



CHAPTER clviii.

An Act for reviving the powers granted by the Southend Local Board Act 1887 for the making of one of the Piers by that Act authorised for empowering the Corporation of the Borough of Southend-on-Sea to construct a new Pier and for conferring further powers on the Corporation in relation to buildings streets and sanitary matters and for making further and better provision for the Improvement Health and Local Government of the Borough and for other purposes. A.D. 1895.

[6th July 1895.]

WHEREAS by the Southend Local Board Act 1887 (in this Act called "the Act of 1887") the Southend Local Board (in this Act called "the local board") were authorised to make and maintain the works by that Act authorised which comprised (amongst other works) the new Piers (1) (2) and (3) described in section 6 of that Act and the respective periods limited by that Act for the completion of the works shown on the plans deposited for the purposes of and authorised by the Act and for the compulsory purchase of lands therefor were seven years and five years from the passing of the Act :

And whereas such works with the exception of the new Pier (3) have been completed but none of the powers of the Act of 1887 in relation to that pier have been exercised :

And whereas by the Act of 1887 the local board were empowered to acquire certain lands and foreshore (in this Act called "the foreshore") described in section 5 of that Act and to hold appropriate and use the same for such purposes as they might think fit :

And whereas in the year one thousand eight hundred and ninety-two a charter of incorporation was granted to the inhabitants of the town of Southend and they were incorporated by the name or style

A.D. 1895. of the mayor aldermen and burgesses of the borough of Southend-on-Sea (in this Act called "the Corporation") and all property of the local board became vested in the Corporation :

And whereas it is expedient that the powers of the Act of 1887 in relation to the new Pier (3) thereby authorised be revived and extended as by this Act provided and that the Corporation be empowered to make the new pier by this Act authorised by way of extension of the said new Pier (3) (both of which piers are in this Act referred to as "the new piers") :

And whereas it is expedient that further and better provision be made with reference to buildings streets and sanitary matters and for the improvement health and local government of the borough and that the powers of the Corporation in relation thereto be extended and enlarged as by this Act provided :

And whereas in pursuance of the provisions of the Acts relating to the existing pier undertaking and the foreshore (in this Act called "the existing Pier Acts") all money from time to time received by the local board and the Corporation in respect of the existing pier undertaking and the foreshore has been carried to the district fund account and the costs charges and expenses of the execution of the existing Pier Acts by the local board and the Corporation and in relation to the foreshore have been charged to and paid out of that account and all moneys borrowed by the local board and the Corporation respectively for the purposes of the existing pier undertaking and the foreshore have been borrowed on the security of the district fund and the general district rates :

And whereas the total sum borrowed on the security of the district fund and the general district rates and now remaining unpaid is one hundred and twenty-seven thousand and thirty-nine pounds five shillings and one penny of which sum eighty-one thousand and seventy-seven pounds thirteen shillings and ninepence has been borrowed for the purposes of the existing pier undertaking and the foreshore and the total sum borrowed on the security of the borough fund and borough rate and now remaining unpaid is four thousand five hundred pounds :

And whereas it is expedient that such provisions as are in this Act contained be made for transferring the revenue from and the expenses of and the charges in relation to the existing pier undertaking and foreshore from the district fund and general district rates to the borough fund and borough rate :

And whereas it is expedient that such further provisions as are in this Act contained be made with respect to the Corporation and the borough :

And whereas estimates have been prepared by the Corporation for the execution of the works and for the purchase of land by this Act authorised and the estimates are as follows (that is to say) :—

For the new piers and the works and conveniences
connected therewith - - - - - £20,700

And whereas the several works included in such estimates are permanent works within the meaning of the 234th section of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-eighth day of December one thousand eight hundred and ninety-four after ten clear days' notice by public advertisement of the meeting and of the purpose thereof in the "Southend Standard" a local newspaper published or circulating in the borough such notice being in addition to the ordinary notice required for summoning the meeting resolved that the expenses in relation to the promotion of the Bill for this Act should be charged on the district fund and general district rates of the borough :

And whereas that resolution was published twice in the said "Southend Standard" and has received the approval of one of Her Majesty's Principal Secretaries of State and of the Local Government Board :

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

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

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and the works the powers for which are by this Act revived and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act and describing those lands were duly deposited with the clerk of the peace for the county of Essex and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

A.D. 1895. — 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:—

PART I.—PRELIMINARY.

Short title. 1. This Act may be cited for all purposes as the Southend-on-Sea Corporation Act 1895.

Act divided into parts. 2. This Act is divided into parts as follows:—
Part I.—Preliminary.
Part II.—Piers.
Part III.—Provisions as to buildings streets and sanitary matters.
Part IV.—Beach and foreshore.
Part V.—Licensing.
Part VI.—Street traffic.
Part VII.—Police.
Part VIII.—Slaughter-houses.
Part IX.—Finance: Rates—Borrowing.
Part X.—Miscellaneous.

