CHAPTER xliii.

An Act to confirm a scheme under "The Metropolitan Commons Act, 1866," relating to Hackney Commons. A.D. 1872.

[27th June 1872.]

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Metropolitan Commons Act, 1866," duly certified a scheme for the establishment of local management with respect to Hackney Commons, situate in the parish of Hackney in the county of Middlesex, and it is by the said Act provided that no such scheme shall have any operation until such scheme shall have been confirmed by Parliament, and it is expedient that the said scheme should be so confirmed: 29 & 30 Vict. c. 122.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Scheme as to Hackney Commons certified by Inclosure Commissioners confirmed.

1. That the scheme for the establishment of local management with respect to Hackney Commons, situate in the parish of Hackney in the county of Middlesex, certified by the Inclosure Commissioners for England and Wales under their seal on the twenty-second day of February one thousand eight hundred and seventy-two, and contained in the schedule hereunto annexed, be hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Metropolitan Commons Supplemental Act, 1872."

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SCHEDULE.

Scheme with respect to Hackney Commons.

1. Hackney Commons—that is to say, London Fields, Hackney Downs, Well Street Common, otherwise Hackney Common, North Mill Field, South Mill Field, Stoke Newington Common, and Clapton Common, and parcels of waste land at or near Dalston Lane and Grove Street, as the same are delineated in a plan deposited with the Inclosure Commissioners for England and Wales—shall henceforth for all the purposes of this scheme be regulated and managed by the Metropolitan Board of Works, herein-after termed "the Board."

2. The powers of the Board generally, as to appointing or employing common-keepers and other officers and servants, and paying them under the general Acts applicable to the Board, shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the commons respectively, and otherwise for the purposes of this scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require. And all costs and expenses incurred by the Board in respect to this scheme and its execution, from time to time and at all times, shall be deemed to be expenses of the Board in the execution of the Metropolis Local Management Acts, and be raised accordingly.

3. The Board may execute any works of drainage, raising, levelling, fencing, and improvement of the commons respectively, so far only as may be required for the purposes of the Metropolitan Commons Act, and shall preserve the turf, shrubs, trees, plants, and grass, and for this purpose may enclose by fences, for short periods, such portions as may require rest to revive the same, and may plant or otherwise beautify the commons, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the said commons.

4. The Board shall maintain the commons respectively, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other enclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the Board; and the Board shall include in their annual Report a statement as to the state of the commons, for the information of the ratepayers.

5. The Board shall frame byelaws and regulations against encroachments, for the preservation of order on the commons, for the prevention of nuisances and the deposit of road-sand, mud, rubbish, or other matter on, and the illegal taking, cutting, digging, and selling the soil, earth, turf, sods, gravel, or sand

from the commons; also for the preventing nuisances from the owners of carriages, vehicles, horses, and animals using the commons respectively, and to regulate and determine the use of the commons by such owners; and to remove and apprehend, if necessary, gamblers, card-sharpers, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, shouting, fighting, or quarrelling, or using indecent and improper language, or any idle or disorderly persons, so that all such persons may be dealt with according to law: Provided that all such byelaws made by the Board shall be in writing under their seal. And the Board may, by any such byelaws, impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence, a further penalty not exceeding the sum of forty shillings for each day after written notice to the person committing such offence. And the Board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: Provided always, that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty: Provided always, that no such byelaws shall be repugnant to the laws of England or the provisions of this scheme; and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by one of Her Majesty's Secretaries of State, who is hereby empowered to confirm or disallow the same as he may think proper: Provided that any certificate of such confirmation purporting to be signed by one of Her Majesty's Secretaries of State shall be primâ facie evidence of such confirmation in all courts of justice and other places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given, in one or more of the London daily morning newspapers, one calendar month at least before the making of such application; and for one calendar month at least before any such application, a copy of the proposed byelaws shall be kept at the office of the Board, and be open during office hours thereat for the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish any such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

6. All byelaws made by the Board in pursuance of this scheme shall be legibly written or printed at length on boards of suitable size, and placed on such parts of the said commons as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this scheme or any byelaw made under this scheme may be recovered, together with the costs of the proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis Local Management Act, 1855, and the Acts amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this scheme or any byelaw made under this scheme shall be had or taken by the Board, and the penalty recovered shall be paid to the Board and shall be applied for the purposes of this scheme.

