



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xxxvi.

An Act for paving, draining, cleansing, lighting, and otherwise improving the District of *Saint Mark, Surbiton*, in the Parish of *Kingston-upon-Thames* in the County of *Surrey*; and for other Purposes. [25th May 1855.]

WHEREAS it would be of great Advantage to the Inhabitants of the Ecclesiastical District of *Saint Mark, Surbiton*, in the Parish of *Kingston-upon-Thames* in the County of *Surrey*, if the same District, within the Limits herein-after described, were sufficiently paved, drained, lighted, cleansed, and otherwise improved, and if a separate Body of Commissioners were established for those Purposes, and for the Management and Regulation of the said District: And whereas the Objects and Purposes aforesaid cannot be effected without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

[*Local.*]

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I. That

The Surbiton Improvement Act, 1855.

8 & 9 Vict.
c. 18.
11 & 12 Vict.
c. 16.
and Parts of
10 & 11 Vict.
cc.34, and 89.
incorporated
with this Act.

I. That the several Acts and Parts of Acts of Parliament following, (that is to say,) "The Commissioners Clauses Act, 1847," "The Lands Clauses Consolidation Act, 1845," Sections 2, 3, 24, 25, 26, 27, 32, and 33 of "The Town Police Clauses Act, 1847," and "The Towns Improvement Clauses Act, 1847," except Section 50, the Proviso to Section 167, and Section 176, shall be incorporated with and form Part of this Act: Provided always, that nothing in this Act or in the said Lands Clauses Consolidation Act contained shall authorize the Commissioners to purchase, take, or use any Lands, unless with the Consent of or by Agreement with the Owners, Lessees, and Occupiers thereof.

Same Mean-
ing to Words,
&c. in the
incorporated
Acts and
this Act.

II. That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings, and in the same Acts the Expression "the Special Act" shall mean this Act, and the Expressions "the Undertakers" or "the Company" shall mean the Commissioners acting under this Act, and the Expression "to pave" shall include the making or forming of a hard Surface to a Roadway, or generally repairing the same by broken Stone or other Material, as well as pitching, and the Word "Street" shall extend to and include any Road, Square, Court, Alley, or Thoroughfare within the Limits of this Act, and for the Purpose of making and maintaining Footpaths, Sewers, and Drains, and preventing Nuisances and Annoyances, shall include any Turnpike Road within such Limits, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Approval of
Secretary of
State, &c.
not required
to Appoint-
ment, &c. of
local Sur-
veyor or
Officer of
Health.

III. Provided always, That nothing in "The Towns Improvement Clauses Act, 1847," contained, shall extend to subject any Appointment or Removal of a local Surveyor or Officer of Health, or other Officer acting in the Execution of this Act, or his Salary, or any proposed Work, Act, or Proceeding of the Commissioners, to the Approval of any Inspector appointed under any existing General Act, or of One of Her Majesty's Principal Secretaries of State; but every such Appointment and Removal may be made, and Salary fixed, and Work or Act or Proceeding be executed or done, commenced or proceeded with, by the Commissioners, without any such Approval as aforesaid, or any other Interference by or on the Part of any such Inspector or Secretary of State.

Meaning of
Expression
"Quarter
Sessions."

IV. That the Expression the "Quarter Sessions" in "The Commissioners Clauses Act" and "The Towns Improvement Clauses Act" shall mean any Quarter Sessions holden for the County of *Surrey*.

V. That

The Surbiton Improvement Act, 1855.

V. That in citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Surbiton Improvement Act, 1855.*" Short Title.

VI. That the Limits of this Act shall comprise and include all that Part of the Parish of *Kingston-upon-Thames* which is comprised within a Boundary Line commencing at the Point of the River *Thames* which forms the South-west Corner of the said Parish; then running in a Northerly Direction along the River Boundary of the aforesaid Parish until it arrives at the Culvert which forms the Exit of the large Drain of the *Surbiton* Estate, now belonging to Messieurs *Coutts* and Company; then turning Eastward, and crossing the *Portsmouth* Road; thence following the Line of the Wall which forms the Boundary between the Estate of *Alexander Raphael* Esquire and a Slip of Land belonging to the *Surbiton* Estate; thence on arriving at *Maple Lane* turning Northward, and continuing to follow the Line of the Wall which lately formed the Boundary of Mr. *Raphael's* Property next *Maple Lane*; then crossing the *Ewell* Turnpike Road, and again along Mr. *Raphael's* Boundary next the Passage by "*The Waggon and Horses*" Public House; thence from the End of the said Passage running in a Northerly Direction along the Line of the *Old Footpath* to the Point where *Clay Lane* and *Lower Marsh Lane* intersect each other; thence along the *Lower Marsh Lane* to the Bridge which carries the *South-western* Railway over *Marsh Lane*; thence along the South Side of the said Railway to the *Malden* River; thence along the South Side of the *Malden* or *Ewell* River as far as the Boundary Stone of the Parishes of *Kingston* and *Malden*; thence turning Southward, following the Boundary Line of *Kingston* Parish and the Hamlet of *Talworth*, across the *Ewell and Epsom* Turnpike Road, and along the West Side of the Road from *Long Ditton* to *Ewell* which divides the Hamlet of *Hook* from the Parish of *Kingston*, until it arrives at the Point where the Boundary of *Kingston* Parish crosses the said Road; thence turning Westward following the Boundary of the Parishes of *Kingston* and *Long Ditton*, crossing the *Portsmouth* Road, and ending at the first-named Point next the River *Thames*; which said Limits are more clearly defined upon a Map or Plan to be deposited at the Office of the Clerk to the Commissioners under this Act. Limits of Act.

VII. That true Copies of the said Map or Plan, or any Extract therefrom, certified by the Clerk to the Commissioners, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents of such Map or Plan; and such Map or Plan shall at all reasonable Times be open to the Inspection of the Ratepayers; and all Persons interested shall be entitled to a Copy of or Extract from such Map or Plan, certified by the Clerk, upon Payment of a reasonable Fee for every such Copy or Extract. Copy of Map or Plan to be Evidence.

VIII. That

The Surbiton Improvement Act, 1855.