Incorporation of general Acts. 3. The following Acts so far as the same are applicable to the purposes of and are not varied by or are not inconsistent with this Act are incorporated with and form part of this Act:—

The Lands Clauses Acts; and

The Harbours Docks and Piers Clauses Act 1847:

Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to providing a tide or weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

Interpretation of terms. 4. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

“The borough” means the borough of Southend-on-Sea;

“The mayor” “the town clerk” “the treasurer.” “the surveyor” “the medical officer of health” “the inspector of nuisances” “the borough fund” “the borough rate” “the district fund” and “general district rate” mean respectively the mayor town clerk treasurer surveyor

medical officer of health inspector of nuisances borough fund borough rate district fund and general district rate of the borough;

A.D. 1895.

“The existing Pier Acts” means—

The Act 10 George IV. chapter xlix. intituled “An Act for making and maintaining a pier at or near Southend in the parish of Prittlewell in the county of Essex and for making convenient approaches to and from the same”;

The Act 5 and 6 William IV. chapter xc. intituled “An Act to explain and amend the powers of an Act of His late Majesty King George IV. for making a pier at Southend in the county of Essex”;

The Southend Local Board Act 1875; and

The Act of 1887;

“The Pier Acts” means the existing Pier Acts and this Act;

“The existing piers” means the existing piers at Southend and the property belonging thereto or held therewith now vested in and held by the Corporation;

“The pier undertaking” means the pier undertaking of the Corporation;

“Dwelling-house” means any building used or intended constructed or adapted to be used wholly or principally for human habitation by day or by night;

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

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

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Daily penalty” means a penalty for each day on which the offence is continued after conviction therefor:

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

A.D. 1895. (the purposes of this Act) in enactments incorporated with this Act—

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

Execution
of Act.

5. This Act shall be carried into execution by the Corporation acting by the council.

Limits of
Act.

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

PART II.—PIERS.

Revival of
powers for
new Pier
(3) autho-
rised by Act
of 1887.

7.—(1.) The powers of the Act of 1887 for the making and maintaining of the new Pier (3) by that Act authorised are by this Act revived and extended and all the powers and provisions of that Act as amended by this Act in relation to the said new Pier (3) may be exercised by and shall apply to the Corporation in the same manner as if the Corporation had been named in that Act instead of the local board.

(2.) If the said new Pier (3) is not completed within five years from the passing of this Act then on the expiration of that period the powers by the Act of 1887 and this Act granted for executing the same or in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to
make new
pier.

8. Subject to the provisions of this Act the Corporation may make and maintain in the line and according to the levels shown on the deposited plans and sections thereof the new pier herein-after described with all proper works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference relating thereto as may be required for that purpose. The new pier herein-before referred to and authorised by this Act will be wholly situate in the parish of Prittlewell in the county of Essex or on the bed and shore of the sea or river adjoining or near thereto and is—

A new pier commencing at or near the termination of the new Pier (3) authorised by the Act of 1887 (the powers for which are by this Act revived) and thence proceeding seawards in a southerly direction for a distance of 70 yards or thereabouts.

9. The following sections of the Act of 1887 shall extend and apply mutatis mutandis to and in relation to the Corporation and the new pier by this Act authorised (that is to say):—

A.D. 1895.
Applying
sections of
Act of
1887.

Section 7. Limits of lateral and vertical deviation for new piers.

Section 8. Powers to dredge &c.

Section 9. Lights on works.

Section 10. Local board to exhibit lights.

Section 11. Survey of works by Board of Trade.

Section 12. Abatement of work abandoned or decayed.

Section 13. Power to erect toll-houses &c.

Section 14. Powers to take tolls.

Section 15. Powers to take rates &c. for use of sheds &c.

Section 16. Powers to enter into composition for payment of tolls &c.

Section 17. Power to make byelaws.

Section 18. Exemption of Board of Trade officers from rates.

Section 22. Power to lease piers &c.

Section 31. Correction of errors in deposited plans and books of reference.

And all the rights and powers conferred by those sections on the local board and other bodies and persons in relation to the piers by that Act authorised may be exercised by the Corporation and such other bodies and persons in relation to the said new pier and all the duties and obligations imposed by those sections on the local board in relation to the piers by that Act authorised shall be performed and fulfilled by the Corporation in relation to the said new pier.

10. If the new pier and works connected therewith shown on the deposited plans thereof and authorised by this Act are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing the said new pier and works not so completed or in relation thereto shall cease except as to any part thereof then completed but nothing herein shall restrict the Corporation from extending enlarging altering or removing any of their landing stages machinery apparatus works and conveniences from time to time as occasion requires for the maintenance and working of the said new pier.

Period for
completion
of works.

11. The Corporation shall not under the powers of this Act or under the powers of the Act of 1887 revived and extended by this Act purchase or acquire ten or more houses which on the fifteenth day of December next before the passing of this Act or of the Act

Restriction
on taking
houses of
labouring
class.

A.D. 1895.

of 1887 as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

PART III.—PROVISIONS AS TO BUILDINGS STREETS AND SANITARY MATTERS.

Definition of building.

