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An Act for vesting the Management of the open space known as Wandsworth Common in the county of Surrey in a body of Conservators, with a view to the preservation thereof; and for other purposes. [31st July 1871.]

WHEREAS there is in the county of Surrey and in the parishes of Battersea and Wandsworth an open space of large extent uninclosed and unbuilt on, known as Wandsworth Common (in this Act referred to as the common):

And whereas it would be of great local and public advantage if the common were always kept uninclosed and unbuilt on, its natural aspect and state being as far as may be preserved:

And whereas the common is situate within and is or is alleged to be part of the wastes of the manor of Battersea and Wandsworth:

And whereas the Right Honourable John Poyntz, Earl Spencer (in this Act referred to as Earl Spencer), is or claims to be entitled in fee simple in possession to that manor:

And whereas it is expedient that provision be made for the transfer from Earl Spencer of his estate and interest in the common to a body of Conservators, to be constituted so as to represent both public and local interests, whose duty it shall be to keep the common for ever open and uninclosed and unbuilt on, and to protect the turf, gorse, timber, and underwood thereon, and to preserve the same for public and local use for purposes of exercise and recreation, and other purposes:

And whereas it is expedient that the body of Conservators to be constituted as aforesaid be empowered to raise a competent revenue, principally by means of rates to be levied on property in the parishes of Battersea and Wandsworth respectively:

And whereas it is expedient that various powers and duties be conferred and imposed on the Conservators to be constituted as aforesaid, and that provisions be made respecting the use of a small portion of the common and of some parcels of land formerly part thereof:

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And whereas it is expedient that provision be made for the payment to Earl Spencer, his heirs and assigns, in consideration of such transfer as aforesaid, of a perpetual annuity of two hundred and fifty pounds, to be raised by means of rates to be levied from time to time on the tenants or occupiers for the time being of property situate in the parishes of Battersea and Wandsworth:

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

And whereas a plan showing the area of the common has been prepared for the purposes of this Act, and has been authenticated in duplicate by the signature of the Right Honourable Lord Redesdale, Chairman of the Committees of the House of Lords:

And whereas Earl Spencer has consented to the provisions of this Act, so far as the same affect his rights and interests:

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 Wandsworth Common Act, 1871.

Certain parts of 10 & 11 Vict. c. 16. incorporated.

2. The Commissioners Clauses Act, 1847, (as far as the same is applicable for the purposes of and not inconsistent with this Act,) except the provisions described in the first schedule to this Act, is hereby incorporated with this Act.

Interpretation.

3. In this Act,

"The deposited plan" means the plan deposited for the purposes of this Act with the clerk of the peace for the county of Surrey:

"The Secretary of State for the Home Department" means such one of Her Majesty's Principal Secretaries of State for the time being as Her Majesty is pleased to intrust with the seals of the Home Department:

"The First Commissioner of Works" means the First Commissioner of Her Majesty's Works and Public Buildings for the time being:

"Person" includes corporation aggregate or sole.

Description of common.

4. For the purposes of this Act the common shall be taken to be the open space known as Wandsworth Common, as shown on the deposited plan and thereon coloured green.

Custody of plan under 7 W. 4. & 1 Vict. c. 83.

5. Within one month after the passing of this Act, and before exercising any of the powers conferred on them by this Act, the Conservators shall deposit with the clerk of the peace for the county

of Surrey one duplicate of the plan authenticated as aforesaid, and the same shall be within the provisions of the Act passed in the first year of Her Majesty's reign (chapter 83), "to compel clerks of the "peace for counties and other persons to take the custody of such "documents as shall be directed to be deposited with them under "the standing orders of either House of Parliament," in like manner as if the same had been deposited with the clerk of the peace in such a case as is provided for by that Act, and the other duplicate of that plan shall be retained by the Conservators, and shall be admissible and be received in evidence for all purposes of this Act on production by the Conservators or their officer.

Schedules to be part of Act.

6. The schedules to this Act shall be deemed part of this Act.

Conservators incorporated.

7. There shall be a body of Conservators for carrying this Act into execution, the full number of whom shall be eight, and who are hereby incorporated by the name of the Wandsworth Common Conservators, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to take and hold, and to dispose of (by grant, demise or otherwise), land and other property (which body corporate is in this Act referred to as the Conservators).

First Conservators.

8. The first Conservators shall be the following (namely), a person to be nominated by each of the three following authorities, if they respectively think fit (that is to say), the Secretary of State for the Home Department, the First Commissioner of Works, and the Metropolitan Board of Works, and the following five persons (that is to say), James Du Buisson, of the parish of Wandsworth, one of Her Majesty's justices of the peace for the county of Surrey, Charles Eccles, Charles Lambert, and Edwin Rayner Ransome, all of the parish of Battersea, and Thomas Simons Watson, of the parish of Wandsworth.

