



CHAPTER ccxxi.

An Act to confer further powers upon the Mayor Aldermen and Burgesses of the Borough of Brighton and for other purposes. A.D. 1896.
[7th August 1896.]

WHEREAS the Borough of Brighton in the county of Sussex (herein-after referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (herein-after referred to as "the Corporation") and is a county borough under the Local Government Acts 1888 and 1894 and the Corporation acting by the council of the borough are the sanitary authority of the borough with the powers and obligations of an urban authority :

And whereas it is expedient that the Corporation be authorised to construct the embankments herein-after described and that further powers be conferred upon the Corporation for the establishment of swimming baths :

And whereas by the Brighton Borough Extension Act 1873 (herein-after called "the Act of 1873") after reciting that by an indenture dated the twenty-fifth day of August one thousand eight hundred and forty-nine and made or expressed to be made between Richard Hart and Sarah his wife of the one part and Henry Hart George Philcox Hill William Boxall Edmund Vallance and George Frederick Henwood of the other part two pieces of ground in Brighton called the North Enclosures (which are herein-after referred to as "the North Enclosures") were granted to the said Henry Hart George Philcox Hill William Boxall Edmund Vallance and George Frederick Henwood their heirs and assigns upon the trusts declared in the said indenture for the use and enjoyment of the said pieces of ground as pleasure grounds and that the said indenture was enrolled in the Court

A.D. 1896. — of Chancery And reciting that by indentures dated respectively the twenty-fifth day of May one thousand eight hundred and fifty-seven and the nineteenth day of June one thousand eight hundred and sixty-six Charles Vallance William Percival Boxall and Jacob Boys were appointed trustees under and for the purposes of the said indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine in the room of the said Edmund Vallance George Frederick Henwood and William Boxall and that the then trustees under and for the purposes of the said indenture were the said Henry Hart George Philcox Hill Charles Vallance William Percival Boxall and Jacob Boys and that it was expedient that the trust declared by the said indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine should be continued but that all future trustees should be nominated by the town council (meaning the council of the borough) and that no buildings should be erected on the said enclosures except such erections as might be considered necessary by the said town council for the proper management of the enclosures It was enacted that no building except such gardeners' lodges tool sheds or other erections as might be considered by the trustees for the time being necessary for the proper management of the said enclosures should be erected or placed thereon and that whenever a trustee under the indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine set forth in the schedule to the now reciting Act should die or desire to be discharged from or refuse or become incapable to act in the trusts of the said indenture declared it should be lawful for the said town council to nominate a person to act as trustee under the said indenture in the place of the trustee so dying or desiring to be discharged from or refusing or becoming incapable to act in the said trusts and that such person should be selected as far as reasonably practicable from amongst the principal owners or occupiers of the property in the immediate neighbourhood of the said enclosures and should by the surviving or continuing trustees be appointed a trustee in manner provided by the said indenture as if he had been selected or nominated by such surviving or continuing trustees but that except as therein expressly provided nothing in the Act of 1873 should alter prejudice or affect the said indenture :

And whereas the present trustees under and for the purposes of the said indenture are William Percival Boxall Henry Davey Oliver Weston William Botting and Edward James Reeves :

And whereas it is expedient that the said enclosures be vested in the Corporation as a public walk or pleasure ground and that the powers herein-after set forth be conferred upon the Corporation with respect thereto and the said William Percival Boxall Henry Davey Oliver Weston William Botting and Edward James Reeves (herein-after referred to as "the Trustees of the North Enclosures") have agreed that all their powers duties and liabilities under the said indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine should be transferred to the Corporation and that the said enclosures should be vested in the Corporation for all their estate and interest therein: A.D. 1896.

And whereas many of the provisions of the said indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine will be inapplicable to the said enclosures when transferred to the Corporation as aforesaid and it is expedient that the said indenture be cancelled:

And whereas by the Brighton Improvement Act 1884 (in this Act called "the Act of 1884") after reciting and describing certain indentures affecting the lands and premises described in Part II. of Schedule B to that Act under the title of Racecourse and the conveyance thereof subject to certain covenants including a covenant that the inhabitants and visitors of the town of Brighthelmstone in the county of Sussex and the public in general should be permitted and suffered to use and enjoy the said Racecourse for the purposes of racing and of exercise or other diversion and to use the racestand and other buildings on the said Racecourse subject to such orders and regulations as certain persons and their successors who by the third indenture in the said Act recited were constituted managing trustees of certain trust estates and premises in that indenture more particularly described or the majority of such managing trustees might from time to time devise and ordain and the expediency of transferring to and vesting in the Corporation the rights powers privileges and authorities of such managing trustees it was enacted that all the rights powers privileges and authorities of Eardley Nicholas Hall Charles Lamb John Leonhardt Brigden Charles Spencer Scrase Dickens William Percival Boxall and Richard Alexander Bevan and their successors (the then managing trustees) and the benefit of all covenants to which they were entitled at the time of the passing of the Act of 1884 as set out therein with respect to the Racecourse should be vested in the Corporation and the

A.D. 1896. Corporation were empowered from time to time by agreement to purchase or acquire all the estate rights and interest of any person in the Racecourse or any part of the same and to hold the same for the purposes therein mentioned :

And whereas by an indenture dated the first day of October one thousand eight hundred and eighty-eight and made between the Reverend Augustus George Legge and Walter Douglas Legge of the first part the Most Honourable Frederick William John Marquis of Bristol of the second part and the Corporation of the third part the freehold of and in the hereditaments situate in the parish of Brighton and described in Part II. of Schedule B to the said Act except such parts thereof as consisted of the several strips or parcels of land mentioned in the said schedule as being described on the map annexed to the third indenture were conveyed to the Corporation to hold the same subject as to certain part of the premises to an indenture of lease dated the twenty-fourth day of June one thousand seven hundred and ninety-six (the term granted by which indenture expired on the twenty-fourth day of June one thousand eight hundred and ninety-five) and subject as to other part of the said premises to an indenture of lease dated the twenty-fifth day of June one thousand eight hundred and eighty-eight whereby such part thereof was demised to Frederick Francis Hallett for the term of twelve years from the twenty-ninth September one thousand eight hundred and eighty-six and subject also and without prejudice to all existing rights and privileges of the inhabitants and visitors of Brighton and the public in general to the use and enjoyment of the same for the purposes of racing exercise and diversion and subject also to the observance and performance by the Corporation their successors and assigns of the covenants and agreements herein-before referred to and then affecting the same :