12. For the purposes of this Act the expression "building" (including "new building" as defined by the next following section) shall include any erection or construction of a permanent character whether of masonry brickwork wood iron or other materials and whether under or above the natural ground level and whether intended for human habitation or for trade or any other purpose whatever.

What to be deemed new buildings.

13. From and after the passing of this Act—

The erection of any building ;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof ;

The conversion into or using as a dwelling-house of any building not originally constructed for human habitation ;

The re-conversion into or using as a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house ;

The conversion into or using as two or more dwelling-houses of any building constructed originally as one dwelling-house ;

The conversion into one dwelling-house of two or more buildings constructed originally as separate dwelling-houses ;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only ; and

A.D. 1895.

The roofing or covering over of an open space between walls or buildings such open space not being joint or adjoining passages only ;

shall for the purposes of this Act and of the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a " new building " :

Provided that the conversion into one dwelling-house of two or more buildings constructed originally as separate dwelling-houses shall within the area now comprised in the borough be subject to the building byelaws (if any) in force at the time of the original erection of either of the buildings converted.

Provisions as
to conversion
of buildings.

14. There shall be exempted from the provisions of this part of this Act—

Exemptions.

(A) Every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service ;

(B) Any building (not being a dwelling-house) belonging to any railway company or water company and used by such company as a part of or in connexion with their undertaking.

15. In all cases plans and sections deposited with the Corporation or the surveyor in pursuance of any byelaw for the time being in force within the borough shall be retained by the Corporation unless the same have been supplied in duplicate when one copy shall be returned with the notice of approval or disapproval signed on behalf of the committee of the Corporation to whom such plans and sections may have been referred or by the town clerk or by the surveyor.

Plans &c.
deposited to
belong to
Corporation.

16. The approval by the Corporation of any plan of new buildings shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say) :—

Approval of
plans

As to plans approved after the passing of this Act within three years from the date of such approval ; and

A.D. 1895.

As to plans approved before the passing of this Act within three years from the passing of this Act:

And at the expiration of those respective periods fresh notice deposits and approval shall unless the Corporation otherwise determine be requisite:

The Corporation shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced.

Provisions
as to hoards
and other
structures
used for
advertising
purposes.

17.—(1.) Every hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

(2.) It shall not be lawful after the passing of this Act to erect any hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Corporation may determine.

(3.) The owner or other person using any hoard wall or other structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any nuisance being created in any street by reason of the falling off of any papers affixed for advertising purposes to such hoard wall or other structure shall forthwith remove and clear away such papers.

(4.) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5.) Any consent or condition under this section may be under the hand of the town clerk or the surveyor.

Power to
prohibit
cellars in
districts
liable to
floods.

18. The Corporation may from time to time prohibit in any part of the borough liable to be flooded or abutting upon any stream or watercourse the construction of any cellar or underground storey in any dwelling-house.

Byelaws as
to air space
of old build-
ings &c.

19. Subject to the provisions of this Act the Corporation may from time to time make and vary and enforce byelaws with respect

to the preservation in front and in the rear of buildings erected before the twentieth day of September one thousand eight hundred and eighty-one of open spaces to such and the same extent as shall by any byelaws for the time being in force within the borough be required with respect to new buildings Provided always that no byelaw made under this section shall require any open space adjoining a building erected before the date aforesaid to be preserved unless such open space exclusively belongs at the time of the passing of this Act to the owner of such building.

A.D. 1895.

20. Any cistern used for the supply of water for domestic purposes which is so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health shall be deemed to be a nuisance within the meaning of the Public Health Act 1875.

Regulation
as to cisterns.

21.—(1.) Whenever any structure or any part thereof or anything thereon or attached thereto or projecting therefrom is deemed by the surveyor to be in a state or position whereby public danger is or may be occasioned the surveyor shall give notice under his hand to the owner or occupier of such structure or to both of them requiring such owner or occupier forthwith to take down remove repair or secure the same to the satisfaction of the surveyor.

Dangerous
structures
and projec-
tions.

(2.) In case the work required by the notice is not begun within forty-eight hours after the service thereof or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits the surveyor may give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both of them to appear before a court of summary jurisdiction.

(3.) In case it appears to the court that immediate danger from such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid is to be apprehended the court may make an order authorising such surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith taken down removed repaired or secured.

(4.) In case it appears to the court that public danger is to be apprehended but that such danger is not immediate the court may make an order on such owner or occupier or both of them requiring him or them to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be taken down removed repaired or secured to the satisfaction of the surveyor within a period to be prescribed in such order In case such order is not obeyed within the period prescribed therein any person on

A.D. 1895. whom such order has been made shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5.) The court may at any time after the end of the period prescribed in such order make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be taken down removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty pay all the costs charges and expenses of and incidental to the execution of the order.

(6.) If the owner or occupier of any structure which the surveyor has deemed to be dangerous to the public cannot be found or does not appear after service of notice and summons as herein-before provided the court having cognizance of the matter may make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom as aforesaid to be forthwith taken down removed repaired or secured and the cost charges and expenses thereof shall be paid by such owner or occupier as aforesaid.

