



### CHAPTER clxxxiii.

An Act to confer further powers on the Mayor Aldermen and Burgesses of the borough of Kingston-upon-Thames for the improvement and good government of the borough and for other purposes. [7th August 1888.]

A.D. 1888.

**W**HEREAS the borough of Kingston-upon-Thames in the county of Surrey is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough (in this Act referred to as "the Corporation") are the urban sanitary authority for the district thereof:

And whereas the town of Kingston-upon-Thames is bounded on the west by the River Thames:

And the boundary of the parish of Kingston-upon-Thames and of the county of Surrey follows the centre or nearly the centre line of the said river but the boundary of the borough extends generally to the Surrey bank thereof and inconvenience arises in various ways because the portion of the river between the present borough and parish boundaries is not within the borough and it is expedient that the boundary of the borough should be extended so as to become coterminous with that of the parish and county:

And whereas by reason of the irregularity of the existing borough boundary the middle part of the street known as Gloucester Road on the eastern side of the borough is outside the borough boundary while both ends thereof are included in the borough and it is expedient that the borough boundary should also be extended at this point:

And whereas it is expedient that the Corporation should be empowered to make the various street improvements and widenings described in this Act and that further powers should be conferred on them as herein-after set forth:

And whereas under section eighty-two of the Kingston-upon-Thames Improvement Act 1855 (in this Act called "the Act of

18 Vict. c. xlv.

A.D. 1888.

1855") the Corporation were empowered to remove the fair then held in November in the market place to any other public place or to any land belonging to or hired by them within the borough and also to shorten the duration of such fair and from time to time to make and enforce all necessary rules and orders for the proper government and regulation thereof: And the Corporation accordingly caused the said fair to be moved to an open piece of ground in the middle of the town called the Fairfield:

And whereas at the time of the said fair an assemblage of booths caravans and exhibitions commonly known as the pleasure fair has customarily taken place within the borough which causes considerable local disturbance and inconvenience and it is expedient that powers should be conferred on the Corporation for putting an end thereto:

And whereas it is also expedient that powers should be conferred on the Corporation to increase the amount of the rate which they may levy under the Public Libraries Act 1855 and that further powers should be conferred on them with respect to the prevention of the spread of infectious diseases and with respect to sanitary matters and that further and better provision be made with respect to various matters of local government as herein-after set forth:

And whereas estimates have been prepared by the Corporation for carrying out the purposes of this Act which are as follows (that is to say):

For street improvements including the bridge and approaches  
and purchase of land - - - - - 67,000% :

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875:

And whereas it is expedient that the Corporation be authorised to borrow moneys for the purposes of this Act:

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the sixth day of October one thousand eight hundred and eighty-seven after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Surrey Comet" being a local newspaper published or circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged upon the improvement rate of the borough:

And whereas such resolution was published twice in the said "Surrey Comet" newspaper and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that Board and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the second day of February one thousand eight hundred and eighty-eight being not less than fourteen days after the deposit of the Bill in Parliament :

A.D. 1888.

And whereas the owners and ratepayers of the borough by resolution in the manner provided in Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas the purposes of this Act 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) :

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Kingston-upon-Thames Improvement Act 1888. Short title.

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

Act divided  
into parts.

Part I.—Preliminary.

Part II.—Extension of borough.

Part III.—Street improvements &c.

Part IV.—River promenade.

Part V.—Fair.

Part VI.—Public library rate.

Part VII.—Traction engines and bicycles.

Part VIII.—Slaughter-houses.

Part IX.—Places of public resort.

Part X.—Street regulation.

Part XI.—Infectious diseases.

Part XII.—Lands &c.

Part XIII.—Rates and finance.

Part XIV.—Miscellaneous.

3. This Act except where otherwise expressed or implied shall apply exclusively to the borough as extended by this Act.

Limits of  
Act.

[Ch. clxxxiii.] *Kingston-upon-Thames Improvement Act, 1888.* [51 & 52 VICT.]

A.D. 1888.

Incorporation of general Acts.

4. The following enactments (that is to say):

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act referred to as "the Lands Clauses Acts")—

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.

Interpretation.

5. In this Act—

"The existing borough" means the municipal borough of Kingston-upon-Thames as existing at the passing of this Act;

"The added part of the borough" means the area added to the existing borough by this Act;

"The borough" or "the extended borough" means the municipal borough of Kingston-upon-Thames as extended by this Act;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The mayor" means the mayor of the borough;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the surveyor" and "the medical officer" respectively mean the town clerk the treasurer the surveyor and the medical officer of the borough;

"The borough fund" "the borough rate" "the improvement rate" and "the highway rate" mean respectively the borough fund the borough rate the improvement rate and the highway rate of the borough;

"Street works" means the street works and includes the bridge over the Hogs Mill stream by this Act authorised;

"Daily penalty" means a penalty to accrue for each day any offence shall continue after conviction;

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same;

"The borough and ward plan" means the plan of the borough and wards thereof signed by the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred;

"Place of public resort" means a building used or constructed or adapted to be used as a theatre public hall public concert-room public ball-room public lecture-room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or by payment but shall not include a

private dwelling-house used occasionally or exceptionally for any of those purposes ; A.D. 1888.

“Conservators” means the conservators of the River Thames ;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation or of any other local authority within section thirty-four of the Local Loans Act 1875 but excluding the Corporation.

