



ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. v.

An Act to enable the Commissioners acting under an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, for better regulating, paving, improving, and managing the Town of *Brighthelmston* in the County of *Sussex*, and the Poor thereof, to purchase, improve, and manage the Royal Pavilion at *Brighton*, and the Grounds thereof, and to enlarge, extend, and apply the Powers and Provisions of the same Act with reference thereto.

[17th *May* 1850.]

WHEREAS by an Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Sale of the Royal Pavilion at Brighton and the Grounds thereof, and to apply the Money arising from such Sale*, (and which Act is herein-after called the *Brighton Pavilion Act*,) after reciting that His late Majesty King *George* the Fourth, from Time to Time, as

[*Local.*] P well

12 & 13 Vict.
c.102. (Pub.)

Brighton Improvement (Purchase of Royal Pavilion, &c.)

well before as after His Accession to the Throne, purchased and became possessed of or beneficially entitled to the several Pieces of Land and Hereditaments then forming the Site of the Royal Residence, Lawn, and Grounds called the Royal Pavilion at *Brighton* aforesaid, and which were delineated on the Plan therein-after referred to, except a small Portion thereof included in the said Plan which was purchased by His late Majesty King *William* the Fourth, after the Decease of His said Royal Predecessor, and that the said Royal Pavilion, Lands, and Hereditaments were then vested in Her most Gracious Majesty the Queen in right of Her Crown, but certain small Parts thereof (distinguished on the said Plan as Leasehold) were held for the Residue then to come of certain long Terms of Years, and also reciting that certain Parts of the said Hereditaments were acquired by His late Majesty King *George* the Fourth subject to certain Restrictions against any Buildings being thereon erected, and also reciting that a Plan of the said Hereditaments had been made and deposited in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings (herein-after called Her Majesty's Commissioners), and that Her Majesty had been graciously pleased to signify Her Consent and Desire that the said Royal Pavilion should no longer be retained as a Royal Palace or Residence, but that the said last-mentioned Commissioners should be authorized to sell or otherwise dispose of or to pull down the same, and to sell the Materials thereof, and to sell, demise, or otherwise dispose of the Lands and Hereditaments aforesaid, comprising the Site of the said Royal Pavilion and the Lawn and Grounds thereof, in manner therein-after mentioned, and to do such other Acts for facilitating the said Objects as therein-after specified, it was by the now-reciting Act, amongst other things, enacted, that it should be lawful for Her Majesty's said Commissioners for the Time being (by and with the Consent of the Lord High Treasurer for the Time being, or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them), and they were thereby empowered, to sell and dispose of the said Royal Pavilion, Lawn, and Grounds, and all and singular the Lands and Hereditaments delineated on the Plan deposited as therein-before mentioned, with the Appurtenances, and the Inheritance thereof in Fee Simple (except as to the said Lands held for Years which should be sold for the Residue only of the Terms for which the same were respectively held, unless the Reversions in Fee thereof should before such Sale be acquired under the Power therein-after contained), either together or in Lots, and either by public Auction or private Contract, for such Prices, and subject to such Conditions and Stipulations as to Title or otherwise, as they should think proper; and it was thereby also enacted, that it should be lawful for Her Majesty's said Commissioners, if they should think fit, at any Time before such Sale, to cause the said Royal Pavilion, and
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Brighton Improvement (Purchase of Royal Pavilion, &c.)

the Chapel, Stables, Outhouses, and other Buildings thereto belonging or erected, or any Part of the Hereditaments delineated in the aforesaid Plan, to be pulled down, and to sell the Materials thereof, other than the Materials of the Chapel, in manner therein-after mentioned, and that such Chapel should be pulled down, but it should not be lawful for such Commissioners to sell the Materials thereof, or use or appropriate them, without the previous Consent in Writing of the Bishop of the Diocese for the Time being, and by the now-reciting Act certain further Powers were given to such Commissioners respecting the same Property before the Sale thereof; and it was thereby also enacted, that all Acts thereby directed to be done by Her Majesty's said Commissioners might be done by any Two of them, and that the Deed or Deeds of any Two or more of them should be a full and effectual Grant, Conveyance, or Demise (as the Case might be) of all or any Part of the said Hereditaments and Premises, for such Estate or Estates, Interest or Interests, as should be therein expressed to be granted or conveyed, and the Hereditaments so conveyed or demised should be freed and discharged from all Estates, Charges, or Incumbrances whatsoever, except the Restrictions against the Erection of Buildings, therein-before referred to, and the Rights, Remedies, and Powers of the Lords of the Manor of *Brighthelmston* for the Time being to compel the Observance thereof; and it was thereby provided, that nothing in that Act contained should prejudice or affect any Rights of Way or other Rights or Privileges (if any) which were then vested in *Thomas West* Esquire and *Anne* his Wife, or either of them, as claiming under His late Majesty King *George* the Fourth, in respect of the House and Premises Number 13, *Castle Square, Brighton*, belonging to the said *Thomas West* and *Anne* his Wife, or one of them, and then in the Occupation of Her Majesty's said Commissioners under an Assignment of a Lease from the said *Thomas West* to *John Caffyn*: And whereas by the said Act of Parliament passed 6 G. 4. c. 179. in the Sixth Year of the Reign of King *George* the Fourth (hereinafter called the *Brighton Town Act*) certain Commissioners (hereinafter called the *Brighton Town Commissioners*) were appointed for carrying the same into execution, with such Qualifications, and with such Provisions for regulating their Election and Meetings, and appointing a Committee of such Commissioners for the Purpose of carrying into effect any of the Purposes of that Act, as therein mentioned, and various Powers, Authorities, and Indemnities were thereby given to and conferred upon such Commissioners for the better carrying out the Purposes of that Act, and other Provisions were therein contained and Enactments made for the like Purposes, and in particular the said Commissioners thereunder were thereby empowered to purchase any Houses, Buildings, Lands, Tenements, or Hereditaments the Purchase of which might be necessary for the Improvement of the said Town of *Brighton*, and again to sell any such Hereditaments

Brighton Improvement (Purchase of Royal Pavilion, &c.)