Certificate
that houses
fulfil certain
require-
ments.

22. No building which had not at the passing of this Act been occupied as a dwelling-house shall be so occupied until the drainage thereof shall have been made and completed and a proper water supply shall have been laid on thereto nor until a certificate shall have been granted by the surveyor to the owner that such house is in every respect fit for human habitation. Provided that if the surveyor shall fail to give such a certificate within fourteen days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime have specified to the owner in what respects such building is not fit for human habitation then such building shall be thenceforth deemed to be in every respect fit for human habitation and may be occupied as a dwelling-house and if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or shall allow to be occupied and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Under-
takings &c.
to bind
successive
owners

23. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the

removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement and every intending owner or lessee of property shall be entitled to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

A.D. 1895.

24. Every person desirous of forming a communication for horses or vehicles across any footway so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case a plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such communication as aforesaid has been so made or unless with the consent of the Corporation in writing under the hand of the town clerk he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of the damage (if any) thereby done to such footway.

Crossing for
horses or
vehicles over
footways.

25. If it shall appear to the Corporation by the report of the surveyor inspector of nuisances or medical officer of health that any cesspool or other receptacle used or formerly used as a receptacle for excreta or for the whole or any part of the drainage of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool or other

Provision as
to filling up
of cesspools
&c.

A.D. 1895.

receptacle to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed and taken away. And in case it appears that any such cesspool or receptacle is used in common by the occupiers of two or more houses or parts of houses the notice for the filling up or removal of any such cesspool or receptacle shall be served on the owners and on any one or more of the occupiers of such houses and it shall not be necessary to serve such notice upon all such occupiers.

Any person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may require offensive urinals to be removed.

26. If any urinal or convenience now or hereafter erected in or opening upon any street shall in the opinion of the inspector of nuisances be so placed as to be a nuisance or offensive to public decency the Corporation may by notice in writing require the owner to remove such urinal or convenience to a place to be specified by them free from such objection and any person offending against this enactment shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Urinals to be attached to refreshment houses &c.

27. The Corporation may order the occupier of any inn public-house beerhouse or refreshment house built before or after the passing of this Act to provide and maintain upon his premises in a position to be specified in the order urinals to the satisfaction of the Corporation and if any person fails after the expiration of fourteen days from the service of such order to comply with the provisions of this section he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty of twenty shillings but this section shall not apply to any refreshment house which shall for the time being be rated to the relief of the poor on a less value than twenty pounds.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes.

28. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of and of the persons employed by any person earning a livelihood or deriving gain by the washing or mangling of clothes whether within or outside the borough the Corporation may require such person to furnish to the medical officer of health within a time to be fixed by them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled or of the persons who have been employed by any such person as aforesaid during the past six weeks and such person shall furnish such list

accordingly and the Corporation shall pay to him or her for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings. Every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

A.D. 1895:

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

Cowkeepers
and others to
furnish list
of customers
in certain
cases.

PART IV.—BEACH AND FORESHORE.

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

Corporation
may make
byelaws as to
user of beach
and fore-
shore &c.

For regulating the erection or placing on the beach foreshore sands sea walls marine esplanades and other open spaces on the sea front belonging to or for the time being in the possession of or in the occupation of the Corporation (all of which places are in this part of this Act included in the words "the beach") or any part or parts thereof of any booths tents sheds stands stalls shows exhibitions swings roundabouts or other erections vans photographic carts or other vehicles and the playing of any games on the beach and generally for regulating the user for such purposes as shall be prescribed by the byelaws of the beach or any part thereof:

For regulating the selling and hawking of any article commodity or thing on the beach:

A.D. 1895.

For regulating the user of the beach or any part thereof for riding and driving :

For setting apart from time to time parts of the beach upon which persons may erect or place any booths tents sheds stands stalls shows exhibitions swings roundabouts or other erections vans photographic carts or other vehicles play games deliver lectures sermons or speeches hold entertainments or perform music and for regulating the assemblage of persons the delivery of lectures sermons or speeches the holding of entertainments and the playing of music upon the parts so set apart as aforesaid and for prohibiting the use for the purposes aforesaid of any other part of the beach :

For the preservation of order and good conduct among persons frequenting the beach.

Power to
license
pleasure
boats &c.

31.—(1.) The Corporation may from time to time grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge a fee of one shilling for every such licence.

(2.) Any such licence may be granted for such period as the Corporation may think fit and may be suspended or revoked or endorsed by the Corporation whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of the power to suspend revoke or endorse a licence shall be plainly set forth in the licence itself.

(3.) No person shall let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel not so licensed.

(4.) No person shall act as a boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire who is not licensed by the Corporation as aforesaid.

(5.) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatman or person assisting in the charge or navigation of such boat or vessel.

(6.) Every person who shall act in contravention of the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding five pounds.

A.D. 1895.

(7.) Offences against the provisions of this section and penalties imposed or recoverable thereunder may be prosecuted and recovered summarily.

