

**CHAPTER ccxiii.**

An Act to confirm a Scheme relating to East Sheen Common in the Parish of Mortlake Surrey. A.D. 1898.

[12th August 1898.]

WHEREAS the Board of Agriculture have in pursuance of the Metropolitan Commons Acts 1866 to 1878 duly certified a scheme for the establishment of local management with respect to East Sheen Common situate in the parish of Mortlake in the county of Surrey :

29 & 30 Vict.
c. 122.
32 & 33 Vict.
c. 107.
41 & 42 Vict.
c. 71.

And whereas the said scheme is set forth in full in the report which was made by the said Board for the year ending the thirty-first day of December one thousand eight hundred and ninety-seven and which was duly laid before both Houses of Parliament :

And whereas by the said Metropolitan Commons Acts it is provided that any such scheme shall not of itself have any operation but shall have full operation when and as confirmed by Act of Parliament with such modifications if any as to Parliament seem fit :

And whereas it is expedient that the said scheme should be confirmed subject to certain modifications :

Be it therefore 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 :—

1. The scheme for the establishment of local management with respect to East Sheen Common situate in the parish of Mortlake in the county of Surrey certified by the Board of Agriculture under their seal on the thirtieth day of December one thousand eight hundred and ninety-seven shall be modified so as to be in the terms set forth in the schedule hereto and as so modified is hereby confirmed.

Scheme in
schedule
confirmed.

2. This Act may be cited for all purposes as the Metropolitan Commons (East Sheen) Supplemental Act 1898:

Short title.

A.D. 1898.

SCHEDULE.

THE METROPOLITAN COMMONS ACTS 1866 to 1878.

SCHEME with respect to EAST SHEEN COMMON.

Description of
common and
management
by Barnes
Urban District
Council.

1. The piece of land with the paths and roads traversing the same commonly known as East Sheen Common situate in the parish of Mortlake in the county of Surrey and herein-after referred to as "the common" which together with the freebord of Richmond Park where it abuts upon the common is delineated in a plan deposited with the Board of Agriculture (herein-after referred to as "the deposited plan") and thereon coloured green shall subject as herein-after provided henceforth for all the purposes of this scheme be regulated and managed by the Urban District Council of Barnes herein-after called "the Council."

Appointment
of officers.

2. The powers of the Council generally as to appointing or employing officers and servants &c. and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common and otherwise for the purposes of this scheme and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

Protection and
improvement
of common.

3. The Council may execute any works of drainage raising levelling or fencing or other works for the protection and improvement of the common so far only as may be required for the purposes of the Metropolitan Commons Acts 1866 to 1878 and may do any work necessary for the proper repair of any footpath on the common and shall preserve the turf shrubs trees plants and grass thereon and for this purpose may for short periods enclose by fences such portions as may require rest to revive the same and may plant trees and shrubs for shelter or ornament and may otherwise make the common more pleasant as a place for exercise or recreation but shall do nothing that may otherwise vary or alter the natural features or aspect of the common or interfere with free access to every part thereof.

Against en-
croachments.

4. The Council shall maintain the common as delineated in the deposited plan free from all encroachments and shall not permit any trespass on or partial or other enclosure of any part thereof and no fences posts rails sheds or buildings whether used in connexion with the playing of games or not or other matters or things shall be maintained fixed or erected thereon without the consent in writing of the Council.

5. The Council may set apart any portion or portions of the common as they may consider expedient for games and may form cricket grounds and may allow the same to be temporarily enclosed with any open fence so as to prevent cattle and horses straying thereon but such grounds shall not be laid out so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants thereof. A.D. 1898.

Games &c.

6. The Council shall frame byelaws and regulations for the prevention of nuisances and the preservation of order upon the common. The byelaws may include any of the following purposes viz. :— Byelaws.