Duration of office of first Conservators.

9. The first Conservators shall as a body hold office until the first Wednesday in April one thousand eight hundred and seventy-two.

Vacancies among first Conservators.

10. If before the first Wednesday in April one thousand eight hundred and seventy-two any vacancy happens among the first Conservators by death, resignation, or otherwise, another person shall be appointed to fill the vacancy, as follows; (namely,)

Any successor (immediate or other) of the Conservator nominated by the Secretary of State for the Home Department, or the First Commissioner of Works, or the Metropolitan Board of Works, shall be appointed by those several authorities respectively, if they think fit:

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Any successor (immediate or other) of any of the first Conservators, other than those nominated as aforesaid, shall be appointed by the Conservators under their common seal.

Every person so appointed to fill a vacancy shall for the purposes of this Act be deemed one of the first Conservators.

Constitution of Conservators.

11. The Conservators other than the first shall be appointed and elected as follows; (namely,)

(1.) Three shall be appointed by the following authorities, if they respectively think fit; (that is to say,)

One by the Secretary of State for the Home Department:

One by the First Commissioner of Works:

One by the Metropolitan Board of Works:

(2.) Five shall be elected as in this Act provided.

Appointments by Secretary of State and First Commissioner.

12. With respect to appointed Conservators, the following provisions shall have effect; (namely,)

(1.) An appointment of the several Conservators shall be made before the first Wednesday in April one thousand eight hundred and seventy-two, if the authorities aforesaid respectively think fit:

(2.) The powers and functions of the Conservators so appointed shall commence on that day:

(3.) Each vacancy in the office of Conservator may be filled up by an appointment made by the authority who appointed the outgoing Conservator:

(4.) Each appointment of a Conservator shall be determinable at any time by the authority appointing him, and, subject thereto and to the other provisions of this Act, shall be operative for three years, and no longer:

(5.) An outgoing Conservator shall be capable of re-appointment:

(6.) Each appointment of a Conservator shall be notified in writing to the clerk of the Conservators.

Election of Conservators.

13. With respect to elected Conservators, the following provisions shall have effect; (namely,)

(1.) An election of Conservators shall be held before the first Wednesday in April one thousand eight hundred and seventy-two, and the first Conservators shall be eligible:

(2.) The powers and functions of the Conservators so elected shall commence on that day:

(3.) They shall remain in office as Conservators until the first Wednesday in April in the third year after that day, and no longer:

(4.) Within three months before the expiration of that period of three years another election shall be held of Conservators to act in the place of the persons first elected:

(5.) The powers and functions of the persons elected at the second election shall commence on the first Wednesday in April next following their election:

(6.) They shall hold office as Conservators until the first Wednesday in April in the third year after their appointment, and no longer:

(7.) The foregoing provisions, mutatis mutandis, shall have effect in and for every subsequent period of three years:

(8.) Every person going out of office under this section shall be re-eligible.

Qualification of electors.

14. The persons for the time being rated to the poor rate in respect of property in the parish of Battersea or in the parish of Wandsworth shall be qualified, and no other persons shall be qualified to be electors of Conservators.

Scale of voting.

15. The electors shall have votes according to the scale and regulations set forth in the second schedule to this Act.

Time, mode, &c. of election.

16. The day, hour, and place of each election shall be appointed by the Conservators, reasonable notice thereof being given.

Qualification of Conservator.

17. No person but an elector shall be eligible at any election.

Delivery of names of candidates.

18. A person other than an outgoing Conservator shall not be eligible at any election unless fourteen clear days at least before the day of election he has been proposed by an elector and seconded by another elector, by a joint writing under their hands delivered at or sent by registered letter to the office of the Conservators.

Publication of names of candidates.

19. Before each election the Conservators shall publish the names of the candidates, and such publication shall be completed seven clear days at least before the day appointed for the election.

Returning officer.

20. At every election the chairman of the Conservators, or in his absence another Conservator nominated by him in writing, shall be the returning officer.

Voting at election.

21. At each election every elector shall be entitled to give the vote, or the whole number of votes which he has under the scale aforesaid, or any less number of votes, distributively to as many candidates as there are Conservators to be elected, but not to cumulate votes on any candidate, and the election shall be determined by a majority of votes of the electors voting.

Provision for equality of votes.

22. If at any election there is an equality of votes for two or more candidates to fill one vacancy, the election shall be determined by lots publicly drawn by the returning officer.

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Return of persons elected.

23. The returning officer shall, according to the best of his judgment and ability, make under his hand a return to the Conservators of the persons elected, and every person so returned shall be deemed duly elected.

Error in elections or appointments not to vitiate acts done.