Act to be carried into execution by Commissioners.

VIII. That the Commissioners and their Successors, to be qualified and appointed and elected as mentioned in this Act and the Commissioners Clauses Act, incorporated herewith, shall be the Commissioners for the Purposes of this Act, and for making and maintaining all Works and Conveniences and doing all Acts and Things which they may deem necessary for such Purposes, subject to the Provisions contained in this Act and the Acts incorporated herewith; and such Commissioners shall be and be deemed to be elected for the whole of the District within the Limits of this Act, and shall be called "The *Surbiton Improvement Commissioners*," and by that Name shall be a Body Corporate, and have perpetual Succession and a Common Seal, and may sue and be sued, and purchase, take, and hold, and sell and convey, Lands, Tenements, Hereditaments, Goods, Chattels, and other Property, for any of the Purposes of this Act.

Time of meeting for Election of Commissioners.

IX. That the Time of going out of Office by Rotation, and the Time of meeting for the Purpose of electing Commissioners in the Place of those who go out of Office by Rotation, shall be the First *Thursday* in the Month of *July* in the Year One thousand eight hundred and fifty-six, and the First *Thursday* in the Month of *July* in every subsequent Year.

Number of Commissioners.
First Commissioners.

X. That the Number of the said Commissioners shall be Fifteen.

XI. That *Charles Corkran* of *Southborough* in *Surbiton*, *William Henry Walton*, *Charles Barrett Lennard*, *David Napier*, *William Dunnage*, *William Mercer*, *Charles Bailey*, and *George Alderton*, all of *Surbiton*, *Charles Sumner*, *Robert Marshall Straight*, *Henshaw Skinner Russell*, *William Walter*, *Charles Edward Jemmett*, *William George Durnford*, and *Robert Brown*, all of *Surbiton Hill* in *Surbiton*, shall be the First Commissioners for carrying this Act into execution, and shall continue in Office until other Commissioners shall be elected in their Place, in the Manner prescribed by "The Commissioners Clauses Act, 1847," incorporated herewith.

Qualification of Commissioners.

XII. That every Commissioner under this Act shall have the following Qualification; (that is to say,) he shall be a Ratepayer within the Limits of this Act, and shall be either the Occupier within the said Limits of Premises rated to the Rates made for the Relief of the Poor within the said Limits in the annual Sum of Thirty Pounds or upwards, or he shall be seised or possessed of the Rents and Profits of Houses, Buildings, or Lands within the Limits of this Act of the clear annual Value of One hundred Pounds for an Estate of Freehold, or for the Residue of a Term of not less than Sixty Years of which not less than Fifteen Years are unexpired.

XIII. That

The Surbiton Improvement Act, 1855.

XIII. That every adult Person who, and every incorporated Company which, at the Time of any Election of Commissioners under this Act, shall be rated to any Rate to be made under the Provisions of this Act in respect of any Property within the Limits of this Act, and who shall before such Election have paid all the said Rates (if any) which shall have become payable by him or them in respect of such Property at any Time previously to the Commencement of the Third Month before such Election, shall be entitled to vote at the Election of the Commissioners to be elected at such Election.

Qualification
of Electors.

XIV. That any incorporated Company by this Act authorized to vote at any Election of Commissioners shall for the Purposes of such voting be considered as One Owner, and the Voting Paper containing the Qualification of the Company to vote at any such Election, and the Names of the Persons for whom the Company vote at such Election, may be signed by the Secretary or Chief-Clerk of the Company on behalf of the Company, and need not be under the Common Seal of the Company.

How Com-
panies may
vote.

XV. That the Commissioners acting under the Powers of this Act shall hold their First General Meeting at the *Southampton Hotel*, or some other convenient Place within the District, between the Hours of Twelve of the Clock in the Forenoon and Eight of the Clock in the Afternoon on the Second *Thursday* after the passing of this Act, and shall then and there proceed to put this Act into execution.

First Meet-
ing of Com-
missioners.

XVI. That the Newspapers in which Advertisements relating to the Affairs of the District are to be inserted shall be Two *London Daily Morning Papers* circulating in the District.

Newspapers
for the Inser-
tion of Ad-
vertise-
ments.

XVII. That it shall be lawful for the Commissioners to borrow on the Security of the Improvement Rates any Sums not exceeding in the whole the Sum of Two thousand five hundred Pounds, and on the Security of the Highway Rates any Sums not exceeding in the whole the Sum of Five hundred Pounds.

Limiting
Sums to be
borrowed on
Mortgage of
the Improve-
ment Rates
and High-
way Rates.

XVIII. That if after the whole of the said Sum of Two thousand five hundred Pounds shall have been raised it shall be found that a further Sum is required for the general Purposes of this Act, it shall be lawful for the Commissioners, from Time to Time, with the Consent of Two Thirds (in Number and Value) of the Ratepayers assessed to the Improvement Rates under this Act assembled at a Special Meeting to be called for the Purpose, to borrow on the Security of

A further
Sum may be
raised, with
the Consent
of the Rate-
payers.

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The Surbiton Improvement Act, 1855.

the Improvement Rates such further Sum or Sums of Money as such Special Meeting shall from Time to Time authorize, not exceeding in the whole, with any Sum previously borrowed under the like Authority, the Sum of Five thousand Pounds, in addition to the said Sum of Two thousand five hundred Pounds by this Act authorized to be borrowed.

Mortgagees
may apply
for a
Receiver.

XIX. That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages granted under this Act by the Appointment of a Receiver of the Rates comprised in and charged by such Mortgages; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver may be made shall not be less than One thousand Pounds in the whole.

Sum to be
set apart as
a Sinking
Fund for
Payment of
Mortgages.

XX. That the Sum to be set apart and appropriated out of the Improvement Rates and Highway Rates as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed on Mortgage of those Rates respectively, shall be in each Year One Thirtieth Part of the Monies from Time to Time so borrowed or secured.

Commis-
sioners to
pave, &c.

XXI. That the Commissioners shall and may, subject to the Provisions of this Act and of the Acts incorporated herewith, cause to be paved, sewered, drained, cleansed, lighted, managed, and otherwise improved the said District of *Surbiton* within the Limits aforesaid, and for those Purposes may exercise all the Powers vested in them by this Act and the several Acts incorporated herewith.

