



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xlv.

An Act to extend the Limits of the Borough of *Kingston-upon-Thames*, and to provide for the better paving, lighting, draining, and otherwise improving the said Borough; and for other Purposes. [15th June 1855.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of King *George the Third*, intituled *An Act for the lighting and watching the Town of Kingston-upon-Thames in the County of Surrey, and for removing and preventing Obstructions, Encroachments, and Nuisances therein*, and certain Trustees were thereby appointed for putting the said Act into execution: And whereas the existing Borough of *Kingston-upon-Thames* is a Corporate Borough, and is one of the Boroughs named in the Second Section of Schedule (A.) annexed to the Municipal Corporation Act, and the Inhabitants of the said existing Borough are a Body Politic and Corporate, called and known by the Name of "The Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Thames*:" And whereas since the passing of the said last-mentioned Act the Town of *Kingston-upon-Thames* has greatly increased, and the Limits of the Town now extend far beyond the

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Limits of the existing Borough, and great Inconvenience arises from the Powers of the Corporation, as the Governing Body, extending only to that which is now but a limited Part of the Town; and it is expedient, therefore, that the Limits of the existing Borough should be extended: And whereas it would be attended with great public Advantage if the Drainage, cleansing, lighting, paving, and otherwise improving the said Borough were placed under the Control of the Council of the said Borough; and it is therefore expedient that the said firstly-recited Act should be repealed, and that the Properties and Effects now vested in the Trustees acting under that Act should be transferred to and vested in the Mayor, Aldermen, and Burgesses of the said Borough, and that other Powers should be granted to the said Mayor, Aldermen, and Burgesses for the Purposes aforesaid, and for the general good Government of the Borough: And whereas an annual Pleasure Fair is held by Charter in the Market Place of the Town, and the holding of such Fair in the said Market Place is a great Interruption to the Business of the Town, and is very inconvenient to the Inhabitants; and it is expedient that the said Mayor, Aldermen, and Burgesses should be empowered to remove the said Fair, and to alter the Duration thereof: And whereas it would be of public Advantage if the said Mayor, Aldermen, and Burgesses had Power to regulate the Markets and Fairs held in the Town, and also the Use of the public Wharves or Landing Places abutting on the River *Thames*: And whereas the several Objects aforesaid cannot be effected without the Aid and 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,)

Limits of
Act.

I. This Act shall be put in force for all the Purposes thereof within the Borough of *Kingston-upon-Thames* as altered and extended by this Act.

Interpreta-
tion of
Terms.

II. In this Act, and in any Act incorporated herewith, the following Words and Expressions shall be construed to have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "existing Borough" shall mean the Municipal Borough of *Kingston-upon-Thames* in the County of *Surrey* as it exists, and according to the Limits thereof at the Time of the passing of this Act:

The Word "Borough" shall mean the Municipal Borough of *Kingston-upon-Thames* as altered and extended by this Act:

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The Word "Corporation" shall mean the Body Corporate called the Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Thames*, as altered and extended by this Act :

The Word "Council" shall mean the Council of the Borough of *Kingston-upon-Thames*, as altered and extended by this Act :

The Word "Commissioners" shall be construed as though the Word "Corporation" as interpreted by this Act had been used instead of the Word "Commissioners :"

The Words "the Clerk" or "the Town Clerk" shall mean the Town Clerk of the Borough :

And the Expression "Municipal Corporation Act" shall mean the Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, c. 76., and the Expression "Municipal Corporation Acts" shall mean the said last-mentioned Act, and also the Acts for altering and amending the same.

III. The Limits of the existing Borough shall be and the same are hereby altered and extended so as to include so much of the Parish of *Kingston-upon-Thames* as is situate within the following Limits ; namely, a Line drawn from the Landing Steps on the *Surrey* Side of *Kingston Bridge* down the *Barge Walk* to the Boundary of the Parish near the *Half-mile Tree* ; thence to the Stone dividing *Ham* and *Kingston* ; thence in an Easterly Direction to and including "*Cleaves Villa*" and the "*George and Dragon Inn*" on *Kingston Hill* ; thence in a Southerly Direction to and including the *Kingston* Union Workhouse ; thence in a South-westerly Direction to and including the *Cambridge Asylum*, the *Cambridge Grove* Estate, and the New Burial Ground ; thence in a Westerly Direction to and including the Oil Mills ; thence into the *Lower Marsh Lane*, and along the same Lane to the Bottom of *Clay Hill* where the same intersects the Boundary Line of the Ecclesiastical District of *Saint Mark, Surbiton* ; then following the present Boundary of such District to the Boundary Wall separating the Lands of *Edward Raphael* Esquire from a Slip of Land belonging to the *Surbiton* Estate ; then following such Wall to the *Portsmouth Road* ; then across such Road to the *Thames* ; and then back by the *Thames* to *Kingston Bridge* ; and which said Limits are more clearly defined upon a Map or Plan signed by *Charles Aaron Moody* Esquire, Member of Parliament, and deposited at the Office of the Town Clerk.

Limits of the Borough altered and extended.

IV. True Copies of the said Map or Plan, or of any Extract therefrom, certified by the said Town Clerk, which Certificate the said Town Clerk shall give to all Parties interested, when required, shall be received as Evidence in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copy of Map or Plan to be Evidence.

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The Inhabitants of the Borough as extended incorporated.

V. All Persons within the new District brought within the Borough by this Act, having the Qualification required by the Municipal Corporation Acts for a Burgess, and their Successors, shall be for ever One Body Politic and Corporate in Deed, Fact, and Name; and the said Body Corporate shall be called "The Mayor, Aldermen, and Burgesses of the Borough of *Kingston-upon-Thames*," and the Body Corporate and Politic heretofore called and known by that Name shall hereafter be continued under and be called and known by the same Name, subject to the Alterations effected and intended to be effected in the Constitution of the said Body Corporate and Politic by this Act.