ments as therein mentioned ; and it was thereby also enacted, that all the Messuages, Lands, Tenements, and Hereditaments of which any Conveyances should be made to or in trust for such Commissioners, for the Purposes of that Act, should be vested in the Commissioners for the Time being acting under and by virtue of that Act, their Successors and Assigns, as therein mentioned, and such Commissioners were thereby also authorized and empowered to sue and be sued as therein mentioned, and also to make and levy Rates, Tolls, Duties, Assessments, and Impositions on the Town and Inhabitants of *Brighton*, and to borrow Money on the Credit thereof, and to form a Sinking Fund for paying off the same, and otherwise, as therein mentioned, for the Purposes of that Act : And whereas it has been considered by the Inhabitants of the said Town of *Brighton* that it would be very beneficial to them if the said Pavilion, Ground, Hereditaments, and Premises were purchased and held on their Behalf, and accordingly, by Indenture dated the Nineteenth Day of *December* last, and made between Her Majesty's said Commissioners of the First Part and *Lewis Slight*, Clerk to the said *Brighton* Town Commissioners, of the Second Part, the said *Brighton* Town Commissioners have by their said Clerk contracted with Her Majesty's said Commissioners (they acting therein with the Consent and Approbation of the Lords Commissioners of Her Majesty's Treasury, testified in Writing by their Warrant,) for the absolute and immediate Purchase of the said Royal Pavilion, Lawn, and Grounds, and all and singular the Hereditaments and Premises which Her Majesty's said Commissioners were authorized to sell as aforesaid, and all the Estate and Interest therein of Her said Majesty so authorized to be sold, including the Pipes and Engine for carrying Sea Water to the Pavilion and the Stables formerly occupied by Mistress *Fitzherbert*, but subject to any Right or Interest (if any there be) which the present Occupier thereof, or any Person claiming under the said Mistress *Fitzherbert*, may have in the said Stables, for the Sum of Fifty-three thousand Pounds, but subject to a Stipulation that Her Majesty's said Commissioners should allow Compensation to the said *Brighton* Town Commissioners for pulling down and removing the said Chapel so directed to be pulled down as aforesaid, if claimed by them, and if the same should be awarded on such Reference to Arbitration as therein mentioned, except that from any such Compensation, if awarded, should be set off the Value, to be ascertained by the like Arbitration, of the said Stables, Engine, and Pipes, which it was stated were not included in the original Contract for Purchase, and subject to such other Stipulations as in the now-reciting Indenture mentioned : And whereas it is considered that by obtaining the said Pavilion and Grounds and the Site thereof, and other Hereditaments and Premises, in manner aforesaid, the said Town of *Brighton* and its Inhabitants and Visitors will be greatly benefited, and the Property

Brighton Improvement (Purchase of Royal Pavilion, &c.)

will be prevented from falling into Hands whereby the same might become detrimental to the Town and its Inhabitants, and it is intended that such Property when so purchased and acquired shall be held and managed by the said *Brighton* Town Commissioners wholly for the Use and Benefit of the said Inhabitants and Visitors and the Public, for Purposes of Health, Recreation, Amusement, or Profit, or otherwise in such Manner as shall be determined on: And whereas it will be necessary to raise considerable Funds for paying the said agreed Purchase Money or Sum of Fifty-three thousand Pounds for the said Property under the aforesaid Contract for Purchase thereof, and also for adapting the purchased Property for the Purposes aforesaid, and for paying the Amount of the necessary Expenses of obtaining this Act, and from Time to Time arising for carrying the same into execution: And whereas it is proposed and intended to raise such Funds for the Purposes of this Act by means of Rates, Duties, Assessments, or Impositions, to be levied and made from and on the Town and Inhabitants of *Brighton*, according to the Provisions of the said *Brighton* Town Act in that Behalf, or such further or other Powers, Authorities, and Provisions as are herein-after given and conferred for that Purpose, and it is also proposed and intended, both immediately and at any Time afterwards, if deemed necessary, to raise such Funds or Part thereof by way of Loan, by means of Mortgages or Annuities, to be granted or secured on or out of the said Rates, Tolls, Duties, Assessments, or Impositions, according to the Provisions of the said *Brighton* Town Act in that Behalf, or such further or other Powers, Authorities, and Provisions so to be given or conferred as last aforesaid: And whereas it is also proposed and intended that such Property so to be purchased as aforesaid shall be vested in the said *Brighton* Town Commissioners for the Purposes aforesaid, and that they shall have such Powers and Authorities given to or conferred on them for enabling them to carry the same Purposes into effect as herein-after mentioned, contained, or referred to: And whereas the several Objects and Purposes aforesaid cannot be fully and properly effected and carried into execution 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, That the herein-before recited Indenture of the Nineteenth Day of *December* last, and the Contract for Purchase and other Provisions therein contained, shall and may be fully and absolutely confirmed and carried into effect according to the true Intent and Meaning thereof; and further, that it shall be lawful for the said *Brighton* Town Commissioners for the Time being acting under the said *Brighton* Town Act, and they are hereby authorized and empowered, at any Time or Times hereafter, to purchase and

Power to
Town Com-
missioners
to purchase
Pavilion,
Grounds,&c.;

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Brighton Improvement (Purchase of Royal Pavilion, &c.)

take of and from Her Majesty's said Commissioners for the Time being the said Royal Pavilion, Lawn, and Grounds, and all and singular the Buildings, Lands, Hereditaments, and Premises authorized to be sold by the said *Brighton* Pavilion Act, with their and every of their Appurtenances, and all Engine, Pipes, and Things belonging thereto, and the Inheritance thereof in Fee Simple as to the Freehold Parts thereof, and all the Estate and Interest of Her Majesty in such Parts thereof as are held for Terms of Years or other Chattel Interest, and the Reversion in Fee expectant on which Terms shall not have been acquired by Her Majesty's said Commissioners previous to such Purchase as hereby authorized, pursuant to the Provisions of the said *Brighton* Pavilion Act in that Behalf, and such Purchase as hereby authorized to be made, for the said Sum of Fifty-three thousand Pounds so agreed on as aforesaid for the same, and upon the Terms so already agreed upon as aforesaid for effecting such Purchase, and also for the same Commissioners to settle and arrange the Question of Compensation with respect to the said Chapel on the said purchased Premises in the like Manner.

and also settle
and arrange
as to Com-
pensation for
Chapel.