For Pro-
tection of
Water Pipes.

XXII. That it shall not be lawful for the Commissioners to raise or lower any Street, Road, or Footpath so as to leave a Covering of less than Eighteen Inches or more than Five Feet from the Surface of the Road over any Mains or Pipes of the Company of Proprietors of *Lambeth* Waterworks, or of the Governor and Company of *Chelsea* Waterworks, without requiring the Company to whom the same belong to lower or raise the same, at the Expense of the Commissioners, without the Consent of such Company in Writing for such Purpose first had and obtained.

Large Mains
of Water
Companies
not to be
moved
without
Consent.

XXIII. That nothing in this Act, or in the Towns Improvement Clauses Act incorporated herewith, contained, shall authorize the Commissioners to raise, sink, or otherwise alter the Situation of any large Main through which Water is or may be forced from the Works
of

The Surbiton Improvement Act, 1855.

of the Company of Proprietors of *Lambeth* Waterworks, or from the Works of the Governor and Company of the *Chelsea* Waterworks, to the Reservoirs of such Company, without the previous Consent in Writing of the Company to whom such large Main belongs first had and obtained.

XXIV. And whereas, under and by virtue of "The *Lambeth* Waterworks Act, 1848," the Company of Proprietors of *Lambeth* Waterworks have, at a large Expense, constructed certain Main Sewers and Drains, for the Purpose of intercepting Sewage from flowing into the River *Thames* for a considerable Distance above and below their Works, and the Governor and Company of *Chelsea* Waterworks have also, at a large Expense, constructed certain Main Sewers and Drains, and are authorized and empowered by "The *Chelsea* Waterworks Act, 1852," to make and complete Sewage Works in connexion with the Works so authorized by the said "*Lambeth* Waterworks Act, 1848," and such Sewers and Drains are constructed and maintained at the Expense of the said Companies respectively: And whereas such Sewers and Drains, in addition to preventing Sewage from flowing into the River near to the Works of the said Companies, will be available for carrying off the Sewage of a Part of the said District: Be it enacted, That nothing in this Act or the said "Towns Improvement Clauses Act" contained shall vest the said Main Sewers of the said Companies or of either of them, or any Part thereof, or any Drains from any of the Works of the said Companies or either of them into such Sewers or into the River *Thames*, in the Commissioners, or shall enable the Commissioners to alter the same Main Sewers or Drains, or in any way to interfere therewith, otherwise than by turning into any such Main Sewers so constructed for carrying off or intercepting Sewage as aforesaid the Sewage of any Parts of the said District which the Commissioners may deem it necessary to turn, and which they are hereby authorized, without making any Payment to the said Companies or either of them, for the same, to turn into such Sewers, in consequence of the Access to and Outfall into the River *Thames* being taken away by the Works of the said Companies or either of them, the Connexions by the Works of the Commissioners with such Sewers, or any Drains of the said Companies or either of them leading thereto, being from Time to Time made to the reasonable Satisfaction of the Engineer for the Time being of the Company to whom such Sewers or Drains belong, and in case of any Difference respecting the Mode of making such Connexions, then according to such Plan as upon the Application of either Party shall be determined by Two Justices; and it shall not be lawful for the Commissioners to levy or demand any Sewer Rate either for the Construction or maintaining of Sewers or Drains, or otherwise in respect of any Property of the Company of Proprietors of *Lambeth* Waterworks,

Sewers and Drains of Waterworks Companies not to vest in Commissioners, nor Companies to be liable to Sewer Rates.

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Waterworks, or the Governor and Company of *Chelsea* Waterworks, within the Limits of this Act, which for the Time being shall be comprised within the Fence Walls of the Works of such Companies respectively, or in respect of any other Property of the said Companies or either of them within the said Limits, which, in the Opinion of the Commissioners, may be sufficiently drained into such Sewers or Drains of the said Companies or either of them.

Compensation to be made for Use of private Sewers.

XXV. And whereas the Sewers and Drains in and under the *Surbiton* Estate now belonging to Messieurs *Coutts* and Company have been constructed by them at great Expense, and such Sewers and Drains may be made available for the Drainage of other Parts of the District within the Limits of this Act: Be it enacted, That nothing in "The Towns Improvement Clauses Act," incorporated herewith, contained, shall prevent the Owners for the Time being of the said Estate from granting to their future Grantees, Lessees, or Tenants of any Part of the said Estate, Power to drain their Houses and Lands on the said Estate into such Sewers or Drains; nor shall anything in the said Act contained authorize the Commissioners to use any Part of the Sewers and Drains now belonging to Messieurs *Coutts* and Company on the *Surbiton* Estate for the Purpose of draining any Part of the said District not Part of the said Estate, and not now draining into such Sewers or Drains, without making to Messieurs *Coutts* and Company, or other the Owners of such Sewers and Drains, reasonable Compensation for the Use thereof for the Drainage of such Parts of the said District not Part of the said Estate as do not now drain into the said Sewers or Drains; and if the Commissioners shall desire to use such Sewers or Drains as aforesaid, or any Part thereof, it shall be referred to Arbitrators, to be appointed in the Manner provided by the "Lands Clauses Consolidation Act" for settling by Arbitration Cases of disputed Compensation, to ascertain and determine the Extent to which such Sewers or Drains as then proposed to be used can be considered as used for the Drainage of the other Parts, of the said District not being Part of the *Surbiton* Estate, and not now draining into such Sewers or Drains, and also to ascertain and determine the Amount of Compensation to be paid for the Use of the Parts of the said Sewers through the private Lands of the said Messieurs *Coutts* and Company, and the Amount of the Compensation (if any) to be paid for the Use of any other Parts of the Sewers and Drains under the Streets on the said Estate; and in determining the Value of such Sewers and Drains, and the Amount of such Compensation for the proposed Use thereof as aforesaid, the Arbitrators shall have regard to and take into account, and in diminution of such Valuation and Compensation, the Costs of the Sewers and Drains which the Owners of the *Surbiton* Estate, and their present

The Surbiton Improvement Act, 1855.

present and future Grantees, Lessees, and Tenants, as well of the Houses and Lands on the said Estate then draining into such Sewers or Drains as of the Houses and Lands on the said Estate which the Owners of the said Estate may thereafter authorize to be drained into the same, would have had to bear if the Sewers running through their said *Surbiton* Estate, and so proposed to be used by the Commissioners, had been made by the Commissioners acting in the Execution of and in pursuance of this Act, and such Arbitrators shall also determine by what Parts of the District such Compensation shall be paid, and the Nature of the Rates by which the same shall be raised.

