

General Purposes Committee, May 1904.

The Town Clerk read the following report as to the Town Green:-
" The Land known as the Town Green forms part of the Corporation Estates of the Corporation of Hythe.

The whole of it, with the exception of the small triangular piece at the South-East corner, is however subject to the following restrictions

- (a) It is reserved by the Corporation for the purpose of an Archery and Arboretum Cricket Ground and Bowling Green and for other similar purposes for the amusement recreation and benefit of the public in perpetuity
- (b) No part of the land is to be applied for building purposes

These restrictions are contained in a Deed of Covenant dated the 9th November 1853 and made between the Mayor Aldermen and Burgesses of the Town and Port and Borough of Hythe, of the first part, Henry Duesbury, Stephen Barton Wilson, Joseph Horton and William Evenden of the second and other part by which the plots of land marked A. B. C. E. F. on the plan were sold. This Deed also contains certain building conditions and restrictions and provisions for the making and maintenance of the roads shown upon the said plan

By an Indenture dated 12th February 1862 and made between the Corporation of the first part, Her Majesty's Principal Secretary of State for War (the then owner of the plots A. B. etc.) of the second part, Joseph Horton (the then owner of the plot C) of the third part, and George Shipden Frampton (the then owner of the plot F) the whole of the said building conditions and restrictions and the provisions as to the making and maintenance of the said roads were released, and the land between the plots A and E and A and B was conveyed by the Corporation to the Secretary of State for War.

By this Deed the restrictions as to the Town Green above set out were reserved and confirmed, and a right of way 40 feet wide from St Nicholas Road to South Road (as shown upon the plan) was granted to the Corporation by the Secretary of State for War.

The Corporation have apparently done nothing towards laying out the Green for the purposes of recreation except by the erection of the present fences on the North and East sides and by planting a few trees and shrubs now growing upon it.

Under Section 59 of the Hythe Improvement and Waterworks Act 1874 the Corporation on the 18th April 1883 made bye-laws with respect to public pleasure grounds, of which grounds the Green forms part. These bye-laws were allowed by the Local Government Board on the 28th May 1883. Prosecutions have from time to time been taken for breaches of these bye-laws.

The Commandant of the School of Musketry at the present time has the privilege of allowing the Officers N C Os attached to the School to drill upon the Green and for this privilege pays an acknowledgement of 1/- per year.

In conclusion I am of opinion that

- (1) The site of the roads uncoloured on the plan, viz: Belvedere Road, St Michael's Road and the Northern portion of St Nicholas Road, vests in the Corporation.
- (2) That neither of the roads are repairable by the inhabitants at large, and that person is at the present time liable for the repair and maintenance of the same
- (3) That the small triangular piece of land marked D is not subject to any restrictions
- (4) That the remainder of the Green cannot at any time be used for building purposes and must be kept for the amusement recreation and benefit of the public in perpetuity

(signed)

Geo: S. Wilks,
Town Clerk.

Hythe, 27th May 1904.

The consideration of the same was adjourned.