Power to
Commis-
sioners to
purchase
incidental
Interests in
Property, but
not without
Consent of
Vestry of
Brighton.

II. And be it enacted, That it shall also be lawful for the said *Brighton* Town Commissioners in like Manner to purchase and take, of any Person or Persons who shall be entitled to the same, and for such Sum or Sums of Money or upon such Terms as such Commissioners shall think fit, and can be agreed on by and between the said Commissioners and the Person or Persons entitled or claiming to be entitled, any Right, Reversion, Estate, or Interest in, over, or affecting any Part of the Property hereby authorized to be purchased as aforesaid which it shall by such Commissioners be thought necessary or desirable to purchase for the Purposes of this Act, and which shall not be included in such Purchase from Her Majesty's said Commissioners, as herein-before authorized, and including, if thought necessary, in any such Purchase authorized to be made by this present Clause, not only the Reversion expectant on any Leasehold Interest in the said Property, but also the several Restrictions against Buildings, and Powers of enforcing the same, and Rights of Way or Residence, or other Rights and Privileges, herein-before mentioned or referred to as affecting the said Property so intended to be purchased, or some Part or Parts thereof, or any other similar Rights, Powers, or Privileges: Provided nevertheless, and it is hereby expressly enacted, that no Purchase under this present Clause shall be made or completed without the Consent of the Inhabitants of the Parish of *Brighton* in Vestry assembled first had and obtained thereto.

Certain
Clauses of
8 & 9 Vict.
c. 18. ex-

III. And be it enacted, That all and every the Clauses and Provisions in "The Lands Clauses Consolidation Act, 1845," contained, with respect to the Purchase of Lands, or any Estate or Interest in

Brighton Improvement (Purchase of Royal Pavilion, &c.)

Lands or other Property, by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, and with respect to the Conveyance of Lands (save as to the Costs thereof), and with respect to Land subject to any Mortgage or Lease or other Incumbrances, shall be incorporated with this Act, and extend and be applicable thereto and to every Purchase made thereunder.

tended to
this Act.

IV. And be it enacted, That all and every the Messuages, Lands, Tenements, Hereditaments, and Premises, and Property of every Description, to be purchased or acquired by virtue or for the Purposes of this Act, by or on behalf of the said *Brighton* Town Commissioners, as herein-before or herein-after mentioned, shall be conveyed, assigned, and assured to and vested in such Commissioners for the Time being, and shall be held by them, their Successors and Assigns, according to and for the Purposes of this Act, the Statutes of Mortmain or any other Law or Usage of this Realm in anywise notwithstanding, and without their incurring or being liable to any Penalty or Forfeiture thereunder in respect thereof.

Property
acquired to
be vested in
Commission-
ers, their
Successors
and Assigns.

V. And be it enacted, That all and every the Provisions of the said *Brighton* Town Act relating to the laying down, repairing, altering, maintaining, or preserving Pipes or Passages for Water or Gas or other like Matters, in, through, or under the said Town of *Brighton* or any Part thereof, shall, so far as the Circumstances of the Case shall be applicable, extend to and apply to the laying down, repairing, altering, maintaining, or preserving the existing or any other Pipes or Passages for Water from the Sea or otherwise, or Gas, or other like Matters, to or from the said Premises. hereby authorized to be purchased, or any Part or Parts thereof, and also to all Works or Materials in any way connected therewith, in the same Manner as if such Provisions had been herein repeated and expressly made applicable hereto, and so as and to the Intent that the said *Brighton* Town Commissioners, if they shall think fit, may always have and maintain a Supply or Passage of Sea or other Water, Gas, or other like Matters to or from the said purchased Premises, or any Part or Parts thereof, for the Purposes of this Act.

Provisions
of Brighton
Town Act
as to Water,
Gas, &c. to
extend to
this Act.

VI. And be it enacted, That it shall be lawful for the said *Brighton* Town Commissioners, when and so soon as and at any Time or Times after the aforesaid Property, or any Part or Parts thereof, shall have been so purchased as hereby authorized, to proceed to pull down, repair, improve, remove, lay out, alter, convert, or vary the same, or the Buildings, Erections, or Works thereon or on any Part or Parts thereof, or to build or make any further or other Erections or Works, Roads, Paths, or Ways thereon, so as to adapt and preserve the

Power to
Commission-
ers to adapt
and preserve
the Property
for the Benefit
of the Town.

Brighton Improvement (Purchase of Royal Pavilion, &c.)

Power to
Commission-
ers to obtain
Materials for
Purposes of
this Act.

Power of
Commission-
ers in certain
Cases limited.

the same from Time to Time for the Use, Profit, Enjoyment, and Benefit of the Town and Inhabitants of *Brighton* aforesaid, and also of the Visitors thereof and of the Public, for the Purposes of Profit, Recreation, Amusement, Health, Cleanliness, Order, Convenience, or Instruction, or otherwise for Purposes of public Benefit, as shall by the said *Brighton* Town Commissioners be from Time to Time determined on, and also to erect or establish, or suffer to be erected or established, on the same Premises or any Part or Parts thereof, any public Building or Buildings, Institution or Institutions, or any private Messuages or Dwelling Houses, with Yards, Gardens, or other Conveniences thereto, as shall be in like Manner thought fit and determined on, but not so as thereby to interfere with the general Purposes of this Act, for the Benefit of the Town of *Brighton* and its Inhabitants as aforesaid, or to prevent the same from having full and primary Effect in any Proceedings thereunder, and so also as no such Erections or Buildings hereby authorized to be made shall in any way interfere with or infringe any Restriction against building upon the same Premises or any Part or Parts thereof for the Time being existing; and further, that it shall be lawful for such *Brighton* Town Commissioners to purchase, obtain, or use any Materials required for any such Erections, Works, or Buildings hereby authorized, whether existing on the Premises or otherwise procured, as to such Commissioners shall from Time to Time seem fit: Provided nevertheless, and it is hereby expressly enacted, that such Commissioners of their own sole Authority shall only have Power under this present Clause to direct and effect the Repair and Preservation of the purchased Premises for the Time being held for the Purposes of this Act, and the laying out and Maintenance of the Lawn and Pleasure Grounds forming Part thereof, and the Erection, providing, Maintenance, or Removal of proper Lodges, Gates, Entrances, Summer Houses, Benches, Railings, Fences, Tools, Materials, or other like Matters for that Purpose, but that the several other Powers given to the said Commissioners by this present Clause shall not, nor shall any of them, be in any Manner exercised or carried into effect by them without the Consent of the Inhabitants of the Parish of *Brighton* in Vestry assembled first had and obtained thereto.