XXVI. That nothing in this Act or the Towns Improvement Clauses Act contained shall enable the Commissioners to levy upon the Owners, Lessees, or Occupiers of any Houses or Lands on the *Surbiton* Estate belonging to Messieurs *Coutts* and Company, and who have acquired or may hereafter acquire from them a Right to drain into the existing Sewers or Drains on the said Estate, any Special Sewer Rate for the Construction of any new Sewers or Drains on the said Estate, so long as the existing Sewers or Drains on the said Estate shall, in the Opinion of the Commissioners, be sufficient for the Drainage of the said Estate, and shall not require to be reconstructed for the Drainage of such Estate.

Occupiers of Houses on the *Surbiton* Estate not to be subject to Special Sewer Rates for new Sewers.

XXVII. That where, at the Commencement of this Act; any Houses in the said District are, in the Judgment of the Commissioners, sufficiently drained into any existing Sewer or Drain which is not taken away by the Construction of any new Sewer or Drain by the Commissioners within the Drainage District in which such Houses shall be situate, it shall not be lawful for the Commissioners to levy on the Occupiers of any of such Houses any Special Sewer Rates for the Construction of any new Sewer in such District, so long as such Houses shall, in the Judgment of the Commissioners, continue to be sufficiently drained by such existing Sewer or Drain, and shall not use any of the Sewers or Drains of the Commissioners within such Drainage District; neither shall it be lawful for the Commissioners to levy on such Occupiers any General Sewer Rates, unless the said existing Sewers or Drains by which such Houses shall be drained shall be vested in and be maintained and cleared by the Commissioners.

Houses sufficiently drained into other existing Sewers not discontinued not to be subject to special or general Drainage Rates.

XXVIII. And whereas it is necessary that all Sewage or Drainage Works to be executed under this Act or the Acts incorporated herewith, and which the Commissioners may require to be carried under or over the *London and South-western* Railway, should be so carried

Provision for protecting the *London and South-western* Railway

[*Local.*]

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Company in
respect of
Works for
Sewerage,
&c.

on and completed as not to interfere with the Traffic of or to cause any Prejudice to the said Railway: Be it therefore enacted, That, notwithstanding anything contained in this Act or the Acts incorporated herewith, it shall not be lawful for the Commissioners to enter upon or interfere with that Railway or any Part thereof, or with the Lands and Works within the Fences of the Line of the Railway, or to execute any Work whatsoever under or over the said Railway, until after the Commissioners shall have delivered to the said Company Working Plans and Drawings of the Works proposed to be so executed, with a Specification in Writing describing the proposed Manner of executing the same, and shall have obtained from the principal Engineer of the said Company a Certificate under his Hand approving of such Plans, Specifications, and proposed Manner of executing the Works, and the same shall be executed under the Superintendence and to the reasonable Satisfaction of such principal Engineer, and in no other Manner, without the Consent in Writing of the said Company under their Common Seal: Provided always, that if the principal Engineer of the Railway Company shall in any Case not so approve and certify his Approval of the Plans, Drawings, and Specifications furnished by the Commissioners within One Month after the same shall have been so delivered, and the said Company and the Commissioners cannot agree as to the Nature of the proposed Works, or the Mode of executing the same, then the Questions in difference between the said Company and the Commissioners shall, on the Application of either Party, be referred to the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, who are hereby empowered, either themselves or by an Engineer to be appointed by them, to determine the Matters in difference between the said Company and the Commissioners, and to modify and alter the Plans proposed by either Party, and to determine the Place and Mode of carrying the proposed Sewage or Drainage Works either over or under the said Railway, and the Mode of executing the same; and the Decision of the Lords of that Committee, or of any Engineer to whom they may refer the said Matters in difference, shall be binding on both Parties; and the Commissioners may proceed with the Execution of their proposed Works, or any Modification thereof, or substituted Plan of Works, according to such Plans, Drawings, and Specifications as shall be approved by that Committee or their Engineer, but nevertheless under the Superintendence and to the reasonable Satisfaction of the principal Engineer for the Time being of the said Company, and subject to the Provisions of this Act.

Commission-
ers not to
enter upon
Lands be-
longing to

XXIX. That nothing herein contained shall authorize the Commissioners to take or enter upon, except for the Purpose of surveying and taking Levels, which they are hereby authorized to do, any of the
Lands

The Surbiton Improvement Act, 1855.

Lands within the Fences of the *London and South-western* Railway, or to alter, vary, or interfere with that Railway or any of the Works thereof respectively further or otherwise than is hereby expressly authorized, without the Consent in Writing of the *London and South-western* Railway Company, under their Common Seal, in every Instance for that Purpose first had and obtained.

the London and South-western Railway Company, without Consent.

XXX. That, notwithstanding anything herein contained, it shall not be lawful for the Commissioners, without such Consent of the *London and South-western* Railway Company as aforesaid, to acquire any Right or Property in any of the Lands of the said Company, but only the Right, subject to the Provisions of this Act, of executing such Works as are by this Act authorized upon, through, or under the Lands of the said Company, and for repairing such Works when and as Occasion shall require; and all such Repairs shall from Time to Time be done under the Superintendence and to the reasonable Satisfaction of the principal Engineer of the said Company for the Time being, and, if he shall in Writing require the same, according to Plans, Drawings, and Specifications to be furnished and approved, or in case of Difference to be determined in manner herein directed with reference to the original Construction of the same Works.

Commissioners not to acquire any Interest in the London and South-western Railway.