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8. Except for the owner or owners of the soil, it shall not be lawful, without the consent in writing of the Board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the said commons.

9. Except for those persons who now by law are entitled to do so, it shall not be lawful to turn out on the commons respectively for grazing any cattle, sheep, or other animals.

10. The Board may have power to apply at any time for an amended or new scheme.

11. All the powers of the Board as to borrowing contained in the Metropolis Local Management Act, 1855, and the Metropolis Management Amendment Act, 1862, as varied by the Metropolitan Board of Works (Loans) Act, 1869, shall apply to this scheme; but no sum to be borrowed shall be considered as included in the limit of ten millions sterling referred to in such last-mentioned Act, and no loan for the purposes of this scheme shall be made without the approval of the Lords Commissioners of Her Majesty's Treasury.

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

13. Saving always to all persons and bodies politic and corporate, and their respective heirs, successors, executors, and administrators, all such estates, interests, or rights of a profitable or beneficial nature in, over, or affecting the commons, or any part thereof, as they or any of them had before the confirmation of this scheme by Act of Parliament, or could or might have enjoyed if this scheme had not been confirmed by Act of Parliament.

14. The lords of the manor of Lords Hold Hackney claim an estate in fee simple, subject only to the rights of common of the tenants of the manor entitled thereto, in such of the lands as are waste of the manor; that is to say, Clapton Common, Stoke Newington Common, the two parcels of waste in Dalston Lane, and the parcel of waste in Grove Street, and so that the said rights of common do not prevent the claimants digging and selling clay, gravel, sand, and brick-earth from out of the said wastes: also the right to approve the wastes of the manor by precept according to the custom of the manor: also the fines, quit-rents, and other manorial dues in respect of such portions of the various Lammas fields, that is to say, London Fields, Hackney Downs, Well Street Common, otherwise Hackney Common, North Mill Field, and South Mill Field, as are copyhold of the manor, together with the right to dig and sell clay, gravel, sand, and brick-earth out of such copyhold portions and out of any freehold portions which have been enfranchised without the minerals: also the right of escheat and all other manorial rights in and over all the said Lammas lands and wastes.

The trustees of Thomas George Corbett, deceased, claim the whole of London Fields, from the 5th April to the 12th August in every year in severalty, and they also claim the soil during the remainder of the year, subject to the

rights of common which may be then exercised thereon, part as freehold and part as copyhold; and as to that part which is freehold, they claim to be exclusively entitled to the soil, and to all mines, minerals, and brick-earth in and under the same; and as to that part which is copyhold they claim to be entitled to the soil and the brick-earth in and under the same upon payment to the lords of the manor of a royalty.

The part owners of the other Lammas fields claim such fields from the 5th April to the 12th August in every year in severalty, and they also claim the soil during the remainder of the year, subject to the rights of common which may be then exercised thereon, some portions being claimed as freehold and some as copyhold.

The copyhold tenants of the manor and the owners of enfranchised copyholds claim rights of common of pasture over the Lammas fields from the 12th August to the 5th April in every year, and over the waste lands at all times of the year, and also certain rights to dig gravel and sand, and to lop trees on the said waste lands, such rights of common of pasture being subject to the byelaws which heretofore have been and hereafter may be made by the homage of the said manor: also the right when assembled as homage of the said manor at the courts of the said manor, to regulate the aforesaid rights of common of pasture by making byelaws for determining the number of cattle which each commoner may turn on the lands, and the fines and dues to be paid in respect thereof, and by appointing drivers for superintending the same, and making other regulations warranted by the custom of the said manor.

This scheme affects the rights so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this scheme.

The lords of the manor, the owners of the London Fields, and certain of the part owners of the other Lammas fields, do not consent to the scheme. All the other claimants consent to it, provided compensation be given for any rights taken away or prejudicially affected by it.

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

The Inclosure Commissioners for England and Wales, pursuant to the provisions of "The Metropolitan Commons Act, 1866," hereby certify the above-written scheme.

In witness whereof they, the said Inclosure Commissioners, have caused their official seal to be hereunto affixed, this twenty-second day of February one thousand eight hundred and seventy-two.

L.S.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1872.