.

The new road when completed may be dedicated to the use of the public.

16. So soon as the said new road is completed to the satisfaction of the Corporation they may declare the same to be thenceforth dedicated for the use of the public, free from all toll or charge for the use of the same, and the same shall thenceforth be a public highway, subject to the provisions in the next section as to the repair thereof.

Company to maintain the new road and sea wall for a certain period.

17. The Company shall at their own cost maintain the new road so dedicated for the use of the public, and the sea wall and all the works and conveniences appertaining thereto respectively, in good repair to the satisfaction of the Corporation for the space of two years from the date of the dedication thereof, and from and after the expiration of the said space of two years the Corporation

shall maintain the same in good repair; and after the Corporation shall have paid to the Company the sum of seven thousand pounds, agreed to be paid and by this Act authorized to be raised by them, the new road and sea wall and all the estate and interest of the Company therein, down to and including the toe of such sea wall, shall vest in the Corporation. A.D. 1869.

**18.** If any dispute shall arise as to the sufficiency of the works, or the mode in which the same shall be carried into effect, the same shall from time to time be settled by arbitration in the mode provided in "The Companies Clauses Consolidation Act, 1845," or in such other manner as the Company and the Corporation may agree on. Reference of dispute to arbitration.

**19.** The Corporation shall not be compelled to declare any portion of the said new road to be dedicated for the use of the public until the whole of such new road and sea wall and works shall have been completed to their satisfaction. Dedication of any part of the new road may be deferred.

**20.** If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, shown on the amended deposited plans or specified in the deposited book of reference, the Company may, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, apply to two justices for the correction thereof, and if it shall appear to them that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, stating in the certificate the particulars of the omission, mis-statement, or wrong description. Correction of deposited plans, &c.

**21.** Such certificate with the documents to which it relates shall be deposited with the clerk of the peace for the county of Sussex, and shall be kept by such clerk of the peace with the other documents to which the same relates, and thenceforth the amended deposited plans and book of reference shall be deemed to be corrected in accordance with such certificate, and the Company may proceed as if the omission, mis-statement, or wrong description had not been made. Deposit of certificate of correction with clerk of peace.

**22.** In the construction of the works by this Act authorized the Company, with the consent of the Corporation under their seal, but not otherwise, may deviate laterally from the lines thereof shown on the amended deposited plans to any extent within the limits of deviation shown thereon, and beyond such limits to any extent which may, with such consent as aforesaid, be agreed on by the owners, lessees, and occupiers of the lands into and through which such deviation shall be required to be made; and they may deviate Lateral deviation.

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Vertical deviation.

vertically from the levels shown on the amended deposited plans to any extent to which the Corporation by writing under seal may consent.

Capital.

**23.** The capital of the Company shall be forty thousand pounds, divided into four thousand shares of ten pounds each, but the Company may from time to time increase its capital to the extent of not exceeding in the whole the sum of ten thousand pounds, by the creation and issue of new ordinary shares or stock, or by preference shares or stock, or by any or either of such modes.

Appropriation of existing shares.

**24.** Every person and corporation who immediately before the passing of this Act held any shares in the capital of the old Company shall for each such share be entitled to a share in the capital of the Company, and such shares are hereby vested in the same persons and corporations accordingly, and every share so vested shall be considered to have the same amount paid up thereon as may have been paid up on the share in the old Company for which the same shall be substituted, and shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share in the old Company for which it may have been substituted, and so as to give effect to and not to revoke any testamentary disposition of or affecting such share in the old Company.

Power to Company to call in and cancel existing share certificates and issue new certificates in lieu thereof.

**25.** The Company may call in and cancel any certificates of shares issued by the old Company before the passing of this Act, and issue in lieu thereof certificates of shares in the Company, in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the holders of any existing certificates shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the existing certificates of shares, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Shares not to issue until one fifth paid up.

**26.** The Company shall not issue any share, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

**27.** No call shall exceed two pounds per share, and an interval of not less than three months shall elapse between two successive calls.

Power to borrow on mortgage.

**28.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, and may,



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when and so soon as the aforesaid additional capital of ten thousand pounds shall have been subscribed for, issued, and accepted, borrow on mortgage any further sum or sums not exceeding in the whole two thousand five hundred pounds, but no part of the aforesaid several sums of ten thousand pounds and two thousand five hundred pounds shall be borrowed until the whole capital in respect of which it is to be borrowed shall have been subscribed for, issued, and accepted, and one half thereof paid up, nor until the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," and previously to his giving his certificate, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

**29.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

**30.** The Company may create and issue debenture stock.

Debenture stock.