And whereas by an indenture dated the twenty-third day of October one thousand eight hundred and eighty-nine and made between the said Frederick Francis Hallett of the one part and the Corporation of the other part the said Frederick Francis Hallett assigned to the Corporation all his interest under the said indenture of the twenty-fifth day of June one thousand eight hundred and eighty-eight :

And whereas by an indenture dated the fourth day of May one thousand eight hundred and ninety-five and made between the Reverend Arthur Douglas Wagner Henry Wagner and Henry Thomas West of the first part the said Henry Thomas West and Thomas Faulconer Wisden of the second

part the said Thomas Faulconer Wisden of the third part Sarah Ann Jones of the fourth part Steyning Beard of the fifth part Henry Abbey John Leonhardt Brigden and William Seymour Burrows of the sixth part and the Corporation of the seventh part the freehold of certain hereditaments situate in the parish of Ovingdean described in Schedule A. hereto annexed (being that part of the premises theretofore used for the purposes and as part of the Brighton Racecourse which is situate outside the borough of Brighton together with a strip of land fifteen feet in width situate on the south and west sides thereof) were conveyed to the Corporation to hold the same for ever for the benefit of the inhabitants and visitors at Brighton and the public in general for and as part of the race ground for the purpose of racing exercise recreation or other diversion subject to the lease and licence herein-after recited and subject to the rights stipulations and covenants therein-after contained which conveyance was made upon the condition that the Corporation would grant to the said Henry Abbey John Leonhardt Brigden and William Seymour Burrows the lease and licence next hereinafter recited :

And whereas by an indenture dated the fourth day of May one thousand eight hundred and ninety-five and made between the Corporation of the one part and the said Henry Abbey John Leonhardt Brigden and William Seymour Burrows of the other part a certain piece of land situate on or near the Racecourse whereon buildings were standing and used as a racestand for the accommodation of company resorting to the races at Brighton was demised to the said Henry Abbey John Leonhardt Brigden and William Seymour Burrows for the term of three years from the twenty-fourth day of June one thousand eight hundred and ninety-five and the Corporation did by the same indenture grant to the said Henry Abbey John Leonhardt Brigden and William Seymour Burrows from the date thereof until the twenty-fourth day of June one thousand eight hundred and ninety-eight the sole and exclusive right to use for the purposes of racing and in the manner in which the same had theretofore been so used by them all such portion of the several pieces of land respectively situate in the parish of Brighton and the parish of Ovingdean which were conveyed to the Corporation by the before-recited indentures of the first day of October one thousand eight hundred and eighty-eight and the fourth day of May one thousand eight hundred and ninety-five as should have there-

A.D. 1896. tofore been used for the purposes of the Brighton Racecourse and the races :

And whereas the Corporation are or are reputed to be the registered proprietors under an absolute title of certain freehold lands in the borough of Brighton known as the Queen's Park subject to a lease dated the fifth day of February one thousand eight hundred and thirty-six whereby such part of the Queen's Park as was known as the German Spa was demised to Henry Joseph Swaine for eighty-five years from the first day of January then last and to a certain mutual agreement entered into between the lessor and lessee as to the user of the German Spa and Queen's Park and subject to an indenture dated the twenty-second day of December one thousand eight hundred and ninety and made between Frances Kate Duddell of the first part Samuel Ridley Henry Abbey John Leonhardt Brigden and William Seymour Burrows of the second part and the Corporation of the third part whereby the Corporation covenanted that the said lands should at all times thereafter be used as and for a public park and recreation ground only provided that such restriction should not prevent the same being occasionally closed and a charge made to the public for admission :

And whereas by two indentures dated respectively the sixth day of April one thousand eight hundred and ninety-four and the first day of September one thousand eight hundred and ninety-four and made between John George Blaker of the one part and the Corporation of the other part and which indentures were respectively enrolled in the books of the Charity Commissioners for England and Wales certain lands situate in the parish of Preston and now known as the Blaker Recreation Ground were conveyed to the Corporation to the intent that the same might be used by the inhabitants and visitors of the said borough of Brighton as and for a public recreation ground and the Corporation covenanted to lay out and subsequently maintain and keep in good order and condition with all proper and requisite walls or fences thereto for enclosing the same the said hereditaments as and for the purpose or use only of a public recreation ground or pleasure garden and not to erect or allow or permit to be erected on the said hereditaments any buildings except summer-houses or other buildings of a like or similar construction that may be found necessary to be erected thereon for the use of the same as and for a recreation ground and not to sell nor allow nor permit to be sold on the said

hereditaments or any part thereof any beer wine spirits or other intoxicating drink of any kind whatsoever : A.D. 1896.

And whereas it is expedient that the Corporation be empowered to exercise with respect to the portion of the Racecourse acquired by them under and by virtue of the herein-before recited indenture of the fourth day of May one thousand eight hundred and ninety-five all such and the like rights powers privileges and authorities as they now have and may exercise with respect to the remainder of the Racecourse acquired by them as aforesaid and that further powers be conferred upon them as herein-after provided with respect to the said Racecourse and Queen's Park and Blaker Recreation Ground :

And whereas it is expedient that the powers of the Corporation with respect to the prevention of the spread of infectious disease and sanitary matters be extended and that further provision be made for the good government of the borough :

And whereas by the Brighton Corporation Loans Act 1886 (herein-after called "the Loans Act of 1886") the Corporation were empowered to create and issue Corporation stock and it is expedient that the powers of the Corporation under that Act should be extended and enlarged as in this Act provided :

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

And whereas estimates have been prepared by the Corporation of the cost of executing the powers of this Act in connection with the embankments or retaining walls authorised by Part II. of this Act and such estimates amount to the sum of ninety thousand pounds :

And whereas the several works included in such estimates are permanent works within the meaning of section 234 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-first day of November one thousand eight hundred and ninety-five after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Brighton Gazette a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

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And whereas such resolution was published twice in the Brighton Examiner a newspaper published and circulating in the borough and has received the approval of one of the 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 second day of January one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill 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 lands to be acquired under the powers of this Act 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 lands required or which may be taken for the purposes of this Act and describing those lands have been deposited with the clerk of the peace for the county of Sussex and are in this Act referred to respectively as the deposited plans sections and book of reference :

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Brighton Corporation Act 1896.