Corporation to have perpetual Succession, and Privileges of a Municipal Corporation.

VI. The Corporation shall have perpetual Succession, and be for ever hereafter able and capable in Law to have and exercise, and do and suffer, all the Acts, Powers, Authorities, Immunities, and Privileges which are now held and enjoyed, done and suffered, by the several Boroughs and Bodies Corporate named or referred to in the Municipal Corporation Act, in like Manner, and subject to the same Provisions, and as fully and amply, to all Intents and Purposes whatsoever, as if the said Borough of *Kingston-upon-Thames* as altered and extended by this Act had existed at the Time of the passing of that Act.

Municipal Corporation Acts extended to the Borough.

VII. All the Powers and Provisions of the Municipal Corporation Acts shall be and the same are hereby extended to the Borough and to the Inhabitants thereof.

Corporation to have a Common Seal.

VIII. The Corporation shall and may have and continue to use a Common Seal, to serve them in transacting their Business from Time to Time arising within the Borough, and they also shall and may use and assume Armorial Bearings.

Constitution of the Council of the Borough.

IX. The Council of the existing Borough, consisting of a Mayor, Six Aldermen, and Eighteen Councillors, shall continue to be the Council of the Borough, as altered and extended by this Act, until after the Declaration of the First Election of Councillors for the Borough under the Provisions of this Act, and thenceforth the Council of the Borough shall consist of a Mayor, Eight Aldermen, and Twenty-four Councillors, to be respectively elected at such Times and Places and in such and the like Manner as the Mayor, Aldermen, and Councillors for the Boroughs named in the Schedules to the Municipal Corporation Act, except that the First Mayor, Aldermen, and Councillors and the First Auditors and Assessors for the Borough, to be elected under the Provisions of this Act shall be respectively elected at such Times and in such Manner as hereinafter mentioned; and the said Mayor, Aldermen, and Councillors,

Auditors

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Auditors and Assessors, so to be elected, shall respectively have the same Qualifications, and have, exercise, and enjoy all the Powers, Immunities, and Privileges, and be subject to the same Duties, Penalties, Liabilities, and Disqualifications, as the Mayor, Aldermen, and Councillors, and Auditors and Assessors, of the several Boroughs enumerated in the Municipal Corporations Act, so far as the same are applicable to the Borough.

X. The Title and Qualification of the Burgesses of the Borough shall be the same with regard to the Borough as the Title and Qualification of the Burgesses of the Boroughs named in the Municipal Corporation Act are with regard to such Boroughs, exactly as if the Borough, as altered and extended by this Act, had existed at the Time of the passing of that Act; and all Persons possessing such Title or Qualification shall be entitled to be placed upon the Burgess List herein-after mentioned.

Qualification of the Burgesses of the Borough.

XI. The Borough shall be divided into Four Wards, and the Names and Boundaries thereof respectively shall be as set forth in the Schedule hereunto annexed.

Borough to be divided into Four Wards.

XII. Each of the said Four Wards shall return and have Six Councillors.

Each Ward to return Six Councillors.

XIII. The Town Clerk of the Borough shall on the Third Day of *September* in the present Year make out an Alphabetical List (to be called the Burgess List) of Persons who shall possess the Title and Qualification of Burgesses of the said Borough, as altered and extended by this Act, and shall sign such List, and cause a Copy of it to be fixed on or near the outer Door of the Town Hall, or in some other public and conspicuous Situation within the Borough, on every Day during the Week next preceding the Fifteenth Day of *September* in the present Year, and the Town Clerk shall cause Copies of such List to be printed, and shall deliver a Copy thereof to any Person requiring the same, on Payment of a reasonable Price for such Copy.

List of Persons entitled to be Burgesses to be made out.

XIV. Every Person whose Name shall have been omitted from such Burgess List, and who shall claim to have his Name inserted therein, shall on or before the said Fifteenth Day of *September* give Notice thereof to the Town Clerk, according to the Form No. 2. in the Schedule (D.) annexed to the Municipal Corporation Act, or to the like Effect; and every Person whose Name shall have been inserted in such Burgess List may object to any other Person as not being entitled to have his Name retained therein; and every Person so objecting shall, on or before the said

Persons omitted from the Burgess List to give Notice.
Persons not entitled to be on the List may be objected to.

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List of
Claimants
and of Per-
sons objected
to to be pub-
lished, &c.

Fifteenth Day of *September*, give to the Town Clerk, and also to the Person so objected to, or leave on the Premises for which he shall appear to be rated in such Burgess List, Notice thereof in Writing according to the Form No. 3. in the said Schedule (D.), or to the like Effect; and the Town Clerk shall include the Names of all Persons so claiming to be inserted in the said Burgess List in a List according to the Form No. 4. in the said Schedule (D.), and shall also include the Names of all Persons so objected to as not entitled to be retained on the said Burgess List in a List according to the Form No. 5. in the said Schedule (D.), and shall cause Copies of such several Lists to be fixed on or near the outer Door of the Town Hall, or in some other public and conspicuous Situation within the Borough, during the Eight Days next before the First Day of *October* in the present Year.

Lists to be
revised, &c.

XV. The Mayor and Revising Assessors of the existing Borough, or a Barrister-at-Law, to be nominated by the said Mayor by Writing under his Hand, shall hold an open Court within the Borough for the Purpose of revising, and shall, between the First and Fifteenth Days of *October* (both Days inclusive) in this present Year, (having first given Three clear Days Notice of the holding of such Court, to be fixed on or near the outer Door of the Town Hall, or in some other public and conspicuous Situation within the Borough,) revise the said Burgess List as well as the said Lists of Claimants and of Persons objected to in the Manner directed by the Municipal Corporation Acts.

