



CHAP. clix.

An Act to enable the Justices of the Peace for the county of Surrey to provide a new Record Room and Offices for the Clerk of the Peace for the said county ; and for other purposes. A.D. 1871.
[24th July 1871.]

WHEREAS under the provisions of an Act passed in the session of Parliament held in the thirty-first year of the reign of His Majesty King George III., intituled “An Act for building a New Common Gaol and Session House with Accommodations thereto for the county of Surrey, and for disposing of the present County Gaol and the ground thereto belonging,” in this Act referred to as “the Gaol and Session House Act,” the justices of the peace for the said county of Surrey did purchase a certain piece or parcel of land, situate in the parish of Saint Mary, Newington, in the said county of Surrey, and did upon certain parts thereof build a gaol, with proper offices and requisites, and a sessions house for the public purposes of the said county : 31 G. 3.
c. 22.

And whereas certain other parts of the said land (in this Act referred to as surplus land) now vested in the clerk of the peace for the said county of Surrey upon trust for the service and benefit of the said county for the uses in the “Gaol and Session House Act” mentioned are now available for building purposes :

And whereas under the provisions of another Act passed in the session of Parliament held in the fifty-fifth year of the reign of His said Majesty King George III., intituled “An Act to enable the Justices of the Peace for the county of Surrey to provide a proper place for the depositing and preserving the Public Records of the said county, together with a Residence for the Clerk of the Peace for the safe custody of such Records and convenient Offices for transacting his business, and also to settle a Table of Fees to be taken by such Clerk of the Peace,” the justices of the peace for the said county of Surrey did purchase certain pieces or parcels of land, situate in North Street, Lambeth, in the said county of Surrey, 55 G. 3.
c. xlv.

[Ch. clix.] *The Surrey County Offices Act, 1871.* [34 & 35 VICT.]

A.D. 1871. and did build thereon a record room and a residence and offices for the said clerk of the peace :

And whereas the said record room and the said residence and offices of the clerk of the peace are situate at a considerable distance from the said sessions house, and by reason of their being so situate much inconvenience and delay in the management of the public business of the said county is occasioned :

And whereas the said sessions house is no longer adequate for the transaction of such business :

And whereas to obviate such inconvenience and delay and to facilitate the discharge of such public business it is expedient that the said justices of the peace for the county of Surrey should be empowered to erect in the immediate vicinity of the said sessions house, upon the surplus land or upon land to be purchased under the authority of this Act, a record room and an office for the clerk of the peace, and from time to time to alter, enlarge, and improve the same, and, when such record room and such office for the clerk of the peace are completed and fit for use and the records of the said county have been transferred to and deposited in the said record room, that the said justices should be empowered to sell and dispose of the said buildings, lands, hereditaments, and premises situate in North Street, Lambeth, and to apply the proceeds of such sale in the manner by this Act authorised :

And whereas it is also expedient to empower the said justices from time to time to alter, enlarge, and improve the said sessions house :

And whereas, for the purposes aforesaid, it is necessary to amend the Gaol and Session House Act, and also to repeal the said Act passed in the session of Parliament held in the fifty-fifth year of the reign of His said Majesty King George III. :

And whereas the objects aforesaid cannot be attained 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 :

Short title. 1. This Act may be cited for all purposes as "The Surrey County Offices Act, 1871."

Certain lands to be applicable to purposes of Act. 2. Notwithstanding anything in the Gaol and Session House Act, the clerk of the peace for the county of Surrey shall be seised of the surplus land upon trust, as well for the uses in this Act mentioned as for the uses in the said Gaol and Session House Act mentioned, and the said land may be built upon and used in the manner and subject to the conditions by this Act prescribed.

3. The justices of the peace for the county of Surrey (in this Act referred to as "the justices") assembled at any quarter or general sessions holden within the county of Surrey are hereby empowered to cause to be erected and built upon any of the surplus land or other land belonging to the said justices, or upon any land acquired under the authority and for the purposes of this Act, a commodious and suitable room or rooms for the depositing and the preserving of the records of the said county, and proper offices for the clerk of the peace of the said county.