Act divided into parts.

2. This Act is divided into parts as follows (that is to say) :—

Part I.—Preliminary.

Part II.—Sea Side Improvements &c.

Part III.—Recreation Grounds.

Part IV.—Sanitary Drainage &c.

Part V.—Police &c.

Part VI.—Common Lodging Houses.

Part VII.—Finance.

Part VIII.—Miscellaneous.

3. This Act except where otherwise expressly provided shall apply exclusively to the borough.

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Limits of Act.

4. The Lands Clauses Acts are except where expressly varied by this Act incorporated with and form part of this Act.

Incorporation
of Lands
Clauses Acts.

5. 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 the construction (that is to say):—

Interpreta-
tion of terms.

“The borough” means the Borough of Brighton;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The council” means the council of the borough;

“The town clerk” “the surveyor” and “the inspector of nuisances” mean respectively the town clerk surveyor and inspector of nuisances of the borough;

“The medical officer of health” means the medical officer of health for the borough and includes any person duly authorised to act temporarily as medical officer of health;

“Borough fund” “borough rate” “district fund” and “general district rate” mean respectively the borough fund borough rate district fund and general district rate of the borough;

“Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending the same:

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

The expression “dwelling-house” has the meaning assigned thereto by the Act of 1884;

“Daily penalty” means (except where otherwise expressed or implied) a penalty to accrue for each day on which the offence is continued after conviction thereof;

“Race Ground” means and includes all such part of the premises described in Part II. of Schedule B to the Act of 1884 as have been conveyed to the Corporation and the lands described in Schedule A to this Act annexed;

“The recreation grounds” means and includes the North Enclosures the Race Ground and the Queen’s Park:

Terms to which meanings are assigned by the Acts incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings unless varied by this section or unless there is something in the subject or context repugnant to such construction And in this Act and for the purposes of this Act in

A.D. 1896. any Act incorporated with this Act the expressions "superior courts" or "court of competent jurisdiction" or other like expression shall have effect as if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Act to be executed by council.

6. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

PART II.—SEASIDE IMPROVEMENTS &c.

Powers to make embankments.

7. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown on the deposited plans and sections make and maintain the embankments or retaining walls and other works herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for that purpose :

The works which the Corporation are by this part of this Act authorised to make and maintain are the following (that is to say) :—

An embankment or retaining wall No. 1 commencing at a point in the existing retaining wall on the south side of the Madeira Road thirty yards or thereabouts westward of the station at the western end of the electric tramway and terminating at the concrete groyne opposite Paston Place at a point in that groyne sixty-four yards or thereabouts southward of the face of the archway under the centre of the steps leading from the beach to the Marine Parade opposite Paston Place aforesaid ;

An embankment or retaining wall No. 2 commencing at the eastern side of the said concrete groyne at a point therein thirty-four yards or thereabouts southward of the face of the said archway and terminating at the concrete groyne at the eastern boundary of the borough at a point forty-two yards or thereabouts south of the commencement thereof :

Together with all proper approaches works and conveniences connected therewith or necessary for the use thereof :

Power to deviate vertically or laterally.

8. In making the said embankments or retaining walls the Corporation may deviate vertically to any extent not exceeding three feet from the levels defined on the deposited sections and may deviate laterally to any extent within the limits of deviation

defined on the deposited plans Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade. A.D. 1896.

9. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

Works below high-water mark not to be commenced without consent of Board of Trade.

10. Nothing in this Act contained shall be deemed to prejudice or limit the power conferred on the Corporation by section one hundred and sixty-two of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth intituled "An Act for the better regulating paving improving and managing the Town of BRIGHTHELMSTON in the county of Sussex and the poor thereof."

Saving rights of the Corporation.

11. The powers of the Corporation for the compulsory purchase of lands for the purposes of this part of this Act shall cease after the period of three years from the passing of this Act.

Period for compulsory purchase of lands.

12. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation may after ten days' notice to the owners lessees and occupiers of the lands in question apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission

Errors and omissions in plans &c. to be corrected.

A.D. 1896. — and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Sussex and such certificate shall be kept by such clerk of the peace along with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

14. The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers nor shall the Corporation under such powers without the consent of the Local Government Board purchase or acquire in any such city borough district parish or part of a parish ten or more houses which were not so occupied on the said fifteenth day of December last but have been or shall be subsequently so occupied.

The expression "labouring class" in this section includes mechanics artizans 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 such persons who may be residing with them.

As to swimming baths.

15. The Corporation may on the said embankments and on any part of the sea-beach and foreshore in front of the borough belonging to them construct and maintain open or covered sea-water

swimming and other baths with all necessary conveniences and appliances and may from time to time make alter repeal and enforce bye-laws for the management use and regulation of the said baths and for regulating the conduct of the persons resorting thereto and for the several purposes mentioned in Schedule A annexed to the Baths and Washhouses Act 1846 in like manner as bye-laws under the Baths and Washhouses Acts 1846 to 1882 may be made altered repealed and enforced and the provisions of those Acts so far as the same are applicable to swimming-baths and are not inconsistent with the provisions of this Act shall extend and apply to such baths but notwithstanding anything in those Acts the Corporation may demand and take for the use of such baths such reasonable charges that they may think fit to make not exceeding those mentioned in Schedule B to this Act annexed Provided that the number of the second-class baths shall be at least equal to the number of baths of the first class.

16. No portion of any embankment or retaining wall or any swimming or other baths which may under the powers conferred by this part of this Act be constructed on the sea beach and foreshore westward of the eastern boundary wall of the Brighton Aquarium Company's premises shall be constructed to a greater height than the existing sea wall in front of the borough at the point at which the same is constructed.

Limiting height of erections westward of eastern boundary of Aquarium.

17. The Corporation may close to the public and reserve the exclusive use of any such swimming-bath or any existing swimming-baths belonging to them and may grant the use thereof to any company body or persons either gratuitously or for payment for swimming contests practices or exhibitions of aquatic exercises and may demand and take such sums for the exclusive use of such baths or for the admission of persons thereto as they may think fit Provided that no such swimming-bath shall be closed under the powers of this section for more than three hours on any one day or on more than two days in any one week.