Words to which meanings are assigned in the incorporated Acts or in the Municipal Corporations Acts or in the Public Health Acts or which have therein special meanings shall in this Act have the same respective meanings so far as may be consistent with this Act : And in this Act and (for the purposes of this Act) in enactments incorporated with this Act—

The expressions “court of competent jurisdiction” “superior courts” or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

6. This Act shall commence and take effect at the passing thereof except where otherwise expressly provided. Commencement of Act.

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

## PART II.

### EXTENSION OF BOROUGH.

8. The borough shall comprise the existing borough and those parts of the parish of Kingston-upon-Thames adjoining the existing borough delineated on the borough and ward plan and described in the First Schedule to this Act and if there be any discrepancy between the plan and the description the description shall prevail. Extension of borough.

9. The Corporation shall pay to the guardians of the poor of the Kingston-upon-Thames Union acting as the sanitary authority for the rural sanitary district of that union by way of compensation in respect of loss of rateable value to the said authority by reason of the inclusion within the borough of so much of the said parish Compensation to Kingston guardians.

A.D. 1888.

as is described in the second part of the First Schedule to this Act such a sum of money (if any) as shall be agreed between them with the sanction of the Local Government Board or as in default of agreement shall be determined by the Local Government Board which sum of money shall be applied by the said guardians to such purposes as may be approved by the Local Government Board.

Authority of Corporation extended.

**10.** Subject to the provisions of this Act all the real and personal property at the commencement of this Act vested in the existing Corporation or council in any capacity for the benefit of the existing borough are hereby as from that date vested in the Corporation for the benefit of the extended borough but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the existing Corporation or council in respect thereof and all the powers rights privileges authorities immunities and duties of the existing Corporation as a municipal body and of the existing council and any committee thereof and of the existing Corporation acting in the execution of such enactments as were at the commencement of this Act in force within the existing borough and of the existing Corporation acting by the council or any committee thereof as the urban sanitary authority for the district of the existing borough and of all officers and servants of the existing Corporation shall extend to and throughout the borough and all enactments and byelaws at the commencement of this Act applicable to the existing borough shall subject to the provisions of this Act extend and apply to the borough: Provided always that no such enactments and byelaws shall affect or override any byelaws made or to be made by the conservators.

Added part of borough detached from district of Kingston rural sanitary authority.

**11.** The added part of the borough is hereby detached from the district of the Kingston rural sanitary authority and shall henceforth be free from the jurisdiction of and from all rates or contributions to be levied by virtue of any precept issued by that authority.

Jurisdiction of borough justices.

**12.** The jurisdiction powers authorities rights privileges and duties of the justices of the peace appointed for the existing borough and of the clerk to such justices whether acting in petty sessions or out of sessions or otherwise shall extend to and throughout the borough.

Wards in borough.

**13.** The borough shall be divided into four wards which shall be called respectively Hill Ward Canbury Ward Norbiton Ward and the Town Ward and shall have the boundaries shown on the ward plan and set forth and described in the Second Schedule to

this Act. In the event of any discrepancy between the description in the said Second Schedule and in the said plan the description in the schedule shall prevail. A.D. 1888.

14. The borough and ward plan shall within one week after the passing of this Act be deposited at the Private Bill Office of the House of Commons and with the town clerk at his office and a copy thereof certified by the town clerk shall be sent by him as soon as may be after the deposit of the same as aforesaid to the Director-General of Her Majesty's Ordnance Survey Southampton and to the Local Government Board. Deposit of borough and ward plan.

15. Copies of the borough and ward plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice or elsewhere as *prima facie* evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to any rate leviable within the borough and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract. Copies of borough and ward plan to be evidence.

16. The borough shall have eight aldermen and twenty-four councillors and each ward shall return six councillors. Number of the council.

17. For the purposes of the burgess lists burgess roll and other lists to be made after the commencement of this Act under the provisions of the Municipal Corporations Acts the added part of the borough shall be deemed to have always formed part of the borough. As to burgess lists &c.

18. Previous to the first day of November one thousand eight hundred and eighty-eight the council shall by resolution apportion the existing councillors to the four wards created by this Act so as to provide for the councillors continuing to represent as large a number as possible of their former constituents. As to election of new aldermen and councillors.

Subject as aforesaid all elections vacations of office and rotations of the aldermen and councillors shall be governed by the Municipal Corporations Acts.

19. Subject to the provisions of this Act all arrears existing at the commencement of this Act of rates and all current rates leviable within the parts of the parish added to the borough may be levied and collected as if this Act had not been passed. Arrears of rates in parts added to the borough.

20. From and after the commencement of this Act so much of any highway as is within the added part of the borough shall be exempt from the jurisdiction of every highway authority other Provisions as to highways.

A.D. 1888. — than the Corporation and all lands houses and hereditaments within the added part of the borough shall (subject to the provisions of this Act) be exempt from all rates levied for highway purposes by any other authority than the Corporation.

### PART III.

#### STREET IMPROVEMENTS &C.

Power to  
make works.

21. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands shown on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the street works hereinafter described viz. :

1. A widening of Brook Street and Eden Street at the corner formed by their junction.
2. The widening and improvement of the roadway at the corner where Thames Street joins the Market Place.
3. A widening and improvement of Richmond Road and a new street into the Fairfield commencing at the point where the Richmond Road joins the Cromwell Road and terminating at the north-western corner of the unenclosed portion of the Fairfield.
4. The widening of London Road commencing about seventy yards to the eastward of the junction of Queen Elizabeth Road and London Road opposite the Grammar School and terminating about two hundred and twenty yards to the westward of the said junction of Queen Elizabeth Road with London Road.
5. The widening of Grove Road commencing opposite the junction of Grove Crescent Road and Grove Road and terminating opposite the Union Hotel at the corner of Southsea Road.
6. The widening of Park Road opposite Prince's Road from the house known as No. 1 to the house known as No. 12 Coleshill Cottages.
7. The widening of the Park Road commencing at the northern end of Park Road where it joins King's Road and extending for a distance of forty yards or thereabouts southward from the said junction.
8. Improvement of Eden Street and High Street and New Street from the Coronation Stone to Saint James's Road. The improvement of Eden Street and High Street commencing



A.D. 1888.

in Eden Street opposite the Apple Market and terminating in High Street opposite the Coronation Stone and the new street commencing opposite the Coronation Stone by a junction with High Street and terminating at the northern end of Saint James's Road by a junction therewith.

9. A new street from Albert Road to London Road commencing at the end of Albert Road at its junction with Church Road and continued in a straight line with Albert Road to and terminating by a junction with London Road.

10. A widening and improvement of Acre Road commencing in Acre Road about fifty yards to the eastward of its junction with Richmond Road and terminating in Richmond Road about twenty-five yards southward of the said junction.

11. A widening of the Portsmouth Road or High Street on the eastern side thereof on both sides of the public-house known as "The Anglers."

12. A bridge over the Hogs Mill stream with approaches commencing at the northern end of Springfield Road at its junction with Denmark Road and Portland Road and terminating at the southern end of the roadway known as Knight's Park.

22. Subject to the provisions of this Act the Corporation may for the purposes herein-after stated purchase the lands herein-after described so far as the same are delineated on the deposited plans and described in the books of reference namely:

Purchase of lands.

(a) The unenclosed portion of the Fairfield lying to the north of the enclosed portion for the purpose of an open space or recreation ground;

(b) Lands between the Market Place and Union Street southward of the passage from Church Street to Union Street and on the east side of Union Street for the purpose of enlarging the market space and approaches;

(c) Lands in Saint James's Road and between the said road and the garden of Clattern House for the purpose of providing access to Corporation property;

(d) Land at the corner of Clarence Street and Fife Road for the purpose of street improvements;

(e) Lands lying between Wood Street Water Lane Thames side Old Bridge Street Thames Street and the Horse Fair for the purpose of street improvements and alterations.

23. Subject to the provisions of this Act the Corporation in the construction of the street works may deviate laterally from the lines thereof as shown on the deposited plans to the extent of

Limits of lateral and vertical deviation.

A.D. 1888.

the limits of lateral deviation indicated thereon and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet.

Power to  
make sub-  
sidiary  
works.

24. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation for the purposes of the street works may make junctions and communications with any existing streets which may be intersected or interfered with and may raise lower or alter any vault arch cellar or area under or adjoining any roadway or footway and may alter any existing street for the purpose of connecting the same with the street works: Provided always that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by the exercise of the powers of this section full compensation for all damage so sustained by them respectively.

Power to  
alter pipes  
&c.

25. In making the said street works the Corporation may raise sink or otherwise alter the position of any sewer drain water-pipe or gas-pipe belonging to or connected with any building adjoining or near to the site of the work and also any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment:

Provided that the Corporation shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and belonging to Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply:

And provided also that if the Corporation require under the powers of this Act to raise sink or alter the position of any main or pipe belonging to the Company of Proprietors of Lambeth Waterworks (herein-after called "the Lambeth Company") the Corporation shall give notice in writing to the Lambeth Company of their intention to raise sink or alter the position of such main or pipe and such raising sinking or altering shall be done by the Lambeth Company but if the Lambeth Company do not do or commence the work required before the expiration of one week from the giving of such notice it shall be lawful for the Corporation to raise sink or alter the position of such main or pipe using all

reasonable despatch in the completion of such raising sinking or altering and causing as little detriment and inconvenience to the Lambeth Company as circumstances admit: The Corporation shall in any case pay all the expense of such raising sinking or altering and also pay full compensation to the Lambeth Company for any damage caused to them or to their works by the exercise of the powers of this enactment: But nothing in this Act contained shall authorise the Corporation to raise sink or alter the position of the mains or pipes of the Lambeth Company to such an extent or in such manner as to permanently obstruct or hinder that Company from carrying out their duty of furnishing a supply of water to their district.

A.D. 1888.

**26.** Where any street or ground abutting on any street and dedicated to public use becomes in consequence of the making of any of the street works no longer required in the opinion of the Corporation for public use or for approach to any property adjoining the same the same is hereby vested in the Corporation freed and discharged from the public use thereof: Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall make to the owner and occupier of such land compensation therefor.

Streets dis-  
used vested  
in Corpora-  
tion.

**27.** Notwithstanding anything contained in this Act or the deposited plans and books of reference it shall not be lawful for the Corporation without the consent of George Rastrick or other the owner or owners for the time being of the land numbered 101 on the said plans and books of reference to purchase and take any greater quantity of the said land than is required for the widening of Grove Road and the formation of the footpath on the western side thereof and such widening and formation shall be effected and the land dedicated to the public within six months of such purchase and taking as aforesaid.

For pro-  
tection of  
certain pro-  
perty of  
George  
Rastrick.