Power to
appoint Offi-
cers with re-
ference to
Town Act.

VII. And be it enacted, That it shall be lawful for the said *Brighton* Town Commissioners, from Time to Time after the passing of this Act, to elect and appoint such special or other Officer or Officers, Servants, and Workmen as may be considered necessary for carrying this Act and the Purposes thereof into execution; and all and every the Provisions in the said *Brighton* Town Act contained relating to any Officer or Officers, or Person or Persons, appointed thereunder, and their or his Appointment, Removal, Payment, Duties, Liabilities, and Indemnities, on any Security to be given by such Officer or Officers,

or

Brighton Improvement (Purchase of Royal Pavilion, &c.)

or otherwise, shall, so far as the same may be applicable or expedient to or for the carrying this Act into effect, apply and extend to this Act, and any Officer or Officers, Servants or Workmen, hereby appointed, in the same Manner in all respects as if the same Provisions were herein repeated and made expressly applicable to this Act and the Purposes thereof.

VIII. And be it enacted, That it shall be lawful for the said *Brighton* Town Commissioners, from Time to Time after the Purchase of the Property hereby authorized, to make such Bye Laws, Rules, Orders, and Regulations as they shall think fit, the same not being repugnant to the Provisions of this Act, for the Management, Use, Enjoyment, Regulation, and Order of the Property so purchased, or any Part or Parts thereof, in pursuance of this Act, and also in like Manner to repeal, alter, or amend any such Bye Laws, Rules, Orders, and Regulations, and to impose such reasonable Fines for the Nonobservance thereof as they shall think proper, not exceeding Five Pounds for any One Offence; and all and every the Provisions of the said *Brighton* Town Act with reference to Bye Laws, Rules, Orders, and Regulations, and Fines for Nonobservance thereof, shall, so far as the Circumstances shall apply, extend and be applicable to this Act, and any Bye Laws, Rules, Orders, Regulations, and Fines made or imposed in pursuance thereof.

Power to make Bye Laws, &c. for Management of Property, and impose Fines for Breach thereof.

Provisions with reference to Bye Laws under Town Act to apply to this Act.

IX. Provided nevertheless, and it is hereby expressly enacted, That the aforesaid Lawn and Pleasure Grounds forming Part of the said purchased Property, after the same shall have been converted into or adapted for the Purposes of and whilst the same shall remain Pleasure Grounds pursuant to this Act, and every Part thereof, shall always remain and be kept open and accessible to the Public, for Purposes of Exercise, Recreation, and Amusement, on every Day in each Year between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, both inclusive, from Six of the Clock in the Morning until Sunset, and from the Twenty-ninth Day of *September* to the Twenty-fifth Day of *March* from Eight of the Clock in the Morning until Sunset, but subject nevertheless to such Bye Laws, Rules, Orders, and Regulations as may from Time to Time be made by the said *Brighton* Town Commissioners, under the Authority above given in that Behalf, as to the decent and proper Use and Enjoyment of the same Lawn and Gardens or any Part thereof, at the Times and in manner aforesaid: Provided always, that no such Bye Laws, Rules, Orders, and Regulations as last aforesaid shall be binding or operative until the same shall have been consented to and approved by the Inhabitants of the Parish of *Brighton* in Vestry assembled.

Lawn and Pleasure Grounds, being Part of purchased Property, to be open to the Public, subject to Rules made by Commissioners and approved by Vestry.

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X. And

Brighton Improvement (Purchase of Royal Pavilion, &c.)

Power to
make Rates
for raising
Funds for the
Purposes of
this Act.

X. And be it enacted, That for the Purpose of raising the necessary Funds for paying the Expenses of obtaining this present Act, and paying the Purchase Money, and completing the Purchase of the Property hereby authorized to be purchased, and adapting the same to the Purposes of this Act, and preserving and improving the same, and paying all necessary Expenses incidental thereto, and paying off any Monies authorized to be borrowed for the Purposes of this Act, as herein-after mentioned, and keeping down the Interest thereon, and paying current Expenses under this Act, or for any of such Purposes, or other the Purposes of this Act, it shall be lawful for the said *Brighton* Town Commissioners forthwith, or as soon as conveniently may be after the passing of this Act, or from Time to Time thereafter as Occasion shall require and to such Commissioners shall seem fit, to make One or more equal Rate or Rates, Assessment or Assessments, upon the Tenants or Occupiers of all Houses, Shops, Warehouses, Coach-houses, Cellars, Vaults, Buildings, Gardens, Grounds, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Brighton*, so as such Rate or Rates, Assessment or Assessments, do not exceed in the whole in any One Year, to be computed from the First Day of *January* One thousand eight hundred and fifty, the Sum of Four-pence in the Pound on the Scale or Rate for the Time being on which Rates are raised to and for the Relief of the Poor of the Parish of *Brighton*, and such Rate or Rates, Assessment or Assessments, authorized to be made pursuant to this Act, to be in addition to any Rate or Rates, Assessment or Assessments, authorized to be made by the said *Brighton* Town Act: Provided always, that the Exemption in that Act contained of Barns, Buildings, Yards, and Closes used for Purposes of Agriculture, and of Arable, Meadow, or Pasture Land, or Sheep Down, within the said Parish, and of any Owner or Occupier thereof, from the Rates or Assessments thereby authorized to be made, shall extend to the Rates and Assessments authorized to be made by this present Act.

Such Rates
to be in ad-
dition to
Rates made
under Town
Act.

Power to
borrow
Money on
the Credit of
Rates made
under this
Act for
Purposes
thereof.