XXXI. That if the Works of the Commissioners shall at any Time, in the Opinion of the Engineer of the said Railway Company, be out of repair, so as to endanger the Stability of the said Railway or to interfere with the Traffic thereof, or create any Nuisance or Annoyance on the said Railway, it shall be lawful for the said Railway Company forthwith to repair the same, and the Expenses thereof shall, on Demand, be paid by the Commissioners to the Company.

Commissioners to pay Expenses of Works executed by the Company for them.

XXXII. That if, by reason of the Construction of any Works to be made by the Commissioners under, over, or across or which shall otherwise affect the said Railway, any Obstruction shall be occasioned to the Traffic passing thereon, or if any such Obstruction shall be occasioned during any Repairs of the same Works, or for or by reason of any Want of Repair or due or proper Maintenance thereof, the Commissioners shall forfeit and pay to the Railway Company the Sum of Ten Pounds for every Hour during which such Obstruction shall continue; and the same may be recovered, and full Costs of Suit, from the Commissioners, in any Court of competent Jurisdiction.

Penalty in case of Obstruction of Traffic of the London and South-western Railway Company.

XXXIII. That

The Surbiton Improvement Act, 1855.

Power to
purchase
Lands, &c.

XXXIII. That the Commissioners may from Time to Time, but only by Agreement, and not by Compulsion, purchase and otherwise acquire any Lands, Buildings, Streams, Waters, Sewers, and Drains, and any Interest, Easement, Right of User, Power, or Privilege in, over, or affecting the same respectively, which they may think it expedient to purchase, rent, or use for any of the Purposes of this Act, and may purchase or acquire or rent or use the same on such Terms and Conditions as they think fit.

Extension of
Sect. 31. of
10 & 11 Vict.
c. 34.

XXXIV. That the Provisions of Section Thirty-one of "The Towns Improvement Clauses Act, 1847," incorporated herewith, shall extend to all Vaults, Arches, and Cellars hereafter to be made, whether made under the Carriageway or under the Footway of any Street.

Extending
Sect. 53. of
10 & 11 Vict.
c. 34.

XXXV. That in any Case in which the Commissioners may pave, flag, or otherwise improve any Street or Part of a Street, under the Power contained in the Fifty-third Section of "The Towns Improvement Clauses Act," incorporated herewith, the Commissioners may, if such Street shall be used as a general Thoroughfare, and be of public Benefit to the Inhabitants of the District, and if the Commissioners shall think it expedient or just so to do, instead of charging the whole of the Expenses incurred thereby on the Occupiers of the Lands abutting on such Street or Part thereof, pay One Half Part of such Expenses out of the Highway Rates levied under this Act, and charge the other Half Part of such Expenses in equal Proportions to the Owners and Occupiers of the Lands fronting, adjoining, or abutting on such Street, or the Part thereof so paved, flagged, or otherwise improved; and in case of Nonpayment thereof by such Owners and Occupiers or any of them, the Sum payable by such Occupiers shall be recoverable from them as Private Improvement Expenses, and the Sum payable by such Owners may be recovered as Damages; and such Street, or the Part thereof so paved, flagged, or improved, shall thereafter be repaired and maintained by the Commissioners out of the Highway Rates levied under this Act.

Commission-
ers may pave
and drain
Streets, at the
Expense of
Owners.

XXXVI. That if any Street or Part of a Street, not being a Highway, be not paved, flagged, levelled, and drained, or otherwise made good to the Satisfaction of the Commissioners, the Commissioners may cause such Street, or the Parts thereof not so paved, flagged, levelled, and drained, or otherwise made good, to be paved, flagged, levelled, drained, and otherwise made good in such Manner as they think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been well and sufficiently

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ciently paved, flagged, levelled, and drained, or otherwise made good; and such Expenses shall be recoverable from such Owners respectively in the Manner provided by "The Towns Improvement Clauses Act," incorporated herewith, with respect to Private Improvement Expenses; and thereafter such Street shall be repaired and maintained by the Commissioners out of the Highway Rates levied under this Act.

XXXVII. And whereas there are within the said District several Roads, Ways, and Footpaths which are of great public Convenience, but which the Surveyors of the Highways are not bound to repair, and which, from their Nature and Use, it would not be reasonable or just to require the Owners or Occupiers of the adjoining Lands to repair: Be it therefore enacted, That it shall be lawful for the Commissioners, in every Case in which they shall think it expedient so to do, to make good, repair, and maintain as a public Highway any of the Roads, Ways, and Footpaths within the said District which the Commissioners shall be of opinion ought not to be made good and repaired at the Expense of the Owners or Occupiers of the adjoining Lands, and to defray the Expense of such making good, Repair, and Maintenance out of the Highway Rates levied under this Act.

Commissioners may repair certain public Ways out of the Rates, instead of at the Expense of the Owners and Occupiers of the adjoining Lands.

XXXVIII. That it shall be lawful for the Commissioners, by Agreement with the Trustees of any Turnpike Road within the District, to take upon themselves the Maintenance, Repair, cleansing, and watering of so much of the said Road as may be within the said District, on such Terms, as to the Tolls receivable on such Turnpike, and as to the shifting of Toll Gates or Toll Bars, or otherwise, as the Commissioners and the Trustees may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper circulating within the District for Two successive Weeks after such Agreement has been made, and shall be affixed in all Places within the District where public Notices are usually affixed; and any Trustee of any such Turnpike, or any Person holding any Security for Money advanced to such Trustees, or to whom any Money may be due from such Trustees, and any Ratepayer within the District, if dissatisfied with such Agreement, may appeal against the same to the Court of Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as in the Case of Appeals against Rates leviable under this Act; and the Determination of the said Court in respect of such Agreement shall be conclusive and binding on all Persons, to all Intents and Purposes.

Power to enter into Arrangements with the Trustees of Turnpike Roads within the District.

XXXIX. That before the Commissioners open or break up any Turnpike Road within the Limits of this Act, they shall give to the
 [Local.] 6 A Clerk, Notice to be served on Trustees of Turnpike

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Roads before
breaking up
same.

Clerk, Surveyor, or other Officer of such Road Three clear Days Notice in Writing of their Intention so to open or break up such Road.

