

*Edwin Rausome*

*as passed through Committee of the  
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## WANDSWORTH COMMON.

### ARRANGEMENT OF SECTIONS.

	SECTION
Short Title . . . . .	1
Incorporation of parts of Commissioners Clauses Act . . . . .	2
Interpretation . . . . .	3
Common to be taken as shown on Plan . . . . .	4
Custody of Plan under 7 Wm. IV. and 1 Vict. c. 83 . . . . .	5
Effect of Schedules . . . . .	6
Incorporation of Conservators . . . . .	7
First Conservators . . . . .	8
Duration of Office of first Conservators . . . . .	9
Vacancies among first Conservators . . . . .	10
Constitution of Conservators . . . . .	11
Appointments by Secretary of State and First Commissioner . . . . .	12
Election of Conservators . . . . .	13
Qualification of Electors . . . . .	14
Scale of voting . . . . .	15
Time mode &c. of Election . . . . .	16
Qualification of Conservator . . . . .	17
Delivery of names of Candidates . . . . .	18
Publication of names of Candidates . . . . .	19
Returning Officer . . . . .	20
Voting at Election . . . . .	21
Provision for equality of votes . . . . .	22
Return of persons elected . . . . .	23
Error in Elections or appointments not to vitiate acts done . . . . .	24
Expenses of Elections &c. . . . .	25
Offices of elected Conservators vacated . . . . .	26
Supply of casual vacancies . . . . .	27
Provisions respecting Meetings &c. . . . .	28
Conservators not to be remunerated &c. . . . .	29



	SECTION
Vesting of Common in Conservators. . . . .	30
Act to be stamped . . . . .	31
Confirmation of Scheduled Agreement . . . . .	32
Common to be kept open . . . . .	33
Prohibition of alienation &c. . . . .	34
Preservation of turf &c. . . . .	35
Prohibition of sale of turf gravel &c. . . . .	36
Power to drain &c. . . . .	37
Earl Spencer to make certain roads . . . . .	38
Power to purchase or accept lands &c. . . . .	39
Notice of proceedings at Courts and protests by Conservators . . . . .	40
Production &c. of Court Rolls of Manor . . . . .	41
Settlement of Claims as to lands not vested in Conservators . . . . .	42
Power to take proceedings as Commoners . . . . .	43
Annuity to Earl Spencer . . . . .	44
Receiver for Annuity . . . . .	45
Mode of raising money by rates . . . . .	46
Rate to be levied as a Poor Rate . . . . .	47
Penalty on non-payment of rates by Overseers . . . . .	48
Limitation of rates . . . . .	49
Power to redeem annuity . . . . .	50
Power to Conservators to borrow . . . . .	51
Application of money borrowed . . . . .	52
Wandsworth Conservancy Fund . . . . .	53
Subscriptions and donations . . . . .	54
Contribution by Metropolitan Board . . . . .	55
Audit of Accounts . . . . .	56
Production of Rate-book . . . . .	57
Powers of Poor Law Board . . . . .	58
Power to make bye-laws . . . . .	59
Confirmation of bye-laws by First Commissioner of Works . . . . .	60
Penalties in bye-laws . . . . .	61
Printing and sale of bye-laws . . . . .	62
Proof of bye-laws . . . . .	63
Appointment of Constables &c. . . . .	64
Penalty for assaulting Constable &c. . . . .	65
Police authority over Common . . . . .	66
Arrest of transient offenders . . . . .	67
Proceedings for summary convictions and appeals . . . . .	68
Justices &c. not disabled . . . . .	69
Application of penalties . . . . .	70
Mode of publication of notices &c. . . . .	71
Saving for rights of Common &c. . . . .	72
Expenses of Act . . . . .	73



# A BILL

[AS AMENDED IN COMMITTEE]

For vesting the Management of the open space known as  
WANDSWORTH COMMON in the COUNTY of SURREY in a  
Body of CONSERVATORS with a view to the Preservation  
thereof and for other Purposes.

**W**HEREAS there is in the County of Surrey and in the parishes  
of Battersea and Wandsworth an open space of large extent  
uninclosed and unbuilt on known as Wandsworth Common (in this  
Act referred to as the Common):

5 And whereas it would be of great local and public advantage if  
the Common were always kept uninclosed and unbuilt on its natural  
aspect and state being as far as may be preserved:

And whereas the Common is situate within and is or is  
alleged to be part of the wastes of the Manor of Battersea and  
10 Wandsworth:

And whereas the Right Honourable John Poyntz Earl Spencer  
(in this Act referred to as Earl Spencer) is or claims to be entitled in  
fee simple in possession to that Manor:



And whereas it is expedient that provision be made for the transfer from Earl Spencer of his estate and interest in the Common to a body of Conservators to be constituted so as to represent both public and local interests whose duty it shall be to keep the Common for ever open and uninclosed and unbuilt on 5 and to protect the turf gorse timber and underwood thereon and to preserve the same for public and local use for purposes of exercise and recreation and other purposes.