**28.** Notwithstanding anything contained in this Act or the deposited plans and books of reference it shall not be lawful for the Corporation without the consent of Charles Fuhr Jemmett or other the owner or owners for the time being of the land numbered 102 on the said plans and books of reference to purchase and take any greater quantity of the said land than is required for the widening of Grove Road and the formation of the footpath on the western side thereof and such widening and formation shall be effected and the land dedicated to the public within six months of such purchase and taking as aforesaid.

For pro-  
tection of  
certain pro-  
perty of C. F.  
Jemmett.

A.D. 1888.

As to fence  
and path  
along Grove  
Road.

**29.** The Corporation shall at their own expense fence off the remaining portions of the said properties numbered 101 and 102 from the Grove Road when widened by a fence as good as that subsisting at the passing of this Act and provide sufficient gates and accesses thereto and they shall also form metal kerb and properly make good a footpath on the western side of the said road as widened along the said properties.

#### PART IV.

##### RIVER PROMENADE.

Wharves  
and landing-  
places.

**30.** At any time not earlier than one month after the passing of this Act the Corporation may close the landing-places on the bank of the River Thames between the northern end of the river promenade opposite the Surbiton Road and the Anglers Inn and prohibit the use thereof as wharves and prohibit the landing of goods minerals and other things thereat and they may provide and regulate subject to the approval of the Conservators the use of proper landing-places for passengers thereon and may continue the river promenade over the land between the river and the Portsmouth Road between the said points or any part thereof and the Corporation shall at all times thereafter afford at their own expense facilities for loading and unloading of barges and other craft at the existing draw-dock and wharf situate immediately to the northward of the Anglers Inn free of any toll or charge and the Corporation in affording facilities as aforesaid shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever nor shall the Corporation subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

For pro-  
tection of  
Edward  
Raphael and  
others.

**31.** For the protection of Edward Raphael George Rastrick and Charles Fuhr Jemmett owners or reputed owners of lands facing the River Thames or other the owners or occupiers for the time being of such lands the Corporation shall not if they exercise any of the powers contained in this part of this Act erect or plant or suffer to be erected or planted any building wall fence bank tree or other thing which shall interfere with the view of or over the River Thames from any part of such lands or from any buildings which may at any time be thereon.

**32.** If the Corporation under the powers of this Act close any landing-place which Edward Raphael George Rastrick and Charles Fuhr Jemmett or any of them or their tenants have heretofore used the Corporation shall if required by them respectively pay to them respectively by way of compensation for any injury or damage caused to them thereby such a sum of money (if any) as having regard to the other provisions of this Act and to other facilities for landing provided in the neighbourhood may be settled by arbitration as a case of disputed compensation under the Lands Clauses Consolidation Act 1845.

A.D. 1888.  
Compensation in case of closing certain landing-places.

## PART V.

### FAIR.

**33.** For the purpose of abolishing the pleasure fair but not further or otherwise the Corporation may prohibit the entrance within the borough during the month of November in any year of any show booth caravan travelling van circus or exhibition for such period or periods as they may think fit provided that they shall give at least one month's notice of any such prohibition which notice shall be given by advertisement in at least two newspapers circulating in the counties of Surrey and Middlesex and by placards affixed at or near the borough boundary on the principal roads leading into the borough and a statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared.

Power to abolish pleasure fair.

**34.** Any person bringing during the month of November in any year any such show booth caravan travelling van circus or exhibition within the borough or being in charge of or accompanying any such show booth caravan travelling van circus or exhibition brought within the borough after due notice of such prohibition as aforesaid has been given shall be liable to a penalty of not exceeding five pounds and to a daily penalty of not exceeding five pounds for every day for which such show booth caravan travelling van circus or exhibition shall remain within the borough and without prejudice to any proceeding under this enactment it shall be lawful for the Corporation to cause any such show booth caravan travelling van circus or exhibition to be forthwith removed outside the borough.

Penalties and proceedings.

A.D. 1888.

PART VI.

PUBLIC LIBRARY RATE.

Increase of  
public  
library rate.

**35.** Notwithstanding anything contained in the Public Libraries Act 1855 the rate to be levied in the borough in any one year for the purposes of that Act and the Acts amending the same may for the purpose of providing a public free library branch libraries and reading rooms be of any amount not exceeding the sum of two-pence in the pound: But the said rate shall not be increased beyond the sum of one penny in the pound without the consent of the burgesses of the borough to be expressed in the same manner as is provided by the said Act with reference to the adoption thereof.

PART VII.

TRACTION ENGINES AND BICYCLES.

Provisions  
as to use of  
traction  
engines.

**36.** The following provisions with respect to the use of traction engines in the borough shall have effect (that is to say):

- (1) The Corporation may from time to time prescribe the streets or classes of streets along or across which alone traction engines shall pass and the hours of the day and night during which alone traction engines shall pass along such streets and the owner and person in charge of any such engine who shall knowingly and without reasonable cause pass therewith along or across any street or at a time not so prescribed shall be liable for every such offence to a penalty not exceeding ten pounds in addition to the cost of repairing any damage to such street which may arise by reason of such offence;
- (2.) The Corporation may require any person who desires to use a traction engine in any street to deposit with them such sum of money not exceeding fifty pounds as they may deem reasonable to recoup them the cost of repairing any damage which may be caused to any street by any such engine passing along or over the same respectively and in case of any such damage they may repair the same and apply such deposit to meet as far as it will extend the cost of such repair and may recover from such person summarily or in a court of competent jurisdiction the balance of such cost or the whole of such cost when no such deposit as aforesaid has been made and so from time to time;
- (3) If the Corporation require any person to make such deposit and such deposit shall be made accordingly they shall pay

interest to such person on the amount of the deposit for the time being in the hands of the Corporation not so applied as aforesaid after the rate of four per centum per annum.