The prevention of encroachments and of the deposit of road-sand materials for the repair of the roads dung rubbish flints wood or other matter on and of the illegal digging cutting or taking of turf sods gravel sand clay or other substances on or from the common and of the illegal cutting felling or injuring any gorse heather timber or other trees shrubs brushwood or other plants for the time being growing thereon :

The prevention of injury to or defacement or removal of seats fences or barriers or notice boards or other things put up or maintained by the Council on the common :

The prevention of injury to or disfigurement of fences or trees on the common by the posting or painting thereon of bills placards advertisements or notices :

The prevention of bird catching illegal setting of traps or nets or liming trees or laying snares of any description for birds or other animals taking of birds' eggs or nests and illegal shooting or chasing of game or other animals on the common or brought there for the purpose of being shot or chased :

The regulation of games to be played and other means of recreation on the common and of assemblages of persons thereon and the prevention or regulation of vehicles being driven or horses being exercised by grooms or others on or across the common :

The exclusion removal and apprehension if necessary of gamblers card-sharpers gipsies squatters vagrants sellers and exhibitors of infamous books prints photographs or pictures or persons guilty of brawling fighting or quarrelling or using indecent or improper language or any idle or disorderly persons so that all such persons may be dealt with according to law :

The regulation as to place and mode of digging and taking gravel sand or other substances from and of cutting and felling of trees and underwood growing upon the common in exercise of any right of common or other right over or upon the common :

The prevention of persons from illegally turning out or permitting cattle sheep or other animals to graze or feed or remain upon the common :

Generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the common or to interfere with the use thereof by the public for the purposes of exercise and recreation.

[Ch. ccxiii.] *Metropolitan Commons* [61 & 62 VICT.]
(*East Sheen*) *Supplemental Act, 1898.*

A.D. 1898.

Application of
38 & 39 Vict.
ss. 182-186 to
byelaws under
Scheme.

Apprehension
of offenders.

Proceedings
against
offenders.

Proceedings
not to be
quashed.

Saving
rights.

Rights
claimed.

7. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as the same are applicable shall apply to byelaws made under this scheme.

8. Any constable being either a member of the police force or an officer appointed by the Council for the execution of this scheme and being in uniform and any person called by such constable to his assistance may without warrant take into custody any person who within view of such constable shall offend against any byelaws of the Council made under this scheme and whose name and residence shall be unknown to and cannot be ascertained by such constable. If any such offender when required by the constable to give his name and residence gives a false name or a false residence he shall be liable on summary conviction to a penalty not exceeding five pounds.

9. Proceedings with a view to the summary conviction of offenders under this scheme or under any byelaws or regulations of the Council or to the recovery of any money or expenses authorised to be recovered summarily or to any other order to be made by justices under this scheme or any such byelaw shall be taken before a court of summary jurisdiction according to the provisions of the Summary Jurisdiction Acts. Any pecuniary penalty expenses or costs or other money recovered by the Council shall notwithstanding anything in any other Act be paid to the Council and shall be applied by them for the purposes of this scheme.

10. No proceeding to be had touching the conviction of any offender under this scheme nor any order or other matter or thing whatsoever made done or transacted in or relating to the execution of this scheme shall be vacated quashed or set aside for want of form.

11. Saving always to all persons and bodies politic and corporate and their respective heirs successors executors and administrators all such estates interests or rights of a profitable or beneficial nature in over or affecting the common or any part thereof as they or any of them had before the confirmation of this scheme by Act of Parliament or could or might have enjoyed if this scheme had not been confirmed by Act of Parliament except only so far as any such estates interests or rights shall or have been purchased or acquired or otherwise compensated for by the Council whether by agreement or compulsorily.

12. The East Sheen Common Preservation Society Limited (herein-after called "the society") claim to be owners in fee simple of the common subject to the rights of the commoners herein-after referred to and to such public rights of way as exist over the same. And the society claim to have as incidental to such ownership rights of a profitable and beneficial nature and in particular the rights of letting the common for games and other purposes and of selling the furze fern turf gravel and other minerals on in or under the common and of admitting animals to graze thereon so far as such rights can be exercised without interfering with the rights of the commoners. A few persons claim rights of common of pasture on the common as appurtenant to tenements now or formerly copyhold of the manor of Wimbledon.