24. Any act of the Conservators shall not be invalidated or be illegal by reason of there being any vacancy among the Conservators, or by reason of any irregularity in the appointment or election of any Conservator, or by reason of any person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any failure or omission on any occasion to appoint or elect any Conservator, or by reason of any other irregularity, failure, or omission in or about any appointment or election, or in or about any matter preliminary or incidental thereto.

Expenses of elections, &c.

25. Expenses incurred by the returning officer or otherwise by or on behalf of the Conservators in relation to elections shall be paid by the Conservators.

Offices of elected Conservators vacated.

26. In any of the following cases an elected Conservator shall cease to be such, and his office shall be vacant; (namely,)

If he becomes an appointed Conservator:

If he is absent from all meetings of the Conservators for twelve months consecutively:

If he ceases to have the qualification required for election.

Supply of casual meetings.

27. If an elected Conservator dies, or resigns, or goes out of office otherwise than by reason of effluxion of time, the electors may elect in his place another person to be a Conservator, and the provisions of this Act respecting ordinary elections shall as nearly as may be apply to elections under this section; and every person elected under this section shall continue in office only as long as the person in whose place he is elected would have been entitled to continue in office.

Provisions respecting meetings, &c.

28. The provisions of the Commissioners Clauses Act, 1847, incorporated with this Act shall apply to the Conservators as a body, and severally, subject and according to the following provisions; (namely,)

(1.) In section 8, the term "insolvent" shall be taken to include a person who compounds with his creditors by deed or otherwise:

(2.) With reference to section 36, the day for the first meeting of the Conservators shall be the second Wednesday after the passing of this Act, and the place and hour shall be appointed by the said James Du Buisson, and in default of him by the said Charles Eccles:

(3.) With reference to section 39, the prescribed number (constituting the quorum) of the Conservators shall be three:

(4.) With reference to section 40, the annual meeting of the Conservators shall be held on a day to be from time to time appointed by byelaws of the Conservators, and it shall not be necessary for them to hold monthly meetings, but they shall hold a meeting at least once in every three months.

Conservators not to be remunerated, &c.

29. No Conservator shall receive any remuneration or hold any office of profit under this Act.

Vesting of common in Conservators.

30. The common, with the buildings and inclosures comprised within the ambit thereof as shown on the deposited plan, being thereon coloured green, with its rights, members, and appurtenances, is by this Act as on and from the passing thereof vested in the Conservators for all the estate and interest therein which immediately before the passing of this Act were vested in or belonged to Earl Spencer.

Act to be stamped.

31. The Conservators shall within one month after the passing of this Act produce to the Commissioners of Inland Revenue a copy of this Act, and the same shall be stamped with such an ad valorem stamp as would have been required by law on the conveyance of his rights in the common by Earl Spencer to the Conservators if the same had been carried into effect by deed.

Confirmation of scheduled agreement.

32. The agreement set forth in the third schedule to this Act is hereby confirmed, and the same shall be carried into effect accordingly.

Common to be kept open.

33. The Conservators shall at all times keep the common open uninclosed and unbuilt on, except as regards such parts thereof as are at the passing of this Act inclosed or built on, and except as otherwise in this Act or in the agreement scheduled thereto expressed, and shall by all lawful means prevent, resist, and abate all encroachments and attempted encroachments on the common, and protect the common and preserve it as an open space, and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof.

Prohibition of alienation, &c.

34. It shall not be lawful for the Conservators, except as in this Act or the agreement scheduled thereto expressed, to sell, lease, grant, or in any manner dispose of any part of the common.

Preservation of turf, &c.

35. The Conservators shall at all times preserve as far as may be the natural aspect and state of the common, and to that end shall protect the turf, gorse, heather, timber, and other trees, shrubs, and brushwood thereon.

Prohibition of sale of turf, gravel, &c.

36. The Conservators shall not cut turf or dig gravel, mould, or soil, or fell or cut gorse, heather, timber, or other trees, shrubs, or brushwood on the common for profit, except subject and according

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to such restrictions and regulations as the First Commissioner of Works from time to time prescribes, and all money received in respect thereof shall be carried to the conservancy fund under this Act.

Power to drain, &c.

37. The Conservators shall by virtue of this Act have the following powers; (namely,)

To drain, level, and improve the common as far only as may be in their judgment from time to time requisite for the use thereof for purposes of health and unrestricted exercise and recreation, and to make temporary inclosures for the protection of the turf or the better attainment of the objects aforesaid:

To plant trees and shrubs thereon for purposes of shelter or ornament, and to make temporary enclosures for the protection of such trees and shrubs:

To make and maintain such roads and ways thereon as may be in their judgment necessary or proper, and to maintain any existing roads and ways thereon, as far as the same may be obligatory on them or in their judgment expedient:

To make and maintain thereon ornamental ponds:

But the Conservators shall not make any pond so that any part thereof shall be within ninety yards of any part of the intended road shown on the deposited plan and marked thereon A B, and shall at their own expense effectually line with concrete or puddle with clay all ponds which they make.