A.D. 1888.

**37.** The Corporation may from time to time make and enforce byelaws for regulating the use of velocipedes in highways in the borough in the same manner as a county authority may by virtue of the Highways and Locomotives (Amendment) Act 1878 make and enforce byelaws for regulating the use of bicycles on highways in their county but subject to the like confirmation as is required by that Act. For the purposes of this section "velocipede" includes bicycle tricycle and every like mechanical contrivance.

Byelaws as to velocipedes in highways.

## PART VIII.

### SLAUGHTER-HOUSES.

**38.** After the Corporation shall have provided a public slaughter-house or houses no person shall except with the consent of the Corporation or in a slaughter-house licensed by them slaughter any animal for sale or dress any carcase in any place within the borough except in such slaughter-house or houses and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds. The Corporation shall make compensation to the owners and occupiers of any slaughter-house lawfully existing at the date of such provision by the Corporation who shall be injuriously affected by the exercise of the prohibition in this section contained.

Slaughtering prohibited except in Corporation slaughter-houses.

## PART IX.

### PLACES OF PUBLIC RESORT.

**39.** Every building which is or shall be used as a place of public resort shall be provided with ample and convenient means of ingress and egress and means and appliances for the prevention and extinction of fire regard being had to the purpose for which such building is or is intended to be used and to the number of persons likely to be assembled at any one time therein and it shall not be lawful for the proprietor or occupier or person in charge of such building to allow the same to be used for any such purpose as aforesaid unless and until the surveyor has given a certificate under his hand that the building is substantially constructed and may be safely used for the purposes mentioned in the certificate and that

Buildings used for public purposes to have sufficient means of ingress and egress.

A.D. 1888.

the Corporation are satisfied with the sufficiency of the means of ingress and egress and means of prevention and extinction of fire provided at such building and before such building is used for any purpose other than that stated in such certificate a further like certificate applicable to such other purpose shall be given by the surveyor and any person who being the proprietor or occupier or person in charge of such building shall permit the same to be used for any purpose before the necessary certificate has been given shall for every such offence be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds:

Provided that if a certificate under this section is refused or not granted in the case of a building used as a place of public resort at the passing of this Act any court before which a penalty is sought to be recovered in respect thereof under this section may refuse to inflict any such penalty where they are satisfied that a reasonable time has not elapsed to admit of the necessary alterations being made and that the necessary alterations are in progress.

## PART X.

### STREET REGULATION.

Prevention of street noises.

40. The Corporation may by order prohibit costermongers street hawkers and others from making noises by calling goods for sale in the streets of the borough on Sundays and any person offending against such order shall be liable to a penalty of not exceeding twenty shillings.

## PART XI.

### INFECTIOUS DISEASES.

Definition of infectious disease.

41. "Infectious disease" means and includes smallpox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other diseases as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious.

Other diseases may be declared to be within the foregoing provision.

42. The Corporation may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act:

(1) Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is



to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in one or more of the local newspapers circulating in the borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act:

- (2) The production of the newspaper containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given:
- (3) The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the borough but the omission to send any such copy shall not affect the validity of such order.

**43.** In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall take effect (that is to say):

Notice to be given of persons suffering from infectious disease.

- (1) If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of illness or other unavoidable cause then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office:
- (2) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness or other unavoidable cause then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person:
- (3) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the form set forth in the Third Schedule to this Act:
- (4) Every registered medical practitioner attending on or called in to visit such inmate shall on becoming aware that such

A.D. 1888.

inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering :

(5) The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution :

(6) Every person who shall wilfully offend against any of the enactments contained in this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Cowkeepers and others to furnish lists of customers in certain cases.

44. Whenever it shall be certified to the Corporation by the medical officer of health or other registered medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk store or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical officer may inspect dairies &c. beyond borough in certain cases.

45. In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milkshop or place situate beyond the borough boundary or that the consumption of milk from such farmhouse dairy cowshed milkshop or place is likely to cause infectious disease to any person residing in the borough such medical officer shall if authorised in that behalf by an order of a

justice having jurisdiction in the place where such farmhouse dairy cowshed milkshop or place is situate have power to inspect such farmhouse dairy cowshed milkshop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier of such farmhouse dairy cowshed milkshop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the sanitary authority of the district acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 in which such farmhouse dairy cowshed milkshop or place is situate and also to the Local Government Board in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively. Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any such farmhouse dairy cowshed milkshop or place or after any such notice by the Corporation has been given supplying any milk therefrom within the borough or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings: Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milkshop or place is situate.

A.D. 1888.

46. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Corporation shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases

A.D. 1888. penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

47. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection could more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and such articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section and any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

48. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

49. No person shall without the sanction in writing of the medical officer of health or of a registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

50. If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds: But nothing in this section shall prevent the removal of any dead body from any hospital or place of temporary accommodation to any mortuary belonging thereto or used therewith and such mortuary shall for the purposes of this section be deemed to be part of such hospital or place of temporary accommodation.

