CHAPTER viii.

An Act to remove certain impediments in the way of building on certain land in Croydon allotted in the year 1801 under the powers of an Inclosure Act of the Thirty-seventh year of the reign of King George the Third, Cap. 144. A.D. 1879.

[23d May 1879.]

WHEREAS by an Act (37 Geo. III. cap. 144.) intituled "An "Act for dividing, allotting, and enclosing the open and "common fields, common meadows, commons, marshes, heaths, "wastes, and commonable woods, lands, and grounds within the "parish of Croydon in the county of Surrey," and in this Act called "the Act of 1797," commissioners were appointed to put the said Act into execution, and were among other things directed to set out for the common use of the inhabitants of Croydon so much and such parts of the premises so to be divided, allotted, and enclosed (hereinafter referred to as the waste lands) as they should judge to be equivalent in value to the rights of the said inhabitants in the waste lands (when determined in manner by the Act declared), the portions so set out to be such as the said commissioners should judge would best suit the convenience of the inhabitants at large, having particular regard to the accommodation of houses and cottages contiguous to the waste lands, and to be in lieu and satisfaction of all such rights, but subject to the getting of gravel therein for the repair of certain roads of the said parish; and it was by the said Act provided that if the rights of the said inhabitants should not be allowed or established, or should not in the judgment of the commissioners be equal to the value of 215 acres of the waste lands, then the said commissioners should set apart 215 acres for the purposes above mentioned; and it was by the said Act enacted that the said 215 acres should upon the signing of the award of the commissioners be vested in the vicar, churchwardens, overseers, and six inhabitants of the said parish (to be annually elected for the purpose), who were thereby constituted a body corporate for the purpose of managing the same and enclosing a portion thereof:

A.D. 1879.

Award.

And whereas by an award made by the said commissioners and dated the second day of March 1801, they allotted to the said inhabitants 237 acres and 2 roods of the waste lands, among which was a plot of 35 acres 2 roods and 26 perches numbered 1117 on the plan or map annexed to the said award (in this Act called plot No. 1117), which plot was by the said award declared to be subject to roads for the said inhabitants and occupiers of allotments, lands, tenements, and hereditaments within the said parish to and for the use of their respective allotments, messuages, and lands adjoining to or lying near the same, and for all persons having occasion to pass over the same from one public road to another; and it was by the said award further ordered that when any part of that plot should be enclosed pursuant to the directions of the said Act convenient gates should be made and sufficient roads left for the use of the said inhabitants, owners, and occupiers of allotments, lands, tenements, and hereditaments so as they might freely pass over the same to their respective estates without injury, inconvenience, or objection:

And whereas doubt having arisen whether by reason of the excess in the quantity of the waste lands so awarded by the said commissioners the said 237 acres and 2 roods were then vested in the said corporate body, it was by an Act (43 Geo. III. cap. 53.) intituled "An Act for altering and amending the powers of an Act made in "the 37th year of the reign of His present Majesty intituled 'An "'Act for dividing, allotting, and enclosing the open and common "'fields, common meadows, commons, marshes, heaths, wastes, and "'commonable woods, lands, and grounds within the parish of "'Croydon in the county of Surrey'" (in this Act called "the Act "of 1803"), enacted that the said 237 acres and 2 roods should be deemed to be vested in the said corporate body subject to the rules and regulations in the said award mentioned:

And whereas by an Act (46 Geo. III. cap. 130.) intituled "An "Act for rebuilding the court house and butter market house of the "town of Croydon in the county of Surrey, for providing an additional "burial ground, and for selling certain waste lands belonging to the "said parish," and in this Act called "the Act of 1806," it was enacted (section 1) that the portion of the waste lands so awarded by the commissioners to the said inhabitants (except such parts as are thereby excepted) should be vested in the said corporate body upon trust to sell the same to any person or persons willing to purchase the same, with such offer of preference nevertheless as is therein mentioned:

And it was further enacted (section 2) that every allotment so sold and conveyed as aforesaid should immediately vest in the pur-

A.D. 1879.

chaser thereof in fee simple, free from all rights and claims of every person whatsoever (except lessees for the residue of their respective terms therein), but subject to such roads as in and by the said award were directed and ordered:

And it was further enacted (section 7) that no buildings or erections should at any time be erected or set up upon, nor any lime-kiln or brick-kiln made or sunk in, plot No. 1117:

Indenture, 17 Nov. 1846.