Earl Spencer to make certain roads.

38. Earl Spencer, his heirs or assigns, shall at his or their own expense, and within six months after the passing of this Act, and to the reasonable satisfaction of the Conservators, make the roads shown on the deposited plan, and marked thereon respectively A B and C D, each such road being of the width of forty feet throughout, and plant trees along the eastern side of the last-mentioned road, and shall at his or their own expense, and to the reasonable satisfaction of the Conservators, fill up within six months after the passing of this Act so much of the pond known as the Black Sea as is coloured green, and as a road on the deposited plan.

Power to purchase or accept lands, &c.

39. The Conservators may from time to time purchase by agreement or accept a grant of and hold any land having been or reputed to have been formerly part of or adjoining to the common, and any such land when vested in the Conservators shall for the purposes of this Act be deemed part of the common.

Notice of proceedings at courts and protests by Conservators.

40. Nothing shall be done affecting the Conservators or the common at any court of the manor of Battersea and Wandsworth without previous notice in writing to the steward of the manor, and on receipt of any such notice the steward shall communicate the

same to the Conservators, and the Conservators shall thereupon be entitled, if they think fit, by an agent appointed in this behalf by writing under their common seal, to attend at the court to which the notice relates, and to protest against anything there proposed that would affect them or the common, and any such protest shall be entered on the rolls of the court.

Production, &c. of court rolls of manor.

41. Earl Spencer, his heirs and assigns, shall on every reasonable request in writing by the Conservators, and at their expense, produce to them or their agents, or in any court or elsewhere, as occasion requires, the court rolls of the manor of Battersea and Wandsworth, or any portion thereof, and make and furnish to them such true copies, attested or unattested, thereof, or of any portion thereof as they require, and shall in the meantime keep the same court rolls safe and undefaced, unless prevented by fire or other inevitable accident.

Certain lands released from commonable rights.

42. In order that this Act may be a final settlement of all questions and claims connected with the lands formerly part of Wandsworth Common, delineated on the deposited plan, and left uncoloured, or coloured otherwise than green thereon, those lands shall henceforth be and the same are hereby released and discharged from all commonable, customary, and other rights and claims (if any) of the commoners (if any).

Power to take proceedings as commoners.

43. The Conservators shall be capable of taking, and may from time to time (if they think fit) take, any such proceedings as a person having a right of common on the common or any part thereof is capable of taking, and for the purpose of any proceedings taken by the Conservators they shall have all the rights, powers, and remedies of a person having such a right of common.

Annuity to Earl Spencer.

44. There shall be by virtue of this Act payable and paid to Earl Spencer, and to his heirs and assigns for ever, a perpetual annuity of two hundred and fifty pounds, without deduction (except for income tax or property tax), and the same annuity and all arrears thereof shall be deemed to be a liability or debt due from the Conservators in their corporate character, and to be in the nature of a specialty liability or debt, and payment thereof shall be made by equal half-yearly payments on the first day of January and the first day of July in every year, the first of those payments to be made on the first day of January one thousand eight hundred and seventy-two, and interest at the rate of five per centum per annum shall be payable on so much of any half-yearly payment thereof as is at any time in arrear for thirty days after the time at which the same shall have become payable, and that annuity and the interest on the arrears thereof shall be a charge on the whole revenue of the

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Conservators, and on the conservancy fund under this Act, in priority to all other charges, mortgages, payments, and deductions whatsoever (except for rates and taxes), and shall be payable and paid thereout, and by means thereof, by the Conservators accordingly.

Receiver for annuity.

45. If any half-yearly payment of the annuity by this Act made payable is in arrear for thirty days after demand thereof in writing, delivered at the office of the Conservators, then and in every such case the person for the time being entitled to receipt of the annuity may (without prejudice to any other remedy) require the appointment of a receiver, and may for that purpose apply to two justices for the appointment of a receiver under this section, and on any such application such justices may, by order in writing, after hearing the parties, appoint a fit person to receive the whole or a competent part of the revenue of the Conservators and of the conservancy fund, until the arrears of the annuity in arrear at the date of the appointment, or becoming in arrear after that date during the continuance of the appointment, and all interest payable thereon, with all costs, including the charges of receiving the revenue and fund aforesaid, shall be fully paid; and on any such appointment being made, the revenue and fund aforesaid, or such part thereof as may be ordered by the said justices, shall be paid to the person so appointed as receiver, and the money so paid to him shall be so much money received by or to the use of the person for the time being entitled to receipt of the annuity; and the receiver so appointed shall supersede any receiver appointed on behalf of mortgagees, and may, in the name and stead of the Conservators, exercise all the powers in relation to their revenue or to the conservancy fund under this Act, including their powers of issuing precepts to, and of requiring and recovering payments from, overseers, and of requiring production of poor rate and assessment books, and of inspecting the same, and taking copies or extracts therefrom, or any of those powers; and for the purposes aforesaid, or any of them, the receiver may use the common seal of the Conservators, and the Conservators shall, at all reasonable times, give him access to and the use thereof accordingly, and on full payment of all such arrears of the annuity, interest, and costs as aforesaid the power of the receiver shall cease.