Turnpike
Roads not to
be broken
up except
under Super-
intendence
of Trustees
or their
Officer.

XL. That no such Road shall be opened or broken up, except under the Superintendence of the Trustees thereof or of their Officer, and according to such Plan as shall be approved of by such Trustees or their Officer, or in case of any Difference respecting such Plan then according to such Plan as shall be determined by Two Justices: Provided always, that if the Trustees of any such Turnpike Road or their Officer fail to attend at the Time fixed for the opening of any such Road, after having had such Notice as aforesaid, or shall not propose any Plan for breaking up or opening the same, or shall refuse or neglect to superintend the Operation, the Commissioners may perform the Work specified in such Notice without the Superintendence of such Trustees or their Officer.

Turnpike
Roads to be
reinstated
without
Delay.

XLI. That when the Commissioners open or break up any such Road they shall with all convenient Speed complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road so opened or broken up, and carry away the Rubbish occasioned thereby, and shall at all Times whilst any such Road shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a Light sufficient for the warning of Passengers to be set up and maintained against or near such Road where the same shall be opened or broken up every Night during which such Road shall be continued open or broken up, and shall, after replacing and making good the Road which shall have been so broken up, keep the same in good Repair for Six Months thereafter, and such further Time (if any), not being more than Twelve Months in the whole, as the Soil so broken up shall continue to subside.

Penalty for
Delay in
reinstating
Turnpike
Roads.

XLII. That if the Commissioners open or break up any such Road without giving such Notice as aforesaid, or in a Manner different from that which shall have been approved of or determined as aforesaid, or if the Commissioners make any unnecessary Delay in completing any such Work, or in filling in the Ground or reinstating and making good the Road so opened or broken up, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Road has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road in repair for the Space of Six Months next after the same is made good, or such further Time as aforesaid, they shall forfeit to the Trustees of any such Road in respect of which such Default is made a Sum not exceeding Five Pounds for every

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every such Offence, and an additional Sum not exceeding Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

XLIII. That if any such Delay or Omission as aforesaid shall take place the Trustees of any such Road may cause the Work so delayed or omitted to be executed; and the Expense of executing the same shall be repaid to the Trustees by the Commissioners, and such Expenses may be recovered in the same Way as Damages are recoverable under this Act.

In case of Delay Trustees may reinstate, and recover the Expenses.

XLIV. That, except as by this Act or the Acts incorporated herewith otherwise expressly provided, nothing herein contained shall alter, take away, or abridge any of the Rights, Powers, Privileges, or Authorities now vested in the Trustees of the *Kingston and Leatherhead* Turnpike Road in or over any of their Road within the Limits of this Act.

Saving Rights of Trustees of Kingston and Leatherhead Turnpike Road.

XLV. That it shall be the Duty of the Commissioners to keep their District free from Nuisances, and for that Purpose to exercise such Powers and take such Measures as may be vested in or exercisable by them under any Act or Acts of Parliament for the Time being in force.

Removal of Nuisances.

XLVI. That for the Purposes of defraying the Costs and Expenses of carrying the several Powers and Provisions of this Act, and of the several Acts incorporated herewith, into execution, (except the Purposes to which any Rates to be made for Sewers, Drains, and Private Improvements, and any Rates to be made for making and repairing the Highways within the District, are by the Towns Improvement Clauses Act, incorporated herewith, or this Act, directed to be applied,) and including the Costs and Expenses of and incident to the obtaining of this Act, it shall be lawful for the Commissioners from Time to Time to make, assess, and levy such equal Rates, to be called the "Improvement Rate," as may be necessary for the Purposes aforesaid, such Rates not exceeding in the whole in any One Year One Shilling and Sixpence in the Pound of the annual Value of the Property included in such Rates according to the next preceding Assessment for the Relief of the Poor within the Limits of this Act.

General Improvement Rate.

XLVII. Provided always, That every Person occupying Lands used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, or any Lands covered with Water, or used only as a Canal or Towing Path for the same, or as a Railway

Land, &c. to be rated at One Fourth only of net annual Value.

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Railway constructed under the Powers of any Act of Parliament for public Conveyance, and every Waterworks Company holding, using, or occupying Lands used by them only for large Mains for the Conveyance of Water through the District for the Use of other Places, and not intended for Distribution or Supply within the said District, shall be rated to the said Improvement Rates in respect of the same Lands in the Proportion of One Fourth Part only of such annual Value thereof as aforesaid.

When rateable Property assessed jointly with other Property not in the District, the Commissioners may cause the Property in the District to be valued.

XLVIII. That in every Case in which any rateable Property within the Limits of this Act is in the Assessment for the Time being in force for Relief of the Poor rated with other Property not within the Limits of this Act at One Sum, it shall from Time to Time, as often as the same shall happen, be lawful for the Commissioners to cause a Valuation to be made of such Portion of such rateable Property as shall be within the Limits of this Act, such Valuation to be made by some competent Person, to be appointed by the Commissioners for that Purpose; and the Rates made by the Commissioners for the Purposes of this Act shall in every such Case be made upon such Valuation; and in every such Valuation the Property rateable shall be computed at its net annual Value as defined by the Act or Acts for the Time being in force for regulating Parochial Assessments.

Power to increase Rate, by Consent of Ratepayers.

XLIX. That if at any Time it shall appear that the said Sum of One Shilling and Sixpence in the Pound is not sufficient for the Purposes of this Act to which the Improvement Rate is applicable, it shall be lawful for the Commissioners, with the Consent of Two Thirds (in Number and Value) of the Ratepayers assessed to such Rates assembled at a Special Meeting to be called and held for the Purpose of increasing the Rates, to increase the said Rates for such Periods as such Meeting shall authorize, so as the same shall not in any One Year exceed the Sum of One Shilling and Sixpence in the Pound on such annual Value as aforesaid, in addition to the said first-mentioned Sum of One Shilling and Sixpence in the Pound.

As to voting at Special Meetings to raise additional Money or to increase Rates.