(8.) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to a petty sessional court held in and for the borough after the expiration of two clear days after such grant withholding suspension revocation or endorsement provided that the person so aggrieved shall give twenty-four hours written notice of such appeal and the grounds thereof to the town clerk of the borough and the court shall have power to award costs to the successful party such costs to be recoverable in like manner as a penalty under this section.

32. The Corporation may from time to time erect and maintain on any lands belonging to them by virtue of their ownership of the existing pier undertaking baths wash-houses saloons shops public assembly refreshment concert and reading rooms shelters band-stands lavatories and other places and conveniences for the use and accommodation of the inhabitants of and visitors to the borough and may fit up and furnish the same and may appoint employ and remove persons to manage and take charge of any of the premises and may pay to such persons such salaries or remuneration as they may think fit and may from time to time make alter repeal and enforce regulations with respect to admissions thereto and the user thereof and may make such charges as they think fit for the use of any of the said premises.

Power to erect buildings and conveniences.

PART V.—LICENSING.

33.—(1.) The Corporation may from time to time grant to every person they think fit a licence to carry on the calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such licence.

Power to license persons following certain callings.

(2.) Any licence issued by the Corporation under this Act may be granted for a year or for any less period according as the Corporation may think fit and may be suspended or revoked or endorsed by the Corporation whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

34. Every licence whensoever issued shall expire on the first Monday in the month of April next following the date of its issue

Conditions as to licences.

A.D. 1895. and may contain conditions as to the badge which the holder of any such licence shall wear.

Appeal
against sus-
pension of
licences.

35. If any person feels himself aggrieved by the suspension or revocation of his licence he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear to it expedient.

Penalty on
persons
misrepre-
senting
themselves
to be
licensed.

36. If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in the foregoing section in this part of this Act whereof the marginal note is "Power to license persons following certain callings" he shall be liable to a penalty not exceeding twenty shillings.

PART VI.—STREET TRAFFIC.

Restriction
on adver-
tising
vehicles.

37. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit. Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds.

Prevention
and removal
of projec-
tions over
streets.

38. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Route of
processions
&c. during
hours of
divine
service.

39. On application to the Corporation by the minister or church-wardens or officials of any church chapel or other place of public worship within the borough the Corporation may make orders for regulating the route by which processions with music or singing shall pass in the neighbourhood of such places of worship during hours of divine service on Sunday Christmas Day Good Friday or any day appointed for a public fast or thanksgiving and any orders so made shall be printed and put up on or near the church chapel or place of public worship to which the same refer and in some conspicuous places near and leading thereto and elsewhere as the Corporation direct and any wilful breach of any such order shall

be deemed a separate offence against this Act and every person committing any such offence shall be liable to a penalty not exceeding forty shillings Provided that this section shall not apply to any of Her Majesty's naval military or volunteer forces. A.D. 1895.

PART VII.—POLICE.

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

41. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings. Street musicians to depart on request.

42. Any two or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings. Betting in streets and public places prohibited.

43. The Corporation may from time to time make and enforce byelaws for prescribing hours within which during any fair or at any other time any show booth caravan circus or exhibition may be kept open and for preserving order therein. Regulation of shows caravans &c.

44. The powers conferred upon the Corporation by the Municipal Corporations Acts to make and enforce byelaws for the good rule and government of the borough shall be deemed to include the power to make and enforce byelaws to regulate or if the council think fit to prohibit the use of any organ or other musical instrument worked by steam or other mechanical means or any steam whistle or horn within the borough Provided always that this section shall not apply to any locomotive or steam engine in use on any railway within the borough. Power to make bye-laws as to steam whistles &c.

PART VIII.—SLAUGHTER-HOUSES.

45. After the Corporation shall have provided adequate slaughter-houses and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the Slaughtering prohibited except in Corporation

A.D. 1895.
slaughter-
houses when
provided.

borough of notice to that effect no person shall except with their consent slaughter any cattle or sheep within the borough except in such slaughter-houses and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided always that the Corporation shall make compensation to the owner and occupier of any slaughter-house who shall be injuriously affected by the exercise of the prohibition in this section contained the amount of such compensation in case of dispute to be settled by arbitration:

Provided always that nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order licence or act of the Board of Agriculture made granted or done thereunder.

PART IX.—FINANCE: RATES.

Corporation
may collect
municipal
rates.

46.—(1.) The Corporation may if they think fit from and after the passing of this Act by resolution of the council determine themselves to levy collect and recover as well as to make and assess all or any of the municipal rates as herein-after defined.

(2.) After the passing of the aforesaid resolution the council shall from time to time make any municipal rate of the amount in the pound necessary for raising the sum estimated by the council to be required for the purposes to which such rate is applicable but subject to any limitation of amount to which any such rate is subject.

(3.) Every municipal rate so made by the council shall (subject to the provisions of this Act) be assessed on and levied from the occupiers of all hereditaments in the borough for the time being by law assessable to any rate for the relief of the poor and shall be assessed on the full net annual value of such property as ascertained by the valuation list for the time being in force or if there be none by the rate for the relief of the poor made next before the making of the assessment under this Act.

