CHAPTER cci.

An Act to confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common. [2d August 1877.]

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WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, duly certified schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, Bostall Heath Common, situate in the county of Kent, and Clapham Common, situate in the county of Surrey:

29 & 30 Vict. c. 122.
32 & 33 Vict. c. 107.

And whereas the said schemes are set forth in full in the report which was made by the said Inclosure Commissioners for the year ending the thirty-first day of December one thousand eight hundred and seventy-six, and was duly laid before both Houses of Parliament:

And whereas it is by the said Metropolitan Commons Act, 1866, provided that any such scheme shall not of itself have any operation, but shall have full operation when and as confirmed by Act of Parliament, with such modifications, if any, as to Parliament seems fit:

And whereas it is expedient that the said schemes should be confirmed, subject to certain modifications:

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:

Schemes as to Ealing Commons, Clapham Common, and Bostall Heath Com-

1. The schemes for the establishment of local management with respect to Ealing Commons, situate in the county of Middlesex, and with respect to Clapham Common, situate in the county of Surrey, and with respect to Bostall Heath Common, situate in the county of Kent, respectively certified by the Inclosure Commis-

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sioners for England and Wales under their seal on the twenty-seventh day of January one thousand eight hundred and seventy-six, the twenty-fourth day of August one thousand eight hundred and seventy-six, and the twenty-first day of December one thousand eight hundred and seventy-six, shall be modified so as to be in the terms respectively specified in the first, second, and third schedules to this Act, and so modified shall be hereby confirmed.

mon confirmed with modifications.

Short title.

2. This Act may be cited for all purposes as the Metropolitan Commons Supplemental Act, 1877.

SCHEDULES.

FIRST SCHEDULE.

Metropolitan Commons Act, 1866.

Scheme with respect to Ealing Commons.

1. Ealing Common, Ealing Green, Haven Green, and certain strips of waste, herein-after called "the Commons," in the county of Middlesex, 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 Local Board for the district of Ealing, herein-after termed "the Board."

2. The powers of the Board generally as to appointing or employing 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, 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.

3. The Board may execute any works of drainage and improvement of the Commons so far only as may be required for the purposes of the Metropolitan Commons Act, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and may plant or otherwise beautify the Commons, and may provide and place seats for the accommodation of the public in convenient parts of the Commons.

4. The Board shall maintain the Commons, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure 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.

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, rubbish, or other matter on, and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the Commons; also for the regulation of games to be played, and other

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means of recreation on the Commons; also for the prevention of vehicles being driven, or horses being exercised by grooms and others, on or across the Commons; and for the removal, and apprehension if necessary, of gamblers, cardsharpers, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, 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 the Local Government Board, who are hereby empowered to confirm or disallow the same as they may think proper: Provided that a copy of any such byelaws, signed and certified by the clerk of the Board to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further proof: 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 to the inspection of any ratepayer of the said district without fee or reward, and the clerk of the Board shall furnish every 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 at length on boards of suitable size, and placed on such parts of the Commons (not less than three) 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 Public Health Act, 1875, and the Acts incorporated therewith and 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 notwithstanding anything contained in any Act relating to the Metropolitan Police Courts, the

penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. Except for the owner or owners for the time being 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 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 for grazing any cattle, sheep, or other animal.

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

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Commons under the care of the Board, if the Board has not otherwise the care of the said roads or highways.

12. All costs and expenses incurred by the Board in respect of this Scheme and its execution from time to time and at all times, shall be contributed by the Board as expenses incurred in the execution of the Public Health Act, 1875, and the Acts incorporated therewith.

13. 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.

14. 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.

15. The lords of the manor of Ealing claim the soil and freehold of the Commons and the minerals under the same. The owners and occupiers of lands and tenements within the manor claim rights of common of pasturage over the Commons.

This Scheme affects the rights over the Commons so claimed as aforesaid only so far as is absolutely necessary for the purposes contemplated by this Scheme. The lords of the manor and others who claim rights over the Commons assent to their rights being affected in the manner and to the extent herein expressed, but subject and without prejudice to the rights of the lords of the manor to the gravel, mines, and minerals in and under the Commons, and so that in the event of any parts of the Commons being required by any railway company or any other public company or body under any legislative compulsory powers, but not otherwise, for the purposes of their undertaking, the lords of the manor shall be entitled to receive the same amount of purchase money or compensation money for the same as they would have been entitled to claim or receive in case this Scheme had not been made.

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16. 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 6*d.* each.

SECOND SCHEDULE.

Metropolitan Commons Act, 1866, *and Metropolitan Commons Amendment Act*, 1869.

SCHEME WITH RESPECT TO CLAPHAM COMMON.

