CHAPTER cxlviii.

An Act to enable the Metropolitan Board of Works to acquire certain rights and interests in and affecting Hackney Commons. [18th July 1881.]

A.D. 1881.

WHEREAS by an Act entitled the Metropolitan Commons Supplemental Act 1872 a certain scheme certified under the Metropolitan Commons Act 1866 for the establishment of local management with respect to Hackney Commons was duly confirmed and it was by the said scheme provided that the said Hackney Commons as therein defined should thenceforth for all the purposes of the said scheme be regulated and managed by the Metropolitan Board of Works:

35 & 36 Vict. c. xliii.
29 & 30 Vict. c. 122.

And whereas for the better carrying into effect the objects of the said scheme it is expedient that the Metropolitan Board of Works (in this Act referred to as "the Board") should be empowered to acquire certain lands premises estates rights and interests in and affecting the said commons as herein-after mentioned:

And whereas an agreement has been entered into (conditional on the same being confirmed by Parliament) dated the thirtieth day of June 1880 and made between William Amhurst Tyssen Amherst and Charles Amherst Daniel Tyssen and John Robert Daniel Tyssen (the trustees of the settlement bearing date the third day of June 1856 and made in contemplation of the marriage then intended and since duly solemnized between the said William Amhurst Tyssen Amherst and Margaret Susan Mitford) of the one part and the Metropolitan Board of Works of the other part for the sale to and purchase by the said Board of the said lands premises estates rights and interests as therein particularly defined and declared and thereby agreed to be sold to the said Board and it is expedient that the said agreement so far as set forth in the schedule to this Act annexed should be confirmed:

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

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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 for all purposes as the Metropolitan Board of Works (Hackney Commons) Act 1881.

Confirmation of agreement.

2. The recited agreement so far as the same is set forth in the schedule to this Act annexed (in this Act referred to as the scheduled agreement) is hereby confirmed and made binding on the several parties thereto and the Board are hereby authorised to carry the said agreement in so far as it relates to them into effect and shall have and may exercise all such powers and authorities and do all such acts as may be necessary for such purpose.

Expenses of Act.

3. The costs charges and other expenses preliminary to and of and incidental to the making and preparing the scheduled agreement and to the preparing applying for obtaining and passing this Act or incurred by the Board with reference thereto respectively shall be paid by the Board.

SCHEDULE.

AGREEMENT as to HACKNEY COMMONS, Dated 30th June 1880.

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Heads of an Agreement proposed to be entered into between William Amhurst Tyssen Amherst Esquire and the Trustees of his Marriage Settlement herein-after called the Trustees of the one part and The Metropolitan Board of Works herein-after called the Board of the other part with regard to the lands comprised in the Hackney Commons Scheme.

(*a.*) The trustees shall sell and the Board shall purchase:—

1. The fee simple subject to the Lammas rights of and in such parts as are not mentioned in subhead 2 of this clause of 28 acres 3 roods and 1 perch or thereabouts in Hackney Downs 10 acres 3 roods and 28 perches or thereabouts in North Mill Field and 6 acres 3 roods and 21 perches or thereabouts in South Mill Field being respectively parts of the Tyssen Amherst estate comprised in the said settlement the contents of the said lands as above stated being those mentioned in the deeds and plans relating thereto but out of the above-mentioned lands in Hackney Downs are to be deducted the lands purchased by the Great Eastern Railway Company for the purposes of their railway but this contract shall comprise all the interest of the vendors in the lands adjoining Downs Park Road purchased by the Great Eastern Railway Company to be added to the Hackney Downs.
2. The fee simple of a certain piece of land in Hackney Downs and of another piece of land in North Mill Field forming part of the lands before mentioned and specified in the suit of Attorney-General *v.* Amherst and being lands enclosed by the lord of the manor (in pursuance of the custom to enclose) shortly before the institution of that suit.
3. The fee simple subject only to common rights of and in all the waste lands of the manor of Hackney comprised in the Hackney Common scheme including Clapton Common and Stoke Newington Common and the waste land in Dalston Lane and Grove Street subject as to one triangular piece of land on the north side of Dalston Lane which was formerly waste of the said manor to a lease for 99 years which has been granted thereof with the exceptions of a small portion of Stoke Newington Common at the north-east corner thereof which was shortly before the institution of the suit of Attorney-General *v.* Amherst enclosed by the lord of the manor of Hackney under the custom to

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enclose and certain portions of the last-mentioned common at the southern corner thereof which have recently been enclosed with the consent of the Board under the custom to enclose but including certain pieces of land not comprised in the Hackney Commons scheme which have in accordance with the provisions of the precept authorising the last-mentioned enclosure been laid into the Stoke Newington Common.

4. All other estates rights and interests in or over the lands comprised in the Hackney Common scheme which the said William Amhurst Tyssen Amherst or the said trustees can convey (regard being had to the Act passed in the 21st year of the reign of King James I. regulating the customs of the manors of Hackney and Stepney) but not so as to prejudice any rights of the said trustees as owners of property in Hackney in their own right except as herein expressly provided.

(*b.*) The price to be paid for the said hereditaments and premises shall be the sum of £33,000 which together with interest thereon at the rate of 3 per cent. per annum computed from the 29th day of September 1880 shall be paid at or before the expiration of two calendar months from the passing of the Act to be applied for as afterwards mentioned and if the same be not paid on that day the Board shall in addition pay to the trustees interest on the said sum of £33,000 at the rate of £4 per cent. per annum from that day until the time of actual payment.