Mode of raising money by rates.

46. The Conservators, for the purpose of paying the annuity by this Act made payable, and for the purpose (if the Conservators think fit) of providing a fund for the redemption thereof, and for the purpose of paying their expenses of management and other expenses of executing this Act, shall from time to time issue their precept to the respective overseers of the parishes of Battersea and Wandsworth requiring them to make, assess, and levy a separate rate on

the occupiers of all property in the said parishes respectively which is liable, according to the laws now in force, to be rated and assessed to the relief of the poor, and the said overseers shall make, assess, and levy such rate accordingly, and shall pay the amount thereof to the Conservators or otherwise as directed in any such precept.

Rate to be levied as a poor rate.

47. Every rate under this Act shall be made, assessed, and levied in the same manner as if it were a rate made, assessed, and levied as a poor rate under the laws now in force for the relief of the poor, with this exception, that the occupier of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance, and of any buildings, hereditaments, and premises held and used for the purposes of such railway, shall, when a special assessment is made for the purposes of such rate, be assessed in respect of such property in the proportion of one fourth part only of the rateable value thereof, or where no special assessment is made, shall pay in respect thereof one fourth part only of the rate in the pound payable in respect of houses and other property:

In relation to the making, assessing, and levying of any rate under this Act, and as respects appeals against the same, and all other incidents thereof, except the purposes to which it is applicable, the overseers shall have the same powers as if it were a rate levied under the laws now in force for the relief of the poor:

The word "overseers" in this Act shall include any person or body of persons authorised or required to levy rates for the relief of the poor, or for any other parochial purpose, in the said parishes of Battersea and Wandsworth, or either of them, and any person or body of persons authorised or required to levy rates under this Act by the Poor Law Board.

Penalty on nonpayment of rates by overseers.

48. In case the amount ordered by any precept under this Act to be paid by the overseers of either parish be not paid in manner directed in such precept, and within the time therein specified for that purpose, such amount shall be a debt due from the said overseers to the Conservators, and (without prejudice to any other remedy) it shall be lawful for any justice of the peace, upon complaint by the Conservators, or by any person authorised by the Conservators, to issue his warrant for levying the amount or so much thereof as may be in arrear by distress and sale of the goods of all or any of the said overseers; and in case the goods taken be not sufficient to pay the amount included in the warrant, together with the costs of distress and sale, the deficiency shall be added to the amount of the next levy to be made in such parish for the purpose of this Act, and shall be collected by the like methods.

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Limitation of rates.

49. Notwithstanding anything in this Act, it shall not be lawful for the Conservators to issue a precept to the overseers of either of the said parishes for making, assessing, or levying any rate or rates on the property in such parish exceeding in any one year the sum of one halfpenny in the pound on the net annual value thereof.

Power to redeem annuity.

50. The Conservators may at any time, with the consent of any person for the time being entitled to dispose of the annuity by this Act made payable, redeem the same by payment of such gross sum, and on such conditions as may be agreed on.

Power to Conservators to borrow.

51. The Conservators from time to time may borrow and re-borrow at interest, on security of the yearly amount to be raised by rates under this Act, and of the other revenue of the Conservators, and of the conservancy fund, under this Act, such money as they think requisite for the purposes of this Act, to an amount not exceeding at any one time, except for the purpose of the redemption of the annuity by this Act made payable, the sum of three thousand pounds, and may mortgage the yearly amount and revenue aforesaid to secure repayment of the money so borrowed, with interest accordingly.

Application of money borrowed.

52. All money borrowed under this Act shall be applied for purposes for which it is borrowed, and not otherwise; but a lender of money to the Conservators shall not be bound to see to the application, or be answerable for any loss or non-application of the money lent by him, or of any part thereof.

Wandsworth conservancy fund.

53. The receipts of the Conservators from rates to be raised under this Act, and their other revenue under this Act, shall be carried to and constitute a fund, to be called the Wandsworth Common conservancy fund, and that fund (in this Act referred to as the conservancy fund) shall be applied from time to time in and for the purposes of the execution of the duties of the Conservators under this Act, and not otherwise.

