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:

Warrants of Arrest and Copies of Depositions to be received in Evidence if authenticated in manner specified by this Act.

1. That Warrants of Arrest and Copies of Depositions signed or taken by or before a Judge or competent Magistrate in any Foreign State with which Her Majesty may have entered into, or may hereafter enter into, any Treaty for the Extradition of fugitive Offenders or Persons accused of Crimes, shall henceforth be received in Evidence if authenticated in the Manner following, that is to say, if the Warrant of Arrest purports to be signed by a Judge or other competent Magistrate of the Country in which the same shall have been issued, and if the Copies of Depositions purport to be certified under the Hand of such Judge or Magistrate to be true Copies of the original Depositions, and if the Signature of the Judge or Magistrate in each Case shall be authenticated in the Manner usual in the respective States or Countries by the proper Officer of the Department of the Minister of Justice, and sealed with the official Seal of such Minister; and all Courts of Justice and Magistrates in Her Majesty's Dominions shall take judicial Notice of such official Seal, and shall admit the Documents so authenticated by it to be received in Evidence without further Proof.

This Act to be construed with 8 & 9 Vict. c. 113. and 14 & 15 Vict. c. 99.

2. This Act shall be construed with an Act passed in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and thirteen, intituled *An Act to facilitate the Admission in Evidence of official and other Documents;* and also with an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Ninety-nine, intituled *An Act to amend the Law of Evidence.*

Duration of Act.

3. The Duration of this Act shall be limited to the First Day of *September* One thousand eight hundred and sixty-seven.

CAP. CXXII.

An Act to make Provision for the Improvement, Protection, and Management of Commons near the Metropolis. [10th *August* 1866.]

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:

Short Title.

1. This Act may be cited as The Metropolitan Commons Act, 1866.

Definition of Local Authority and Local Rate.

2. For the Purposes of this Act the Local Authority in relation to each Metropolitan Common shall be the Authority described as such in connexion therewith in the First Schedule to this Act; and for the Purposes of this Act the Local Rate in relation to each Metropolitan Common shall be the Rate described in connexion therewith in the same Schedule.

Interpretation of Terms.

3. In this Act—

The Term "Common" means Land subject at the passing of this Act to any Right of Common; the Term "Commoner" means a Person having any such Right of Common; the Term "Manor" includes reputed Manor; and those Terms as used in this Act respectively refer to any particular Common to which this Act applies, and to every Person having a Right of Common in, over, or affecting that Common, and to the Manor of the Wastes whereof that Common is Part:

The Term "the Commissioners" means the Inclosure Commissioners for *England* and *Wales*, and the Term "Assistant Commissioner" means the Assistant Commissioner appointed by the Inclosure Commissioners.

To what Commons Act applies.

4. This Act shall apply to any Common the whole or any Part whereof is situate within the Metropolitan Police District as defined at the passing of this Act (referred to in this Act as a Metropolitan Common).

Exclusion of Authority of Commissioners to inclose, &c.

5. After the passing of this Act the Commissioners shall not entertain an Application for the Inclosure of a Metropolitan Common, or any Part thereof; but nothing in this Act shall interfere with the carrying on and Completion of Proceedings under any Provisional Order of the Commissioners confirmed by Act of Parliament passed before or in the present Session; and notwithstanding any Proceedings taken under any Act other than this Act, or any Provisional Order of the Commissioners made but not already confirmed by Act of Parliament, Proceedings may be taken under this Act in relation to any Metropolitan Common.

Memorial for Scheme as to Common.

6. A Scheme for the Establishment of Local Management with a view to the Expenditure of Money on the Drainage, Levelling, and Improvement of a Metropolitan Common, and to the making of Byelaws and Regulations for the Prevention of Nuisances and the Preservation of Order thereon, may be made under this Act, on a Memorial in that Behalf presented to the Commissioners by the Lord of the Manor or by any Commoners, or by the Local Authority, or in case of a Common extending into the Districts of Two or more of the Bodies described in the First Schedule to this Act, then by any One or more of such Bodies.

Inquiry into Memorial.

7. On the Presentation of any Memorial under this Act the Commissioners (if on consideration of the Memorial they think fit) may make such Examination and Inquiry as they think necessary or proper in relation to the Subject Matter of the Memorial.

Preparation of Draft Scheme.

8. On such Examination and Inquiry the Commissioners may, if they think fit, prepare the Draft of a Scheme respecting the Common or any Part thereof.