(*c.*) The purchase shall include :—

1. All rights which the said William Amhurst Tyssen Amherst or the said trustees possess either as lord or lords of the manor or as severalty owners of Lammas lands over the lands hereby contracted to be sold and all rights to and interests in respect of the gravel sand brick earth or other minerals lying under such lands and all rights of inclosing or authorising enclosures of any part of the waste or other lands comprised in the said Hackney Commons scheme.
2. All his or their rights of common (if any) over the said lands.
3. All his or their rights as lord or lords of the manor to the royalties on brick earth which were reserved on the enfranchisement of certain parts of London Fields and Wells Street Common and all other rights of every kind over any parts of the lands comprised in the said Hackney Commons scheme which have at any time heretofore been enfranchised.
4. All benefits accruing in respect of the rights of escheat and forfeiture which he or they may possess as lords of the manor in respect of all the lands comprised in the said Hackney Commons scheme.

The rights mentioned in this present head (*c*) to be extinguished and determined or at the option of the Board to be kept on foot for their benefit if and so far as circumstances will allow.

(*d.*) The said William Amhurst Tyssen Amherst and the said trustees shall at the cost of the Board deduce a good title to the lands and premises hereby contracted to be sold.

(*e.*) Inasmuch as by the custom of the manor the lord cannot sell the freehold of the copyhold portions of the lands comprised in the Hackney Commons scheme so as to sever it from the manor without the consent of the copyholder in each case this agreement is made subject to such right and

the Board if they desire to acquire such freehold in all or any of the said copyhold portions shall either procure the consent of each copyholder to the sale or conveyance of the freehold of his copyhold to the Board or purchase the copyhold interest or procure statutory powers for the vendors to convey the freehold inheritance of the copyhold portions of the lands comprised in the said Hackney Commons scheme and upon the fulfilment of one or other of these three alternatives by the Board the vendors shall convey the freehold inheritance in all or any of the same copyhold lands to the Board the consideration for the same being included in the aforesaid sum of £33,000 and in the meantime from the day to be named for completion of the purchase and until the conveyance of the said freehold inheritance the Board shall be entitled to quit rents and fines if any accruing due in respect of the same copyholds, and the vendors shall not after the date of this agreement except with the consent of the Board enfranchise unless by law compelled so to do any of the same copyholds and in case after the date hereof the vendors shall either by agreement with the consent of the Board or by compulsion of law enfranchise any of the same copyholds the Board shall be entitled to deduct the purchase money fines or other sums paid as the consideration for such enfranchisement from the said sum of £33,000 when the same shall be paid or to receive the said purchase money fines or other sums if any such enfranchisement shall be carried out after the completion of the purchase.

(*f.*) The said William Amhurst Tyssen Amherst shall join in the conveyance to the Board for the purpose of granting assuring and confirming unto the Board all and singular the lands hereditaments estates rights and premises hereby agreed to be sold or conveyed to the full extent of his estate right power and interest under the said settlement or otherwise and as to such of the same premises (if any) as cannot be effectually sold and conveyed by the trustees under the power of sale in the said settlement for the purpose of entering into absolute covenants for title as if he were absolute owner thereof in fee simple in possession subject only to the interests of any son or sons of his present marriage (should there be any) under the said settlement and in particular of indemnifying the Board from the jointure and portions under the said settlement and of binding himself his heirs and assigns in case of any compulsory enfranchisements under the Copyhold Acts of any of the lands comprised in the Hackney Commons scheme to reserve the minerals and thenceforth to hold all excepted minerals in trust for the Board.

(*g.*) The Board if the Act herein-after mentioned be obtained shall pay to the solicitors of the said William Amhurst Tyssen Amherst or of the said trustees all their costs of preparing the abstract of title and deducing the title to the lands and premises hereby contracted to be sold and of the preparation engrossment execution and completion of the requisite conveyance or conveyances and a duplicate or duplicates thereof and of the enrolment of such conveyance or conveyances in the court rolls of the manor of Lords Hold Hackney or otherwise incurred in carrying into effect this agreement such costs to be taxed if the Board desire it as between solicitor and client. This clause is not to affect the Board's liability to pay

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the costs of the said suit of Attorney-General *v.* Amherst as directed by the judgment by the Master of the Rolls therein.

(*h.*) This agreement shall not prejudice the rights of the vendors inter se but if on investigation of title it shall appear that any of the premises are vested absolutely in the said William Amhurst Tyssen Amherst the purchase money for the same shall be apportioned by some valuer to be appointed by the trustees of the said Tyssen Amherst estate.

(*i.*) The Board shall with all due diligence apply for and endeavour to obtain an Act of Parliament enabling them to purchase the premises comprised in this agreement for the purposes of the said scheme and upon the terms herein specified and the said William Amhurst Tyssen Amherst and the said trustees shall at the request and cost of the Board concur in the application for and otherwise assist the Board in obtaining such Act.

(*k.*) If the Board fail to get the necessary Act before the end of the ordinary session of Parliament to be held in 1881 then the agreement to sell herein contained shall be at an end. The said William Amhurst Tyssen Amherst or the trustees respectively shall not until this contract is determined raise nor so far as they have power to prevent it shall they permit to be raised on any of the lands comprised in this present contract any sand gravel or other minerals and shall not plough up or otherwise destroy the surface of any of the said lands.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered by Charles Amherst Daniel Tyssen one of the above-mentioned trustees in the presence of
WILLIAM FORD
Didlington Hall Norfolk
House Steward.
} C. A. D. TYSSEN. L.S.

Signed sealed and delivered by John Robert Daniel Tyssen the other of the above-mentioned trustees in the presence of
CHARLES CHESTON,
Solicitor
1 Great Winchester Street.
} JOHN ROBERT DANIEL TYSSEN. L.S.

Signed sealed and delivered by the above-mentioned William Amhurst Tyssen Amherst in the presence of
CHARLES CHESTON.
} W. AMHURST T. AMHERST. L.S.

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