Subscriptions and donations.

54. The Conservators from time to time may receive subscriptions or donations in aid of their revenue, and shall carry the same to the conservancy fund, or shall, if the respective subscribers or donors so desire, apply the same for particular purposes of this Act.

Audit of accounts.

55. With respect to the audit of the accounts of the Conservators, the following provisions shall have effect; (namely,)

(1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the parishes of Battersea and Wandsworth are situate; and if at any time they are situate in two audit districts, then the auditor for such district as the Poor Law Board directs:

(2.) The auditor shall receive such remuneration as the Poor Law Board direct, and the same, with the expenses of or incident to the audit, shall be paid by the Conservators, and if unpaid may be recovered summarily:

(3.) The auditor shall have the like powers and be under the like obligations, as nearly as may be, to allow and disallow items in the accounts, and to charge any person with any sum for which he is accountable, as in the case of an audit of accounts relating to the relief of the poor in any parish; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit:

(4.) The auditor shall have the like powers of requiring the attendance of persons and the production of books, bills, vouchers, and documents, and a declaration respecting the same, as in the case of such last-mentioned audit; and if any person fails to comply with any such requisition, or wilfully makes or signs a false declaration in that behalf, he shall be liable to the like penalties as in the case of such last-mentioned audit:

(5.) Any money, books, documents, and chattels which the auditor certifies ought to be paid or delivered by any person may be recovered from him as in the case of such last-mentioned audit, and expenses incurred in the recovery thereof shall be expenses of the audit:

(6.) Subject to the provisions of this section, the Poor Law Board may from time to time make such regulations as they think fit respecting the form of the accounts to be kept by the Conservators, and the making up and balancing thereof to a certain day in each year, and to the signing thereof, and to the time and place and mode of the audit, and the attendance and proceedings of ratepayers thereat, and otherwise respecting the audit, and all such regulations shall have effect as if they had been enacted in this Act.

Production of rate books.

56. The Conservators or the returning officer at any election under this Act, or any person authorised by the Conservators by writing under their seal, may from time to time at all reasonable times require the production of the respective poor rate and assessment books for the parishes of Battersea and Wandsworth, and inspect the same and take copies thereof or extracts therefrom, without payment, and any expenses connected therewith shall be paid by the Conservators; and if any person having the custody of any such rate or assessment book fails to comply with any such requisition as aforesaid, he shall for every such offence be liable to a penalty

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not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues.

Powers of Poor Law Board.

57. The Poor Law Board may from time to time make such rules or give such directions (not inconsistent with the provisions of this Act) as they think fit, for the better execution of the provisions of this Act relating to elections, and for regulating the conduct of elections, and prescribing the mode in which votes are to be taken thereat (whether by voting paper or otherwise), and the production to the returning officer of the poor rate and assessment books, and for the better execution of the provisions of this Act relating to the raising of money by rates, and for making, if necessary or proper, valuations or assessments for the purposes thereof, and all such rules and directions shall have effect as if they had been enacted in this Act.

Power to make bye-laws.

58. The Conservators may from time to time, subject to the provisions of this Act, make byelaws for all or any of the following purposes; (namely,)

For the prevention of nuisances and the preservation of order on the common:

For the exclusion and removal therefrom of gipsies, hawkers, beggars, rogues, and vagabonds:

For the prevention of bird catching, bird trapping, taking of birds eggs or nests, and shooting or chasing of game or other animals thereon:

For the prevention of unauthorised persons from turning out or knowingly permitting cattle, sheep, or other animals to graze or feed or remain thereon:

For the prevention of the digging or taking thereon or therefrom of turf, sods, bog earth, gravel, clay, or other substances:

For the prevention of the cutting, felling, or injuring thereon of gorse, heather, timber, or other trees, shrubs, brushwood, or other plants:

For the prevention of injury to or the defacing or removing of fences or barriers, or notice boards, or other things put up by the Conservators thereon:

For the prevention of injury to or disfigurement of fences or trees thereon by the posting of bills, placards, or notices:

For the prevention of the placing thereon of any rubbish, manure, or other substance:

For the regulation of all assemblages of persons thereon, and of all sports and games played thereon:

For the prevention of unauthorised persons from passing over the common or any specified part thereof with vehicles:

Generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the common, or to interference with the use thereof by the public for purposes of exercise and recreation.

Confirmation of byelaws by First Commissioner of Works.

59. With respect to the byelaws of the Conservators the following further provisions shall have effect; (namely,)

(1.) Byelaws of the Conservators shall not have any force unless and until they are allowed by the First Commissioner of Works:

(2.) Byelaws shall not be allowed unless notice of the intention to apply for allowance thereof, stating the effect of this section, has been published by the Conservators one month at least before the application:

(3.) During one month at least before the application a printed copy of the byelaws to be submitted for allowance shall be kept at the office of the Conservators open for inspection by persons interested, and the Conservators shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding one shilling for each copy.