Power to close baths and charge for admission thereto.

18. All expenses incurred by the Corporation in the maintenance and carrying on of any swimming-bath erected under the powers of this Act shall be defrayed out of and all moneys received by the Corporation as aforesaid in respect of the use (exclusive or otherwise) of any swimming-bath for the time being belonging to them or the conveniences or appliances connected therewith shall be carried to the credit of the district fund.

Expenses and application of moneys received from admission to public baths.

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PART III.—RECREATION GROUNDS.

North Enclosures to vest in Corporation.

19. All the estate and interest of the trustees of the North Enclosures in and to such enclosures shall be and the same are hereby as from the thirty-first day of October one thousand eight hundred and ninety-six transferred to and vested in the Corporation and all the powers rights duties and authorities of the said trustees over and in relation to such enclosures under the herein-before recited indenture dated the twenty-fifth day of August one thousand eight hundred and forty-nine and the Act of 1873 shall as from the said thirty-first day of October cease and be extinguished All debts costs and liabilities incurred or contracts entered into by to or with the said trustees previously to the said thirty-first day of October shall be enforceable by and against the Corporation instead of by and against such trustees and any action and other legal proceeding or cause of action or proceeding which at that date is pending or existing against or in favour of the said trustees may be continued prosecuted and enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the said trustees if this Act had not been passed but not further or otherwise And the said trustees and each of them as from that date shall be released and discharged from and indemnified by the Corporation against all costs claims demands liabilities and obligations arising out of or attached to the office of trustee under the said indenture.

North Enclosures to be held as pleasure ground.

20. The herein-before recited indenture of the twenty-fifth day of August one thousand eight hundred and forty-nine is hereby as from the thirty-first day of October one thousand eight hundred and ninety-six cancelled and annulled and the Corporation shall hold and permit the said North Enclosures to be used as a public walk or pleasure ground subject to the provisions of this Act and of the Public Health Acts And the Corporation may from time to time permit the use of the whole or set apart any portion of the said North Enclosures for lawn tennis croquet or other similar games or for open-air concerts or any special purpose tending to promote the health amusement or enjoyment of the inhabitants and the public of Brighton.

Lands outside borough to be held with Race Ground.

21. The Corporation shall hold the lands described in the Schedule A annexed to this Act subject to the stipulations and covenants contained in the herein-before recited indenture dated the fourth day of May one thousand eight hundred and ninety-five for the benefit of the inhabitants and visitors in the borough and

the public in general for and as part of the Race Ground for the purpose of racing exercise recreation or other diversion and shall have and may exercise thereon thereover and with respect thereto all such and the like rights powers privileges and authorities as they now have and may exercise with regard to the land and premises described in Part II. of Schedule B to the Act of 1884 annexed and as are herein-after conferred by this Act and the bye-laws for the regulation of the Race Ground made by the council on the fifth day of March one thousand eight hundred and eighty-five shall extend and apply to the whole of the Race Ground.

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22. The Corporation may from time to time at such rents and subject to such covenants and conditions as they think fit let on lease or grant licences for the use of all or any part of the Race Ground which has heretofore been or is at the date of the passing of this Act let on lease or permitted to be used under licence for any purpose or purposes for which the same is at the date of the passing of this Act let on lease or may be used under licence or which is or are authorised by the herein-before recited indentures relating to the Race Ground and also may at the expiration or other determination of the lease of the house and premises part of the Queen's Park known as the German Spa let the said house and premises upon such terms and for such purposes as the Corporation may deem expedient but the term of any such leases shall not in the case of the Race Ground or any part thereof exceed the period of seven years or in the case of the German Spa exceed the period of twenty-one years Any money received by the Corporation by way of rent under any such lease or licence or under any of the herein-before recited leases or licence shall be applied in the maintenance and improvement of the Race Ground or Queen's Park as the case may be and subject thereto shall be carried to the credit of the district fund The Corporation may also accept surrenders of leases or licences whether granted by them or otherwise of or affecting the said German Spa or any such parts as aforesaid of the Race Ground on such terms and conditions as may be agreed and may provide any money required for that purpose out of the district fund.

As to leasing of Race Ground &c.

23. The Corporation may from time to time permit the use of the whole or set apart any portion of the Queen's Park the Race Ground and the Blaker Recreation Ground for cricket football golf lawn tennis croquet archery or other similar games and for gymnastics or for the drill of volunteers yeomanry or cadets or any military or police force or for open-air concerts or any special purpose tending to promote the health

Parts of Queen's Park Race Ground and Blaker Recreation Ground may be set apart for games &c.

A.D. 1896. — amusement or enjoyment of the inhabitants and public of the borough.

As to closing of the recreation grounds.

24. The Corporation may when any of the recreation grounds or part of any of the recreation grounds is so used or set apart or let for any special purpose as aforesaid or for any of the purposes mentioned in the Public Health Acts Amendment Act 1890 close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of any such recreation ground or portion of recreation ground or for the admission of persons vehicles goods and things into such recreation ground or portion of recreation ground so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded :

Provided that the Corporation shall not in any one year close any part of the North Enclosures exceeding one-half of the whole area thereof or any part of the Queen's Park or the Race Ground exceeding one-fourth of the whole area thereof respectively for more than the periods herein-after mentioned in the case of each such recreation ground :—

In the case of the Queen's Park twelve days or on special occasions such further period as the Corporation may by resolution determine but not exceeding in the whole twenty-eight days ;

In the case of the Race Ground twenty-eight days ;

In the case of the North Enclosures twelve days but not for more than four consecutive days on any one occasion.

As to user of North Enclosures.

25. The Corporation shall not let the North Enclosures or either of them or any part or parts thereof to any person or persons intending to make a profit out of the same or for any purpose that may be a nuisance annoyance or injury to the owners or occupiers of the adjoining property or allow the same to be so used and shall not admit into the said North Enclosures any animal or vehicle (other than perambulators hand chairs or other carriages drawn by hand) or permit the sale of refreshments in such North Enclosures or either of them.

Corporation may provide apparatus for games.