And whereas it is expedient that the body of Conservators to be constituted as aforesaid be empowered to raise a competent 10 revenue principally by means of rates to be levied on property in the parishes of Battersea and Wandsworth respectively:

And whereas it is expedient that various powers and duties be conferred and imposed on the Conservators to be constituted as aforesaid and that provisions be made respecting the use of a small portion 15 of the Common and of some parcels of land formerly part thereof:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas a plan showing the area of the Common has been prepared for the purposes of this Act a duplicate whereof is 20 intended to be deposited with the Clerk of the Peace for the County of Surrey.

#### 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 25 Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short Title.

1. This Act may be cited as The Wandsworth Common Act 1871.

30

Incorporation of  
parts of Com-  
missioners Clauses  
Act.

2. The Commissioners Clauses Act 1847 (as far as the same is applicable for the purposes of and not inconsistent with this Act)



except the provisions described in the First Schedule to this Act is hereby incorporated with this Act.

3. In this Act—

5 “The deposited plan” means the plan deposited for the purposes of this Act with the Clerk of the Peace for the County of Surrey. Interpretation.

10 “The Secretary of State for the Home Department” means such one of Her Majesty’s Principal Secretaries of State for the time being as Her Majesty is pleased to intrust with the Seals of the Home Department.

“The First Commissioner of Works” means the First Commissioner of Her Majesty’s Works and Public Buildings for the time being.

“Person” includes corporation aggregate or sole.

15 4. For the purposes of this Act the Common shall be taken to be the open space known as Wandsworth Common as shown on the deposited plan and thereon coloured green. Common to be taken as shown on plan.

20 5. The deposited plan shall be within the provisions of the Act passed in the first year of Her Majesty’s Reign (Chapter 83) “to compel Clerks of the Peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament” in like manner as if the same had been deposited with the Clerk of the Peace in such a case as is provided for by that Act. Custody of plan under 7 Wm. IV and 1 Vict. c. 83.

25 6. The Schedules to this Act shall be deemed part of this Act. Effect of Schedules.

30 7. There shall be a body of Conservators for carrying this Act into execution the full number of whom shall be eight and who are hereby incorporated by the name of The Wandsworth Common Conservators and by that name shall be one body corporate with perpetual succession and a common seal and with power to take and hold and to dispose of (by grant demise or otherwise) land and other property (which body corporate is in this Act referred to as the Conservators). Incorporation of Conservators.



*Wandsworth Common.*

First Conserva-  
tors.

8. The first Conservators shall be the following (namely)—  
a person to be nominated by each of the three following authorities  
if they respectively think fit (that is to say)—The Secretary of State  
for the Home Department The First Commissioner of Works and  
the Metropolitan Board of Works and James Du Buisson of the 5  
Parish of Wandsworth one of Her Majesty's Justices of the Peace  
for the County of Surrey Charles Eccles James Lord and Edwin  
Rayner Ransome all of the parish of Battersea and Thomas Simons  
Watson of the Parish of Wandsworth.

Duration of  
office of first Con-  
servators.

9. The first Conservators shall as a body hold office until the 10  
first Friday in April One thousand eight hundred and seventy-two.

Vacancies among  
first Conservators.

10. If before the first Friday in April One thousand eight  
hundred and seventy-two any vacancy happens among the first Con-  
servators by death resignation or otherwise another person shall be  
appointed to fill the vacancy as follows (namely): 15

Any successor (immediate or other) of the Conservators  
nominated by the Secretary of State for the Home De-  
partment or the First Commissioner of Works or by the  
Metropolitan Board of Works shall be appointed by  
those several authorities respectively: 20

Any successor (immediate or other) of any of the first Con-  
servators other than those nominated as aforesaid shall  
be appointed by the Conservators under their Common  
Seal;

Every person so appointed to fill a vacancy shall for the pur- 25  
poses of this Act be deemed one of the first Conservators.

Constitution of  
Conservators.

11. The Conservators other than the first shall be appointed  
and elected as follows (namely):—

(1) Three shall be appointed by the following authorities if  
they respectively think fit (that is to say): 30

One by the Secretary of State for the Home Department;

One by the First Commissioner of Works;



One by the Metropolitan Board of Works;

(2) Five shall be elected as in this Act provided.

12. With respect to appointed Conservators the following provisions shall have effect (namely):—

Appointments by  
Secretary of State  
and First Commis-  
sioner.

- 5 (1) An appointment of the several Conservators shall be made before the first Friday in April One thousand eight hundred and seventy-two if the authorities aforesaid respectively think fit;
- 10 (2) The powers and functions of the Conservators so appointed shall commence on that day;
- (3) Each vacancy in the office of Conservator may be filled up by an appointment made by the authority which appointed the outgoing Conservator;
- 15 (4) Each appointment of a Conservator shall be determinable at any time by the authority appointing him and subject thereto and to the other provisions of this Act shall be operative for three years and no longer;
- (5) An outgoing Conservator shall be capable of reappointment;
- 20 (6) Each appointment of a Conservator shall be notified in writing to the Clerk of the Conservators.