L. That at any Special Meeting of the Ratepayers for the Purpose of authorizing the raising of the said Sum of Five thousand Pounds or any Part thereof, or of increasing the Improvement Rates by this Act authorized, every Ratepayer present at such Meeting shall be entitled to give as many Votes for or against the raising of such Money or increasing such Rates as he would be entitled to give in the Election of Commissioners, but it shall not be lawful for any Ratepayer to attend or vote at such Meeting who has not paid up all the Rates which shall have become payable from him under this Act at
any

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any Time previously to the Commencement of the Third Month before the Day of such Meeting.

LI. That at any Special Meeting for the Purpose of obtaining Power to raise any additional Sum of Money, or to make any Increase of the Improvement Rate, it shall be lawful for any Ten Ratepayers present at such Meeting, and entitled to vote thereat, by Writing under their Hands to demand a Poll upon all or any of the Questions submitted to such Meeting; and such Poll, if demanded, shall be taken within Five Days after such Demand, and in the Manner by the Commissioners Clauses Act, incorporated herewith, directed for taking the Poll at the Election of Commissioners; and the Commissioners shall appoint One of their Body to be presiding Officer at such Poll, and such presiding Officer, and all Persons acting under him, shall have the same Powers and perform the same Duties as in the Case of a Poll at the Election of Commissioners.

At Special Meeting to raise additional Money or to increase Rates, a Poll may be demanded.

LII. That Notice of the Intention of the Commissioners to hold any Special Meeting for the Purpose of obtaining Power to raise any additional Sum of Money, or to make any Increase of the Improvement Rate, shall be given by posting Hand Bills on the Church Doors, and on some One or more of the Doors of the Chapels within the Limits of this Act, on each of the Three *Sundays* preceding the Day of holding such Meeting, and if Permission so to do can be obtained on reasonable Terms, by posting the same for Ten Days before the Day of holding such Meeting on the Notice Board in the Railway Station in the said District, and also in such other Manner as the Commissioners shall or may direct.

Notice to be given of Special Meeting.

LIII. That the Amount of any Rate made by the Commissioners under this Act or any Act incorporated herewith may, if they think fit, be such Amount as in their Judgment will be sufficient to raise or discharge not only the Sum in respect of which the Rate is made, but also such a Sum as will meet the Expenses or what is in their Judgment a due Proportion of the Expenses incurred and to be incurred in and about making and recovering the Rate.

Amount of Rate to include Expenses of recovering it.

LIV. That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate or other Monies payable under this Act or any Act incorporated herewith to order that the Costs of the Proceedings for the Recovery of such Rate or other Monies shall be paid by the Person failing to pay such Rate or other Monies; and such Costs shall be ascertained by such Justice, and levied by Distress, and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate or Monies the Amount of such Costs, and shall issue his Warrant accordingly.

Costs of Proceedings to be included in Warrant.

[Local.]

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LV. That

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Sums due to the Commissioners may be recovered in any competent Court.

LV. That the Commissioners may, if they think fit, sue for and recover any Monies due or payable to them, not exceeding Fifty Pounds, by Action or Proceeding in such Courts and in such Manner as by Law provided for the Recovery of Debts not exceeding Fifty Pounds; but this present Provision shall not in anywise prejudice any other Remedy which the Commissioners may have for the Recovery of such Monies.

Application of Improvement Rates.

LVI. That all Monies which shall come to the Hands of the Commissioners from the Improvement Rates shall be applied and disposed of as follows; that is to say,

Firstly, in defraying the Charges and Expenses which shall have been incurred in or shall be incident to the obtaining and passing of this Act:

Secondly, in paying the Interest of all Monies borrowed and which shall be from Time to Time due and owing on the Credit of the said Improvement Rates:

Thirdly, in setting apart and appropriating the Sum by this Act directed to be set apart and appropriated as a Sinking Fund for paying off the Principal Monies which shall have been borrowed or secured on the Improvement Rates:

Fourthly, in carrying all the Purposes of this Act into execution, except the purchasing, building, and repairing Sewers, and making and repairing Highways, within the Limits of this Act, and any other Purposes for which any Rate for Sewers, Drains, and Private Improvements, or any Highway Rates, are by this Act or any Act incorporated herewith made applicable.

Application of Monies borrowed on the Improvement Rates.

LVII. That all Monies which shall be raised by the Commissioners by any Mortgages granted by them of the Improvement Rates shall be applied to the several Purposes and in the Order of Priority to which by this Act the said Improvement Rates are firstly and fourthly made applicable.

Application of Highway Rate.

LVIII. That all Money which shall come to the Hands of the Commissioners from the Highway Rates shall be applied and disposed of as follows:

Firstly, in paying the Interest of all Monies borrowed and which shall be from Time to Time due and owing on the Credit of the said Highway Rates:

Secondly, in setting apart and appropriating the Sum by this Act directed to be set apart and appropriated in every Year as a Sinking Fund for paying off the Principal Monies which shall have been borrowed or secured on the Highway Rates:

Thirdly,

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Thirdly, in altering, improving, repairing, and maintaining the present and future Streets and public Footpaths within the District, and in executing any Works in relation to such Streets and Footpaths the Expenses or Part of the Expenses of which are by this Act authorized to be paid out of the Highway Rates, and in executing the other Powers and Duties vested in the Commissioners as the Surveyors of Highways within the District.

LIX. That all Monies which shall be raised by the Commissioners by any Mortgages granted by them of the Highway Rates shall be applied to the several Purposes to which by this Act the said Highway Rates are thirdly made applicable.

Application of Money borrowed on Highway Rates.

LX. That the Highway Rates to be made by the Commissioners under the Powers conferred by the Forty-eighth Section of the Towns Improvement Clauses Act, and the Laws for the Time being in force relating to Highways, extended thereto, shall be and be deemed Highway Rates levied under this Act; but unless and until an Indictment shall be preferred against the Commissioners for a Misdemeanor for refusing or neglecting to repair any public Highway or Footpath within the District, it shall not be lawful for the Commissioners under such Powers to make and levy in any One Year for the Purposes to which the Highway Rates are by this Act directed to be applied any Rate or Rates exceeding in the whole One Shilling in the Pound on the net annual Value of the Property in the District for the Time being liable to be rated to the Highway Rates of the District: Provided always, that the Allowance by Justices shall not be necessary in the Case of any Highway Rate made by the Commissioners under this Act; and any Highway Rate or Improvement Rate, sealed with the Common Seal of the Commissioners, need not be signed by the Surveyor or the Commissioners.