(4.) Subject as aforesaid the council may make assess levy collect and recover any such municipal rate in the same manner as and with and under the same provisions (except as to reductions in the assessment and deductions from the amounts of rates) with which they make assess levy and recover the general district rates and they may so make assess levy collect and recover the same rates either together or as separate rates.

(5.) They may employ and pay such clerks collectors and other persons as may be required for the purpose of this section and the Corporation and persons so employed shall as nearly as may be have

the like powers rights and remedies for and be subject to the like obligations with respect to the making assessing levying collecting and recovering of such rates as overseers have and are subject to by law in relation to poor rates and the obligations and duties of the overseers and their collectors shall on the exercise by the Corporation of the powers of this section cease in relation to the making assessing levying and collecting of the said rates within the borough.

(6.) Nothing in this section shall prejudice or affect the collection and recovery by the overseers of any borough rate or municipal rate made before the Corporation so exercise the said powers.

(7.) Nothing in this Act shall be construed to require any municipal rate to be allowed by justices.

(8.) The Corporation may include any municipal rate general district rate and all other rates for the time being leviable by them in one or more book or books or set of books of assessment with separate columns and divisions and in one demand note.

47. In and for the purposes of this and the last preceding section the expression municipal rates means and includes the borough rate and watch rate and all other rates or contributions (general or special) which the council are authorised to levy under this Act or to levy or cause to be levied under or for the purposes of the following Acts (namely):—

Definition of
municipal
rates.

The Public Libraries (England) Acts 1855 to 1889 and any Act amending the same;

The Elementary Education Acts 1870 to 1879 and any Act amending the same;

The Municipal Corporations Act 1882 and any Act amending the same;

and any other Public or Local Act or Acts for the time being and from time to time hereafter in force authorising the Corporation or the council to levy or cause to be levied or to pay or provide any rate contribution sum of money or payment on the same basis as or out of the borough rate.

48. Compensation may be paid by the Corporation out of the borough fund and borough rate to any collector of rates or other officer (other than officers appointed annually) who shall have held his office for at least one year and who may be deprived of any emolument in consequence of the exercise by the Corporation of the powers of this part of this Act and any such compensation may (at the option of the Corporation) be by way of annuity or otherwise. Provided that any such collector or other officer who shall at any

Compensa-
tion may be
paid out of
borough fund
and borough
rate.

A.D. 1895.

time accept employment in any office under the Corporation shall to the extent of the value of the employment be deemed to have waived all right to compensation under this section. Provided also that any compensation given under the provisions of this section shall not exceed the amount which under the Acts and rules relating to Her Majesty's Civil Service is paid to a person on abolition of office and if a claimant is aggrieved by the refusal of the Corporation to grant any compensation or by the amount of compensation assessed the claimant may within three months of the decision of the Corporation appeal to the Treasury who shall consider the case and determine whether any compensation and if so what amount ought to be granted to the claimant and such determination shall be final.

BORROWING.

Power to borrow.

49. The Corporation may from time to time (independently of and so as not to affect any other their borrowing power) borrow at interest on the security of the revenue of the pier undertaking and foreshore and of the borough fund and borough rate and of the district fund and general district rate or any or either of them for the purposes herein-after mentioned the sums of money following (that is to say) :—

For the new piers and works connected therewith any sum or sums not exceeding twenty thousand seven hundred pounds ;

For paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as herein-after provided the sum requisite for that purpose ;

For the purposes of the new piers and works connected therewith and for any of the other purposes of this Act such further sums of money as may be necessary and as shall from time to time be sanctioned by the Local Government Board :

And the Corporation may from time to time mortgage the same revenue funds and rates or any or either of them to secure the repayment of moneys borrowed under this section with interest accordingly.

Cancellation of borrowing powers of Act of 1887 for purposes of new pier (3).

50. Notwithstanding anything contained in the Act of 1887 or this Act it shall not be lawful for the Corporation to borrow under the powers of the Act of 1887 any money for the purposes of the new Pier (3) by that Act authorised and all powers of borrowing under that Act for the purposes of the said new Pier (3) are hereby cancelled.

51. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

A.D. 1895.
Power to Local Government Board to direct inquiries.

The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Payment of expenses of Local Government Board.

52. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act as to borrowing not to apply.

53. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Provisions of Public Health Act as to mortgages to apply.

Section 236. Form of mortgage.

Section 237. Register of mortgages.

Section 238. Transfer of mortgages.

Section 239. Receiver may be appointed in certain cases.

54. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

Period for payment off of money borrowed.

As to moneys borrowed for the purposes of the new piers and works connected therewith forty years from the date of borrowing the same ;

As to moneys borrowed for purposes of this Act with the approval of the Local Government Board within such period as that Board may think fit to sanction ;

As to moneys borrowed for the payment of the costs charges and expenses provided for by the last section of this Act whereof the marginal note is "expenses of Act" within five years from the date of the borrowing of the same.

55. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture

Power to borrow under Local Loans Act 1875.