XI. And be it enacted, That in order to raise the necessary Funds for carrying this Act into effect, either immediately or at any Time or Times after the passing thereof, it shall be lawful for the said *Brighton* Town Commissioners, when and as often as they shall deem it necessary or desirable for the Purposes of this Act, to borrow or raise and take up at Interest on Mortgage, or by way of Annuity for a Life or Lives, or Years determinable on the Death or Deaths of any Person or Persons, any Sum or Sums of Money on the Credit of all or any of the Rates, Assessments, and Impositions authorized to be levied and imposed or taken by such Commissioners under or by virtue of this Act, and thereupon to execute Assignments of such Rates, Assessments, and Impositions by way of Mortgage or Mortgages, or Grant or Grants of Annuity, respectively chargeable on such Rates,

Assessments,

Brighton Improvement (Purchase of Royal Pavilion, &c.)

Assessments, and Impositions so to be charged in the Manner directed and authorized in and by the said *Brighton Town Act* for that Purpose ; and that all and every the Provisions of that Act with reference to the Form or Forms of the Mortgages or Grants of Annuity thereunder, or the Manner of making the same respectively, or the Transfer or Registry thereof, or the Redemption of the Monies secured thereby, or otherwise relating to such raising or borrowing of Monies as last aforesaid (except as to the Amount to be borrowed), shall, so far as the same may be necessary or expedient for the carrying the Provisions of this Act into effect, and be applicable to the Circumstances of the Case, and with such Variations as Circumstances may require, apply and extend to this Act, and the raising and borrowing of Money herein-before or herein-after authorized, in the same Manner in all respects as if such Provisions were herein repeated and made expressly applicable to this Act and the Purposes thereof.

Provisions of Town Act as to Forms of Mortgages, &c. to be applicable to this Act.

XII. And be it enacted, That for all or any of the Purposes of this Act, and by way of collateral Security for any Sum or Sums of Money to be borrowed or raised for any of such Purposes as aforesaid, it shall be lawful for the said *Brighton Town Commissioners*, and they are hereby authorized and empowered, if they shall think fit, to charge the consolidated Rates, Tolls, Duties, Assessments, and Impositions authorized to be levied under or by virtue of the said *Brighton Town Act* with and to make the same a Security for any Sum or Sums of Money so borrowed or raised as last aforesaid, in the Manner and Form provided by the same Act and this Act in that Behalf, and thereupon to execute Assignments of such Rates, Tolls, Duties, Assessments, and Impositions, by way of Mortgage or Mortgages, Grant or Grants of Annuity, respectively chargeable on such Rates, Tolls, Duties, Assessments, and Impositions so to be charged as last aforesaid accordingly, and that it shall be lawful for such Commissioners to make, levy, and apply such Rates, Tolls, Duties, Assessments, and Impositions for the Purposes of the Security so made thereon as last aforesaid, anything in the said *Brighton Town Act* to the contrary notwithstanding.

Like Power to borrow Money for Purposes of this Act on Security of Rates made under Town Act ;

XIII. Provided always, and be it enacted, That such Charges for securing the Repayment of any Sum or Sums of Money raised or borrowed for the Purposes of this Act upon or out of such last-mentioned Rates, Tolls, Duties, Assessments, or Impositions as aforesaid shall not prejudice or in any Manner affect the Rights, Priorities, or Remedies of any Person or Persons at the Time of the passing of this Act holding Securities on such last-mentioned Rates, Tolls, Duties, Assessments, or Impositions under and by virtue and for the Purposes of the said *Brighton Town Act*.

but without Prejudice to existing Securities thereon.

XIV. Pro-

Brighton Improvement (Purchase of Royal Pavilion, &c.)

Rates under this Act to be primarily applied in paying off Loans for the same, but not so as to affect Rights of Incumbrancers.

XIV. Provided also, and be it enacted, That the Rates, Assessments, and Impositions by this Act authorized to be levied and imposed shall, so far as the same will extend, always be raised and applied by the said *Brighton* Town Commissioners for the Purpose of paying off and answering, according to this Act, the Sum or Sums to be raised or borrowed for the Purposes of this Act, in manner aforesaid, prior to the Rates, Tolls, Duties, Assessments, and Impositions authorized to be levied under the said *Brighton* Town Act as aforesaid, and hereby made chargeable as a collateral Security for such Sum or Sums as aforesaid, but so nevertheless that no Incumbrancer on any such Rates, Tolls, Duties, Assessments, and Impositions as aforesaid shall be hereby prevented or hindered from or in realizing his Security upon or out of any such Rates, Tolls, Duties, Assessments, or Impositions under the said *Brighton* Town Act or this Act in such Order or Manner as he shall think fit, and according to the Terms of his Security.

Commissioners to appropriate out of the Rates an annual Sum to form a Fund for gradual Liquidation of Money borrowed.

XV. And be it enacted, That when and so often as any Sum of Money shall be borrowed or raised under the Authority of this Act on the Credit of the said Rates, Tolls, Duties, Assessments, and Impositions to be made or imposed under the Authority of this Act or the said *Brighton* Town Act as aforesaid, and for the Purpose of providing a Fund for the gradual Repayment of such Sum, the said *Brighton* Town Commissioners shall and they are hereby authorized and required, from Time to Time thereafter, to appropriate and apply for that Purpose an annual Sum being not less than Two Pounds *per Centum per Annum* on the Amount of every such Sum so borrowed or raised and from Time to Time remaining due, which annual Sum is hereby charged on and (unless otherwise provided, pursuant to this Act, as herein-after mentioned,) is directed to be raised and answered out of the said Rates, Tolls, Duties, Assessments, and Impositions on the Credit of which such Sum shall have been so borrowed or raised as aforesaid (but nevertheless without Prejudice to the Provision herein-before contained for Payment of such Charges in the first instance out of the Rates, Assessments, and Impositions under this Act); and that such Fund so raised under this present Clause shall from Time to Time be applied in Payment of an equal Amount of the Principal Money for the Time being due on the Credit or Security of the said Rates, Tolls, Duties, Assessments, and Impositions as aforesaid, according to the Priority of the Date of the respective Securities, or in case of even Dates then by Lot between the Persons holding Securities of even Dates, or according to the Terms of such respective Securities, or in redemption of any Annuity or Annuities then subsisting and payable out of the said Rates, Tolls, Duties, Assessments, and Impositions, as to the said *Brighton* Town Commissioners shall appear most advantageous.