26. The Corporation may provide apparatus for any games or other purpose for which any park or public recreation ground belonging to the Corporation may for the time being be used for the use of the public frequenting such park or ground and may charge for the use thereof and may from time to time lease or grant for any term not exceeding three years the right of pro-

viding and charging for such apparatus on such terms and conditions as they see fit. A.D. 1896.

27. The Corporation or any person or persons authorised by them may provide and let to hire chairs in any park public recreation ground public walk or esplanade or in any public building and may provide and sell programmes of any concert or performance which may from time to time be provided by the Corporation therein and the Corporation may make bye-laws for regulating the use of chairs and the charges for the same and for preventing injury to such chairs. Corporation may let chairs &c.

28. The Corporation may from time to time make and enforce bye-laws for all or any of the following purposes :— Power to make bye-laws as to recreation grounds.

For regulating the opening and closing of any of the recreation grounds or any portion of the recreation grounds which may for the time being be used let or set apart as aforesaid the admission of persons animals and vehicles thereto the sale of refreshments therein and the use thereof for the purposes for which the same are or is used set apart or let and generally for the preservation of good conduct and order and prevention of nuisance therein :

Such bye-laws shall be made under and in accordance with the provisions contained in sections one hundred and eighty-two to one hundred and eighty-five of the Public Health Act 1875 so far as those provisions relate to bye-laws made by an urban authority Provided that no bye-law shall restrict the right of the Secretary of State for War to make military use of the said recreation grounds in any case of national or local emergency.

29. The Corporation may (but subject as regards the North Enclosures to the herein-before recited provisions of the Act of 1873 and to the provisions of the section of this Act of which the marginal note is "As to user of North Enclosures") erect maintain furnish and equip and may remove conservatories refreshment rooms and other temporary or permanent buildings erections and conveniences in any of the recreation grounds as may be required or convenient for the purpose thereof and for the public resorting thereto and may let any refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times and under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit. Power to erect maintain and let conservatories refreshment rooms &c.

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Expenses
and appli-
cation of
moneys
received
from admis-
sion to
recreation
grounds &c.

30. All expenses incurred by the Corporation in the exercise of the powers of this part of this Act shall be paid out of the district fund and the moneys (if any) received by the Corporation from the admission of any persons to or the occupation of any recreation ground or part thereof respectively or from the letting thereof or of any chairs refreshment rooms or other buildings or from the sale of programmes of any performance or concert shall (after providing in the case of such performance or concert for the expenses thereof) be carried to the credit of the district fund.

Race
Ground to
be deemed a
street for
certain pur-
poses.

31. The Race Ground shall for the purposes of the Vagrancy Act 1824 and any Act amending the same be deemed to be a public place and shall be deemed to be a street for the purposes of sections 28 and 29 of the Towns Police Clauses Act 1847 save and except the sub-section of section 28 of that Act relating to flying a kite or using a slide upon ice or snow and the powers and duties of all police constables under the said Acts in relation to public safety and preservation of order and protection of property shall extend thereto and all other public parks pleasure and recreation grounds within the borough shall for the purposes of the Vagrancy Act 1824 and any Act amending the same be deemed to be a public place and shall be deemed to be a street for the purposes of section 29 of the Towns Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences :—

Every person who slaughters or dresses any cattle or any part thereof except in the case of any cattle overdriven which may have met with any accident and which for the public safety or other reasonable cause ought to be killed on the spot :

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution :

Every person who wilfully and indecently exposes his person :

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language :

Every person who wantonly discharges any firearm or discharges any missile :

Every person who throws or lays any dirt litter or ashes or night-soil or any carrion fish offal or rubbish on any street :

Every person who rides or drives furiously any horse or carriage.

32. The Corporation may from time to time appoint and pay keepers or other officers for procuring the observance of the provisions of this part of this Act and of the bye-laws made thereunder and generally for preserving order and keeping the recreation grounds in proper condition.

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Keepers and officers may be appointed.

33. Nothing in this part of this Act contained shall authorise or empower the Corporation to use the Queen's Park or Race Ground or the Blaker Recreation Ground or any part thereof respectively for any purpose inconsistent with the conditions and stipulations contained in the herein-before recited indentures affecting the same respectively.

Saving for provisions of deeds affecting recreation grounds.

PART IV.—SANITARY DRAINAGE &c.

34. The Corporation may from time to time by agreement purchase any slaughter-house and premises connected therewith or any part of such premises which is in the opinion of the medical officer of health a nuisance or is or is likely to become injurious or dangerous to the health of the persons residing in the vicinity thereof or the Corporation may agree with the occupier of such slaughter-house with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house on such terms and conditions and for such consideration as the Corporation sees fit and may remove such slaughter-house from the register of slaughter-houses. The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act and may retain hold and use any premises so purchased for any purpose for which they are by law authorised to acquire or appropriate lands and may from time to time sell lease exchange or otherwise dispose of such premises or any interest therein purchased by them as aforesaid in such manner for such consideration and on such terms and conditions as they think fit. And in case of a sale either in consideration of a gross sum an annual rent or of any payment in any other form and may sell exchange or dispose of any such premises or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any

Power to purchase slaughter-houses.

A.D. 1896. — money for equality of exchange and all moneys received by the Corporation on such sale or from leasing or letting or from equality of exchange or other disposition of any land which the Corporation are by this section authorised to retain hold use sell lease exchange or otherwise dispose of shall be applied by the Corporation in case such lands were purchased out of moneys borrowed by the Corporation in or towards the extinguishment of any loan or loans raised by the Corporation for the purpose of purchasing such lands and subject thereto in discharge of any moneys borrowed by the Corporation under this Act or otherwise and in case such lands were not purchased out of moneys borrowed by the Corporation the moneys so received by the Corporation shall be carried to the credit of the district fund Provided that the application of any money as aforesaid in or towards the extinguishment of any such loans shall be in addition to and not in substitution for any other mode of extinguishment except to such extent and upon such terms as may be approved by the Local Government Board.

Definition of infectious disease.

35. For the purposes of the Act of 1884 and of any Act amending the same the expression in the Act of 1884 "infectious disease" shall in addition to the diseases enumerated in section 54 of that Act include membranous croup erysipelas enteric fever and any other infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough.

Provision of nurses in case of infectious disease.

36. The Corporation may from time to time provide nurses for attendance upon the members of any family suffering from any infectious disease.