WHEREAS by an agreement dated the 5th day of January 1875, and made between Richard Boswell Beddome and twenty-five others, therein designated "the surviving lessees," of the one part, and the Metropolitan Board of Works of the other part, after reciting that by an indenture bearing date the 29th day of February 1864, and made between Henry Atkins Bowyer, since deceased, lord of the manor of Clapham, of the one part, and certain persons therein described, and herein-after designated "the lessees," of the other part, in consideration of the yearly rent and the lessees covenants therein reserved and contained, the said Henry Atkins Bowyer, as lord of the said manor, demised unto the lessees the open and uninclosed waste lands commonly known as Clapham Common, to hold unto the lessees, or such of them as should so long live, for the term of 21 years from the 25th day of March 1864, to the intent that they might preserve and improve the same; and that the surviving lessees represented to the said Board that it was expedient that Clapham Common (including under that term not only the premises comprised in the said recited indenture, but also certain common or waste land within the manor of Battersea and Wandsworth, and formerly known as Battersea East Common, but which for many years past has formed part of what is known as Clapham Common,) should be under the management of the said Board, and that it was desirable steps should be taken by the said Board to secure the entire Common, so that the same might be preserved for ever as an open and uninclosed space for the benefit of the public, and that the said Board, acting upon such representation, had entered into an agreement (as herein-after mentioned) with the lords of the respective manors for the purchase of the said Common; it is by the agreement now in recital agreed between the parties thereto, that in the event of a Scheme under the Metropolitan Commons Act embracing the entire Common being confirmed by Parliament in the session (now past) of 1874 or that of 1875, the surviving lessees will, without the payment to them of any purchase money

or compensation, surrender or assign to the said Board the premises demised by the said lease, and all the estate and interest of the surviving lessees under the same.

And whereas by another agreement, also dated the 5th day of January 1875, and made between the Right Honourable John Poyntz, Earl Spencer, K.G., herein-after called "the said Earl," of the first part, Sir George Bowyer, of Radley Park, in the county of Berks, Baronet, M.P., and Charles Sawyer, the younger, of No. 25, Queen's Gate Terrace, South Kensington, in the county of Middlesex, a Colonel in Her Majesty's army (trustees of the will of Henry Atkins Bowyer, deceased), herein-after called "the said trustees," of the second part, Henry Atkins Bowyer, of Steeple Aston, in the county of Oxford, Esquire, (tenant for life of the estates devised and settled by the said will of the said Henry Atkins Bowyer, deceased,) of the third part, and the Metropolitan Board of Works, herein-after called "the Board," of the fourth part, the said Earl, as lord of the manor of Battersea and Wandsworth, as to the hereditaments firstly herein-after described, and the said trustees as lords of the manor of Clapham, as to the hereditaments secondly herein-after described, and with the consent of the said Henry Atkins Bowyer, agreed to sell, and the Board agreed to purchase, at or for the price or sum of 18,000*l.*, the fee simple of and in, firstly, all that part of Clapham Common which is situate in the parish of Battersea, and within the said manor of Battersea and Wandsworth, and secondly, all those the remaining portions of Clapham Common which are situated in the parish of Clapham and within the manor of Clapham, the said purchase-money of 18,000*l.* to be considered as apportioned as follows, viz., 10,000*l.* for the hereditaments firstly herein-before described, and 8,000*l.* for the hereditaments secondly herein-before described, which said agreement now in recital is subject to the same being embodied in a scheme under the Metropolitan Commons Act, and was and is to be void in the event of such a scheme not receiving the sanction of Parliament during the session of 1874 or that of 1875; and the hereditaments agreed to be sold are to be sold subject to all such rights of common, commonable rights, rights of way and water, as any person or persons (other than the parties thereto of the first, second, and third parts, or persons claiming through, under, or for them, or any of them, or through or under the said Henry Atkins Bowyer, deceased, except the lessees or tenants under the lease dated the 29th day of February 1864, herein-before mentioned,) may have in the said hereditaments, or any part thereof, and also subject as regards the hereditaments secondly herein-before described to the herein-before mentioned lease thereof (except a small portion thereof situate at the back of the Rookery used as a laystall), dated the 29th day of February 1864, and to a lease of the said land used as a laystall, dated the 1st day of June 1864, made between the said Henry Atkins Bowyer, deceased, of the one part, and the Board of Works for the Wandsworth district, in the county of Surrey, of the other part; and it is also agreed that the Board shall pay the costs incurred by the said Earl and the said trustees of and incidental to the agreement and the carrying the same into execution.

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And whereas the hereditaments herein-before described, and commonly known as Clapham Common, are delineated in a plan deposited with the Inclosure Commissioners for England and Wales.