A.D. 1888.  
Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

51. Where the body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and may direct the same to be buried within a time to be limited in the order or such justice may in the case of the body of a person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried by such officer of the Corporation as he may appoint for the purpose without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the officer so named to bury such body at the expense of the Corporation but any expense so incurred may be recovered by the Corporation in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Justice may in certain cases order dead bodies to be buried.

A.D. 1888.

Corpses not to be carried in public conveyances without notice.

**52.** Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Recovery of penalties under this part of Act.

**53.** No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation or of the medical officer of health or of the inspector of nuisances.

Temporary shelter &c.

**54.** The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and shall also if necessary provide or contract with some person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough or upon children who may have been compelled to leave their dwellings as aforesaid and may charge a reasonable sum for the service of any nurse provided by them.

Saving for Acts relating to dairies animals &c.

**55.** Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any order license or act of Her Majesty's Privy Council or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or the Local Government Board or exempt dairies milk stores or milkshops or slaughter-houses or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

## PART XII.

### LANDS &C.

Power to Corporation to take lands referenced.

**56.** Subject to the provisions of this Act the Corporation may enter on take and use all or any part of the lands described in the deposited plans and book of reference which they may require for the purposes of this Act.

**57.** Whereas there are or may be required for the purpose of the works authorised by this Act certain houses and buildings mentioned in the Fourth Schedule to this Act which under section 92 of the Lands Clauses Consolidation Act 1845 are or may be deemed to form portions of houses buildings or manufactories which are not so required and there are or may be also required for the purposes of the said works portions only of certain other properties also mentioned in the said schedule: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the said properties respectively mentioned in the said schedule may if such houses and buildings or portions of houses buildings or manufactories or other properties can in the opinion of the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the houses or buildings or the portions of houses buildings or manufactories or other properties so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof respectively the Corporation paying for the houses buildings or the portions required by them and making compensation for any damage which may be sustained by the owners thereof or other parties interested therein by the severance or otherwise.

A.D. 1888.

Owners may be required to sell parts only of certain houses and buildings.

**58.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of the following periods respectively :

Period for compulsory purchase of lands.

As regards the lands numbered on the deposited plans 101, 102, 160 and 163 after the expiration of three years from the passing of this Act ;

As regards the lands numbered on the said plans 11, 12, 132, 133, 196, 197 and 284 after the expiration of five years from the passing of this Act ;

And as regards other lands after the expiration of seven years from the passing of this Act.

**59.** Where any street is widened under the powers of this Act nothing in this Act shall render the owners of the adjoining lands liable to repay to the Corporation any part of the expenses incurred or to be incurred by them in forming metalling paving flagging channelling kerbing or otherwise making good the widening of the said street except in so far as they may contribute in respect thereof along with the other ratepayers of the borough.

As to liability of adjoining owners for paving &c.

A.D. 1888.

Power to  
take ease-  
ments &c. by  
agreement.

**60.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to  
retain sell  
&c. lands.

**61.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 to the contrary the Corporation subject to the provisions of this Act may retain hold and use for such time as they think fit (but not exceeding ten years after the expiration of the period fixed by this Act for the completion of the works for which the lands are respectively acquired) and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired by them under this Act and not required for the street or other works or purposes authorised by this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition: Provided that nothing herein contained shall empower the Corporation to interfere in any manner with the bed soil or banks of the River Thames.

Proceeds of  
sale of sur-  
plus lands.

**62.** So long as any properties remain to be acquired by the Corporation under the authority of this Act and the borrowing powers for the acquisition of such properties are not exhausted the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired but as to moneys so received and not so required the Corporation shall apply the same in extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided and the borrowing powers of the Corporation by this Act authorised shall be reduced to the extent to which moneys received by them on resale are applied by them in the purchase of other property required for the purposes of this Act.



**63.** Notwithstanding anything in this Act to the contrary nothing herein contained shall authorise or empower the Corporation to enter upon take or use embank encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except with the consent in writing of the conservators.

A.D. 1888.  
Corporation  
not to inter-  
fere with  
bed of river.

**64.** Nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the conservators or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of the passing of this Act the said conservators did or might lawfully claim use or exercise.

Saving  
rights of  
conserva-  
tors.

**65.** (1) The Corporation shall not under the powers by this Act granted purchase or acquire ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until :

Restrictions  
as to houses  
of labouring  
class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

A.D. 1888.

(4) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or caused to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys which they may be authorised to raise or apply for any of the purposes of this Act:

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Commissioners of Her Majesty's Treasury for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment;

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

### PART XIII.

#### RATES AND FINANCE.

**66.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid as follows (that is to say) :

Expenses of  
executing  
Act.

Expenses of and connected with street works including the bridge over the Hogs Mill stream out of the highway rate ;  
All other expenses out of the borough fund.

**67.** The Corporation may from time to time borrow at interest on the following securities and for the following purposes the following sums (that is to say) :

Power to  
borrow.

On the security of the improvement rate and borough fund and borough rate—

For paying the costs charges and expenses of this Act as hereinafter defined the sum requisite for that purpose :

On the security of the highway rates—

For the purposes of street works (including the said bridge over the Hogs Mill stream and purchase of land) seventy thousand pounds :

Provided that the aggregate amount of money borrowed or to be borrowed by the Corporation on the security of rates whether under

A.D. 1888. — the Act of 1855 the Towns Improvement Clauses Act 1847 the Local Loans Act 1875 or this Act including the capitalized value of any annuity or annuities payable by them after deducting any sums repayable to them by any other local authority in respect of sewers or sewage works shall not exceed at any one time the amount of one year's rateable value of the property within the borough for the time being and the sums which the Corporation have power to borrow under the provisions of any public Act shall be reduced by the moneys borrowed or to be borrowed under the Act of 1855 the Towns Improvement Clauses Act 1847 the Local Loans Act 1875 or this Act including the capitalized value of any such annuity or annuities as aforesaid.