As to un-sound food. Penalty on original vendor.

37.—(1.) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 as amended by section 121 of the Act of 1884 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was purchased by him from another person for the food of man and when so purchased was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in section 117 of the Public Health Act 1875 unless he proves that at the time he sold the said article he did not know and had no reason to believe that the said article was in such condition.

(2.) Where any article of food has been condemned by a justice under section 117 of the Public Health Act 1875 as amended by sections 121 and 123 of the Act of 1884 and by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in section 117 of the Public Health Act 1875 unless he prove that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

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(3.) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 as amended by sections 121 and 123 of the Act of 1884 and section 28 of the Public Health Acts Amendment Act 1890 and this section is dealt with by a justice the medical officer of health or an inspector of nuisances shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer of health or inspector of nuisances of the intention of such medical officer of health or inspector of nuisances to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the afore-said provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

38. Where a closing order has been made as respects any dwelling-house under section 32 of the Housing of the Working Classes Act 1890 the Corporation shall serve notice of such order upon every owner or lessee of such premises and after service upon them of such notice and after the tenant or tenants in occupation of the said premises at the date of such closing order have vacated the said premises it shall not be lawful for any person who has been served with a notice of such order or any person claiming under any such person having notice of such order to cause or permit the said premises to be occupied for the purpose of human habitation until the said closing order has been determined by a further order of a court of summary jurisdiction and any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds for each such offence and to a daily penalty, not exceeding forty shillings.

Housing of the Working Classes Act 1890.

Penalty for breach of closing order.

A.D. 1896.

PART V.—POLICE &c.

Power to
make bye-
laws as to
steam
whistles &c.

39. The powers conferred upon the Corporation by the Municipal Corporations Acts to make and enforce bye-laws for the good rule and government of the borough shall be deemed to include the power to make and enforce bye-laws to regulate 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 steam whistle used for the purposes of a locomotive steam engine or steamboat or to any steam whistle or steam trumpet used with the sanction of the Corporation for the purpose of summoning or dismissing workmen or persons employed in any manufactory or other place within the borough.

Restriction
on advertis-
ing vehicles
and hoards.

40. 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 and may be for such time and contain such terms and conditions as the Corporation think fit. Any person aggrieved by the refusal of the Corporation to grant such consent may appeal to a petty sessional court held in and for the borough after the expiration of two clear days after such refusal provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs such costs to be recoverable in like manner as a penalty under this Act. 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. 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.

Waste land
to be fenced.

41. If any land adjoining any street is allowed to remain unfenced or the fences thereof to be or remain out of repair and such land is in the opinion of the surveyor owing to the absence or inadequate repair of such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then the surveyor may give to the owner or occupier of the same or if the surveyor is unable after diligent inquiry to discover the name

or place of abode of such owner or occupier may affix upon such land notice requiring such owner or occupier forthwith to effectually fence or repair the fences of such land to the satisfaction of the surveyor. A.D. 1896.

In case the work of fencing or repairing the fences of such land is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits it shall be lawful for the surveyor to give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction.

In case it appears to the court that owing to such land not being fenced or such fences being out of repair danger to any person is to be apprehended or such land is used for any such purpose as aforesaid the court shall make an order on such owner or occupier or both or either of them requiring him or them to cause such land to be effectually fenced or the fences thereof effectually repaired 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 and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding forty shillings for every day during which such order has not been obeyed after the end of the period prescribed therein.

The court may at any time after the end of the period prescribed in such order make a further order authorising the surveyor to cause such land to be effectually fenced or the fences thereof to be effectually repaired as required by the first order and the person or persons on whom the first order was made shall in addition to such penalty pay all the costs charges and expenses attendant on the fencing or repairing which shall be recoverable from such person or persons summarily or as a debt in any court of competent jurisdiction.

If the owner or occupier of any such land cannot be found it shall be lawful for the court having cognisance of the matter to make an order authorising the surveyor to cause such land to be forthwith effectually fenced or the fences thereof to be repaired and the costs charges and expenses thereof shall be paid by such owner or occupier as aforesaid and shall be recoverable from such owner or occupier as new street expenses are under the Act of 1884 recoverable.

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Power to
police con-
stable &c. to
enter and
break open
premises in
case of fire.

42. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building 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.

PART VI.—COMMON LODGING-HOUSES.

Regulations
as to
common
lodging-
house
keepers.

43. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Penalties on
unregistered
common
lodging-
house
keepers.

44. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to
refuse regis-
tration of
common
lodging-
house
keepers.

45. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Any person aggrieved by the refusal of the Corporation to register such person in pursuance of the powers 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 refusal provided he give twenty-four hours' notice of such appeal and the grounds

thereof to the town clerk and the court shall make such order in the matter as they think just and shall have power to award costs such costs to be recovered in like manner as a penalty under this Act.

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46. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house.

Notice to
common
lodging-
house
keepers.

PART VII.—FINANCIAL.

47. The Corporation may from time to time borrow at interest on the security of the district fund and general district rate (a) for the purposes of the embankments or retaining walls by this Act authorised such sums as they may deem requisite not exceeding ninety thousand pounds (b) for the construction of swimming and other baths by this Act authorised such sum as the Local Government Board may sanction and (c) for payment of costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act such sum as may be ascertained as herein-after provided :

Power to
borrow.

Provided always that in case further moneys may be required for purpose (a) the Local Government Board may from time to time at the request of the Corporation authorise them to borrow such further sums for such purpose as the Local Government Board may from time to time think fit and the provisions of this Act shall apply mutatis mutandis to the further sums so borrowed And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount which the Corporation may borrow under or for the purposes of this Act (including money lent to other authorities) shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for such purposes shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts :

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act :

Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the fund rate or rates or other property comprised in their mortgages respec-

A.D. 1896. — tively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sums so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

Protection of lenders from inquiry.

48. A person lending money to the Corporation 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 or non-application of the money lent or of any part thereof.

As to repayment of borrowed money.

49. All moneys borrowed by the Corporation under the foregoing provisions of this Act without the sanction of the Local Government Board may be borrowed for any terms not exceeding the terms herein-after respectively mentioned from the date of the original loan (that is to say) :—

As regards moneys borrowed for the purpose of paying the costs of this Act five years ;

As regards moneys borrowed for any other purpose fifty years :
And all moneys borrowed by the Corporation under the foregoing provisions of this Act with the consent of the Local Government Board may be borrowed for such term not exceeding sixty years as the Local Government Board may prescribe and subject as aforesaid all moneys borrowed by the Corporation under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking fund for payment of money borrowed on mortgage.