Overseers
and Col-
lectors of
Poor's Rates
to produce
their Books,
and give
Evidence,
when re-
quired.

XVI. The Overseers and Collectors of Poor's Rates within the Parish shall produce to the Town Clerk of the Borough, when and where he shall require, all such Rate Books and other Books as he shall deem necessary to enable him to make out the aforesaid Burgess List, and they shall also attend the said Court to be held by the Mayor and Revising Assessors or such Barrister-at-Law as aforesaid, as the Case may be, and shall answer upon Oath such Questions as the Court may put to them or any of them touching any Matter necessary for revising the said List; and the reasonable Expenses incurred in and about revising the said List shall be taken into account by the Council, who shall order the Treasurer of the Borough to pay the same out of the Borough Fund of the Borough.

Lists when
revised to be
signed, &c.

XVII. The Burgess List so revised shall be signed by the Mayor or such Barrister as aforesaid, as the Case may be, in the Manner pointed out by the Municipal Corporation Act, and shall be delivered to the Town Clerk of the Borough.

Burgess
Roll to be
made out.

XVIII. The Town Clerk shall make out a Burgess Roll (in Alphabetical Lists of the Burgesses in each of the said Wards, to be called

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called "Ward Lists,") of the Burgesses of the Borough, and shall cause such Burgess Roll to be completed on or before the Twenty-second Day of *October* in this present Year; and such Burgess Roll shall be the Burgess Roll of the Burgesses of the Borough entitled to vote in the Choice of Councillors, Auditors, and Assessors of the Borough and the Wards thereof respectively at any Election or Elections which may take place in such Borough between the First Day of *November* inclusive in this present Year and the First Day of *November* One thousand eight hundred and fifty-six.

XIX. The First Election of Aldermen and Councillors, Auditors and Assessors for the Borough, under the Provisions of this Act, shall be respectively holden as follows; that is to say, the First Election of Councillors shall be holden on the First Day of *November* in this present Year; the First Aldermen shall be elected by the Councillors of the Borough on the Ninth Day of *November* in the present Year; the Councillors, immediately after the First Election of Aldermen, shall appoint who shall be the Aldermen who shall go out of Office according to the Municipal Corporation Act upon the Ninth Day of *November* in the Year of our Lord One thousand eight hundred and fifty-six, and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election.

Times, &c.
of holding
First Elec-
tion under
this Act.

XX. On the Ninth Day of *November* in this present Year the Council shall elect out of the Aldermen or Councillors of the Borough a fit Person to be the Mayor of the Borough.

Election of
First Mayor
under this
Act.

XXI. The First Election of Auditors and Assessors for the Borough and the respective Wards thereof under the Provisions of this Act shall take place on the First Day of *March* in the Year of our Lord One thousand eight hundred and fifty-six.

Election of
Auditors
and Asses-
sors.

XXII. The present Mayor of the existing Borough, or such Person as he shall appoint in that Behalf, shall act as Returning Officer at the First Election of Councillors, Aldermen, Mayor, Auditors and Assessors of the Borough and the several Wards thereof, and at any subsequent Election which may take place or which it may be necessary to hold before a valid Election could be held in the Borough under and according to the Provisions of this Act and of the Municipal Corporation Act, with the same Powers as by the last-mentioned Act are given to the Mayor and Assessors, and to an Alderman and Assessors, at Elections of Councillors for the Boroughs named in the Schedules to that Act annexed.

Appoint-
ment of
Returning
Officer to act
at First
Elections.

XXIII. The

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Auditors
and Asses-
sors of exist-
ing Borough
to continue
for a Time.

XXIII. The Auditors and Assessors of the existing Borough shall continue to be the Auditors and Assessors for the Borough until the First Election of Councillors under the Provisions of this Act, but they shall not act as such at that Election.

Members of
the existing
Council to
go out of
Office on
First Elec-
tion of Coun-
cillors under
this Act.

XXIV. After the Declaration of the First Election of Councillors of the Borough under the Provisions of this Act, the Mayor, Aldermen, and Councillors, and all other Members of the Council of the Borough (other than and except the Councillors so elected under the Provisions of this Act), and the Auditors and Assessors of the Borough, shall go out of Office, and their whole Powers and Duties shall cease: Provided nevertheless, that any of the Persons so going out of Office shall be eligible to be elected and appointed under the Provisions of this Act: Provided also, that the Mayor of the existing Borough shall continue to be a Justice of the Peace of and for the Borough for and during so long a Time as he would have been a Justice of the Peace for the existing Borough if this Act had not been passed.

Present
Officers to
continue in
Office.

XXV. The Lord High Steward, the Recorder, the Town Clerk, and the Treasurer of the existing Borough, and all the other Officers and Servants of the Corporation, shall, notwithstanding the Alterations hereby made in the Constitution of the said Corporate Body and in the Extent of the Borough, continue and be the Steward, Recorder, Town Clerk, and Treasurer of the Borough, and the Officers and Servants of the Corporation, according to the Nature and Tenure of their Appointments and Employments respectively, and they shall be accountable to the Corporation in the same Manner as if at the Time of their Appointments and Employments respectively the Corporation had been constituted as provided by this Act.

Corporation
by Council
to execute
Act, except,
&c.

XXVI. The Corporation, acting by the Council of the Borough, shall carry this Act into execution, except where it is otherwise expressly provided.

Recited Act
repealed.