13. With respect to elected Conservators the following provisions shall have effect (namely):—

Election of Con-  
servators.

- 25 (1) An election of Conservators shall be held before the first Friday in April One thousand eight hundred and seventy-two;
- (2) The powers and functions of the Conservators so elected shall commence on that day;
- 30 (3) They shall remain in office as Conservators for three years beginning on that day and no longer;
- (4) Within three months before the expiration of that period of



three years another election shall be held of Conservators to act in the place of the persons first elected ;

- (5) The powers and functions of the persons elected at the second election shall commence on the first Friday in April next following their election ; 5
- (6) They shall hold office as Conservators for three years beginning on that day and no longer ;
- (7) The foregoing provisions *mutatis mutandis* shall have effect in and for every subsequent period of three years ;
- (8) Every person going out of office under this section shall 10 be re-eligible.

Qualification of Electors.

14. The persons for the time being rated to the poor rate in respect of property in the parish of Battersea or in the parish of Wandsworth shall be qualified and no other persons shall be qualified to be electors of Conservators. 15

Scale of voting.

15. The electors shall have votes according to the scale and regulations set forth in the Second Schedule to this Act.

Time mode &c. of Election.

16. The day hour and place of each election shall be appointed by the Conservators reasonable notice thereof being given.

Qualification of Conservator.

17. No person but an elector shall be eligible at any election. 20

Delivery of names of Candidates.

18. A person other than an outgoing Conservator shall not be eligible at any election unless fourteen clear days at least before the day of election he has been proposed by an elector and seconded by another elector by a joint writing under their hands delivered at or sent by registered letter to the office of the Conservators. 25

Publication of names of Candidates.

19. Before each election the Conservators shall publish the names of the Candidates and such publication shall be completed seven clear days at least before the day appointed for the election.

Returning Officer.

20. At every election the Chairman of the Conservators or in his absence another Conservator nominated by him in writing shall 30 be the Returning Officer.



21. At each election every elector shall be entitled to vote for as many candidates as there are Conservators to be elected and the election shall be determined by a majority of votes of the electors present.

Voting at Election.

5 22. If at any election there is an equality of votes for two or more candidates to fill one vacancy the election shall be determined by lots publicly drawn by the Returning Officer.

Provision for equality of votes.

23. The Returning Officer shall according to the best of his judgment and ability make under his hand a return to the Conservators of the persons elected and every person so returned shall be deemed duly elected.

Return of persons elected.

24. Any act of the Conservators shall not be invalidated or be illegal by reason of any irregularity in the appointment or election of any Conservator or by reason of any person not qualified or ceasing to be qualified acting as a Conservator or by reason of any failure or omission on any occasion to appoint or elect any Conservator or by reason of any other irregularity failure or omission in or about any appointment or election or in or about any matter preliminary or incidental thereto.

Error in Elections or appointments not to vitiate acts done.

20 25. Expenses incurred by the Returning Officer or otherwise by or on behalf of the Conservators in relation to elections shall be paid by the Conservators.

Expenses of Elections &c.

26. In any of the following cases an elected Conservator shall cease to be such and his office shall be vacant (namely) :

Offices of elected Conservators vacated.

25 If he becomes an appointed Conservator ;

If he is absent from all meetings of the Conservators for twelve months consecutively ;

If he ceases to have the qualification required for election.

27. If an elected Conservator dies or resigns or goes out of office otherwise than by reason of effluxion of time the electors may

Supply of casual vacancies.



elect in his place another person to be a Conservator and the provisions of this Act respecting ordinary elections and the meetings for the same shall as nearly as may be apply to elections under this section and every person elected under this section shall continue in office only as long as the person in whose place he is elected would have been entitled to continue in office. 5

Provisions respecting Meetings &c.

**28.** The provisions of The Commissioners Clauses Act 1847 incorporated with this Act shall apply to the Conservators as a body and severally subject and according to the following provisions (namely): 10

- (1) In Section 8 the term "insolvent" shall be taken to include a person who compounds with his creditors by deed or otherwise.
- (2) With reference to Section 36 the day for the first meeting of the Conservators shall be the first day of July 1871 and the place and hour shall be appointed by the First Commissioner of Works: 15
- (3) With reference to Section 39 the prescribed number (constituting the quorum) of the Commissioners shall be three. 20
- (4) With reference to Section 40 the annual meeting of the Conservators shall be held on a day to be from time to time appointed by bye-laws of the Conservators and it shall not be necessary for them to hold monthly meetings but they shall hold a meeting at least once in every three months. 25

Conservators not to be remunerated, &c.

**29.** No Conservator shall receive any remuneration or hold any office of profit under this Act.

Vesting of Common in Conservators.

**30.** The Common with the buildings and inclosures comprised within the ambit thereof as shown on the Deposited Plan being thereon coloured green and with its rights members and appurtenances is by this Act as on and from the passing thereof vested in the Conservators for all the estate and interest therein which immediately 30



before the passing of this Act were vested in or belonging to Earl Spencer.