A.D. 1871.
Power to
justices to
erect record
room and
offices for
clerk of the
peace.

4. The justices at any quarter or general sessions assembled as aforesaid are hereby empowered for the purposes of this Act to purchase by agreement any lands or buildings, and in order to facilitate the acquirement by the justices of lands or buildings the provisions of "The Lands Clauses Consolidation Act, 1845," as the same are amended by "The Lands Clauses Consolidation Acts Amendment Act, 1860," except such of the said provisions as relate to the purchase of lands otherwise than by agreement, and as relate to affording access to the special Act by all parties interested, shall be incorporated with this Act. For the purposes of such incorporation the terms "the special Act" and "the promoters of the undertaking" shall be construed to mean respectively this Act and justices aforesaid.

Power to
purchase
lands by
agreement.

5. The justices at any quarter or general sessions assembled as aforesaid are hereby empowered from time to time, as they may think proper, to alter, enlarge, or improve the said sessions house, record room, or offices of the clerk of the peace, or any of such buildings, and to provide all furniture and other fittings necessary and proper for the same, and for carrying on therein the public business of the said county.

Power to
justices to
alter, en-
large, and
improve
buildings
and furnish
same.

6. When the said record room has been duly completed, and the same is in the opinion of the justices assembled at any quarter or general sessions as aforesaid fit for the reception of the public records of the said county, the said justices may by order direct the removal of the said records from the premises in North Street, Lambeth, to such record room, and while the said records are being so removed, and when the same have been so removed, they shall be deemed to be and shall be in the custody of the clerk of the peace of the said county of Surrey, and the said clerk of the peace shall take care of and preserve the said records, and he shall exhibit the same to such persons as may be entitled to search the same on any day (Sunday, Good Friday, Christmas Day and the day following, and any day appointed for a general fast or thanksgiving only

Removal of
records.

A.D. 1871.

excepted), between the hours of ten in the forenoon and four in the afternoon.

Lands not
wanted may
be sold.

7. When the said record room and offices of the clerk of the peace have been completed and open for use, and the said records have been duly removed as aforesaid, the justices at any quarter or general sessions assembled as aforesaid may by order direct the said premises in North Street, Lambeth, to be sold by public auction or otherwise for the best price that can be obtained for the same, and shall, if the Secretary of State for the Home Department shall approve of such order, at any subsequent sessions appoint a committee consisting of any two or more of their number to carry the said order into effect. The consideration for every such sale shall be received by the county treasurer of the said county of Surrey, whose receipt shall be a good discharge for the same, and such consideration shall be applied in the first instance in payment of any moneys borrowed under the authority of this Act which shall then remain unpaid, and subject thereto to the purposes of this Act, and the surplus (if any) shall be applied to all or any of the purposes to which the public stock or county rate of the said county of Surrey is or may hereafter be made liable.

Compensa-
tion to be
made to
clerk of the
peace for loss
of residence.

8. If and when the residence of the clerk of the peace of the county of Surrey shall be directed to be sold as aforesaid, there shall be paid to him for the loss of his residence and incidental thereto such compensation, either by way of addition to the present salary and emoluments of his office or otherwise, as shall be sufficient to enable him to provide himself with a suitable residence during his continuance in such office as aforesaid. The amount of such compensation shall be such as shall be fixed by agreement between the justices assembled at any general or quarter sessions as aforesaid and the said clerk of the peace, or, failing such agreement, such as shall be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the settlement of questions of disputed compensation, or the purchase and taking of lands otherwise than by agreement, or in such other way as shall be mutually agreed upon.

Expenses of
carrying Act
into effect to
be paid out
of county
rate.