XXVII. The said recited Act passed in the Thirteenth Year of the Reign of King *George* the Third shall be and the same is hereby repealed from and after the Ninth Day of *November* One thousand eight hundred and fifty-five, and on and after that Day the Provisions herein-after contained shall commence and take effect.

Corporation
to remain
entitled to
their Pro-
perty.

XXVIII. On the said Ninth Day of *November* the Corporation shall be seised and possessed of and entitled to all the Estates, Rights, Interests, Monies, Property, Effects, Chattels, Choses in Action, Claims, and Demands whatsoever of or to which the Trustees were seised, possessed, or in any way entitled, at Law or in Equity, under or by virtue of the said recited Act.

XXIX. Not-

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XXIX. Notwithstanding the Repeal of the said Act, all Conveyances, Leases, Deeds, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities theretofore made or entered into to, with, in favour of, or by, for, and on behalf of the said Trustees or any Person on their Behalf, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced, in like Manner, to all Intents and Purposes, as if the said Act were not repealed.

XXX. Notwithstanding the Repeal of the said Act, any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Trustees before the Repeal of such Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue to take effect, both in favour of and against the Corporation, in like Manner and to all Intents and Purposes as if this Act were not passed.

XXXI. Notwithstanding the Repeal of the said Act, all Rates which immediately before the Repeal of the said Act shall be due and payable shall be payable to and may be collected and recovered by the Corporation in like Manner as they might have been collected and recovered by the Trustees if this Act had not passed.

XXXII. Notwithstanding the Repeal of the recited Act, all Persons who on the Repeal thereof owe any Sum of Money to the Trustees, or to any Person on their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Corporation; and all Debts and Monies which at the Time aforesaid may be due or owing by or recoverable from the Trustees, or for the Payment whereof they are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Corporation.

XXXIII. All Officers and Persons who have or shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the Trustees, or to which they are, or but for this Act would be entitled, shall be liable to account for and to deliver up the same to the Corporation, or to such Persons as they appoint to receive the same, in like Manner, and subject to the like Process, Pains, and Penalties for Refusal or Neglect, as if such Officers and Persons had been appointed by or become possessed of such Money, Books, Documents, Papers, Writings, or other Effects for the Corporation.

XXXIV. Notwithstanding the Repeal of the said Act, all Books and other Documents by that Act directed or authorized to be kept, and which, if that Act were not repealed, would be receivable in Evidence,

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Evidence, shall still be admitted as Evidence in all Courts of Law and Equity and elsewhere.

Continuing
Liability of
old Corpora-
tion and of
Trustees.

XXXV. The Corporation shall, with reference to every Act done or left undone, and with respect to every Liability, of what Nature or Kind soever, incurred by the Mayor, Aldermen, and Burgesses of the existing Borough, or by the said Trustees, prior to the passing of this Act, be considered as identical with the said Mayor, Aldermen, and Burgesses, or the said Trustees, as the Case may be, in like Manner in all respects as if this Act had not been passed.

The Council
may appoint
Committees.

XXXVI. The Council of the Borough may appoint out of their own Body, from Time to Time, such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act which, in the Discretion of the Council, would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall, in case the Council shall so order, but not otherwise, be submitted to the Council for their Approval; but that no Expenditure or Payment, or Contract to expend or pay any Sum of Money, made by such Committee, shall be lawful or valid when such Sum shall exceed the Sum of One hundred Pounds, unless such Committee shall have been authorized by the Council to make such Expenditure, Payment, or Contract, or unless, if not so authorized, such Expenditure, Payment, or Contract shall, after the same has been made, be approved of by the Council.

Regulating
the Proceed-
ings of Com-
mittees.

XXXVII. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of such Committee unless the Quorum of Members (if any) fixed by the Council, and if no Quorum be fixed, Three Members, be present; and at the First Meeting of every such Committee One of its Members shall be appointed Chairman of the Committee, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as Chairman of the Committee.

Corporation
may provide
public
Offices, &c.

XXXVIII. The Corporation may from Time to Time, in carrying this Act into execution, provide and maintain fit and convenient Offices for transacting their Business, and for the Use of their Officers, and for such Purpose they may purchase or hire any Lands or Buildings which they think necessary, from any Person willing to sell or let the same, or may cause any new Building to be erected upon any Land purchased or hired under the Provisions of this Act, or otherwise belonging to them.

XXXIX. The

The Kingston-upon-Thames Improvement Act, 1855.

XXXIX. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners, shall extend to and be incorporated with this Act.

Provisions of
10 & 11 Vict.
c. 16. as to
Contracts
incorporated.

XL. The Corporation shall cause Entries of all the Proceedings under this Act and of every Committee to be duly made from Time to Time in Books to be provided for the Purpose, and every such Entry shall be signed by the Chairman of the Meeting at which the Proceeding takes place, and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the Town Council or of the Committee respectively, and without Proof of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary is proved; and such Books shall at all reasonable Times be open to the Inspection of any of the Council and of any Mortgagee of the Rates or Property of the Corporation.

Proceedings
to be entered
in a Book,
and when
signed to
be received
as Evidence.

XLI. "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the Purchase or taking of Lands otherwise than by Agreement, shall be incorporated with and form Part of this Act.

8 & 9 Vict.
c. 18. incorporated.

XLII. "The Towns Improvement Clauses Act, 1847," (except Sections 53, 113, and 114., and the Proviso to Section 167,) shall be incorporated with and form Part of this Act.

10 & 11 Vict.
c. 34. incorporated.

XLIII. Provided always, That nothing in "The Towns Improvement Clauses Act, 1847," contained, shall extend to subject any Appointment or Removal of a Local Surveyor, Officer of Health, or other Officer acting in the Execution of this Act, or his Salary, to the Approval of One of Her Majesty's Principal Secretaries of State, but every such Appointment and Removal may be made and Salary fixed by the Corporation, without any such Approval.