A.D. 1895. stock or annuity certificates or partly in one way and partly in another.

All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

All moneys borrowed in accordance with this section shall be discharged within the prescribed periods.

Payment off
of money
borrowed.

56. The Corporation shall pay off all money borrowed by them under the powers of this Act and not under the powers of the Local Loans Act 1875 by equal annual or half-yearly instalments of principal or of principal and interest combined or by a sinking fund and all moneys borrowed under the powers of the Local Loans Act 1875 shall be repaid by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act as modified by the next succeeding section of this Act shall apply accordingly The Corporation shall not invest any sinking fund in their own securities or in any securities payable to bearer.

Provisions
as to sinking
fund.

57.—(1.) Where the Corporation effect the repayment of any sum borrowed under this Act by means of a sinking fund they shall in every year pay out of the funds rates tolls or revenue on the security of which money is borrowed under this Act such equal annual sum as will with the accumulation thereof by way of compound interest calculated at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the sum borrowed within the period fixed for such repayment.

(2.) The date for the first payment into the sinking fund in respect of any sum borrowed under this Act shall be the twenty-fifth day of March next following the date on which such sum is borrowed.

Investment
of sinking
fund.

(3.) All sums paid into the sinking fund shall be as soon as may be invested by the Corporation in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures stock or other securities not being annuities or securities payable to bearer authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Corporation and any such investments may be from time to time varied or transposed and all dividends and other sums received in

respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Corporation in like manner. A.D. 1895.

(4.) And if and as often as the income derived from such investment is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds rates tolls or revenue which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

58.—(1.) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created. Application
of sinking
fund.

(2.) Whenever any of such principal moneys have been so paid off the Corporation shall thenceforward until the whole of the principal moneys owing by the Corporation under this Act have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the equal annual payments to the fund are based.

(3.) When and so long as the securities standing to the credit of the sinking fund shall at the market price of the day be equal in value to the principal moneys then due and outstanding the Corporation may in lieu of investing the yearly income arising from the sinking fund apply the same in payment of the interest of the principal moneys then due and outstanding and may during such period discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

59. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation Power to
re-borrow.

A.D. 1895. with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Protection
of lender
from
inquiry.

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

Corporation
not to regard
trusts.

61. The Corporation shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them under this Act may be subject but the receipt of the person or persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for loan stands in the books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

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

62.—(1.) The treasurer shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under the Pier Acts transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as

penalties recoverable under the Public Health Acts in a summary manner may be recovered by parties aggrieved within the meaning of those Acts.

A.D. 1895.

(2.) If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by the Pier Acts for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply *mutatis mutandis* to appropriations and annual repayments.

63. Money borrowed by the Corporation under this Act shall be applied only for purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Application
of money
borrowed.

64. Notwithstanding anything contained in any of the existing Pier Acts from and after the twenty-ninth day of September one thousand eight hundred and ninety-five--

Transfer of
receipts and
expenses of
and charges
in relation
to pier
undertaking
and foreshore
to borough
fund and
borough
rate.

(1) All moneys on the said twenty-ninth day of September standing to the credit of the district fund account received from or in respect of the existing pier undertaking and the foreshore shall be carried to the credit and form part of the borough fund :

(2) All mortgages and other securities which before the said twenty-ninth day of September shall have been charged on the district fund and general district rates for securing the repayment of money borrowed for the purposes of the existing pier undertaking and the foreshore shall on and from the said twenty-ninth day of September by virtue of this Act cease to be charged on the district fund and general district rates and shall become and be (so far as they are then subsisting) valid and effectual charges on the borough fund and borough rate to the same extent as they were charged on the district fund and general district rates and with the like rights powers and remedies for enforcing payment of all or any moneys from time to time due in respect of any such mortgage or other security as aforesaid :

(3) All the provisions of the existing Pier Acts authorising or relating to the borrowing of money for the purposes of the

A.D. 1895.

existing pier undertaking and the foreshore shall be read and have effect as if the Corporation had been named therein instead of the local board and as if in lieu of the district fund and general district rates there had been inserted therein the borough fund and borough rate.

Separate
account of
pier under-
taking and
foreshore.

65. The Corporation shall keep a separate account to be called the pier and foreshore account of all receipts payments credits and liabilities on capital and revenue accounts respectively in respect of the execution by them of so much of the Pier Acts as relates to the pier undertaking and the foreshore.

Application
of pier and
foreshore
revenue.

66. All moneys from time to time received by the Corporation by way of revenue in respect of the pier undertaking and the foreshore shall be applied by them as follows:—

- (1) In payment of the working and establishment expenses and cost of maintenance of the pier undertaking and the foreshore including all costs expenses penalties and damages incurred or payable by the Corporation consequent upon any proceedings by or against the Corporation their officers or servants in relation to the pier undertaking and the foreshore :
- (2) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the local board and the Corporation in respect of money borrowed for the pier undertaking and the foreshore :
- (3) In providing any instalments or sinking fund or appropriations or annual repayments required to be provided in respect of moneys borrowed for the pier undertaking and the foreshore :
- (4) In payment of all other their expenses of executing so much of the Pier Acts as relates to the pier undertaking and the foreshore not being expenses properly chargeable to capital :
- (5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Corporation and accumulating the same at compound interest until the fund so formed amounts to one fifth of the aggregate capital expenditure on the pier undertaking and the foreshore which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the pier undertaking and the foreshore or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the pier

undertaking and the foreshore and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens :

A.D. 1895.