Printing and Publication of Draft Scheme.

9. Where the Commissioners prepare the Draft of a Scheme, they shall cause it to be printed, and printed Copies of it to be delivered to the Memorialists and to the Lord of the Manor and to the Local Authority, and shall also cause it, or a proper Abstract of it, to be published and circulated in such Manner as they think sufficient for giving Information to all Parties interested.

Objections and Suggestions respecting Scheme.

10. During Two Months after the first Publication of the Draft of a Scheme the Commissioners shall receive any Objections or Suggestions made to them in Writing respecting the Scheme.

Inquiry into Scheme by public Sittings.

11. At any Time after the Expiration of those Two Months the Commissioners, if they think fit, may refer the Draft of the Scheme to an Assistant Commissioner.

On any such Reference the Assistant Commissioner shall proceed to make an Inquiry concerning the Subject Matter of the Scheme, and for that Purpose to hold a Sitting or Sittings in some convenient Place in the Neighbourhood of the Common, and thereat to take and receive any Evidence and Information offered, and hear and inquire into any Objections or Suggestions made, or to be made during the Sitting or Sittings, respecting the Scheme or the Common, with Power from Time to Time to adjourn any Sitting.

Notice shall be published, in such Manner as the Commissioners direct, of every such Sitting (except an adjourned Sitting), Fourteen Days at least before the holding thereof.

Report of Assistant Commissioner.

12. The Assistant Commissioner to whom the Draft of a Scheme is referred shall make a Report in Writing to the Commissioners, setting forth the Result of the Inquiry, and whether in his Opinion the Draft of the Scheme should be approved with or without Alteration, and if with any, then with what Alteration, and his Reasons for the same, and the Objections and Suggestions, if any, made on the Inquiry, and his Opinion thereon.

13. As

Final Settlement and Approval of Scheme.

13. As soon as may be after the Expiration of the said Two Months, or the Receipt by the Commissioners of the Report of the Assistant Commissioner (as the Case may be), the Commissioners shall proceed to consider any Objections or Suggestions made to them in Writing respecting the Scheme, and the Report (if any), and thereupon they shall, if they think fit, finally settle and approve of the Scheme in such Form as they think expedient.

Scheme to state Rights affected.

14. Every Scheme shall state what Rights (if any) claimed by any Person or Class of Persons are affected by the Scheme, and in what Manner and to what Extent they are affected thereby, and whether or not the Scheme has been in relation thereto consented to by that Person or Class of Persons, or any of them.

Provision for Compensation.

15. No Estate, Interest, or Right of a profitable or beneficial Nature in, over, or affecting a Common shall, except with the Consent of the Person entitled thereto, be taken away or injuriously affected by any Scheme, without Compensation being made or provided for the same, and 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 injurious affecting of Lands under the Provisions of The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860.

Appeal against Determination of Commissioners.

16. If any Person claiming any Estate, Interest, or Right in, over, or affecting the Common to which any Scheme relates is dissatisfied with any Determination made or implied by the Commissioners or by the Scheme concerning any Estate, Interest, or Right in, over, or affecting the Common, every such Person may obtain a Decision thereon in an Action at Law, in the Manner provided by Section Fifty-six of the General Act to facilitate the Inclosure and Improvement of Commons, passed in the Session of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and eighteen.

8 & 9 Vict. c. 118. s. 56.

Printing and Sale of Scheme.

17. Every Scheme shall contain a Provision for the Sale at all Times of printed Copies thereof to all Persons desiring to buy the same, at a Price not exceeding a reasonable Sum to be fixed by the Scheme.

Scheme to be certified.

18. Every Scheme, when approved by the Commissioners, shall be certified by them, and sealed with their Common Seal.

Printing and Publication of Scheme.

19. Where the Commissioners certify a Scheme they shall cause printed Copies of it to be delivered to the Memorialists and to the Lord of the Manor and to the Local Authority, and shall also cause it, or a proper Abstract of it, to be published and circulated in such Manner as they think sufficient for giving Information to all Parties interested.

Annual Report to be laid before Houses of Parliament.

20. The Commissioners shall in the Month of *February* in every Year make a separate Report to Her Majesty of all their Proceedings under this Act during the Year ending the Thirty-first Day of *December* then last past.

The Report shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament is then sitting, and if not, then within Fourteen Days after the next Meeting of Parliament.