Provisions as to mortgages.

**68.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :

- Section 236 (form of mortgage) ;
- Section 237 (register of mortgages) ;
- Section 238 (transfer of mortgages) ; and
- Section 239 (receiver may be appointed in certain cases).

As to repayment of borrowed moneys.

**69.** The Corporation shall repay or be in a position to repay at par—

All moneys borrowed under the powers of this Act for payment of the costs thereof within ten years from the date of the borrowing of the same ;

All moneys borrowed for the purposes of street works including the said bridge over the Hogs Mill stream under the powers of this Act within forty years from the respective dates of the borrowing of the same :

And such repayment shall be effected :

Either by equal yearly or half-yearly instalments of principal or of principal and interest ;

Or by means of sinking funds ;

Or partly by such instalments and partly by sinking funds :

Provided that when the payment shall not be made by equal yearly or half-yearly instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum and every such instalment or instalments shall be paid out of the rates on the security of which the principal moneys in respect of which it or they are so paid were borrowed :

[51 & 52 VICT.] *Kingston-upon-Thames Improvement Act, 1888.* [Ch. clxxxiii.]

And the sinking funds shall be provided as follows :

A.D. 1888.

The Corporation in every year after the respective dates in that behalf by this section prescribed shall pay out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at the rate of three per centum per annum be sufficient to pay off the whole of the principal moneys borrowed on such security within the periods by this Act prescribed ;

The payment to the said sinking funds shall commence on the twenty-fifth day of March next following the time of the borrowing of such moneys respectively ;

The yearly sums so to be paid shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities ;

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper : Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based.

70. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account other than borrowed money repay any principal moneys borrowed under the powers of this Act the payments to the sinking fund (if any) established under the provisions of this Act for the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Sinking funds may be adjusted in certain events.

71. The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment or as an annuity or to be set apart for a sinking fund in respect of moneys borrowed under the provisions of the Act of 1855 the Towns Improvement Clauses Act 1847 the Local Loans Act 1875 or this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them

Annual return to Local Government Board with respect to sinking fund.

A.D. 1888.

showing for the year next preceding the making of such return the amounts which have been paid as instalments or in respect of annuities and the amounts which have been invested or applied for the purpose of such sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return such treasurer shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annuity required to be paid or to set apart any sum required for any sinking fund or have applied any portion of the moneys set apart for any sinking fund or of the sums accumulated by way of interest to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid by way of instalment or annuity or be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice. The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to  
reborrow.

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

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed;

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan;

The Corporation shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases.

[51 & 52 VICT.] *Kingston-upon-Thames Improve-* [Ch. clxxxiii.]  
*ment Act, 1888.*

**73.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

A.D. 1888.  
 Corporation not to regard trusts.

**74.** The Corporation may if they think fit borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another any moneys which they are authorised to borrow under this Act. Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act. Provided always that if the Corporation at any time think fit to form a sinking fund all sums paid into the same shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied in paying off a portion of the principal moneys owing by the Corporation.

Power to borrow under Local Loans Act 1875.

**75.** All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application of borrowed moneys.

**76.** The Corporation may create and issue annuity certificates under the Local Loans Act 1875 as security for or in discharge of obligations incurred or from time to time to be incurred by the Corporation in respect of the construction of sewers or sewage works :

Annuities in respect of certain obligations.

A.D. 1888.

Provided that such certificates shall be limited to expire within the following periods viz. :

(a) As regards obligations already incurred within twenty-five years from the twenty-fifth day of March one thousand eight hundred and eighty-nine ;

(b) As regards annuities to be hereafter granted within thirty years from the date of grant ;

and shall not be for amounts exceeding in the aggregate one thousand five hundred pounds per annum.

Any sums from time to time received by the Corporation from any other local authority in respect of the use by such authority of any sewers or sewage works provided by the Corporation shall be applied in aid of the sewer rates of the borough and any such annuity certificates shall be a charge upon the sewer rates and improvement rate.

#### PART XIV.

##### MISCELLANEOUS.

Judges &c.  
not dis-  
qualified.

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

Form and  
service of  
notices by  
Corporation.

78. Any notice order or other like document made given delivered or served under this or any other Act or any bye-law by the Corporation may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the signature of the town clerk or other duly authorised officer of the Corporation and a copy thereof respectively so authenticated shall be receivable in evidence without the production of the original and it shall be sufficient in all cases where any such document is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description and any such document may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such document may be served on any owner occupier or other person either personally or by sending the same through the post



by a prepaid letter addressed to him by name at his last-known place of abode or business or by delivering the same to some inmate of his last-known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property. Any document so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post and in proving such service it shall be sufficient to prove that the document was properly addressed and posted: Provided always that in the case of a railway or other public company any such document shall be delivered or sent by post addressed to the secretary to the Company at their principal office or place of business.

A.D. 1888.  
—

**79.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875 as amended by the Summary Jurisdiction Act 1884.

As to appeal.