31. The Conservators shall within one month after the passing of this Act produce to the Commissioners of Inland Revenue a copy of this Act and the same shall be stamped with such an ad valorem stamp as would have been required by law on the Conveyance of the Common by Earl Spencer to the Conservators if the same had been carried into effect by deed. Act to be stamped.

32. The Agreement set forth in the Third Schedule to this Act is hereby confirmed and the same shall be carried into effect accordingly. Confirmation of scheduled Agreement.

33. The Conservators shall at all times keep the Common open uninclosed and unbuilt on except as regards such parts thereof as are at the passing of this Act inclosed or built on and except as otherwise in this Act or in the Agreement Scheduled thereto expressed and shall by all lawful means prevent resist and abate all encroachments and attempted encroachments on the Common and protect the Common and preserve it as an open space and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof. Common to be kept open.

34. It shall not be lawful for the Conservators except as in this Act or the Agreement Scheduled thereto expressed to sell lease grant or in any manner dispose of any part of the Common. Prohibition of alienation &c.

35. The Conservators shall at all times preserve as far as may be the natural aspect and state of the Common and to that end shall protect the turf gorse heather timber and other trees shrubs and brushwood thereon. Preservation of turf &c.

36. The Conservators shall not cut turf or dig gravel mould or soil or fell or cut gorse heather timber or other trees shrubs or brushwood on the Common for profit except subject and according to such restrictions and regulations as the First Commissioner of Works from time to time prescribes and all money received in respect thereof shall be carried to the Conservancy Fund under this Act. Prohibition of sale of turf gravel &c.



Power to drain  
&c.

**37.** The Conservators shall by virtue of this Act have the following powers (namely):

To drain level and improve the Common as far only as may be in their judgment from time to time requisite for the use thereof for purposes of health and unrestricted exercise and recreation; 5

To plant trees and shrubs for purposes of shelter or ornament.

To make and maintain such roads and ways thereon as may be in their judgment necessary or proper and to maintain any existing roads and ways thereon as far as the same may be obligatory on them or in their judgment expedient; 10

To make and maintain ornamental ponds;

but the Conservators shall not make any pond so that any part thereof shall be within ninety yards of any part of the intended road shown on the Deposited Plan and marked thereon A B and shall at their own expense effectually line with concrete all ponds which they make. 15

Earl Spencer  
to make certain  
Roads.

**38.** Earl Spencer his heirs or assigns shall at his or their own expense and within six months after the passing of this Act and to the reasonable satisfaction of the Conservators make the roads shown on the Deposited Plan and marked thereon respectively A B and C D each such road being of the width of forty feet throughout and plant trees along the eastern side of the last-mentioned road and fill up the pond known as the Black Sea. 20 25

Power to purchase or accept  
lands &c.

**39.** The Conservators may from time to time purchase by agreement or accept a grant of and hold any land having been or reputed to have been formerly part of the Common and any such land when vested in the Conservators shall for the purposes of this Act be deemed part of the Common. 30

Notice of proceedings at Courts  
and protests by  
Conservators.

**40.** Nothing shall be done affecting the Conservators or the Common at any Court of the Manor of Battersea or Wandsworth without previous notice in writing to the Steward of the Manor and



on receipt of any such notice the Steward shall communicate the same to the Conservators and the Conservators shall thereupon be entitled if they think fit by an agent appointed in this behalf by writing under their Common Seal to attend at the Court to which the notice  
 5 relates and to protest against anything there proposed that would affect them or the Common and any such protest shall be entered on the rolls of the Court.

41. Earl Spencer his heirs and assigns shall on every reasonable request in writing by the Conservators and at their expense produce  
 10 to them or their agents or in any Court or elsewhere as occasion requires the Court Rolls of the Manor of Battersea and Wandsworth or any portion thereof and make and furnish to them such true copies attested or unattested thereof or of any portion thereof as they require and shall in the meantime keep the same Court Rolls safe and  
 15 undefaced unless prevented by fire or other inevitable accident.

Production, &c.,  
of Court rolls of  
Manor.

42. In order that this Act may be a final settlement of all questions and claims connected with the lands hereinafter mentioned Earl Spencer and all other persons and corporations who at the time of the passing of this Act are in possession of any of the lands left  
 20 uncoloured on the Deposited Plan or coloured brown thereon under any enclosure grant release conveyance agreement or other assurance or by devolution or descent from Earl Spencer or any of his predecessors in title shall be entitled to and remain in undisturbed possession of the lands so enclosed granted released conveyed agreed for  
 25 or otherwise assured or which have so devolved or descended for all the estates and interests so enclosed granted released conveyed agreed for or otherwise assured or purporting so to have been according to the tenor of the grants releases conveyances agreements or other assurances thereof or which have so descended or devolved as aforesaid and also free and discharged from all commonable and customary  
 30 rights and all other rights and claims of the commoners.