And whereas it is intended that the Board shall carry into effect the said agreements, both dated the 5th day of January 1875, and shall accept a surrender of the premises demised by the herein-before firstly recited agreement, and shall take a conveyance or conveyances to the Board of the hereditaments agreed to be sold under the herein-before secondly recited agreement, and shall acquire all such estates, interests, and rights of a profitable or beneficial nature in, over, or affecting the Common herein-after defined, as they might think it expedient to acquire, making or providing compensation for the same (if necessary) as provided by the 15th section of the Metropolitan Commons Act, 1866.

And whereas by an agreement dated the 22nd day of December 1875, and made between the several parties to the herein-before firstly recited agreement, it is agreed that the said herein-before firstly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clauses 1, 2, and 5 thereof respectively, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "session of 1875 or 1876."

And whereas by another agreement, also dated the 22nd day of December 1875, and made between the several parties to the herein-before secondly recited agreement, it is agreed that the said herein-before secondly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clause 2 thereof, instead of the words and figures "sessions of 1874 and 1875," there were and had originally been written the words and figures "sessions of 1875 and 1876;" and if in clause 12, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "sessions of 1875 or 1876;" and if in clause 14, instead of the words and figures "sessions of 1874 or 1875," there were and had originally been written the words and figures "sessions of 1875 or 1876."

And whereas by an agreement, dated the 1st day of June 1876, and made between the several parties to the herein-before firstly recited agreement, it is agreed that the said herein-before firstly recited agreement shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clauses 1, 2, and 5 thereof respectively, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "sessions of 1875, 1876, or 1877."

And whereas by another agreement, also dated the 1st day of June 1876, and made between the several parties to the herein-before secondly recited agreement, it is agreed that the said herein-before secondly recited agreement

shall be read and construed in the same manner as it would have been read and construed, and have the same operation, force, effect, and validity as it would have had if in clause 2 thereof, instead of the words and figures "sessions of 1874 and 1875," there were and had originally been written the words and figures "sessions of 1875, 1876, and 1877;" and if in clause 12, instead of the words and figures "session of 1874 or that of 1875," there were and had originally been written the words and figures "session of 1875, 1876, and 1877;" and if in clause 14, instead of the words and figures "session of 1874 or 1875," there were and had originally been written the words and figures "session of 1875, 1876, or 1877."

Now it is proposed and provided as follows:

1. From and after the completion of the said surrender and the said purchase, the Commons or waste lands delineated in the said plan (in this Scheme referred to as "the Common") shall be and are hereby dedicated to and for the use and recreation of the public as an open and uninclosed space for ever, and shall for the purposes of this Scheme be regulated and managed by the Board; provided that if the said surrender and the said purchase be not completed within three years from the date of the confirmation of this Scheme by Parliament, this Scheme shall be void.

2. The powers of the Board generally as to appointing or employing 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 Common, 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.

3. The Board may drain, plant, ornament, and improve the Common as may be necessary, and, for the purpose of preserving the turf and grass, may inclose by fences for short periods such portions as may require rest to revive the same. No house or any other building shall be erected on the Common, except such lodges or other buildings as may be necessary for the maintenance or management of the said Common. The Board may from time to time erect on the Common such lodges and other buildings as may be necessary for the maintenance or management of the said Common.

4. The Board shall maintain the Common, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure 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.

5. The Board shall frame byelaws and regulations for the prevention of nuisances and the preservation of order on the Common, and particularly for preventing the deposit of rubbish on, and the illegal taking, cutting, felling, and sale of turf, sods, bog-earth, gravel, sand, loam, clay, gorse, furze, fern, brush-

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wood, trees, and the like from the Common, and regulating the user of the Common, or any parts or part thereof, for the exercise of horses thereon or for riding purposes, also for the regulation of bathing in the several ponds on the Common; 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 5*l.* for each offence, and in case of a continuing offence a further penalty not exceeding the sum of 40*s.* for each day after written notice of the offence; and the Board may alter or repeal any such byelaws, and may make any such 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, as against any person entitled to any estate, interest, or right of a profitable or beneficial nature in, over, or affecting the Common, which shall not be purchased or acquired by the Board under this Scheme, operate or be construed so as to take away or injuriously affect such estate, interest, or right; and no such byelaws shall be of any force or effect unless and until the same be submitted to and confirmed by Her Majesty's First Commissioner of Works for the time being, who is hereby empowered to confirm or disallow the same as he may think proper; provided that any certificate of confirmation purporting to be signed by the First Commissioner of Works for the time being shall be primâ facie evidence of such confirmation in all courts and 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 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 to the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or of any part thereof, on payment of 6*d.* for every 100 words contained in such copy.

6. All byelaws made by the Board in pursuance of this Scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Common (not less than three) 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 proceedings, in such manner and with such remedies, by distress or otherwise, as are given in the Metropolis 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 notwithstanding anything contained in any Act relating to the metropolitan police courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. The Board may set apart any portion or portions of the Common as they may consider expedient for cricket or other games.