**31.** All monies raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Application of monies.

**32.** The first ordinary meeting of the shareholders of the Company shall be held within six months after the passing of this Act; and subsequent ordinary general meetings shall be held in the month of February in every succeeding year, or at such other stated period, and either annually or half-yearly, as shall be appointed for that purpose from time to time by a general meeting of the Company; and the day for holding the meeting shall from time to time be selected by the directors.

First ordinary meeting.

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Quorum of  
general  
meeting.

**33.** The quorum of every general meeting (whether ordinary or extraordinary) shall be ten shareholders present, personally or by proxy, holding in the aggregate not less than one tenth part of the original capital of the Company which may then have been subscribed.

Number of  
directors.

**34.** The number of directors shall be seven, but the Company may from time to time temporarily reduce the number, provided that the number be not less than five.

Qualification  
of directors.

**35.** The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

**36.** The quorum of a meeting of directors shall be three.

First  
directors.

**37.** George Somes, John McMillan, Michael Alfred Reed, and four others to be named by them, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; and at such meeting the shareholders present personally or by proxy shall elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act and those (if any) elected by them previously to such first meeting being, if qualified, eligible for re-election, and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for temporarily reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Powers for  
compulsory  
purchases  
limited.

**38.** The powers of the Company for the compulsory purchase of lands shall not be exercised after the period of two years from the passing of this Act.

Period for  
completion  
of works.

**39.** The works by this Act authorized shall be completed within three years from the passing thereof, except the new road and sea wall, which shall be completed within two years from the passing of this Act, or such extended time as before mentioned, and on the expiration of those respective periods the powers by this Act granted to the Company for executing such works respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

40. Nothing in this Act contained shall be held or construed to prevent the Company from making such alterations, additions, or improvements in the aquarium or any ornamental grounds connected therewith as they from time to time think fit, but the provisions and restrictions of this Act with respect to elevation of buildings, use thereof, and nuisance shall be applicable thereto: Provided nevertheless, that the Company shall not make such alterations, additions, or improvements except on the space and within the limits shown on the amended deposited plans without the consent of the Corporation under seal first had and obtained.

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Company  
may make  
alterations,  
&c. in  
aquarium.

41. The Company and the Corporation may (without prejudice to any contracts or agreements which they might mutually enter into if the following provision were not inserted herein) enter into agreements with respect to any of the matters following; (that is to say,)

Power to  
enter into  
agreements  
with Cor-  
poration.

With respect to the diversion, alteration, or improvement of so much of the Grand Junction Road and the Marine Parade as is included within the limits of deviation on the amended deposited plans:

With respect to the construction of the sea wall, and making the same, when constructed, available for public purposes, with or without steps or other approaches thereto:

With respect to the construction, maintenance, and dedication to the public of the new road shown on the amended deposited plans:

With respect to the terms on which any land of the Corporation, including so much of the site of the aforesaid Grand Junction Road and Marine Parade as is included within the aforesaid limits of deviation, may be appropriated or made use of by the Company:

With respect to the construction and maintenance, watching and lighting of temporary works for the use or protection of the public:

With respect to the contribution which shall be made by the Corporation out of their corporate funds to the Company in consideration of the public improvement which may be caused by the construction of the proposed works:

And may execute all such deeds, instruments, and assurances, and do all such things as may be necessary for the carrying into effect such contracts and agreements, and the Corporation may from time to time borrow on security of the general district rate of the borough of Brighton any sum or sums of money not exceeding seven thousand pounds in the whole, in the manner prescribed by

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*Improvements Act, 1869.*

A.D. 1869. "The Local Government Act, 1858," concerning loans for street improvements of a permanent character, and may out of the monies to be so borrowed, or out of any other monies which the Corporation may from time to time lawfully expend on public improvements, or in the maintenance of any of their sea walls, pay any sums of money to the Company which under any agreement entered into by them with the Company, with respect to any of the matters aforesaid, may have become payable.

Protection of aquarium. **42.** The aquarium and other the works and property of the Company shall be deemed public within the meaning and for the purposes of the Acts from time to time in force with respect to malicious injuries to public property.