Settlement of  
claims as to lands  
not vested in Conservators.

43. The Conservators shall be capable of taking and may from time to time (if they think fit) take any such proceedings as a  
 person having a right of common on the Common or any part  
 35 thereof is capable of taking and for the purpose of any proceedings taken by the Conservators they shall have all the rights powers and remedies of a person having such a right of common.

Power to take  
proceedings as  
Commoners.



Annuity to Earl  
Spencer.

44. There shall be by virtue of this Act payable and paid to Earl Spencer and to his heirs and assigns for ever a perpetual annuity of two hundred and fifty pounds a year without deduction (except for income or property tax) and payment thereof shall be made by equal half-yearly payments on the first day of January and the first day of July in every year the first of those payments to be made on the first day of January one thousand eight hundred and seventy-two and that annuity shall be a charge on the whole revenue of the Conservators and on the Conservancy Fund under this Act in priority to all other charges mortgages payments and deductions whatsoever (except for rates and taxes) and shall be payable and paid thereout and by means thereof by the Conservators accordingly. 5 10

Receiver for An-  
nuity.

45. If any half-yearly payment of the annuity by this Act made payable is in arrear for thirty days after demand thereof in writing delivered at the office of the Conservators then and in every such case the person for the time being entitled to receipt of the annuity may (without prejudice to any other remedy) enforce payment of the amount in arrear by the appointment of a Receiver of the revenue of the Conservators and of the Conservancy Fund under this Act such Receiver to be appointed in the manner and to have the powers and duties prescribed in section eighty-seven of the Commissioners Clause Act 1847 and where a Receiver is so appointed then if the Conservators fail to exercise the powers by this Act given to them of directing payment of and of recovering contributions and of requiring production of poor-rate and assessment-books and of inspecting the same and of taking copies or extracts therefrom or any of those powers the Receiver may in their name and stead exercise the same and they shall permit him to use their Common Seal for that purpose. 15 20 25 30

Mode of raising  
money by rates.

46. The Conservators for the purpose of paying the annuity by this Act made payable and for the purpose (if the Conservators think fit) of providing a fund for the redemption thereof and for the purpose of paying their expenses of management and other expenses of executing this Act shall from time to time issue their precept to the respective Overseers of the parishes of Battersea and Wandsworth requiring them to pay the amount therein specified to the Conservators or their officer therein named or otherwise as therein directed. 35



47. The Overseers of each such parish shall comply with the requisitions of each precept so issued to them by levying a separate rate in the same manner as if it were a rate for the relief of the poor with this exception that the occupier of any land used as a Railway constructed under the powers of any Act of Parliament for public conveyance and of any buildings hereditaments and premises held and used for the purposes of such Railway shall pay in respect thereof one-fourth part only of the rate in the pound payable in respect of houses and other property.

Rate to be levied  
as a Poor Rate.

10 In relation to the making assessing and levying of any rate under this Act and as respects appeals against the same and all other incidents thereof except the purposes to which it is applicable the Overseers shall have the same powers as if it were a rate levied for the relief of the poor.

15 The word "Overseers" in this Act shall include any person or body of persons authorised or required to levy rates for the relief of the poor in the said parishes of Battersea and Wandsworth or either of them.

20 48. In case the amount ordered by any precept under this Act to be paid by the Overseers of any Parish be not paid in manner directed in such precept and within the time therein specified for that purpose it shall be lawful for any Justice of the Peace upon complaint by the Conservators or by any person authorised by the  
25 Conservators to issue his warrant for levying the amount or so much thereof as may be in arrear by distress and sale of the goods of all or any of the said Overseers and in case the goods taken be not sufficient to pay the amount included in the warrant the costs of distress and sale the deficiency shall be added to the amount  
30 of the next levy to be made in such Parish for the purpose of this Act and shall be collected by the like methods.

Penalty on non-  
payment of rates  
by overseers.

49. Notwithstanding anything in this Act it shall not be lawful for the Conservators to issue a precept to the Overseers of either parish in any year for an amount greater than the amount that  
35 would be produced in the parish by a Poor Rate of one halfpenny in the pound but any excess in that behalf shall not invalidate a precept and the same shall be valid and binding on the Overseers for the

Limitation of  
rates.



amount that would be produced by a Poor Rate of one halfpenny in the pound or any less amount therein specified.

Power to redeem annuity.

50. The Conservators may at any time with the consent of any person for the time being entitled to dispose of the annuity by this Act made payable redeem the same by payment of such gross sum and on such conditions as may be agreed on. 5

Power to Conservators to borrow.

51. The Conservators from time to time may borrow and re-borrow at interest on security of the yearly amount to be raised by rates under this Act and of the other revenue of the Conservators and of the Conservancy Fund under this Act such money as they think requisite for the purposes of this Act to an amount not exceeding at any one time except for the purpose of the redemption of the annuity by this Act made payable the sum of one thousand pounds and may mortgage the yearly amount and revenue aforesaid to secure repayment of the money so borrowed with 15 interest accordingly.