**80.** Whenever any person neglects to pay any toll rent rate or sum due to the Corporation under this Act the Corporation may recover the same with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount and the remedy of the Corporation under this enactment shall be in addition to their other remedies for the recovery of such toll rent rate or sum.

Recovery of sums by action.

**81.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the justices before whom any offender is convicted and may on a warrant or order of such justices be levied by distress.

Damages and charges in case of dispute to be settled by justices.

**82.** The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money.

Compensation may be in land &c.

- A.D. 1888:  
Penalty on persons obstructing officers, &c.
83. Any person who obstructs hinders or molests any member or officer of the Corporation in the execution of his duty under this Act or any bye-law thereunder for the time being in force within the borough shall be liable to a penalty not exceeding forty shillings.
- Several sums in one summons.
84. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several sums.
- Penalties to be paid over to the treasurer &c.
85. All penalties recovered under this Act or any bye-law thereunder except penalties recoverable from the Corporation shall be paid to the treasurer and be by him carried to the credit of the borough fund.
- Saving for indictments &c.
86. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.
- Powers of Act cumulative.
87. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament charter law or custom and the Corporation may exercise such other powers as if this Act had not been passed: Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.
- Expenses of Act.
88. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the improvement rate or out of moneys borrowed under the powers of this Act.

THE FIRST SCHEDULE referred to in the foregoing Act.

A.D. 1888.

Describing the area added to the borough by this Act.

1. So much of the parish of Kingston-upon-Thames including the River Thames as lies between the present borough boundary and the boundary of the said parish where it passes along the River Thames between Raven's Ait or Messenger's Island and the northern extremity of the borough but excluding the whole of the said Ait or Island.

2. So much of the said parish as will be included within a boundary line drawn as follows:—From the point where the London and South Western Railway passes under Gloucester Road for a distance of about one hundred and fifty yards eastward to the fence enclosing the field lying to the eastward of Gloucester Road thence following the said fence to and crossing Coombe Lane at a distance of one hundred yards or thereabouts from the crossing of Coombe Lane and Gloucester Road and thence following the eastern boundary of the field lying to the northward of Coombe Lane and eastward of Gloucester Road for a distance of about two hundred and fifty yards to the north-eastern corner of the said field thence passing in a south-westerly direction along the northern fence of the said field to a point about half way between the said corner and Gloucester Road where the present boundary of the borough proceeds northwards.

THE SECOND SCHEDULE.

Names and boundaries of Wards forming extended borough as shown on the borough plan and ward plan.

THE HILL WARD.

So much of the borough as lies northward of the London and South Western Railway which intersects the borough and eastward of a line drawn as follows:—Commencing at a point in the centre of the road nearest the northern archway in Queen Elizabeth Road drawn thence to the Canbury Park Road and westward down the centre of that road to the front of the Canbury Arms public-house thence up the centre of the Elm Road to its junction with Shortlands Road thence up the centre of the Shortlands Road to the centre of its junction with the Cross Road thence up the centre of the Cross Road to its junction with the Acre Road thence up the centre of the Acre Road to the road opposite the Richmond Park Hotel and thence across to and following the centre of the Latchmere Brook to the boundary of the borough.

A.D. 1888.

CANBURY WARD.

So much of the borough as lies northward of the said railway and is not included in the Hill Ward.

NORBITON WARD.

So much of the borough as lies southward of the said railway but including the said railway and eastward of a line drawn as follows:—From the centre of the archway in the Queen Elizabeth Road along the centre of that road thence in an easterly direction along the London Road to Hawks' passage along the centre of that passage to the centre of the Fairfield Road North thence in an easterly direction along the centre of that road to the boundary fence of Tiffins' Schools dividing the same from the Fairfield thence along such fence southerly to the centre of the Fairfield South Road thence in a westerly direction along the centre of the said road until opposite the centre of Knight's Park Road thence in a straight line along the centre of that road across the meadow in the occupation of Mrs. Cook crossing the Ewell River and continued also in a straight line down the centre of Springfield Road to the centre of Grove Lane to opposite the centre of Beaufort Road thence southerly down the centre of that road in a straight line to the boundary of the borough where the Waggon and Horses passage joins the Beaufort Road.

TOWN WARD.

The remainder of the borough.

THE THIRD SCHEDULE.

CERTIFICATE OF INFECTIOUS DISEASE &C. UNDER THE KINGSTON-UPON-THAMES IMPROVEMENT ACT 1888.

To the Corporation of the borough of Kingston-upon-Thames.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of the above-mentioned Act.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
(Signed)

Name of person suffering from the disease	-
Situation of the house building or room wherein such person is	- - - - -
Name of occupier or other person having the charge management or control of such house building or room	- - - - -
Nature of disease	- - - - -

NOTE.—This certificate must (under a penalty of forty shillings in case of neglect) be forthwith delivered or sent to the Medical Officer of Health of the Corporation at his office at the municipal offices.

[51 & 52 VICT.] *Kingston-upon-Thames Improve-* [Ch. clxxxiii.]  
*ment Act, 1888.*

THE FOURTH SCHEDULE referred to in the foregoing Act. A.D. 1888.

Describing properties excepted from the operation of section 92 of the Lands  
Clauses Consolidation Act 1845.

Plan.	Number of Property on Plans and Books of Reference.
Plan No. 1 - - -	1.
Plan No. 3 - - -	17.
Plan No. 4 - - -	54, 56, 57, 68, 70.
Plan No. 5 - - -	92, 102.
Plan No. 12 - - -	151, 152, 153.

London: Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or  
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