50. The Corporation in case they borrow any moneys on mortgage under the foregoing provisions of this Act repayable by means of a sinking fund shall within twelve months after borrowing the same and thenceforth annually on the same or some earlier day set apart as a sinking fund for the payment of such moneys out of the fund or rate on the security of which such moneys shall have been borrowed such equal annual sum or sums as will with accumulations by way of compound interest after a rate not exceeding three per centum be sufficient to pay within such a period as they may think fit (not exceeding the period in each case prescribed for the repayment thereof) the amount of the principal moneys so borrowed.

All sums so set apart and the income thereof shall from time to time be invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or on the security of mortgages bonds debentures debenture stock or other security (not including annuity certificates or securities payable to bearer) of any municipal Corporation in Great Britain (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875

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If and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the sinking fund are based any deficiency shall be made good out of the respective funds or rates 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 sinking fund are based any such excess may be applied as part of such equal annual payments.

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the repayment of moneys for which such sinking fund is set aside in such order and manner as they deem proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per cent. on which the equal annual payments to the sinking fund are based Provided also that whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

51. The town clerk shall within forty-two days after the thirty-first day of March of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under the foregoing powers of this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them

Annual
return to
Local
Government
Board with
respect to
repayment
of moneys
borrowed on
mortgage.

A.D. 1896. — 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 thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds 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 Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

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 aside the sum required by this Act 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 mutatis mutandis apply to appropriations and annual repayments in the event of the Corporation borrowing under the provisions of the Local Loans Act 1875.

Sinking fund may be adjusted in certain events.

52. If the Corporation out of the proceeds of the sale exchange or disposition of lands or out of moneys received by them by way of fine or premium on any lease of any lands or other moneys received on capital account other than borrowed moneys repay any principal moneys borrowed under the powers of this Act the payments to the sinking fund may be reduced to such extent and upon such terms as may be approved by the Local Government Board.

Power to re-borrow.

53. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under the foregoing provisions of this Act on the same becoming repayable or for paying off any part of any of such principal moneys as they can borrow at a lower rate of interest Provided as follows:—

- (1.) The time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed : A.D. 1896.
—
- (2.) For the purpose of repayment all moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan :
- (3.) The Corporation shall not re-borrow any money paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of surplus lands or out of premiums or fines on leases or other moneys received on capital account not being borrowed moneys.

54. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Power to borrow under Local Loans Act 1875.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same fund and rate as they would be charged upon and paid out of if raised by mortgage under this Act and such fund and rate shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the respective periods prescribed by this Act.

The Corporation may invest any sums paid into any sinking fund formed by them under the provisions of the Local Loans Act 1875 in any securities in which by the section of this Act of which the marginal note is "Sinking fund for payment of money borrowed on mortgage" they are authorised to invest sums set apart as a sinking fund under the powers of that section.

55. All money borrowed under the foregoing provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended. Application of money borrowed.

56. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation and the borough fund and borough rate and the district fund and general district rate or any Saving existing charges.

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of them by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or other security granted created or issued under this Act.

Corporation
not to regard
trusts.

57. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages 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 register 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.

As to Corpo-
ration stock.

58. Notwithstanding anything in the Loans Act of 1886 contained the Corporation may exercise any statutory borrowing power by the creation under the powers of that Act of a new class of Corporation stock All stock forming part of any such class of Corporation stock shall be redeemable at the option of the Corporation at one and the same period not exceeding sixty years from the first creation of any portion of such class of stock and shall bear such rate of dividend as the Corporation shall determine Provided that all such stock so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and shall be charged in the same manner as and shall rank *pari passu* with all Corporation stock created under the Loans Act of 1886.

Amending
section 10
of the Act
of 1886.

59. Sub-section (3) of section 10 of the Act of 1886 shall be read as if the words "at a rate not exceeding the rate of three-and-a-half per centum per annum" had been inserted therein in lieu of the words "at the rate of three-and-a-half per centum per annum" and the Corporation shall from time to time vary such

rate to such extent as may be necessary to ensure that the contributions to be made to the loans fund under that sub-section shall be sufficient for the purposes named therein. A.D. 1896.

60.—(1.) Where the School Board for the united district of Brighton and Preston or the Board of Guardians of the Poor Law Union of Brighton desire in pursuance of authority vested in them by Act of Parliament or under any sanction of any Government Department to borrow money for any authorised purpose the Corporation may lend to such School Board or Board of Guardians and they may borrow from the Corporation on the security of the rates and funds which the borrowing authority is authorised to charge for the repayment of the money borrowed such money as the Corporation think fit and as the School Board or Board of Guardians are authorised and desire to borrow. Power to lend to certain other bodies.

(2.) Money borrowed from and lent by the Corporation under this section shall be repaid to the Corporation with interest within such time after the borrowing as the borrowers and the Corporation may agree not exceeding the time (if any) limited for the repayment thereof by the Act or sanction as the case may be by which such borrowing is authorised.

(3.) Where the Corporation under the authority of this Act lend any money to the School Board or Board of Guardians the sanction of the Education Department or the Local Government Board as the case may be to the borrowing of such money shall be conclusive evidence that the borrowers had when such sanction was given power to borrow such money.

61.—(1.) The Corporation may raise any sum or sums required by them for a loan to either of the aforesaid bodies by the creation and issue under the powers of the Loans Act of 1886 as amended by this Act of Corporation stock but not otherwise and the power to raise such sum or sums shall be deemed to be a statutory borrowing power of the Corporation. Power to Corporation to raise money to be lent &c.

(2.) All sums received by the Corporation for interest on any sum or sums which have been raised for the purposes of a loan to either of the aforesaid bodies by the creation and issue of Corporation stock and all sums received by the Corporation in repayment of the principal money of any such sums and not again lent under the foregoing provisions of this Act shall be paid into the Brighton Corporation loans fund and shall respectively be dealt with as contributory payments in respect of dividends on and redemption of stock issued.

A.D. 1896.