Application of money borrowed.

52. All money borrowed under this Act shall be applied for purposes for which it is borrowed and not otherwise but a lender of money to the Conservators shall not be bound to see the application or be answerable for any loss or non-application of the money lent 20 by him or of any part thereof.

Wandsworth Conservancy Fund.

53. The receipts of the Conservators from rates to be raised under this Act and their other revenue under this Act shall be carried to and constitute a fund to be called the Wandsworth Common Conservancy Fund and that fund (in this Act referred to as the Conservancy Fund) shall be applied from time to time in and for the purposes of the execution of the duties of the Conservators under this Act and not otherwise. 25

Subscriptions and donations.

54. The Conservators from time to time may receive subscriptions or donations in aid of their revenue and shall carry the same to the Conservancy Fund or shall if the respective subscribers or donors so desire apply the same for particular purposes of this Act. 30

Contribution by Metropolitan Board.

55. The Metropolitan Board of Works may if they think fit contribute any money raised by the Metropolitan Consolidated Rate



or by borrowing on the security thereof in a gross sum or by annual payments or otherwise in aid of the revenue of the Conservators and the Conservators shall carry the same to the Conservancy Fund or shall if the Metropolitan Board of Works so desire apply the same for particular purposes of this Act.

**56.** With respect to the audit of the accounts of the Conservators the following provisions shall have effect (namely):

Audit of Accounts.

- (1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the Audit District in which the parishes of Battersea and Wandsworth are situate:
- (2.) The auditor shall receive such remuneration as the Poor Law Board direct and the same with the expenses of or incident to the audit shall be paid by the Conservators and if unpaid may be recovered summarily:
- (3.) The auditor shall have the like powers and be under the like obligations as nearly as may be to allow and disallow items in the accounts and to charge any person with any sum for which he is accountable as in the case of an audit of accounts relating to the relief of the poor in any parish and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit:
- (4.) The auditor shall have the like powers of requiring the attendance of persons and the production of books bills vouchers and documents and a declaration respecting the same as in the case of such last-mentioned audit and if any person fails to comply with any such requisition or wilfully makes or signs a false declaration in that behalf he shall be liable to the like penalties as in the case of such last-mentioned audit:
- (5.) Any money books documents and chattels which the auditor certifies ought to be paid or delivered by any person may be recovered from him as in the case of such last-mentioned audit and expenses incurred in the recovery thereof shall be expenses of the audit.



(6.) Subject to the provisions of this section the Poor Law Board may from time to time make such regulations as they think fit respecting the form of the accounts to be kept by the Conservators and the making up and balancing thereof to a certain day in each year and to the signing thereof and to the time and place and mode of the audit and the attendance and proceedings of ratepayers thereat and otherwise respecting the audit and all such regulations shall have effect as if they had been enacted in this Act. 5 10

Production of  
Rate-books.

57. The Conservators or the Returning Officer at any election under this Act or any person authorised by the Conservators by writing under their seal may from time to time at all reasonable times require the production of the respective Poor Rate and Assessment Books for the parishes of Battersea and Wandsworth and inspect the same and take copies thereof or extracts therefrom without payment and if any person having the custody of any such rate or Assessment Book fails to comply with any such requisition as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such failure continues and any expenses connected therewith shall be paid by the Conservators. 15 20

Powers of Poor  
Law Board.

58. The Poor Law Board may from time to time make such rules or give such directions (not inconsistent with the provisions of this Act) as they think fit for the better execution of the provisions of this Act relating to elections and for regulating the conduct of elections and prescribing the mode in which votes are to be taken thereat (whether by voting paper or otherwise) and the production to the Returning Officer of the Poor Rate and Assessment Books and for the better execution of the provisions of this Act relating to the raising of money by rates and all such rules and directions shall have effect as if they had been enacted in this Act. 25 30

Power to make  
bye-laws.

59. The Conservators may from time to time subject to the provisions of this Act make bye-laws for all or any of the following purposes (namely): 35



For the prevention of nuisances and the preservation of order on the Common ;

For the exclusion and removal therefrom of gipsies hawkers beggars rogues and vagabonds ;

5 For the prevention of bird-catching bird-trapping robbing of birds' eggs or nests and shooting or chasing of game or other animals thereon ;

For the prevention of the digging or taking thereon or therefrom of turf sods bog-earth gravel clay or other substances ;

10 For the prevention of the cutting felling or injuring thereon of gorse heather timber or other trees shrubs brushwood or other plants ;

For the prevention of injury to or disfigurement of fences or trees thereon by the posting of bills placards or notices ;

15 For the regulation of all assemblages of persons thereon and of all sports and games played thereon ;

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

20

60. With respect to the bye-laws of the Conservators the following further provisions shall have effect (namely) :

Confirmation of  
bye-laws by First  
Commissioner of  
Works.

25 (1) Bye-laws of the Conservators shall not have any force unless and until they are allowed by the First Commissioner of Works.