Penalties in byelaws.

60. The Conservators may by any byelaws impose penalties for a breach thereof to be recovered on summary conviction not exceeding for any offence five pounds, and not exceeding for a continuing offence an additional daily penalty of two pounds, so as every byelaw imposing a penalty be so framed as to allow of less than the maximum penalty being ordered to be paid.

Printing and sale of byelaws.

61. The Conservators shall cause all their byelaws, when allowed, to be printed, with the form of allowance, and printed copies thereof to be sold at a price not exceeding one shilling a copy to all persons desiring to buy the same.

Proof of byelaws.

62. A copy of byelaws purporting to be made by the Conservators under this Act, and to be allowed by the First Commissioner of Works, and to be printed by direction of the Conservators, and to be authenticated by their common seal and the signature of their clerk, shall be primâ facie evidence of the existence and contents of such byelaws and of the due making and allowance thereof, without proof of such seal or signature, or of any other thing.

Appointment of constables, &c.

63. The Conservators may from time to time appoint officers for securing the execution of this Act and byelaws thereunder, and may procure any such officers to be sworn in as constables.

Penalty for assaulting constable, &c.

64. If any person assaults or resists, or aids or incites any person to assault or resist, any constable or officer of the Conservators or

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other person in the execution of his duty, or the lawful exercise of any authority under this Act, or under any byelaw of the Conservators, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds, without prejudice to any other proceeding or remedy against him.

Police authority over common.

65. For the purposes of enactments empowering the metropolitan police, the common shall be deemed a place of public resort, and the powers and duties of the metropolitan police in relation to public safety and preservation of order and protection of property shall extend thereto; but nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not been passed.

Arrest of transient offenders.

66. Any constable or any officer of the Conservators, and all persons called by such constable or officer to his assistance, may, without any other warrant than this Act, seize and detain any person offending or having offended against any byelaw of the Conservators, who shall fail to satisfy such constable or officer as to his true name or address, and such constable or officer shall convey him with all convenient despatch before a justice to be dealt with according to law.

Proceedings for summary convictions and appeals.

67. Proceedings with a view to the summary conviction of offenders under this Act, or under any byelaws of the Conservators, or to the recovery of any money or expenses authorised to be recovered summarily, or to any other order to be made by justices under this Act or any such byelaw, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary con-"victions and orders," and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "to consolidate and amend the "statute law of England and Ireland relating to larceny and other "similar offences," shall authorise and apply to appeals in respect of such summary convictions and orders.

Justices, &c. not disabled.

68. A person shall not be disabled from acting as a justice or otherwise in any matter arising under or in relation to this Act by reason of his being a ratepayer or elector under this Act.

Application of penalties.

69. Where under this Act or any byelaw of the Conservators any pecuniary penalty, expenses, costs, or other money is or are recovered by the Conservators, the same shall, notwithstanding anything in any other Act, be paid to the Conservators, and shall be carried to and form part of the conservancy fund.

Mode of publication of notices, &c.

70. Where the Conservators are by this Act required to publish any notice, they shall do so by inserting the same as an advertisement in a newspaper published in the county of Surrey, and by keeping the same at their office open for inspection by persons interested, and also by affixing the same at the churches of Battersea and Wandsworth respectively, wheresoever notices are usually affixed.

Saving for rights of common, &c.

71. Nothing in this Act or any byelaw of the Conservators shall take away, abridge, or prejudicially affect any right of common, commonable or other like right of way, or other right in, over, or affecting the common, other than any right in, over, or affecting the same vested in or belonging to Earl Spencer.

Saving rights of Earl Spencer.

72. Nothing in this Act or in any byelaw of the Conservators shall take away, abridge, or prejudicially affect any estate or right of Earl Spencer in or over any of the waste lands of the manor of Battersea and Wandsworth, except the common.

Expenses of Act.

73. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Conservators out of the conservancy fund, and the same shall include the costs, charges, and expenses as aforesaid of Earl Spencer, the amount thereof in case of difference to be determined by some competent and impartial person, to be agreed on by the Conservators and Earl Spencer, as arbitrator, to which arbitration the provisions of the Common Law Procedure Act, 1854, shall apply.

The SCHEDULES referred to.

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THE FIRST SCHEDULE.

Parts of Commissioners Clauses Act excepted.

Sections 12 to 16 (inclusive), relating to declarations to be made by Commissioners, to penalties on Commissioners acting without being qualified, and to Commissioners neglecting to act.

Sections 17 to 35 (inclusive), relating to election and rotation of Commissioners.

Section 54, relating to attendance at the office of the Commissioners.