Power to make bye-laws. **43.** In addition to any byelaws which may be made by the Company pursuant to the provisions contained in any of the Acts wholly or partially incorporated herewith, it shall be lawful for the Company from time to time to make byelaws and regulations for the convenient inspection of the aquarium and other works of the Company by the public, for the protection of the works and property of the Company, for preventing the smoking of tobacco in, under, or upon any part of the works of the Company; and for such purposes so much of "The Harbour, Docks, and Piers Clauses Act, 1847," as has relation to byelaws to be made by the undertakers, except so much of section eighty-three as states the objects for which byelaws may be made, shall be incorporated with this Act.

The Company to use lands, &c. as an aquarium only, unless with consent of Corporation. **44.** The Company shall not, except with the consent of the Corporation in writing under their corporate seal first had and obtained, which consent may be accompanied by such conditions as the Corporation think fit, use or permit or suffer to be used any lands or property in which they may acquire any estate, right, or interest, or over which they may obtain any control, either under this Act or by contract or otherwise, or any part thereof respectively, for the purpose of dwelling places, or of the exercise of any profession or business or calling or for the carrying on of any trade or manufacture, but for and as an aquarium only, with or without ornamental gardens; but this provision shall not preclude the Company from providing a dwelling for a custodian and his wife (if any), and rooms for the sale of specimens.

As to smoke and steam. **45.** The Company shall not suffer any smoke or steam to escape or be discharged on the south side of the said Marine Parade, and shall cause all smoke and steam that may be produced on such lands and property as aforesaid, and which shall not be consumed,

to be discharged at some place or places lying to the northward of the northern side of the said Marine Parade, at such height and in such manner as the Corporation shall from time to time regulate and determine, and so that the said smoke or steam shall not be a public or private nuisance. A.D. 1869.

46. In case the Company shall fail to erect and complete the aquarium, sea wall, new road, and street improvements in conformity with the amended deposited plans and sections herein-before referred to, or to such alterations or modifications thereof (if any) as may be agreed on between them and the Corporation by writing under seal within the time before mentioned, or such extended time (if any) as may be agreed on between the Company and the Corporation by writing under seal, or if the Company shall at any time after the completion of the aquarium permit or suffer the same to become dilapidated or ruinous, or to be unreasonably offensive to the Corporation or the inhabitants or visitors of Brighton, or if the Company shall fail to observe the provisions of this Act requiring the Company to use the lands in which they may acquire any estate or interest for an aquarium only, or the provisions of this Act with respect to smoke on the southern and northern sides of the Marine Parade, or shall fail to maintain the new road, sea wall, or street improvements according to the terms of this Act, or of any contract which may be entered into between them and the Corporation, then and in any of such cases, and so often as the same may happen (without prejudice to all other remedies) the Corporation may give to the Company a notice in writing requiring the Company within twelve calendar months thence following to repair and make good the dilapidations, or remove the cause of offence, or perform the obligations as to maintenance, as the case may be; and if the Company shall not within the term of twelve calendar months mentioned in such notice comply with the requirements thereof, then at the expiration of such twelve calendar months the estate, term, rights, and interests of the Company in the land of the Corporation delineated on the said amended deposited plan shall cease, determine, and be absolutely void, and the Corporation may re-enter on the same discharged from all rights acquired by the Company, either under the powers of this Act or by contract, and may eject and remove the Company and all other persons therefrom: Provided always, that the restrictions and prohibitions herein-before contained shall, notwithstanding any such re-entry, continue in force with respect to any other lands of the Company: Provided also, that it shall be lawful for the Corporation at any time or times, upon terms or otherwise, to waive the

As to forfeiture in case works be not completed, or become a nuisance, or on breach of restrictions after notice.

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A.D. 1869. exercise of the present power of re-entry, without prejudice to the subsequent exercise thereof.

Act not to authorize a nuisance.

47. Nothing in this Act contained shall authorize the Company to do or to be party to any act or thing amounting to a nuisance, whether public or private.

Company not to be exempt from provisions of Local Government Act, 1858.

48. Nothing in this Act contained shall exempt any building or works constructed by the Company, either during the progress or after the completion thereof respectively, from any of the provisions of "The Local Government Act, 1858," or of any Act for the time being in force amending the same Act or supplemental thereto or incorporated therewith.

Saving rights of the Crown.

49. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts 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.

Expenses of Act.

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