30 (2) Before they submit any proposed bye-laws for allowance they shall during fourteen days at least after publication of the notice aforesaid give all persons an opportunity of inspecting the proposed bye-laws and of making in writing or otherwise objections to or representations respecting the same and they shall take all such objections



and representations into consideration and if they think fit may abstain from making or may alter or add to the proposed bye-laws.

Penalties in bye-laws.

**61.** The Conservators may by any bye-laws impose penalties for a breach thereof to be recovered on summary conviction not exceeding for any offence five pounds and not exceeding for a continuing offence an additional daily penalty of two pounds so as every bye-law imposing a penalty be so framed as to allow of less than the maximum penalty being ordered to be paid. 5

Printing and sale of bye-laws.

**62.** The Conservators shall cause all their bye-laws when allowed to be printed with the form of allowance and printed copies thereof to be sold at a reasonable price to all persons desiring to buy the same. 10

Proof of bye-laws.

**63.** A copy of bye-laws purporting to be made by the Conservators under this Act and to be allowed by the First Commissioner of Works and to be printed by direction of the Conservators and to be authenticated by their common seal and the signature of their Clerk shall be conclusive evidence of the existence and contents of such bye-laws and of the due making and allowance thereof without proof of such seal or signature or of any other thing. 20

Appointment of Constables, &c.

**64.** The Conservators may from time to time appoint officers for securing the execution of this Act and bye-laws thereunder and may procure any such officers to be sworn in as Constables.

Penalty for assaulting Constable &c.

**65.** If any person assaults or resists or aids or incites any person to assault or resist any constable or officer of the Conservators or other person in the execution of his duty or the lawful exercise of any authority under this Act or under any bye-law of the Conservators he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds without prejudice to any other proceeding or remedy against him. 25 30

Police authority over Common.

**66.** For the purposes of enactments empowering the Metropolitan Police the Common shall be deemed a place of public resort and the powers and duties of the Metropolitan Police in relation to public safety and preservation of order and protection of property



shall extend thereto but nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not been passed.

67. Any constable or any officer of the Conservators and all persons called by such constable or officer to his assistance may without any other warrant than this Act seize and detain any person offending or having offended against any bye-law of the Conservators who shall fail to satisfy such constable or officer as to his true name or address such constable or officer shall convey him with all convenient despatch before a Justice to be dealt with according to law.

Arrest of transient offenders.

68. Proceedings with a view to the summary conviction of offenders under this Act or under any bye-laws of the Conservators 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 Act or any such bye-law shall be taken according to the provisions of the Act of the Session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three) "to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders" and Section One hundred and ten of the Act of the Session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (Chapter ninety-six) "to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences" shall authorise and apply to appeals in respect of such summary convictions and orders.

Proceedings for summary convictions and appeals.

69. A person shall not be disabled from acting as a Justice or otherwise in any matter arising under or in relation to this Act by reason of his being a ratepayer or elector under this Act.

Justices &c. not disabled.

70. Where under this Act or any bye-law of the Conservators any pecuniary penalty expenses costs or other money is or are recovered by the Conservators the same shall notwithstanding anything in any other Act be paid to the Conservators and shall be carried to and form part of the Conservancy Fund.

Application of penalties.

71. Where the Conservators are by this Act required to

Mode of publication of notices, &c.



publish any notice they shall do so by inserting the same as an advertisement in a newspaper published in the County of Surrey and by keeping the same at their office open for inspection by persons interested.

Saving for rights  
of Common &c.

**72.** Nothing in this Act or any bye-law of the Conservators shall take away abridge or prejudicially affect any right of common commonable or other like right right of way or other right in over or affecting the Common other than any right in over or affecting the same vested in or belonging to Earl Spencer. 5

Expenses of Act.

**73.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Conservators out of the Conservancy fund and the same shall include the costs charges and expenses as aforesaid of Earl Spencer as from the sixth day of April one thousand eight hundred and seventy the amount thereof in case of difference to be determined by some competent and impartial person to be agreed on by the Conservators and Earl Spencer as Arbitrator to which Arbitration the provisions of "The Common Law Procedure Act, 1854" shall apply. 10 15



## THE SCHEDULES REFERRED TO.

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### THE FIRST SCHEDULE.

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*Parts of Commissioners Clauses Act excepted.*

Sections 12 to 16 (inclusive) relating to declarations to be made by Commissioners to penalties on Commissioners acting without being qualified and to Commissioners neglecting to act.

Sections 17 to 35 (inclusive) relating to election and rotation of Commissioners.

Section 54 relating to attendance at the office of the Commissioners.

Sections 92 93 and 94 relating to audit of accounts.

Sections 96 97 and 98 relating to the making of bye-laws.

Section 104 as far as it relates to the mode of recovery of damages and penalties.

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### THE SECOND SCHEDULE.

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*Scale of Voting and Regulations.*

#### SCALE.

Where the elector is rated in respect of an annual rateable value not amounting to fifty pounds one vote.