And whereas by an indenture dated the 17th day of November 1846, and made between the vicar, churchwardens, overseers of the poor, and six inhabitants of the parish of Croydon of the first part, the Right Honourable George Earl of Auckland of the second part, William Dixon of the third part, and John Spofforth Dixon of the fourth part, about ten acres of plot No. 1117 were expressed to be conveyed to the said William Dixon in fee simple:

16 & 17 Vict. c. clxxx. 20 & 21 Vict. c. cxliii. 29 & 30 Vict. c. cclxxxi.

And whereas under the powers of the West London and Crystal Palace Railway Act, 1853, the West End of London and Crystal Palace Railway Company purchased the said ten acres and on a portion thereof constructed the railway by that Act authorised, which railway is now under the powers in that behalf contained in the West London and Crystal Palace Railway Act, 1857, and the London, Brighton, and South Coast Railway (Capital and Powers) Act, 1866, vested in the London, Brighton, and South Coast Railway Company:

And whereas the remaining portion of the said ten acres was in the year 1853 sold by the West End of London and Crystal Palace Railway Company to the then Lord Archbishop of Canterbury, who in right of his see was or claimed to be entitled to the land abutting thereon, and the lands of the said see of Canterbury having become vested in the Ecclesiastical Commissioners for England (herein-after called "the commissioners"), such remaining portion of land was, by an indenture dated the 31st day of December 1866 and made between the West End of London and Crystal Palace Railway Company of the first part, the London, Brighton, and South Coast Railway Company of the second part, and the commissioners of the third part, conveyed by the said companies to the commissioners:

And whereas the commissioners are or claim to be the owners of a further portion of plot No. 1117 and of lands abutting on that portion:

And whereas the whole of plot No. 1117 has long since been enclosed and fenced off from the adjoining lands and no roads have been set out thereon and no rights of way have been exercised thereover:

And whereas the commissioners have laid out and formed roads which conveniently accommodate the persons and traffic which

A.D. 1879.

would have been accommodated by any road which might have been made over plot No. 1117 in pursuance of the said award:

And whereas a large part of the land around plot No. 1117 has been or is about to be laid out for building:

And whereas doubts have been raised whether plot No. 1117 is or is not subject to the right of making roads mentioned in section 2 of the Act of 1806 and to the restrictions against building contained in section 7 of that Act, and it is expedient that such doubts be removed:

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,)

Short title.

1. This Act may be cited as the Ecclesiastical Commissioners (Croydon) Act, 1879.

Portion of award annulled.

2. So much of the said award of the commissioners made under the powers of "the Act of 1797" as renders plot No. 1117 subject to the making or leaving of roads therein or thereover and the leaving of gates to lead thereto or therefrom is hereby annulled, and "the Act of 1797" and "the Act of 1803" shall be construed and have effect accordingly.

Repeal of parts of 46 G. 3. c. cxxx.

3. The following portions of "the Act of 1806"; (that is to say,)

So much of section 2 (allotments sold vested in purchasers in fee simple) as provides that the vesting of plot No. 1117 in the purchaser shall be subject to such roads for the occupiers of allotments, lands, tenements, and hereditaments within the said parish of Croydon to and for the use of their respective allotments, messuages, and lands adjoining to or lying near the same, and for all persons having occasion to pass over the same from one public road to another as directed and ordered in and by the said award of the said commissioners; and

Section 7 (building not to be erected upon certain pieces of ground) so far as it relates to plot No. 1117,

are hereby repealed.

Expenses of Act.

4. 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 shall be paid by the commissioners.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1879.