Sections 92, 93, and 94, relating to audit of accounts.

Sections 96, 97, and 98, relating to the making of byelaws.

Section 104, as far as it relates to the mode of recovery of damages and penalties.

THE SECOND SCHEDULE.

Scale of Voting and Regulations.

Scale.

Where the elector is rated in respect of an annual rateable value not amounting to fifty pounds, one vote.

Where the elector is rated in respect of an annual rateable value amounting to fifty pounds or upwards (whether in one or in more than one sum or charge), one vote for every twenty-five pounds of annual rateable value.

Regulations.

1. No elector shall have more than six votes.
2. Where two or more persons are jointly rated one only of them may vote.

THE THIRD SCHEDULE.

Agreement respecting Portions of Wandsworth Common.

1. Christopher William Todd (in this agreement referred to as Mr. Todd), in consideration of the benefits secured to him by this agreement, and of the other stipulations of this agreement, to convey free from incumbrances to the Battersea and Wandsworth committee for the preservation of Wandsworth Common (in this agreement referred to as the promoters), a strip of ground twenty feet wide, along the road called Bolingbroke Grove, coloured dark green on the plan, signed at the same time with this agreement (which strip of ground was formerly part of the Wandsworth Common).

2. The title to the strip of ground aforesaid to begin with the conveyance to Mr. Todd, and the prior title not to be in any way inquired into.

3. The promoters to level, make, and maintain public ways across the strip of ground aforesaid, at the points marked X and Y on the said plan, of the respective widths showns thereon: Provided that no such way injure any tree or trees in Bolingbroke Grove aforesaid.

4. The promoters to be at liberty to fence off the strip of ground aforesaid, except at the ways aforesaid, with an open iron fence not more than four feet six inches high, such fence if erected to be maintained and from time to time repaired and painted by the promoters, who shall also make a path between the fence and any houses built on Mr. Todd's land, such path to be not less than five feet wide in the clear, measured from the fence to the nearest part of any such house, or of any fence, railing, wall, step, or other projection in front of or connected with the same.

5. The promoters to remove the present fence between the strip of ground aforesaid and Bolingbroke Grove, and to replace the same in a parallel line twenty-five feet westward from its present position.

6. The London, Brighton, and South Coast Railway Company (in this agreement referred to as the railway company), at their own expense, to shift their present road to the westward as shown on the said plan by the red dotted lines, and to convey or re-lease to Mr. Todd their interest in so much of the present road as will be relinquished by the said railway company in consequence of such shifting, and which is represented on the said plan by the space coloured blue, and also in the piece of land distinguished on the said plan by the striped pink colour, and to devote the piece of land distinguished by the pink colour not striped (in addition to the piece of land distinguished by the yellow colour) to the purposes of the road so shifted as aforesaid, and to allow the said shifted road to be open on its south end to the common, and to be dedicated to public use.

7. The promoters to make a road or way forty feet wide from the south end of the road of the railway company so shifted as aforesaid in a direct line adjoining Mr. Todd's property into Bolingbroke Grove, such road when made to belong to and be maintained by the promoters, and also to be dedicated to public use: Provided that the promoters shall not be called upon to cut down or injure any tree in Bolingbroke Grove aforesaid in making the said road.

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8. Lord Spencer, in consideration of the other stipulations of this agreement, and of the provisions of the Wandsworth Common Bill now before Parliament, to convey to the railway company a portion of the common at the south end thereof, lying between the St. James's Road and the railway company's railway, sufficient for a passenger shed and an approach to the railway company's station there, which portion to be conveyed is coloured brown on the said plan.

9. If any question arises before the respective conveyances to be made under this agreement as to anything to be done under this agreement, or as to title, parcels, covenants, form of conveyance, or other instrument, costs, or expenses, the same to be determined by the Attorney General for the time being, or some one to be nominated by him, who shall direct what is to be done on all matters in dispute.

10. If the Wandsworth Common Bill passes into law in the session of 1871, or any similar Bill passes into law in the session of 1872, then the Conservators constituted thereby to be substituted in this agreement for the promoters.

11. The promoters to pay the railway company's costs of and incidental to this agreement, and of and incidental to their proceedings in Parliament in respect of the Wandsworth Common Bill, whether such Bill pass into law or not.

12. If no such Bill as aforesaid passes before the first day of November 1872, this agreement to be void, except as regards payment of the railway company's costs, as specified in clause 11.

Dated this twenty-eighth day of March 1871.

Horne and Hunter,
Solicitors for the Promoters.

Frere, Cholmeley, and Co.,
Solicitors for Lord Spencer.

Geo. Badham,
Solicitor for Mr. Todd.

Baxter, Rose, Norton, and Co.,
Solicitors for the Railway Company.

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