Application of Fund.

XVI. Pro-

Brighton Improvement (Purchase of Royal Pavilion, &c.)

XVI. Provided always, and be it enacted, That no greater Sum than Sixty thousand Pounds in the whole shall be borrowed, raised, or charged on the Credit of the said Rates, Tolls, Duties, Assessments, and Impositions as aforesaid under or by virtue of this Act; and that with respect to the said Sum of Fifty-three thousand Pounds, the agreed Purchase Money for the said Royal Pavilion, Grounds, Hereditaments, and Premises as aforesaid, the same shall only be raised under the Powers of this Act by way of Loan, to be secured and repaid as aforesaid, and shall not otherwise be raised by means of Rates, Assessments, or Impositions to be made or imposed under the Provisions of this Act.

Amount of Money to be borrowed under this Act limited.

Purchase Money for Pavilion and Grounds to be raised by Loan only.

XVII. Provided always, and be it enacted, That no Purchaser, Mortgagee, Annuitant, or Creditor under the Provisions of this Act or the said *Brighton* Town Act shall be bound to ascertain or inquire into the Necessity or Expediency of any Sale to him under or by virtue of the same, or of the raising any Sum of Money which may be lent and advanced by him to the said *Brighton* Town Commissioners on Mortgage, or by way of Annuity or on Promissory Note, as in the said last-mentioned Act or herein-before authorized, or into the Application of the same Money or any Purchase Money on Sale, or whether the same shall have been duly authorized to be raised or paid, and all necessary Proceedings shall have been taken pursuant to the Provisions of the said last-mentioned Act or this Act, and that the Title, Rights, or Remedies of any such Purchaser, Mortgagee, Annuitant, or Creditor shall not be prejudiced or affected by the Irregularity of any Proceedings under the said Acts or either of them of which he had not Notice, provided that any such Money as aforesaid shall be paid into the Hands of the Treasurer of the said Commissioners for the Time being, and his Receipt to be taken for the same.

Purchasers and Incumbrancers under Act not to be liable for Omissions thereunder after paying Money to Treasurer of Commissioners.

XVIII. And be it enacted, That it shall be lawful for the said *Brighton* Town Commissioners to let from Year to Year, or for any shorter Period, or at Will, and also by Deed to demise or lease for any longer Term or Terms of Years, and either in possession or reversion, and either for the Purpose of building, repairing, or improving, or any other Purpose or Purposes, all or any Part or Parts of the said Land, Building, and Hereditaments so to be purchased by such Commissioners as aforesaid, and any Houses and Buildings or Conveniences which shall be erected, built, or made upon the same or any Part thereof, pursuant to this Act, or other the Property for the Time being held hereunder, and not for the Time being required to be held by such Commissioners, in their Discretion, for the general Purposes of this Act, to any Person, at such Rent or Rents and upon such Terms as such Commissioners shall think fit; and that to every such Lease shall be incident as well the usual Powers

Power to Commissioners to let certain Property held under this Act;

[Local.]

S

of

Brighton Improvement (Purchase of Royal Pavilion, &c.)

but not any Part of the Lawn, &c. without Consent of the Vestry, or for certain Purposes, and by public Tender.

of Distress as also a Power for the Commissioners, or the Person entitled to the Reversion expectant on any such Lease, or any Person authorized by the Reversioner, to enter and absolutely make void such Lease in case the Rent which may be thereby reserved, or any Part thereof, shall be in arrear for the Space of Thirty Days, and that without any Demand for the same Rent having been made, and that every such Rent shall also be recoverable by an Action of Debt in any of Her Majesty's Courts of Record against the Person to whom any such Lease shall have been made, his Executors, Administrators, and Assigns: Provided nevertheless, that no Letting, Demise, or Lease of all or any Part of the said Lawn and Pleasure Grounds, Part of the said purchased Property, shall at any Time be made or take place under the Power herein-before given without the Consent of the Inhabitants of the Parish of *Brighton* in Vestry assembled first had and obtained thereto; and further, that no Part of the Ground Floor or lower Suite of Rooms fronting Eastwardly in the said Building forming the Royal Pavilion shall, without the like Consent first had and obtained thereto, be let under such Power, otherwise than from Time to Time for short Periods not exceeding One Week, and then only for the Purpose of public Lectures, scientific or charitable Objects, Concerts, Recreations, or Amusements, or other like Objects or Purposes: Provided also, that no Letting, Demise, or Lease, except as last aforesaid, shall take place or be made under this present Clause save by public Tender, to be publicly advertised for at least One Week before the same shall be made or received in each of the Newspapers usually published in *Brighton*, but to be conducted and accepted in such Manner and upon such Terms, or to be rejected, as the said *Brighton* Town Commissioners shall in their Discretion think fit.

Power to Commissioners to sell Property acquired under this Act, in manner authorized by Brighton Town Act;

XIX. And be it enacted, That, notwithstanding anything herein-before contained, it shall be lawful for the said *Brighton* Town Commissioners, at any Time or Times after such Purchases shall have been made as aforesaid, to sell and dispose of the Ground, Buildings, Premises, or Property purchased or acquired under or by virtue of this Act, or any Part or Parts thereof, either together or in Parcels, by public Auction, with Power to buy in the same at any Auction, and re-sell the same at any subsequent Auction to such Person or Persons as shall be willing to purchase the same, and subject to such special or other Conditions as to Title or otherwise as shall be thought fit, and to convey and assure the Property so sold accordingly; and that all and every the Provisions in the said *Brighton* Town Act contained (other than the Provision therein contained for offering Premises to the Owners of Land adjoining before Sale thereof, as therein mentioned, and which shall not extend to this present Act,) with reference to the Sale and Disposal of Property held thereunder shall, so far

Brighton Improvement (Purchase of Royal Pavilion, &c.)

far as the same may be necessary or expedient for carrying the Provisions of this Act into effect and be applicable hereto, apply and extend to this Act and the Purposes hereof in the same Manner in all respects as if such Provisions were herein repeated and made expressly applicable hereto: Provided nevertheless, that no such Sale is herein-before authorized shall be made or take place without the Consent of the Inhabitants of the Parish of *Brighton* in Vestry assembled first had and obtained thereto.

but not without Consent of Vestry of Brighton.