Approval of
Secretary of
State not
necessary to
Appointment,
&c. of
local Surveyor,
&c.

XLIV. If such House shall abut upon any Street, the Corporation may prescribe the Line in which any House to be hereafter built, or taken down for the Purpose of being rebuilt or altered, shall be erected, and the same shall be erected in accordance therewith; and the Corporation shall pay or tender Compensation to the Owner or other Person immediately interested in such House for any Loss or Damage he may sustain in consequence of his House being set back, the Amount of such Compensation, in case of Dispute, to be settled in

The Corporation to fix the Line of new Buildings.

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in the same Manner as Compensation for Lands to be taken under Provisions of "The Lands Clauses Consolidation Act, 1845," is directed to be settled.

Occupiers to
repair and
cleanse
private
Drains.

XLV. The Occupier of any Tenement from which any private Drain shall issue into any Sewer vested in the Corporation shall from Time to Time repair and cleanse such private Drain to the Satisfaction of the Corporation, or in default thereof the Corporation may repair and cleanse the same, and recover the Expense thereof from the Defaulter, as Damages.

Vaults under
Streets to be
repaired by
Owners.

XLVI. The Corporation may require the Owner of any Vault, Arch, or Cellar already or hereafter made under any Street to keep the same in substantial Repair, so as not to occasion any Injury to the Street.

Vaults and
Cellars not
to be made
under Foot-
ways, with-
out Consent.

XLVII. No Vault, Arch, or Cellar shall be made under the Footway of any Street without the Consent in Writing of the Corporation; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Corporation; and if any Vault, Arch, or Cellar be made contrary to the Provisions herein contained, the Corporation may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person making such Vault, Arch, or Cellar, and shall be recoverable as Damages.

Cellars, &c.
not to be let
as Dwelling
Houses.

XLVIII. It shall not be lawful to let or occupy or suffer to be occupied separately as a Dwelling any Vault or Cellar.

Power to
enforce Con-
version of
Privies into
Water-
closets, and
to cause
Drains to be
trapped, &c.

XLIX. When and so often as it shall be certified to the Corporation, under the Hand of their Surveyor or of Two Medical Men, that any Privy, Drain, or Cesspool is in a Condition, State, or Situation injurious, dangerous, or prejudicial to the Health of any of the Inhabitants, it shall be lawful for the Corporation, if they think fit, to require the Owner thereof forthwith, or within a reasonable Time, to convert such Privy into a Watercloset, and to cause such Drain to be properly trapped, and such Cesspool to be properly cleansed and repaired, to the Satisfaction of the Corporation or of their Surveyor: Provided, that if such Owner shall satisfy the Corporation that such Privy can be so altered as to prevent the same being injurious, dangerous, or prejudicial to Health by other Means than by converting the same into a Watercloset, then such Alteration, if made to their Satisfaction, or to the Satisfaction of their Surveyor, shall be deemed a Compliance with this Provision.

As to Levels
of Ground
Floors.

L. The Level of the Ground Floor of every House hereafter built within the Borough shall be at least Six Inches above the Level of the
Edge

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Edge of the Footway adjoining such House, or of the Crown of the Road in front of such House, if such Road is higher than the Footpath, whether there be a Cellar to such House or not.

LI. If the Owner or Occupier of any Land shall hereafter lay out any Street or Road over or across the same, he shall at his own Expense, if and when so required by the Corporation, lay down throughout the whole Length of such Street, or so far as his own Land extends, a proper Sewer, of such Depth, Dimensions, and Materials, and in such Manner as the Corporation shall require; and in case he shall fail so to do after Three Months Notice given to him by the Corporation for that Purpose, it shall be lawful for the Corporation to cause such Sewer to be laid down, and the Expenses which shall be incurred by them in respect thereof shall be recoverable by them from such Owner or Occupier as Damages, or, by Order of the Corporation, may be declared to be Private Improvement Expenses, and be recoverable as such.

Owners of Land on which new Streets formed to lay down Sewers.

LII. No Person shall begin the making of any Vault, Arch, Cellar, Sewer, or Drain in or under any Street so as to interfere or communicate with any Sewer or Drain under the Control of the Corporation, without the Consent in Writing of the Corporation, obtained after giving Three Days previous Notice thereof in Writing, describing the Place and Situation thereof, to the Corporation or their Surveyor or the Town Clerk.

Public Sewers not to be interfered with, without Notice.

LIII. The Provisions of "The Towns Improvement Clauses Act, 1847," "with respect to laying out new Streets," contained in the 57th, 58th, 59th, and 60th Clauses of that Act, shall so far as they are applicable extend and apply to all Cases of the making or laying out or altering by any Person other than the Corporation of any Sewer or Drain, or of the Level of any Street, Sewer, or Drain; and the Notice to be given to the Corporation under Section Fifty-seven of that Act shall specify the intended Length, Breadth, Boundaries, and Level of the proposed Street, Sewer, or Drain, or the proposed Alteration thereof respectively.

Notice by Owners of Intention to make Sewers or Drains.

LIV. The Corporation shall have like Power and Authority with respect to the Level of every such Sewer and Drain respectively, and the Course, Depth, Width, Form, and Construction thereof, as under the Provisions of "The Towns Improvement Clauses Act, 1847," "with respect to laying out new Streets," they have with respect to the Levels of new Streets, and those Provisions shall be binding on and observed by all Persons accordingly.

Corporation to make Regulations as to Levels of Sewers and Drains.