Contents of Report.

21. The Commissioners in such annual Report shall set forth in full every Scheme certified by them during the Year to which the Report relates, and shall state the Grounds of their Approval thereof, and the Objections, if any, made thereto and over-ruled, and all Proceedings had in respect of those Objections, and the Grounds on which they were over-ruled.

Confirmation of Scheme by Act of Parliament.

22. A Scheme certified by the Commissioners shall not of itself have any Operation, but the same shall have full Operation when and as confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Reference of Scheme to Select Committee if opposed.

23. If in the Progress through Parliament of a Bill confirming any Scheme certified by the Commissioners a Petition is presented to either House of Parliament against the Scheme, the Bill, as far as it relates to the Scheme petitioned against, may be referred to a Select Committee,

Committee, and the Petitioner shall be allowed to appear and oppose, as in Case of a Private Bill.

Expenses of Scheme to be defrayed by Memorialists, &c.

24. All Expenses incurred by the Commissioners in relation to any Memorial, or to any Scheme consequent thereon, shall be defrayed by the Memorialists, or by any Ratepayers or Inhabitants of the Parish or District in or near to which the Common is situate, or of the Metropolis, willing and offering to defray those Expenses, or by the Local Authority if willing and offering to defray the same; and the Commissioners may, if they think fit, on or at any Time after the Presentation of the Memorial, require the Memorialists or those Ratepayers or Inhabitants, or any of them, or the Local Authority having offered as aforesaid, (as the Case may be,) to pay to the Commissioners such Sum as the Commissioners think requisite for or on account of those Expenses, or to give Security to the Satisfaction of the Commissioners for the Payment of those Expenses on Demand.

Power for Local Authority to contribute for Purposes of Scheme.

25. The Local Authority may in relation to any Metropolitan Common for which they are the Local Authority, and the Metropolitan Board of Works may in relation to any Metropolitan Common (although not one for which they are the Local Authority), contribute such Amount as they think fit (in a gross Sum or by annual Payments or otherwise) towards the Expenses of executing any Scheme under this Act when confirmed by Act of Parliament, including the Payment of the Compensation (if any) to be paid in pursuance thereof.

Expenses of Local Authority to be paid out of Local Rate.

26. All Expenditure incurred by a Local Authority under this Act shall be defrayed by them out of the Local Rate, and all Expenditure incurred by the Metropolitan Board of Works under this Act, in Cases where they are not the Local Authority, shall be defrayed by them out of the Rate which in the First Schedule to this Act is described as the Local Rate in connexion with the Metropolitan Board of Works; and the Amount requisite in that Behalf respectively shall be raised by means of such respective Rate accordingly.

Amendment of Schemes.

27. The Commissioners may from Time to Time approve and certify a Scheme for amending any Scheme confirmed by Act of Parliament, and all the Provisions of this Act relative to an original Scheme shall apply also to an amending Scheme, *mutatis mutandis*.

Provision for Cases of Disability.

28. Where any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, or is beyond the Seas, his or her Guardian, Trustee, Committee of the Estate, Husband, or Attorney (as the Case requires), or in default thereof a Person nominated in that Behalf by the Commissioners under their Common Seal (which Nomination they are hereby empowered to make as Occasion requires), shall for the Purposes of this Act be deemed to be substituted in the Place of such Lord, Commoner, or other Person.

Consent with respect to Crown or Duchy Rights.

29. Where any Estate, Interest, or Right in, over, or affecting a Common belongs to or is enjoyed by Her Majesty, Her Heirs or Successors, in right of the Crown, or forms Part of the Possessions of the Duchy of *Lancaster* or of the Duchy of *Cornwall*, any Consent for the Purposes of any Scheme under this Act may be given in respect of that Estate, Interest, or Right, as follows, namely,—

In the first-mentioned Case, if the Estate, Interest, or Right is under the Management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, then by those Commissioners or One of them, with the Approval of the Commissioners of Her Majesty's Treasury; and if it is under the Management of the Commissioners of Her Majesty's Works and Public Buildings, then by the last-mentioned Commissioners, with the like Approval:

In the secondly-mentioned Case by the Chancellor of the Duchy of *Lancaster*, by Writing under his Hand attested by the Clerk of the Council of the Duchy:

In the thirdly-mentioned Case by the Duke of *Cornwall*, or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy of *Cornwall*.

30. Any

Power for Lord of Manor, &c. to appoint Agent.