9. The Board shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

10. The purchase and other moneys which shall become payable under the said recited agreements, and all expenses which have been already incurred by the Board in relation to this Scheme and the memorial for a Scheme, and all costs and expenses which shall hereafter be incurred by the Board in or about the execution of this Scheme, including any other compensation (if any) to be paid in pursuance thereof, shall be contributed by the Board as expenses incurred in the execution of the Metropolis Management Acts.

11. Except for those persons who now by law are entitled to do so, and whose rights shall not be acquired by the Board under the said agreements, or shall not be purchased or acquired by the Board under this Scheme, it shall not be lawful to turn out on the Common for grazing any cattle, sheep, or other animal.

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 right of a profitable or beneficial nature in, over, or affecting the Common, 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, except only so far as any such estates, interests, or rights are or shall be acquired by the Board under the agreements herein-before recited, or either of them, or shall be acquired by the Board by consent or by purchase, whether by agreement or compulsorily.

14. The copyhold tenants of the manor of Battersea and certain freehold tenants of the manor of Clapham claim rights of common of pasture over the common. The claimants consent to the Scheme.

15. This Scheme affects the several estates, interests, and rights in, over, and upon the Common, and not included in the said agreements, by conferring on the Board power to purchase the same, or any of them, with the view to their absolute extinction.

16. 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 2*s.* 6*d.* each.

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THIRD SCHEDULE.

Metropolitan Commons Acts, 1866 *and* 1869.

Scheme with respect to Bostall Heath.

1. Bostall Heath, herein-after called "the Heath," in the county of Kent, as the same is 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 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 Heath, 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.

3. The Board may execute any works of drainage and improvement of the Heath so far only as may be required for the purposes of the Metropolitan Commons Acts, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and shall also preserve the trees and so much of the gorse as they may deem desirable, and may plant or otherwise beautify the Heath, but shall do nothing that shall otherwise vary or alter the natural features or aspect of the Heath.

4. The Board shall maintain the Heath, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on or partial or other inclosure 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.

5. The Board shall frame byelaws and regulations against encroachments, for the preservation of order on the Heath, for the prevention of nuisances and the deposit of road-sand, rubbish, or other matter on and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the Heath; also for the control of persons who let out for hire donkeys and other animals; also for the prevention of vehicles being driven or horses being exercised by grooms and others on or across the Heath, and to remove, and apprehend if necessary, gamblers, cardsharpers, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, or quarrelling, or using indecent or

improper language, or any idle or disorderly persons, or any person erecting any booth or place of any kind without the consent of the Board, 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 Her Majesty's First Commissioner of Works for the time being, 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 the First Commissioner of Works for the time being 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 to the inspection of any metropolitan ratepayer without fee or reward, and the clerk of the Board shall furnish every 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 at length on boards of suitable size, and placed on such parts of the Heath (not less than three) 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 notwithstanding anything contained in any Act relating to the Metropolitan Police Courts, the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this Scheme.

8. Except for the owner or owners for the time being 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 Heath.

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

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

11. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the Heath under the care of the Board, or shall prevent the Board of Works for the Plumstead district, by their officers and servants, taking such portions of the Heath as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make; but it shall not be lawful for the said Board or any other person or persons to make or form any new roads over and across the Heath without the consent in writing of the Board.

12. All costs and expenses incurred by the Board in respect of this Scheme and its execution from time to time and at all times shall be contributed by the Board as expenses incurred in the execution of the Metropolis Management Acts.

13. The Board shall be at liberty to receive and apply for the purposes of this Scheme, or any of them, any subscriptions or donations applicable thereto respectively that may come to their hands.

14. 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.

15. 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 Heath, 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.

16. The compensation the Board shall pay to the provost and scholars of Queen's College, Oxford, lords of the manor of Plumstead, in which the Heath is situate, shall be the sum of five thousand five hundred pounds, in full satisfaction for the whole of the manorial estate and interest in the Heath, including all timber trees and minerals on and under the same, such sum to bear interest at five pounds per cent. as from the twenty-fifth day of December one thousand eight hundred and seventy-seven. The lords shall make out their title to the manor in the usual way. On payment of the said compensation and satisfaction the College shall execute a proper conveyance to the Board of all such estate and interest as herein-before mentioned, and such conveyance shall be effectual for all the purposes of this Scheme to vest in the Board the freehold and fee simple of the Heath, free from all incumbrances (if any) created by the College, excepting only the rights (if any) of the freehold tenants of the manor.

17. The lords of the manor of Plumstead claim the soil and freehold of the Heath and the minerals under the same. The freehold tenants of the manor claim certain rights of common of pasture and of cutting turf, furze, gorse, and fern over and upon the Heath.

18. 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 6*d.* each.

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