XX. And be it enacted, That all and every the Rates, Assessments, Impositions, Rents, Profits, and Mortgage, Sale, or other Monies to be paid to or raised, levied, or received by the said *Brighton* Town Commissioners, pursuant to and under the Authority of this Act, shall be duly applied by such Commissioners to or for all or any of the Purposes of this Act, as Occasion shall require or such Commissioners shall deem fit, and any Surplus thereof after answering such Purposes as aforesaid shall be applied in substitution for or in aid of the Fund for Liquidation of the Monies borrowed under this Act, and where the same shall be fully satisfied, then for the general Purposes of the *Brighton* Town Act.

Monies received under this Act to be applied for Purposes thereof, and then for the general Purposes of the Brighton Town Act.

XXI. Provided always, and it is hereby enacted, That the Accounts of and relating to all and every the Receipts and Disbursements of the said Commissioners, and Money borrowed by them under or by virtue of this Act, shall be kept separate and apart from the Accounts of their Receipts and Disbursements, and Money borrowed under or by virtue of the said *Brighton* Town Act, so that the Receipts and Expenditure and Money borrowed under or in pursuance of this Act shall always plainly and distinctly appear in the Accounts of the said Commissioners.

Accounts under this Act to be kept separate.

XXII. And be it enacted, That the Inhabitants of the said Parish of *Brighton* shall at a Vestry Meeting to be held on *Easter Monday* in each Year, or within Fourteen Days thereafter, elect and appoint Two fit and proper Persons, not being *Brighton* Town Commissioners, to be the Auditors of the Accounts of all Monies received and expended under and by virtue of this Act, and shall at the same Meeting fix the Remuneration to be paid to each of such Auditors, not exceeding the Sum of Ten Pounds *per Annum*, which Sum shall be paid to them respectively out of the Monies raised under and by virtue of this Act, together with the Costs of the Advertisements and Notices herein-after mentioned; and the said Auditors shall hold Meetings for auditing and examining the said Accounts twice in every Year, namely, on the Thirtieth Day of *June* and Thirty-first Day of *December*, or within Twenty-eight Days thereafter; and it shall be lawful for any Rate-payer in the said Parish of *Brighton* to

Auditors of Accounts under this Act to be appointed by Inhabitants of Brighton.

Brighton Improvement (Purchase of Royal Pavilion, &c.)

to be present at the Audit of the Accounts, and make any Objection thereto.

Notice of
Audit to be
given, and
Accounts to
be deposited,
and open to
Inspection.

XXIII. And be it enacted, That before each Audit and Examination of Accounts under this Act the Auditors shall give Ten Days Notice of the Time and Place at which the same will be held by Advertisement once in each of the public Newspapers circulated within the said Parish of *Brighton*, and by written or printed Notices posted on the principal Doors or usual Places of posting Notices of the Churches or Chapels within the said Parish; and a Copy of the Accounts to be audited and examined shall be made out and deposited in the Office of the Clerk to the said *Brighton* Town Commissioners, and be open from Ten of the Clock in the Morning till Four of the Clock in the Afternoon, for Inspection of all Persons interested therein, for Seven Days before the Audit and Examination, and all such Persons shall be at liberty to take Copies of or Extracts from the same without Fee or Reward; and within Fourteen Days after the Audit and Examination shall have been completed, the Auditors shall report upon the Accounts audited and examined and shall deliver such Report to the Clerk of the said *Brighton* Town Commissioners, to be deposited in their Office, and shall cause a Copy thereof to be published once in each of the Newspapers aforesaid.

Accounts
when au-
dited to be
published.

Auditors
may require
Production
of Docu-
ments, and
Information
concerning
the same.

Penalty on
Neglect or
Refusal to
produce
Books, &c.

Audits to be
final.

Auditors to
inquire into
Defaults in
Accounts,

XXIV. And be it enacted, That for the Purpose of any Audit and Examination of Accounts under this Act the said Auditors may, by Summons in Writing, require the Production before them of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which they may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before them at any such Audit and Examination, or Adjournment thereof, and to make and sign a Declaration with respect to the same; and if any such Person neglect or refuse so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, he shall be liable for every Neglect or Refusal to a Penalty not exceeding Five Pounds, to be imposed and recovered in like Manner as Penalties are imposed and recoverable under the said *Brighton* Town Act, and if he falsely or corruptly make or sign any such Declaration, knowing the same to be untrue in any material Particular, he shall be deemed guilty of a Misdemeanor; and all Accounts certified by the Auditors acting under this Act shall be final and conclusive to all Intents and Purposes.

XXV. And be it enacted, That if it shall appear to the Auditors at any Audit of the said Accounts that any Sum or Sums of Money shall be due from or retained or shall have been expended by any Person,

Person, contrary to the Intent and Purposes of this Act, then the said Auditors shall, if the Person be not present at such Audit, cause Notice thereof in Writing to be given to him, or left at his last known Place of Abode or Business, and shall, if necessary, adjourn the Audit for a sufficient Time to allow of such Person's appearing before them, and showing Cause against the same; and the said Auditors shall hear the Party, if and when present, and if the said Auditors shall find any Sum or Sums of Money to be due, retained, or expended as last aforesaid, they shall certify the same in Writing; and every Certificate made by such Auditors, if made according to the Forms set forth in the Schedule hereunto annexed, or either of them, as the Case may be, or to the like Effect, shall be deemed to be sufficient Evidence of the Finding of such Auditors; and thereupon the Auditors may, by themselves or by their Attorney, proceed to recover the Amount so found to be due, retained, or expended, before any Two or more of Her Majesty's Justices of the Peace for the County of *Sussex*, together with the Costs incident to such Proceedings; and the said Justices shall hear and determine the Matter brought before them according to the Merits of the Case, and proceed therein in the same Manner, and with the same Powers, Remedies, and Authorities in all respects as are contained in the said *Brighton Town Act* for or with reference to the Recovery of Penalties and Forfeitures under Ten Pounds, and subject to the like Power of Appeal in all respects as is contained in the said last-mentioned Act; and any Monies recovered as last aforesaid shall form Part of the Funds relating to the Purposes of this Act, and be paid over by the said Auditors accordingly.

and if any found due, shall certify the same.