30. Any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common may, by a Power of Attorney in Writing under his Hand (which shall be exempt from Stamp Duty), appoint an Agent to act for him for the Purposes of any Memorial or Scheme under this Act.

All Things by this Act directed or authorized to be done by or with relation to any Lord of a Manor, Commoner, or other Person as aforesaid may be lawfully done by or with relation to his Agent so appointed.

Every such Agent may, in the Name and on behalf of his Principal, sign, concur in, and execute any Memorial or Act, or signify Consent or Dissent on any Matter arising out of the Execution of this Act.

Every Person shall be bound by the Acts of any such Agent according to the Authority committed to him, as fully as if the Principal had himself acted.

Every such Power of Attorney, or a Copy thereof examined and authenticated as a true Copy by the Signature of a Witness or Witnesses, shall be deposited with the Commissioners.

Any such Power of Attorney may be in the Form given in the Second Schedule to this Act or to the like Effect.

Provision for Conveyance to Commissioners. 9 G. 2. c. 36.

31. Where any Estate, Interest, or Right in, over, or affecting a Common is by Deed conveyed for the Purposes of a Scheme under this Act, with the Approval of the Commissioners, the Provisions of the Act of the Ninth Year of the Reign of King *George* the Second (Chapter Thirty-six), "to restrain the Disposition of Lands whereby the same become "unalienable," shall not apply to the Conveyance.

Power for Crown to vest Manorial, &c. Rights in Commissioners.

32. Notwithstanding anything in any other Act, it shall be lawful for Her Majesty, Her Heirs or Successors, from Time to Time, for the Purposes of a Scheme under this Act, to grant to any Persons or Body, for such Estate or Interest, and on such Terms and subject to such Conditions as to Her Majesty, Her Heirs or Successors, seem meet, all or any Part or Parts of the open and uninclosed Lands being Wastes of the Royal Manor of *East Greenwich* in the County of *Kent*, and also to so grant all or any of the Rights of Common which Her Majesty, Her Heirs or Successors, has or have for the Time being in, over, or affecting any Metropolitan Common, and which might by Law be so granted by a private Person entitled absolutely thereto, and in every such Case such Persons or Body, their Heirs, Successors, Executors, or Administrators, shall have full Capacity to take and hold the same Lands or Rights.

Whenever it is the Pleasure of Her Majesty, Her Heirs or Successors, to make a Grant as aforesaid, the Commissioners of Her Majesty's Treasury may issue a Warrant to such Persons or Body.

Every such Warrant shall be exempt from Stamp Duty, and shall be inrolled as Conveyances of Lands forming Part of the Land Revenues of the Crown in *England* are required to be inrolled, and the Inrolment thereof shall be certified at the Foot or on the Back thereof by the proper Officer by whom the same is inrolled under his Hand, and the same when inrolled shall be returned with the Certificate of Inrolment to the Grantees named in the Warrant.

From and immediately after the Inrolment of the Warrant the Grantees by force of this Act shall be deemed to be in the actual Seisin or Possession of the Lands or Rights in the Warrant specified, and shall hold and enjoy the same, according to the Warrant, for the Purposes therein specified.

SCHEDULES.

THE FIRST SCHEDULE.

Description of Local Authority and Local Rate.

Metropolitan Common.	Local Authority.	Local Rate.
A Metropolitan Common the whole or any Part whereof is situate within the Metropolis as defined by The Metropolis Management Act, 1855.	The Metropolitan Board of Works.	The Rate leviable for defraying the Expenses of the Board in the Execution of The Metropolis Management Act, 1855, and the Acts amending the same.
A Metropolitan Common, the whole or any Part whereof is situate within the District of a Local Board constituted under The Public Health Act, 1848, and The Local Government Act, 1858, or One of them, and no Part whereof is situate within the Metropolis as defined as aforesaid.	The Local Board -	The General District Rate.
Any other Metropolitan Common.	The Vestry of the Parish in which the Common or any Part thereof is situate.	The Poor Rate.

THE SECOND SCHEDULE.

Form of Power of Attorney.

THE METROPOLITAN COMMONS ACT, 1866.

I, *A.B.* of in pursuance of the above-mentioned Act, appoint of to be my Agent for all the Purposes of that Act [*or for a specified Purpose under the Act*].

Dated this Day of 18 .

(Signed) *A.B.*

Witness,
C.D.