LV. If any Person shall make or alter any Street, Sewer, or Drain, contrary to any Order of the Corporation made within the Time
[Local.] 7 B limited

Corporation may alter Level, &c., if

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made contrary to Regulations, at Expense of Owner.

limited by this Act, the Corporation at any Time afterwards may alter the same, and recover the Expense thereof from such Owner or Person doing the same, in the like Manner as any Penalty under this Act may be recovered.

If Water Pipes require to be altered, the Corporation to pay the Expenses.

LVI. Whenever, for the Purposes of this Act, the Corporation deem it necessary to raise, sink, or otherwise alter Water Pipes, Mains, Plugs, or other Works belonging to the Company of Proprietors of *Lambeth* Waterworks or to the Governor and Company of *Chelsea* Waterworks laid in or under any Street (except as herein-after mentioned), they may by Notice in Writing require the Company to whom the same belong to raise, sink, or otherwise alter the Situation of the same (except any and every large Main through which Water is or may be forced from the Works of either of such Companies to their respective Reservoirs, which shall not be raised, sunk, or altered without the Consent of such Company,) in such Manner and within such reasonable Time as may be specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the Corporation; but no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs or Works, or prevent or impede the Flow of Water through the same; and it shall not be lawful for the Corporation 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 such Mains or Pipes, without requiring the Company to whom the same belong to lower or raise the same, at the Expense of the Corporation, as aforesaid, without the Consent of such Company in Writing for such Purpose first had and obtained.

Corporation may pave Streets, not being Highways, at the Expense of Owners.

LVII. 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 Corporation, the Corporation may cause such Street, or the Parts thereof not so paved, flagged, levelled, and drained or otherwise made good, to be paved, flagged, levelled, and drained or otherwise made good in such Manner as they think fit, and the Expenses incurred by the Corporation 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 paved, flagged, levelled, and drained or otherwise made good, and such Expenses shall be recoverable from such Owners respectively as Private Improvement Expenses, and thereafter such Street shall become a public Highway, and be repaired by the Corporation.

Where public Streets have

LVIII. If any Street, although a public Highway at the passing of this Act, have not heretofore been well and sufficiently paved and

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and flagged or otherwise made good, the Corporation may cause such Street, or the Parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good in such Manner as they think fit, and One Half of the Expenses incurred by the Corporation in respect thereof shall be repaid to them by the Owners and Occupiers of the Lands abutting on such Street, or such Parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, in equal Proportions, and in case of Nonpayment the same may be recovered from the said Owners and Occupiers as Damages, and thereafter such Street shall be repaired by the Corporation.

not heretofore been paved, Corporation may cause them to be paved, at the Expense of the Occupiers of adjoining Lands.

LIX. If any Person take up or alter any Part of any Pavement, Carriageway, or Footway, and do not forthwith after Notice in Writing from the Corporation or their Surveyor properly relay and reinstate the same, with the same or similar Materials, and in as nearly as may be the same Manner as before the taking-up or altering the same, the Corporation may relay and reinstate the same, and the Expense thereof shall be repaid to them by the Person who took up or altered such Pavement, Carriageway, or Footway.

Corporation may alter Pavement, &c. in case of Neglect.

LX. It shall be lawful for the Corporation from Time to Time to make Byelaws with respect to the Removal by the Occupier or (in case of his Default) by the Corporation of Dust, Ashes, Rubbish, Filth, Manure, Dung, and Soil collected, placed, or found in or about any House, Stable, Cowhouse, Street, or Place whatsoever, and with respect to the Times and Manner of cleansing and emptying Water-closets, Privies, and Cesspools.

Corporation may make Byelaws with respect to Removal of Ashes, &c.

LXI. The Corporation may require any Person, being a Licensed Publican or Victualler, or being a Dealer in Beer, Ale, Cider, or other strong Liquor, to provide an Urinal adjoining or near his Public House or other Place of Business; and if such Person shall not, within Twenty-eight Days after Notice from the Corporation requiring him to make such Urinal, construct the same with proper Materials to the Satisfaction of the Surveyor to the Corporation, and in some convenient Situation as little exposed as practicable, to be approved of by such Surveyor, with proper Drains therefrom, or shall not every Day before Eight of the Clock in the Forenoon thoroughly cleanse such Drains, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, and also to an additional Penalty not exceeding Five Shillings for every Day during which the Offence is continued.

Publicans to provide Urinals when required by Corporation.

LXII. If the Corporation shall consider that any Urinal now or hereafter to be erected in or near any Street is so erected in an improper place, or in an improper Manner, and so as to be offensive to any

Power to enforce the Removal or Alteration of Urinals.

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any of the Inhabitants of or Persons passing along such Street, it shall be lawful for the Corporation to give Notice in Writing to the Person to whom such Urinal shall belong, or in whose Occupation the same or the Premises to which the same shall belong or be appurtenant shall be, requiring such Person to remove or alter the same in such Manner as shall be specified in such Notice, before a Day to be mentioned in such Notice, not being earlier than Twenty-eight Days from the Day of serving such Notice; and if the Urinal to which such Notice relates shall not be removed, or shall not be altered in manner aforesaid to the Satisfaction of the Corporation, it shall be lawful for the Corporation and they are hereby authorized and empowered forthwith to remove the same in manner aforesaid; and all Expenses which the Corporation shall incur thereby shall be a Debt due to them from such Person, and shall be recoverable in like Manner as any Penalty of the like Amount is recoverable under this Act, or by Action or Plaint in any Court of competent Jurisdiction.

Penalty for
exposing for
Sale unsound
Meat or
Provisions.