Amount of Defalcations may be recovered as in Brighton Town Act respecting Penalties, and form Part of Funds relating to Purposes of this Act.

XXVI. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* then last, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Chairman of the Commissioners, and also by the Auditors, and shall send a Copy of the said annual Account, free of Charge, to the Clerk of the Peace for the County of *Sussex*, on or before the Thirty-first Day of *January* in each Year, which Account shall be open to the Inspection of the Public at all reasonable Hours on Payment of the Sum of One Shilling for every such Inspection; and if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall be liable for every such Omission to a Penalty of Twenty Pounds.

XXVII. And be it enacted, That the Commissioners for the Time
being duly elected under and acting in the Execution of the said Act
of the Sixth Year of King *George* the Fourth, herein called the
[*Local.*] *T* *Brighton*
Brighton Town Commissioners to prosecute this Act as

Brighton Improvement (Purchase of Royal Pavilion, &c.)

if Part of
Brighton
Town Act;

particularly
as to Actions
and Suits.

Brighton Town Act, shall and may generally prosecute and carry into effect all and every the Purposes and Enactments of this Act, from and after the passing hereof, in such Manner in all respects as if the same had been contained in or given by or formed Part of the said *Brighton* Town Act; and, in particular, it is hereby enacted, that the Provision in the said *Brighton* Town Act contained respecting the Commissioners thereunder suing and being sued in the Name of One of such Commissioners, or of their Treasurer for the Time being, and otherwise relating thereto, shall extend and be applicable to all Actions and Suits, Real or Personal, which shall or may be commenced or prosecuted by or on the Part of or against the said *Brighton* Town Commissioners in the Execution of or respecting either the said *Brighton* Town Act or this Act, or any Enactment, Matter, or Thing therein contained or arising thereout respectively.

Provisions
of Brighton
Town Act
made gene-
rally appli-
cable to this
Act.

XXVIII. And be it enacted, That all and every the Provisions of the said *Brighton* Town Act respecting the Commissioners acting in the Execution thereof, and the Acts, Proceedings, Indemnities, and Meetings of such Commissioners, and their Appointment of Committees of their Number, and their entering into Contracts, and with respect to Contracts thereunder, and respecting the keeping of Books or Accounts of such Commissioners, and the publishing or inspecting the same, and with respect to Property vested in such Commissioners, and the removing or injuring or otherwise dealing with the same, and respecting the Rates, Tolls, Duties, Assessments, Payments, or Impositions to be made or levied thereunder and thereby consolidated, and Exemptions therefrom, and the making, assessing, levying, paying, or recovering the same, or otherwise relating thereto, and respecting Offences committed against the Enactments of that Act, and the Penalties for the same or other Proceedings in respect thereof, and the Imposition, levying, Enforcement, and Application of such Penalties, or otherwise relating thereto, and respecting Notices to be given under that Act, and Actions and Suits or other Proceedings to be commenced or taken in pursuance thereof, and all and every other Provisions of the same Act, shall, so far as such Provisions respectively may be applicable and the Circumstances of the Case will admit, and except in so far as hereby expressly or by Inference enacted to the contrary, apply and extend to this Act, and the Purposes and Enactments hereof and Proceedings hereunder, in the same Manner in all respects as if the same Provisions were herein repeated and made expressly applicable hereto.

No special
Limitation
of Actions.

XXIX. Provided always, and be it enacted, That in regard to any Action or Suit commenced or to be commenced against any Person or Persons for anything done or to be done by virtue or in pursuance of this Act, nothing herein or in the said recited Act contained shall be construed

Brighton Improvement (Purchase of Royal Pavilion, &c.)

construed to require any special Notice in Writing to be given previously to the Commencement of such Action or Suit, or to limit any special Time for the Commencement of any such Action or Suit, or to require any such Action or Suit to be laid or tried in any particular County, or to authorize the Defendant in any such Action or Suit to plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by the Authority of this Act, or of some Rule, Order, or Bye Law thereof.

XXX. And be it enacted, That the Costs, Charges, and Expenses incident to or attending the obtaining and passing this Act shall be paid and defrayed out of the first Monies which shall be collected, raised, or received by or come to the Hands of the said *Brighton* Town Commissioners, or their Treasurer or Collector, under or by virtue of this Act. Expenses of Act.

XXXI. And be it enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where any Word shall be used importing the Plural Number or the Feminine Gender, the same shall be understood to include one Matter as well as several Matters, one Person as well as several Persons, and Males as well as Females, unless in any of such Cases it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction. Construction of Terms.

XXXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

Brighton Improvement (Purchase of Royal Pavilion, &c.)

SCHEDULE to which this Act refers.

FORM OF CERTIFICATES.

No. 1.—Against an Accounting Officer.

WE do hereby certify, That in the Accounts under the Act of Parliament passed in the Session of Parliament held in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], we have disallowed, in the Account of

the Sum
of £ as due from *or* improperly retained
or expended by him [*as the Case may be*], and we hereby surcharge
him with the same ; and the Reasons for such Disallowance and Sur-
charge are [*here set out the Reasons for the same*].

As witness our Hands, this Day of in the
Year 18 .

Auditors appointed under the said Act.

No. 2.—Against Persons not Accounting Officers.

WE do hereby certify, That in the Accounts under the Act of Parliament passed in the Session of Parliament held in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of the Act*], we have disallowed the Sum of £ as a Pay-
ment improperly made out of the Funds under the said Act ; and we
find that made or authorized the making of such
improper Payment, and we do hereby surcharge the said
with the same ; and the Reasons for such Disallowances and Surcharge
are [*here set out the Reasons for the same*].

As witness our Hands, this Day of in the
Year 18 .

Auditors appointed under the said Act.

LONDON :

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