PART VIII.—MISCELLANEOUS.

Authentica-
tion and
service of
notices &c.

62. In the case of any notice or other such document under this Act or under any public general Act passed or adopted within the borough subsequent to the passing of the Act of 1884 requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication and in case of licences and certificates granted by the Corporation under any such Acts the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under such Acts 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 case of any 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 Nothing in this section shall be deemed to affect the operation of section 191 of the Act of 1884.

Bye-laws as
to powers of
assistant
inspectors of
nuisances.

63. The Corporation may from time to time make bye-laws for the purpose of empowering assistant inspectors of nuisances of the Corporation to exercise all or any of the powers conferred upon an inspector of nuisances by any Acts for the time being in force within the borough.

All such bye-laws shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875.

What to be
deemed new
buildings.

64. The expression in the Act of 1884 "new building" shall in addition to the meaning assigned thereto by that Act include—

- (1.) The re-erection wholly or partially on the same site of any building of which the greater part of the outer walls are pulled down or burnt down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled or burnt down as to leave only a framework of the ground floor storey thereto :
- (2.) The conversion of any building which when originally erected was legally exempt from the provision of any building bye-laws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of these bye-laws :

(3.) The roofing in or covering over of the open space within or between walls or buildings : A.D. 1896.

And in cases of division or conversion of a building into more than one dwelling-house every dwelling-house into which such building is divided or converted shall be deemed to be a new building within the meaning of the Act of 1884 and section 5 of that Act shall be read and have effect as if the expression "new building" therein defined had included the aforesaid meanings and the existing provisions thereof with respect to cases of division or conversion of buildings into more than one dwelling-house had been omitted therefrom.

65. Notwithstanding anything in section 113 of the Highway Act 1835 contained the provisions of the Highway Acts shall apply to the borough as if the roads therein had not on the thirty-first day of August 1835 been repairable under or by virtue of the provisions of the Statute of the 6 George IV. c. 179 intituled "An Act for the better regulating paving improving and managing the town of Brighthelmston in the county of Sussex and the poor thereof." Application of the Highway Acts to the borough.

66.—(1.) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by any owner of property on the passing of plans or otherwise in connection with the property of such owner and registered as hereinafter provided shall be binding upon the owner of the property for the time being and all persons claiming through or under him and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement. Undertakings to bind successive owners.

(2.) The Corporation shall keep a register of such undertakings and agreements and within seven days after the date of any such undertaking or agreement an entry thereof shall be made in the register showing the names and descriptions of the parties thereto and the purport of the undertaking or agreement and the property in respect of which the same is given or entered into and such register shall contain a suitable index relating to such property.

(3.) Every such register shall be open to inspection by any person at all reasonable times on payment of a sum not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation and any sums received under this sub-section shall be carried to the credit of the district fund.

A.D. 1896.

(4.) If the town clerk or other person having the custody of such register shall refuse to allow such inspection or to furnish such copies he shall be liable to a penalty not exceeding five pounds for each such refusal such penalty to be recoverable by the person aggrieved in a summary manner.

(5.) Where at the time of such undertaking or agreement being given the legal estate in the property to which such undertaking or agreement relates is not vested in the owner thereof as defined by this section such undertaking or agreement shall not be binding upon the person in whom the legal estate in such property is at that date vested or upon his successors in title unless such person joins in such undertaking or agreement nor shall any undertaking or agreement relating to property to which the owner is entitled for a term of years only be binding upon any person for the time being entitled to such property in reversion immediate or otherwise unless such person joins in such undertaking or agreement.

(6.) In this section the expression "owner" means the person for the time being receiving the rack rent of the property in respect of which such undertaking or agreement is given whether on his own account or as trustee for any other person or who would so receive the same if such property were let at a rack rent.

As to
appeal.

67. Any person deeming himself aggrieved by any order judgment determination or requirement of the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions for the borough under and according to the provisions of the Summary Jurisdiction Acts.

Offences
against bye-
laws to be
prosecuted
as if offences
against
the Public
Health Act
1875.

68. Except as otherwise by this Act expressly provided all offences against the provisions of this Act or any bye-law made under the authority thereof may be prosecuted and all penalties or forfeitures which may be imposed for the breach of any such provisions or bye-laws and the cost and expenses which may be incurred by the Corporation in the prosecution of any person offending against any such provision or bye-law may respectively be recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against the said Act.

Judges &c.
not dis-
qualified.

69. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

70. All powers rights authorities and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights authorities or remedies conferred on them by the Public Health Acts and the Municipal Corporations Acts or any of them and the Corporation may exercise such other powers and authorities and be entitled to such other rights and remedies as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

A.D. 1896.

Powers of Act cumulative.

71. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts.

72.—(1.) 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.

Inquiries by and expenses of Local Government Board.

(2.) 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.

73. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the Session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty (chapter 91) with respect to the Bill for this Act and all matters relating thereto.

Expenses of Act.

A.D. 1896.

The SCHEDULES referred to in the foregoing Act

SCHEDULE (A).

DESCRIPTION OF THE LANDS ADDED TO RACE GROUND.

First. All that strip or piece of land situate in the parish of Ovingdean in the county of Sussex containing in the whole by admeasurement fourteen acres and ten perches or thereabouts and more particularly delineated and described on the plan annexed to the herein-before recited indenture of the fourth day of May one thousand eight hundred and ninety-five being thereon coloured green and light pink being the land now set out as a Racecourse.

And secondly. All that piece of land of the width of fifteen feet throughout and containing by admeasurement two acres two roods and twenty-four perches or thereabouts and adjoining the said piece of land first above-mentioned on the south and west and delineated on the said plan and thereon coloured yellow and dark pink Together with the right of access between the dotted lines shown on the said plan for horses carts and carriages to the said pieces of land at the point marked "A" on the said plan from the Hill Road leading from Brighton to Ovingdean.

SCHEDULE (B).

CHARGES FOR SWIMMING AND OTHER BATHS.

	First Class.		Second Class.	
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
For the use of any Swimming Bath (Cold) for each bather.	0	6	0	2
For the use of any Swimming Bath (Tepid) for each bather.	1	0	0	4
For the use of any Private Bath (Cold) for each bather.	0	6	0	2
For the use of any Private Bath (Warm) for each bather.	1	6	0	6

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