Limiting the Amount of the Highway Rates.

LXI. That all Highway Rates made and levied within the District by the Surveyors of Highways of the Parish of *Kingston-upon-Thames* since the First Day of *April* One thousand eight hundred and fifty-five shall, when collected by the said Surveyors or their Collectors, be paid over to the Commissioners for the Purposes to which any Highway Rates levied by the Commissioners under this Act or the Towns Improvement Clauses Act, incorporated herewith, would be applicable, subject nevertheless to the Payment to the said Surveyors out of the Rates so levied by them of a due Proportion of the Expense of making, levying, and collecting such Rates, and also to the Payment to them of the Costs and Expense of any Repairs of the Highways within the said District which shall have been actually done or executed

Highway Rates levied after the 1st of April to be paid over to the Commissioners.

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executed by the said Surveyors since the making of such Rate, and which have not been paid or provided for out of any Rates previously levied within the District.

Commis-
sioners may
require
Houses to be
provided
with Water.

LXII. That if upon the Report of the Surveyor of the Commissioners it appear to the Commissioners that any House is without a proper Supply of Water, and that such a Supply of Water can be furnished thereto at a Rent or Expense not exceeding Threepence a Week, exclusive of the first Cost of the Pipes and Works necessary for furnishing such Supply, the Commissioners may serve a Notice on the Owner or Occupier of such House requiring him to obtain such Supply within a Time to be specified in such Notice; and if such Owner or Occupier fail to comply with such Notice the Commissioners may themselves cause such Supply to be furnished, and all Expenses incurred by Order of or by the Commissioners in respect of Pipes laid or Works done for the Purpose of furnishing such Supply as aforesaid to any House shall be paid by the Owner of such House.

Water Rents
to be paid
by Owners
or Occupiers.

LXIII. That the Rent payable in respect of the Supply of Water to any such House as aforesaid shall be defrayed in the same Manner in all respects as the same would have been defrayed if the Owner or Occupier of such House had obtained the Supply voluntarily instead of in obedience to an Order of the Commissioners.

Transferring
to Commis-
sioners
Powers of
Inspectors of
Lighting
under
3 & 4 W. 4.
c. 90.

LXIV. That all and every the Powers and Authorities of the Inspectors for lighting the said District elected under the General Lighting Act of the Third and Fourth Years of the Reign of His Majesty King *William* the Fourth, Chapter Ninety, shall, so soon as this Act shall come into operation, be transferred to and shall be exercised by the Commissioners acting in execution of this Act, who shall thenceforth be the sole Inspectors for carrying out the Provisions of the said Act and of this Act for the said District: Provided always, that all Contracts for Lighting entered into and made by the said Inspectors under the Authority of the said last-recited Act shall be binding and incumbent on and enforced by and against the said Commissioners, and all Persons Parties to the said Contracts, as fully as they would have been binding or incumbent on or enforceable against the said Inspectors and all such other Persons as if the Powers of the said Inspectors had not been so transferred as aforesaid; and the several Rates and Assessments made by virtue of the said last-mentioned Act previous to the Commencement in Operation of this Act shall be levied and recovered by the Overseers of the said Parish of *Kingston-upon-Thames*; and all Monies received by the said Overseers in respect of the said Rates, after paying the Expenses of making,

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making, levying, and collecting the same, shall be paid over by them to the said Commissioners, or as they shall direct; and such Rates and Assessments, when so levied and recovered, and paid to the said Commissioners, shall be by them applied to the Purposes of this Act to which the Improvement Rates are made applicable: Provided also, that after the Powers of the said Inspectors shall have become vested in the Commissioners it shall not be incumbent on the Commissioners to hold any Meetings as Inspectors under the said Act 3 and 4 William IV., *Cap.* 90., but the Powers of this Act only shall be thenceforth put in force for lighting the said District.

LXV. That no Person, although liable to the Payment of any Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice in the Execution of the same, nor shall any Mortgagee of the Rates to be levied under this Act be disqualified as a Commissioner.

No Person disqualified by reason of being a Ratepayer or a Commissioner.

LXVI. That whenever it shall be necessary, for the Recovery of any Rate or Proportion of a Rate made by virtue of this Act or of any Act incorporated herewith, to serve any Summons on any Person liable to the Payment of such Rates, such Summons may be left with some Inmate on the Premises in respect of which the Rate shall have been made, or in case there be no Inmate it may be affixed on some conspicuous Part of the Premises, and sent by Post to the usual Place of Abode of the Person liable to such Rate; and such Delivery, or fixing and posting, as the Case may be, shall be deemed a good Service of such Summons on the Persons so liable to such Rate.

Service of Summons.

LXVII. That all Fines, Penalties, and Forfeitures for any Offences under this Act or under any Act incorporated herewith, or any Bye-laws made under the Powers thereof, shall be paid to the Treasurer of the Commissioners, and be carried to the Credit of the Commissioners, and be by them applied for the Purposes of this Act.

Application of Penalties.

LXVIII. That all Monies which shall come to the Hands of the Commissioners in consequence of the Sale of any superfluous Lands, under the Provisions of this and the said Lands Clauses Consolidation Act, shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the Improvement Rates; and if there be no Money owing on the Credit thereof, the same shall be applied to the other Purposes to which the Improvement Rates are by this Act made applicable.

Application of Monies arising from Sale of superfluous Lands.

LXIX. That after the Commencement of this Act all the Powers and Jurisdictions now vested in any Court or Commission of Sewers
[*Local.*]

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Lands in District exempted from Jurisdiction in

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of Commis-
sioners of
Sewers.

in or over all or any of the Lands or Sewers comprised in the said District, under or by virtue of any of the Statutes for the Time being in force relating to Sewers, shall cease and determine, and such Lands and Sewers shall thenceforth be exempt from the Powers and Jurisdiction of any such Court or Commission of Sewers.

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