LXIII. If any Butcher, Provision Dealer, or other Person exposes or offers for Sale in his Shop, Stall, Warehouse, or any Part of his Premises, or otherwise within the Borough, any unsound or unwholesome Meat, Fish, or other Provisions unfit for the Food of Man, every Person so offending shall for each Offence forfeit a Sum not exceeding Five Pounds, and such Meat, Fish, or other Provisions may be seized, carried away, and dealt with by any Officer of the Corporation in like Manner as by this Act is provided touching the seizing and Disposal of unsound Meat.

Officers may
inspect
Knackers
Yards.

LXIV. Any Inspector or other Officer authorized by the Corporation for that Purpose may at all Times in the Day, with or without Assistants, enter into and inspect any Knacker's Yard, House, or Place whatsoever kept or used for slaughtering Horses or other Animals not fit for the Food of Man, and any Building, Shed, Yard, or Place belonging thereto, to search and see the State and Condition thereof.

Conversion
of Sewage
into Manure.

LXV. The Corporation from Time to Time may cause the Sewage and Refuse of the Borough to be converted into Manure, and they may sell and dispose of the Sewage and Refuse, and the Products of such Conversion thereof, as they think fit, and they may contract with any Persons for the Conveyance of such Sewage and Refuse, or any Part thereof, out of the Borough, or may contract with any Person for such Conversion, Sale and Disposition, on such Terms and Conditions as the Corporation think fit.

Construction
of certain
Terms in

LXVI. In the Clauses of "The Towns Improvement Clauses Act,"
"with respect to Things to be done by the Commissioners by Special
Order

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Order only," the Expression "the Ratepayers having Votes in the Election of the Commissioners" shall be construed to mean the Burgesses of the Borough. 10 & 11 Vict. c. 34.

LXVII. If upon the Report of the Surveyor of the Corporation it appear to the Corporation 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 Corporation 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 Corporation may themselves cause such Supply to be furnished; and all Expenses incurred by Order of or by the Corporation 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. Corporation may require Houses to be provided with Water.

LXVIII. 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 Corporation. Water Rents to be paid by Owners or Occupiers.

LXIX. It shall be lawful for the Corporation from Time to Time to make a Rate, to be called the Highway Rate, not exceeding in any One Year Two Shillings and Sixpence in the Pound on the net annual Value of the Property rated, and no One Rate shall exceed One Shilling. Power to levy Highway Rate.

LXX. All Monies which shall come to the Hands of the Corporation from the Highway Rate shall be applied in altering, improving, maintaining, and repairing the present or any future Streets and Highways belonging to the Corporation. Application of Highway Rate.

LXXI. It shall be lawful for the Corporation from Time to Time to levy a Rate to be called the Lighting Rate, not exceeding in any One Year the Sum of One Shilling in the Pound on the full net annual Value of the Property included in such Rate. Power to levy Lighting Rate.

LXXII. All Monies which shall come to the Hands of the Corporation from the Lighting Rate shall be applied in carrying the Purposes of this Act into execution as to lighting the Borough. Application of Lighting Rate.

LXXIII. It shall be lawful for the Corporation from Time to Time to make and levy, in respect of all the rateable Property within
[Local.] 7 C the Power to levy General Improvement Rate.

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the Borough, a Rate to be called The General Improvement Rate, not exceeding in any One Year One Shilling in the Pound on the net annual Value of any such Property.

Application
of General
Improve-
ment Rate.

LXXIV. All Monies which shall come to the Hands of the Corporation from the General Improvement Rate shall be applied and disposed of as follows :

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

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

Thirdly, in setting apart and appropriating such a Sum of Money as may be necessary to be set apart and appropriated for paying off the Principal Monies borrowed or secured on the General Improvement Rate :

Fourthly, in carrying all the Purposes of this Act into execution (excepting the Purposes to which the Highway Rates, the Sewer Rates, and the Lighting Rates, and any Rate for Sewers, Drains, and Private Improvements, are by this Act or any Acts incorporated herewith made applicable) :

And in paying off all Monies due on the Credit of the General Improvement Rate.

Proportion
at which
certain Land,
&c. to be
rated.

LXXV. With the Exception of the Highway Rate, the other Rates by this Act authorized shall be assessed upon Lands used as Arable, Meadow, or Pasture Ground only, or as Woodland, Market Garden, or Nursery Ground, or upon Land covered with Water, or upon Lands used by any Water Company 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, and upon all Lands used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, in the Proportion of One Fourth Part only of the net annual Value of such Lands respectively.

Corporation
may borrow
on Credit of
Highway,
Lighting,
and General
Improve-
ment Rate.

LXXVI. Clause One hundred and fifty-nine of "The Towns Improvement Clauses Act, 1847," enabling the Corporation to borrow Money by Mortgage of the Special and General Sewer Rates, and for any Private Improvement Expenses, shall extend also to the before-mentioned General Improvement Rate; and it shall be lawful for the Corporation to borrow on the Credit of such Rate any Sum or Sums not exceeding in the whole Five thousand Pounds; and if after having borrowed

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borrowed any Money the Corporation pay the same off or any Part thereof (otherwise than by the Sinking Fund) it shall be lawful for them again to borrow the Amount or any Part of the Amount so paid off, and so from Time to Time.

LXXVII. At any Time before the Expiration of the Period for which any Charge on account of Private Improvement Expenses is made, or for which any Special Sewer Rate or Drainage Rate is made, the Owner or Occupier of the Premises assessed thereto may redeem the same by paying to the Corporation the Expenses in respect of which the Charge or Rate was made, or such Part thereof as may not have been defrayed by Sums already paid or levied in respect of the same, and all Monies which the Corporation shall so receive shall be applied by them in or towards paying any Debt which they may have incurred in respect of any such Charge or Rate.

Redemption
of Private
Improve-
ment and
other Rates.