And the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit shall be carried to the credit of the borough fund and be applicable to the general purposes thereof.

67. In case the revenue of the Corporation from the pier undertaking and the foreshore shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Corporation with respect thereto and for the payment of the interest or dividend on any mortgages stock or other securities granted and issued by the local board and the Corporation in respect of money borrowed for the pier undertaking and the foreshore and for providing any instalments or sinking fund or appropriations or annual repayments required to be provided in respect of moneys borrowed for the pier undertaking and the foreshore the Corporation may include the amount of such insufficiency in their estimate for the next borough rate and defray the same out of the borough fund.

Providing
for any
deficiency
in reven
from pier
undertaking
and fore-
shore.

68. Section 11 (Application of receipts from pier and expenses of pier) and section 15 (Annual return with respect to sinking fund) of the Southend Local Board Act 1875 and section 20 (Applying section 11 of Act of 1875 to new piers) and section 43 (Annual return to Local Government Board with respect to sinking funds and instalments) of the Southend Local Board Act 1887 are by this Act repealed as from and after the twenty-ninth day of September one thousand eight hundred and ninety-five.

Repeal of
sections of
Acts of 1875
and 1887.

69. From and after the twenty-fifth day of March one thousand eight hundred and ninety-six sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall not apply to the accounts of the Corporation or of the treasurer or of the officers of the Corporation but the accounts of the Corporation and of the treasurer and the officers of the Corporation under any Public or Private Act of Parliament shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban district council and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums shall apply in like manner as if so far as they relate to an audit of the

Audit of
accounts.

A.D. 1895. — accounts of an urban district council and the officers of such council they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of such audit.

PART X.—MISCELLANEOUS.

Telegraphic
&c. com-
munications
between
town hall
and offices.

70. The Corporation may from time to time provide and maintain between any two or more of the following places (that is to say) The Town Hall any office or building in the exclusive occupation of the Corporation any station of a volunteer fire brigade and the private residences of any member of such brigade such telegraphic or telephonic communication as the Corporation may deem fit but such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Corporation as if the Corporation were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

General
provisions as
to byelaws.

71. All byelaws from time to time made by the Corporation under the powers of this Act except byelaws made under Part II. (Piers) shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority and the Corporation may provide for the observance of any such byelaws by enacting therein such provisions (as far as applicable) as may be inserted in byelaws made under section 157 of the Public Health Act 1875. Provided that the Secretary of State shall be the confirming authority for byelaws made under the section of this Act the marginal note whereof is "Corporation may make byelaws as to user of beach and foreshore &c." and under Part VII. (Police) of this Act.

Authenti-
cation and
service of
notices.

72. Any notice or other such document under this Act requiring authentication by the Corporation may be signed by the town clerk or the surveyor as the case may be on behalf of the Corporation. Notices orders and any other documents required or authorised to be served under this Act may be served in the same

manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of a railway or other public company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

A.D. 1895.

73. Except where otherwise expressed to the contrary any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk or by being sent through the post in a registered letter directed to the town clerk.

Service of
notice on
Corporation.

74. When any compensation damages expenses costs or charges is or are directed to be paid under this Act and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensa-
tion how to
be deter-
mined.

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

Penalty on
occupiers
refusing
execution of
Act.

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

76. Where the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences

As to
consent of
Corporation.

A.D. 1895. equivalent to the execution of the work or the doing of the act or thing without the required consent.

Recovery of penalties &c.

77. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Penalties to be paid over to the treasurer &c.

78. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer and be by him as to penalties in connexion with municipal matters carried to the credit of the borough fund as to penalties in connexion with sanitary matters carried to the credit of the district fund and in connexion with other matters to such fund as the Corporation may direct.

As to appeal.

79. Any person deeming himself aggrieved by any order judgment determination assessment or requirement or the withholding or refusal of any certificate licence consent approval or relief of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Power to enter and break open premises in case of fire.

80. Any police constable authorised to act as such in the borough may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Saving rights of Crown under Crown Lands Act.

81. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of Crown in foreshore (Board of Trade).

82. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent

Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

A.D. 1895.

83. This Act shall not operate to take away or abridge such right title or interest (if any) as the Corporation may have in to or over the foreshore described in section 5 of the Act of 1887 or any part thereof Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the Corporation to the foreshore aforesaid but the right and title to such foreshore shall remain in the same state as if this Act had not been passed.

Saving
rights of
Corporation
in foreshore;

84. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the funds and rates under the control of the Corporation or out of moneys borrowed on the security thereof under the powers of this Act.

Expenses of
Act.

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