[61 & 62 VICT.] *Metropolitan Commons* [Ch. ccxiii.]
 (East Sheen) *Supplemental Act*, 1898.

13. The Council agree to pay to the society the sum of six hundred pounds as follows that is to say one hundred pounds within three calendar months after the confirmation of this scheme by Act of Parliament and the remaining five hundred pounds by ten equal half-yearly instalments commencing on the first day of January one thousand eight hundred and ninety-nine The society consent to this scheme and in consideration of such payment as aforesaid agree to suspend during the continuance of this scheme the exercise of their profitable and beneficial rights of letting the common for games and other purposes and of sale of the furze fern turf gravel and other minerals on in or under the common and of admitting animals to graze thereon and all their other profitable and beneficial rights (if any) in respect of the common provided that nothing contained in or done under this scheme shall prejudice or affect the right or power of the society to dedicate as a public highway for all purposes a strip 40 feet wide over and along the common from the point A' to the point B as shown on the deposited plan and to grant to any person or persons a right or rights of way for all purposes over a strip 15 feet wide from the point C to the point D as shown on the deposited plan provided also that a road from the point A to the point B shall only be dedicated or constructed after the written consent of the Council shall have been obtained to such dedication or construction.

A.D. 1898.

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 Acquisition of
 rights by
 Council.

14. Subject as aforesaid this scheme affects the estates interests or rights of all persons in over or affecting the common so far only as is absolutely necessary for the purposes of this scheme that is to say by conferring on the Council such powers of management improvement and control as herein-before provided and for such purposes the power of taking restricting diminishing or extinguishing any such estate interest or right whenever it shall appear to the Council that the continuance of such estate interest or right will interfere with the control preservation or improvement of the common by the Council or with any of the purposes of this scheme So far as such estates interests or rights are of a profitable or beneficial nature and are taken away or injuriously affected by this scheme compensation in respect thereof shall be made by the Council to the bodies or persons entitled thereto The amount of such compensation shall in case of difference be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking or the injuriously affecting of lands under the provisions of the Lands Clauses Acts.

How rights
 affected.

15. Where any part of the freebord of Richmond Park abuts upon the common such part of the freebord shall in addition to the common and subject as herein-after mentioned be subject to any byelaws made under this scheme Provided that upon notice in writing to the Board of Agriculture given by the Commissioners of Her Majesty's Works and Public Buildings all provisions of this scheme shall cease to apply to such part of the said freebord or to any part thereof specified in such notice Save as aforesaid nothing contained in this scheme shall take away prejudice or injuriously affect any estate interest right privilege or power invested in or exerciseable by or on behalf of the

As to freebord
 of Richmond
 Park.

[Ch. ccxiii.] *Metropolitan Commons* [61 & 62 VICT.]
(*East Sheen*) *Supplemental Act*, 1898.

A.D. 1898. Crown and under the management of the Commissioners of Works in or over the freebord of Richmond Park or any part of the common except with the consent and approval in writing of the said Commissioners and of the Treasury respectively or shall take away prejudice or injuriously affect any right interest privilege or power now or from time to time enjoyed or exerciseable by tenants of the said freebord or other the grantees or assigns of the Crown.

Copies of
scheme.

16. Printed copies of this scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price not exceeding sixpence each.

Costs and
expenses.

17. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and confirming of this scheme by Act of Parliament and the expenses incurred by the Council in the carrying out of this scheme including the compensation (if any) payable as herein-before mentioned shall be paid by the Council as expenses incurred by the Council in the execution of the Public Health Act 1875.

The Board of Agriculture pursuant to the Board of Agriculture Act 1889 and the Metropolitan Commons Acts 1866 to 1878 hereby certify the foregoing scheme.

In witness whereof they have hereunto set their official seal this thirtieth day of December one thousand eight hundred and ninety-seven.

(L.S.)

T. H. ELLIOTT
Secretary.

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