LXXVIII. It shall be lawful for the Corporation to order and direct that any Rate made in pursuance of "The Towns Improvement Clauses Act, 1847," or this Act, shall be levied by Assessments to be made for separate and distinct Districts, and every Rate shall be sealed with the Common Seal of the Borough, and need not be signed.

Rates may
be made
for separate
and distinct
Districts,
and all Rates
to be under
Corporate
Seal.

LXXIX. Any Rate made by the Corporation for any of the Purposes of this Act may be made either wholly prospectively or wholly retrospectively, or partly prospectively and partly retrospectively, and for defraying Liabilities incurred or to be incurred, or both.

Rates pro-
spective and
retrospec-
tive.

LXXX. The several Clauses of "The Town Police Clauses Act, 1847," with respect to Fire, shall extend to and be incorporated with this Act.

10 & 11 Vict.
c. 89. incor-
porated.

LXXXI. The Corporation may from Time to Time make and enforce Byelaws with respect to the Use and for the Protection of the public Wharves and Landing Places within the Limits of this Act, and they may, except as after mentioned, prevent the landing or loading of Goods, Wares, or Merchandise at any Part of any such Wharf or Landing Place not set apart by the Corporation for the Purpose: Provided always, that nothing herein contained shall empower the Corporation to prevent the Occupiers of Premises facing or in the immediate Vicinity of the River from landing or loading Goods, Wares, and Merchandise at any Wharf or Landing Place heretofore used by them for that Purpose.

Corporation
may make
Byelaws
with respect
to the public
Wharves
and Land-
ing Places.

LXXXII. The Corporation may remove the Fair now held in *November* in the Market Place to any other public Place, or to any Land

Power to
remove Fair
from Market

The Kingston-upon-Thames Improvement Act, 1855.

Place, and
to make
Regulations
as to Fairs
and Markets.

Land belonging to or hired by the Corporation within the Borough, and they may also shorten the Duration of such Fair, and they may from Time to Time make and enforce all necessary Rules and Orders for the proper Government and Regulation of such Fair, and also of any other Fairs and Markets held within the Borough.

As to Service
of Writs on
the Corpora-
tion.

LXXXIII. Any Summons, Notice, or Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Mayor, Aldermen, and Burgesses, or upon the Council, may be lawfully served by delivering the same personally to the Town Clerk, or by leaving the same at his Office.

Authentica-
tion of
Notice.

LXXXIV. Any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing and partly in Print; and if the same require Authentication by the Corporation, the Signature thereof by the Mayor or Town Clerk shall be a sufficient Authentication.

All Fines,
&c. to be
paid to the
Treasurer.

LXXXV. All Fines, Penalties, and Forfeitures for any Offences under the Act shall be paid to the Treasurer of the Borough, to be by him carried to the Account of the Borough Fund of the Borough.

Costs of
Proceedings
for Recovery
of Rates to
be included
in Warrants
of Distress.

LXXXVI. It shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay such Rate, 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 the Amount of such Costs, and shall issue his Warrant accordingly.

Mortgages
and Trans-
fers to be
stamped.

LXXXVII. Every Mortgage, Bond, or other Security for Money, and every Transfer thereof, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated.

Liability to
Rates not to
disqualify
Justices.

LXXXVIII. Any Justice shall not be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Rate or other Charge under this Act, or by reason of his being a Member of the Council.

Saving
Rights of
Mayor, &c.
as Lords of
the Manor,

LXXXIX. Anything in this Act contained shall not take away, prejudice, lessen, or affect any of the Estates, Rights, Royalties, Jurisdiction, Franchises, Powers, Privileges, or Authorities of the Mayor,

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Mayor, Aldermen, and Burgesses of *Kingston-upon-Thames* as Lords of the Manor of *Kingston-upon-Thames*.

XC. In citing this Act for any Purpose it shall be sufficient to Short Title. use the Expression “ *The Kingston-upon-Thames Improvement Act, 1855.*”

The Kingston-upon-Thames Improvement Act, 1855.

SCHEDULE referred to in the foregoing Act.

Canbury Ward.

To consist of so much of the Borough as will be situate to the North of the Road, commencing at the Centre of Kingston Bridge, then following the Centre of such Road along London Street, Norbiton Street, and Kingston Hill, and terminating at the Top of such Hill at the Boundary of the extended Borough Limits; which said Ward is coloured Red upon the Plan referred to in the Third Clause of the Act.

Norbiton Ward.

To consist of so much of the Borough as will be situate within the following Bounds: A Line drawn down the Centre of the before-mentioned Road from Kingston Hill to the Corner of Heathen Street, thence along the Centre of Heathen Street to the Road leading to Hogg's Mill, thence along the Centre of the last-mentioned Road to the Malden or Ewell River at Hogg's Mill Bridge, then following the Course of such River to and including the Oil Mills, then following Oil Mills Lane to Marsh Lane, thence going Eastward along such Lane to the new Boundary of the Borough, and following the Course of such Boundary to Kingston Hill aforesaid; which said Ward is coloured Green upon the before-mentioned Plan.

Town Ward.

To consist of so much of the Borough as will be situate within the following Bounds: A Line drawn from the Top of Kingston Bridge along the Centre of the Road leading direct from the Bridge to the Corner of Heathen Street, then following the Boundary of the Norbiton Ward down Heathen Street to Hogg's Mill Bridge, and then down that Stream along the Centre of the Creek to the River, and thence to Kingston Bridge; which said Ward is coloured Blue upon the before-mentioned Plan.

West-by-Thames Ward.

To consist of the Remainder of the Borough, being all such Parts of the Borough as will be situate to or towards the South of the said Malden or Ewell River and the said Creek, and the said Oil Mills Lane; which said Ward is coloured Pink upon the before-mentioned Plan.

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