9. For defraying the expenses incurred in applying for, obtaining, and passing this Act, and in carrying into effect the purposes and provisions of the same, the justices in quarter or general sessions assembled as aforesaid shall pay such sum or sums of money as they shall from time to time find necessary for the purposes aforesaid out of the county stock or rate of the said county of Surrey, and the county stock or rate of the said county of Surrey is hereby charged with and made liable to such payments accordingly.

10. The justices assembled at any general or quarter sessions as aforesaid may, for more speedily raising a fund for the purposes of this Act, from time to time borrow and take up at interest on the credit of the county stock or rate of the said county of Surrey such sums of money as may, in their opinion, be necessary for defraying the whole or a portion of the expenses incurred in carrying into effect the purposes of this Act; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the justices may assign to the person by or on behalf of whom such sums are advanced the county stock or rate of the said county of Surrey. When the justices borrow any money under the authority of this Act they shall charge the said county stock or rate of the county of Surrey not only with the moneys so borrowed, but also with such further sum as will ensure the repayment of the whole sum borrowed within thirty years of the time of borrowing the same. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall apply to any mortgage executed under the foregoing provisions of this section, and for the purposes of such application the said provisions shall be incorporated with this Act. For the purposes of such incorporation the terms "the special Act" and "the Commissioners" shall be construed to mean respectively this Act and the justices.

A.D. 1871.
Power to borrow on mortgage of county rate.

11. All lands and buildings acquired by the justices under the authority of this Act shall be conveyed to the clerk of the peace of the said county of Surrey and his successors upon trust for the purposes of this Act. The conveyance of any lands or buildings sold or disposed of by the justices under the authority of this Act shall be executed by the clerk of the peace of the said county of Surrey for the time being, and every such conveyance so executed shall be valid in the law and effectually vest the lands and buildings thereby conveyed in the purchaser or purchasers thereof for all the estate and interest of the said clerk of the peace, and of the said county, and of the said justices, and of their or any of their cestuis que trustent therein.

Lands, &c. purchased to be conveyed to, and lands sold to be conveyed by, clerk of the peace.

12. All acts or contracts (except conveyances and mortgages) which the justices aforesaid are expressly or impliedly authorised to do or make for the purposes of this Act may be done or made in the name and on behalf of the justices by any two or more of their number for the time being appointed by order of the justices in quarter or general sessions assembled as aforesaid to act on their behalf, subject to this restriction, that no act done or contract made by such appointees shall be valid unless it be sanctioned by

Contracts by justices, how to be entered into.

A.D. 1871.

some order of the justices in quarter or general sessions assembled as aforesaid. All acts or contracts done or made under the preceding provisions by such appointees shall and may be enforced and sued upon, by, or against the clerk of the peace for the time being of the said county of Surrey, and no action, suit, or proceeding shall abate or be discontinued by the death, resignation, or removal of such clerk of the peace, but the clerk of the peace for the time being shall always be deemed the plaintiff or defendant, as the case may be, and all costs, charges, damages, and expenses which such clerk of the peace may incur or pay, or be liable to pay, by reason of such action, suit, or proceeding, shall be reimbursed to him or paid by order of the said justices of the peace by the treasurer of the said county of Surrey out of the county rates raised or to be raised within the said county.

55 G. 3.
c. xlv.
repealed.

13. The Act passed in the session of Parliament held in the fifty-fifth year of the reign of His Majesty King George III., intituled "An Act to enable the Justices of the Peace for the county of Surrey to provide a proper place for the depositing and preserving the Public Records of the said county, together with a Residence for the Clerk of the Peace for the safe custody of such Records and convenient Offices for transacting his business, and also to settle a Table of Fees to be taken by such Clerk of the Peace," shall be and the same is hereby repealed.

Act to come
into operation
on 1st
January
1873.

14. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-three, and none of the works mentioned in this Act shall be commenced prior to that date.

Expenses of
Act.

15. All costs, charges, and expenses of and incidental to the obtaining and passing of this Act shall be paid by the justices out of any moneys in their hands, or out of the rates to be levied or money to be borrowed by them under this Act, in priority to all other claims.