Where the elector is rated in respect of an annual rateable value amounting to fifty pounds or upwards (whether in one or in more than one sum or charge) one vote for every twenty-five pounds of annual rateable value.

#### REGULATIONS.

1. No elector shall have more than six votes.
2. Where two or more persons are jointly rated one only of them may vote.



### THE THIRD SCHEDULE.

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#### *Agreement respecting portions of Wandsworth Common.*

1. Christopher William Todd (in this Agreement referred to as Mr. Todd) in consideration of the benefits secured to him by this Agreement and of the other stipulations of this Agreement to convey free from incumbrances to the Battersea and Wandsworth Committee for the Preservation of Wandsworth Common (in this Agreement referred to as the Promoters) a strip of ground twenty feet wide along the road called Bolingbroke Grove coloured dark green on the Plan signed at the same time with this Agreement (which strip of ground was formerly part of the Wandsworth Common.

2. The title to the strip of ground aforesaid to begin with the conveyance to Mr. Todd and the prior title not to be in any way inquired into.

3. The Promoters to level make and maintain public ways across the strip of ground aforesaid at the points marked X and Y on the said plan of the respective widths shown thereon. Provided that no such way injure any tree or trees in Bolingbroke Grove aforesaid.

4. The Promoters to be at liberty to fence off the strip of ground aforesaid except at the ways aforesaid with an open iron fence not more than four feet six inches high such fence if erected to be maintained and from time to time repaired and painted by the Promoters who shall also make a path between the fence and any houses built on Mr. Todd's land such path to be not less than five feet wide in the clear measured from the fence to the nearest part of any such house or of any fence railing wall step or other projection in front of or connected with the same.

5. The Promoters to remove the present fence between the strip of ground aforesaid and Bolingbroke Grove and to replace the same in a parallel line twenty-five feet westward from its present position.

6. The London Brighton and South Coast Railway Company (in this Agreement referred to as the Railway Company) at their own expense to shift their present road to the westward as shown on the said plan by the red dotted lines and to convey or re-lease to Mr. Todd their interest in so much of the present road as will be relinquished by the said Railway Company in consequence of such shifting and which is represented on the said plan by the space coloured blue and also in the piece of land distinguished on the said plan by the striped pink colour and to devote the piece of land distinguished by the



pink colour not striped (in addition to the piece of land distinguished by the yellow colour) to the purposes of the road so shifted as aforesaid and to allow the said shifted road to be open on its south end to the Common and to be dedicated to public use.

7. The Promoters to make a road or way forty feet wide from the south end of the road of the Railway Company so shifted as aforesaid in a direct line adjoining Mr. Todd's property into Bolingbroke Grove such road when made to belong to and be maintained by the Promoters and also to be dedicated to public use Provided that the Promoters shall not be called upon to cut down or injure any tree in Bolingbroke Grove aforesaid in making the said road.

8. Lord Spencer in consideration of the other stipulations of this Agreement and of the provisions of the Wandsworth Common Bill now before Parliament to convey to the Railway Company a portion of the Common at the south end thereof lying between the St. James's Road and the Railway Company's Railway sufficient for a passenger shed and an approach to the Railway Company's Station there which portion to be conveyed is coloured brown on the said Plan.

9. If any question arises before the respective conveyances to be made under this Agreement as to anything to be done under this Agreement or as to title parcels covenants form of conveyance or other instrument costs or expenses the same to be determined by the Attorney-General for the time being or some one to be nominated by him who shall direct what is to be done on all matters in dispute.

10. If the Wandsworth Common Bill passes into law in the Session of 1871 or any similar Bill passes into law in the Session of 1872 then the Conservators constituted thereby to be substituted in this Agreement for the Promoters.

11. The promoters to pay the Railway Company's costs of and incidental to this Agreement and of and incidental to their proceedings in Parliament in respect of the Wandsworth Common Bill whether such Bill pass into law or not.

12. If no such Bill as aforesaid passes before the first day of November 1872 this Agreement to be void except as regards payment of the Railway Company's costs as specified in Clause 11.

Dated this twenty-eighth day of March 1871.

HORNE AND HUNTER,

Solicitors for the Promoters.

FRERE, CHOLMELEY, AND CO.,

Solicitors for Lord Spencer.

GEO. BADHAM,

Solicitor for Mr. Todd.

BAXTER, ROSE, NORTON AND CO.,

Solicitors for the Railway Company.



A BILL

[AS AMENDED IN COMMITTEE]

For vesting the Management of the open space known as WANDSWORTH COMMON in the COUNTY of SURREY in a Body of CONSERVATORS with a view to the Preservation thereof and for other Purposes.

[Brought in by The RIGHT HON. W. F. COWPER-TEMPLE, and MR. PEEK.]

34 & 35 VICT.—SESSION 1871.

HORNE AND HUNTER,

6, Lincoln's Inn Fields.

Solicitors.

DYSON AND CO.,

24, Parliament Street, Westminster,

Parliamentary Agents.