CHAP. viii.

An Act to authorise the construction of a new Public Road in the parish of Malden in the county of Surrey; and for other purposes. [25th May 1871.] A.D. 1871.

WHEREAS the Worcester Park estate, which is situate in the parishes of Cuddington and Malden, both in the county of Surrey, and which lies to the westward of the public road or highway leading from Kingston-upon-Thames through Malden to Cheam, all in the said county, has for some years last past been laid out and disposed of for building purposes, and many houses of a superior class have accordingly been built on the said estate and are now inhabited, and a large and increasing neighbourhood has arisen thereon and in divers other parts of the said parishes which have been adapted to building purposes, in addition to the residences at present existing as aforesaid:

And whereas the Worcester Park station, on the Epsom and Leatherhead branch of the London and South-western railway system, is situate in the said parish of Malden in close proximity to the said Worcester Park estate and the roads already made thereon, and by means of the said roads access is afforded from the said estate and from the said parishes and parts thereof to a point near the said Worcester Park station, but there is no public connecting road therefrom to the said station:

And whereas by means of the said Worcester Park station connexion with the general system of the London and South-western Railway Company, and thereby with the systems of other companies, is afforded to the public resident in the neighbourhood thereof:

And whereas the roads and highways connecting the said Worcester Park estate and the several parishes and the said parts thereof lying on the western side of the said estate with the Kingston-upon-Thames and Cheam Road, and thereby with the said town of Kingston-upon-Thames and other towns or places in the said county of Surrey, and also affording access to the said Worcester Park station, are at present circuitous and inconvenient, and the making of or authorising the road herein-after particularly described would thereby afford a direct and convenient communication between

A.D. 1871.

the said estate and the said parishes and the said Kingston-upon-Thames and Cheam Road and the said towns and places, and also to the said Worcester Park railway station, and would be of great local and public advantage:

And whereas such road sought to be hereby authorised passes for its entire length through and over a piece of waste or common ground situate, lying, and being in the said parish of Malden, containing by estimation two roods or thereabouts, bounded on the north-east by the said Kingston-upon-Thames and Cheam Road aforesaid; on the south-west by a road belonging or reputed to belong to the Landed Estates Company, Limited; on the north-west by the occupation road herein-after more particularly described; and on the south-east by the said Epsom and Leatherhead branch railway, and which said piece or parcel of land is included within the limits of deviation defined on the deposited plans:

And whereas the warden and scholars of the house or college of scholars of Merton in the University of Oxford are or claim to be the owners of the said piece of waste or common ground, as part of the manor of Malden in the county of Surrey, and have, so far as they lawfully can or may, consented to the construction of the said road, but it is alleged that divers persons have, or claim to have, rights, easements, and rights of common upon and over the said land, and for barring all such rights, easements, and rights of common it is expedient that the powers herein-after contained should be granted for purchasing such land and rights, and constructing and maintaining the said road and the shrubberies proposed to be laid out on a portion of the said waste land:

And whereas Frederick Chifferiel, William James Gardiner, John Giles, John Henry Phillips, and George Tunstall, who respectively are or claim to be owners or occupiers of portions of the said Worcester Park estate, are willing to construct the said road and to lay out the remaining portion of the said land hereby authorised to be taken in ornamental shrubberies, and it is expedient that they should be authorised so to do and to dedicate the same to the public:

And whereas plans and sections showing the line and levels of the said road and the lands proposed to be appropriated, purchased, or taken under the powers of this Act for the purposes of the same, and also a book of reference to such plans and sections, have been deposited with the clerk of the peace for the county of Surrey:

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

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,) A.D. 1871.

Short title.

1. This Act may be cited for all purposes as "The Worcester Park Road Extension Act, 1871."

Interpretation of terms.

2. In the construction of this Act, unless the contrary is expressed or is to be inferred from the subject matter or context, "the road" means the road hereby authorised to be made; "the undertakers" means the said Frederick Chifferiel, William James Gardiner, John Giles, John Henry Phillips, and George Tunstall.

Provisions of general Acts herein named incorporated.

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and the following sections of "The Railways Clauses Consolidation Act, 1845," that is to say, sections six to twelve, both inclusive, and sections fifteen and sixteen, shall be incorporated with this Act; and in construing the sections so incorporated with reference to this Act the expression "the Company" shall mean the undertakers in this Act mentioned, and the expression "the railway" shall be read and taken as meaning the road hereby authorised.

The road authorised.

4. The road authorised by this Act is a road commencing by a junction with the eastern end or termination of an existing road in the parish of Malden in the county of Surrey which leads from, through, and out of a portion of the Worcester Park estate (situate in the parish of Cuddington in the county of Surrey), thence into the said parish of Malden, and which said eastern end or termination of such existing road lies at a point sixty-one yards eastwards from the point where the centre of the road passes the boundary line between the said parishes of Malden and Cuddington aforesaid, and terminating partly by a junction with the high road leading from Kingston-upon-Thames through Malden to Cheam, all in the said county of Surrey, at a point fifty-three yards distant in a northwardly direction from the termination of the western wing wall of the bridge which carries the Epsom and Leatherhead branch of the London and South-western railway over the said Kingston-upon-Thames and Cheam Road aforesaid, and partly by a junction with the existing occupation road leading from and out of the said Kingston-upon-Thames and Cheam Road aforesaid (immediately opposite to the public approach to the Worcester Park station of the said Epsom and Leatherhead branch railway) to the inn or tavern commonly called or known by the name of the "Red Cross Knight," or "Railway Tavern," and which is now in the possession or occupation of Henry Berry, and also to certain shops situate on the opposite side of the said existing occupation road at a point of such existing occupation road twenty-six yards distant in an eastwardly direction from the northern corner of the shop now in

A.D. 1871.

the possession or occupation of William Thorns, with all proper works and conveniences in connexion therewith.

Power to purchase and take lands.

5. Subject to the provisions in this Act and in the Acts and parts of Acts incorporated herewith contained, the undertakers may enter upon, take, and use for the purposes of this Act such of the lands shown on the said plans and described in the said book of reference as they may require.

Power to construct road and lay out shrubberies.

6. Subject to the provisions in this Act and in the Acts and parts of Acts incorporated herewith contained, the undertakers shall make and maintain the said road in the line, according to the levels, and upon the lands delineated on the said plans and sections and described in the said book of reference so deposited as aforesaid, and shall lay out the surplus land or any part thereof which may not be required for the said road, or for the construction thereof, in public ornamental shrubberies or plantations.

Powers for compulsory purchases limited.

7. The powers for the compulsory purchase of land under this Act shall not be exercised after the expiration of two years from the passing thereof.

Period for completion of works.

8. The road shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act and the Acts and sections incorporated therewith granted to the undertakers for constructing the said road, or otherwise in relation thereto, shall cease to be exercised.

Dedication of road and works to the public.

9. So soon as the road shall have been constructed with proper footpaths or sideways, drains, hedges, or fences, and other necessary works, to the reasonable satisfaction of the local authority or surveyor of highways of the said parish of Malden, the undertakers may and shall open and dedicate the said road to the public, and shall, at the option of the said local authority or surveyor, dedicate in like manner the said ornamental shrubberies or plantations, and the road shall from thenceforth be deemed to be and be a public highway, with all the incidents thereof; provided, that whether such dedication of the said shrubberies and plantations be accepted or refused, the undertakers shall, at their own costs and charges, maintain and keep in good order the same, according to the reasonable requirements of the said local authority or surveyor.

Maintenance of shrubberies.

Expenses of Act.

10. All the costs, charges, and expenses connected with or incidental to the passing of this Act shall be paid by the undertakers.

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