

As amended by The Wimbledon and Putney Commons (Special Levies) Regulations 1990 [S.I. 1990/201], as amended by The Wimbledon and Putney Commons (Special Levies) (Amendment) Regulations 1993 [S.I. 1993/128], and repealed by the Statute Law (Repeals) Act 1993, Schedule 1, Part IV and the Statute Law (Repeals) Act 2004, Schedule 1, Part 17.

[34 & 35 Vict.]

*The Wimbledon and Putney  
Commons Act, 1871.*

[Ch. cciv.]



CHAP. cciv.

An Act for vesting the Management of Wimbledon Common (including Wimbledon Green and Putney Heath) and Putney Lower Common in the county of Surrey in a body of Conservators, with a view to the preservation thereof, and for other purposes. A.D. 1871.  
[16th August 1871.]

**W**HEREAS there are in the county of Surrey open spaces of large extent, uninclosed and unbuilt on, known as Wimbledon Common, (in which Wimbledon Green and Putney Heath are commonly and in this Act included,) and Putney Lower Common, (in this Act jointly referred to as the commons):

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

And whereas a small part of Wimbledon Common is situate within and is or is alleged to be part of the wastes of the Manor of Battersea and Wandsworth, and the residue thereof and Putney Lower Common are situate within and are or are alleged to be parts of the wastes of the Manor of Wimbledon:

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 those manors:

And whereas it is expedient that provision be made for the transfer from Earl Spencer of his estate and interest in the commons 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 commons 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 plans have been prepared for the purposes of this Act, showing (among other things) the respective areas of the

[Local.-204.]

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A.D. 1871. commons, and the same are signed in duplicate by the Right Honourable Lord Redesdale, the Chairman of Committees of the House of Lords:

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 upon such property as will be primarily benefited by the operation of this Act:

And whereas a series of road maps has been prepared for the purposes of this Act, distinguishing the roads and footpaths on and leading to Wimbledon Common, and the distances from Wimbledon Common of one quarter of a mile, one half of a mile, and three quarters of a mile, measured along the roads and footpaths leading thereto, and the said road maps have been authenticated in duplicate as aforesaid:

And whereas it is expedient that provision be made for payment to Earl Spencer, his heirs and assigns, in consideration of such transfer as aforesaid, of a perpetual annuity of one thousand two hundred pounds, to be raised by a rate to be levied from time to time on the tenants or occupiers for the time being of dwelling-houses of the clear annual value (with or without lands adjacent thereto) of thirty-five pounds and upwards, situate in the parish of Putney or within three quarters of a mile from Wimbledon Common, measured as aforesaid:

And whereas it is expedient that various powers and duties be conferred and imposed on the Conservators to be constituted as aforesaid:

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

And whereas the objects aforesaid cannot be attained 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,)

Short title. 1. This Act may be cited as *The Wimbledon and Putney Commons Act, 1871.*

Provisions of parts of 10 & 11 Vict. c. 15. 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.

## 3. In this Act—

A.D. 1871.

“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 :

Interpreta-  
tion of  
terms.

“The Secretary of State for War” 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 War 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 :

“The deposited plans” and “the deposited road maps” mean respectively the plans showing the respective areas of the commons and the series of road maps distinguishing the roads and footpaths on and leading to Wimbledon Common, respectively deposited with the clerk of the peace for the county of Surrey, in pursuance of the provisions of this Act :

Inserted by  
S.I. 1990/201

In this Act and for the purposes of this Act in any enactment incorporated therewith, the term “court of competent jurisdiction” shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term “superior courts” shall be taken to include courts of competent jurisdiction within this Act.

4. For the purposes of this Act, the commons shall be taken to be the open spaces known as Wimbledon Common with Wimbledon Green and Putney Heath included and Putney Lower Common, as the same respectively are particularly described in this Act.

Commons to  
be taken as  
shown on  
map.

~~5. For the purposes of this Act, the annual rateable value of property shall with respect to property rateable in accordance with “The Valuation (Metropolis) Act, 1869,” be taken to be the rateable value as defined by that Act, and with respect to all other property shall be taken to be the net annual value thereof as defined by an Act passed in the session of sixth and seventh years of the reign of His late Majesty King William the Fourth, intituled “An Act to regulate parochial assessments,” and land shall be deemed to be rated with a dwelling house where it is rated therewith to the poor rate in the same assessment, or where the land is so situate and circumstanced in relation to the dwelling house that the land would be liable under such laws relating to the relief of the poor as are now~~

Annual  
rateable  
value, &c.Repealed by  
S.I. 1990/201

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“Special Levy” means a special levy under the Wimbledon and Putney Commons (Special Levies) Regulations 1990.

A.D. 1871. ~~in force to be rated with the dwelling house to the poor rate in the same assessment.~~

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

6. Within one month after the passing of this Act, and before exercising any of the powers vested in them by this Act, the Conservators shall deposit with the clerk of the peace for the county of Surrey one of the duplicate plans and one of the duplicate series of road maps respectively prepared as aforesaid, and the same shall respectively be within the provisions of the Act passed in the first year of Her Majesty's reign (chapter eighty-three), "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 of those duplicate plans and the other of that duplicate series of road maps 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.

Effect of  
schedules.  
Incorporation of  
Wimbledon  
and Putney  
Commons  
Conservators.

~~7. The schedules to this Act shall be deemed part of this Act.~~

Repealed by Statute  
Law (Repeals) Act 18  
Schedule 1, Part IV

8. 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 Wimbledon and Putney Commons 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.

~~9. 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 Secretary of State for War, and the First Commissioner of Works, and the five following persons; (that is to say,) Henry William Peak, of Wimbledon House in the parish of Wimbledon, a member of the Commons House of Parliament, the Reverend Edward Huntingford of the parish of Wimbledon, clerk, Charles Edward Pollock of the parish of Putney, one of Her Majesty's counsel, Richard Du Cane, of Exeter House, Roehampton, in the Parish of Putney, and William Williams of Park Side, in the parish of Wimbledon.~~

Repealed by Statute  
Law (Repeals) Act 19  
Schedule 1, Part IV

Duration of  
office of first  
Conservators.

~~10. The first Conservators shall as a body hold office until the first Wednesday in April one thousand eight hundred and seventy-two.~~

Repealed by Statute  
Law (Repeals) Act 19  
Schedule 1, Part IV

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~11. 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 for War, or the First Commissioner of Works, shall be appointed by the Secretary of State for the Home Department or for War, or the First Commissioner of Works, (as the case may be,) if he or they think fit.~~  
~~Any successor (immediate or other) of any of the first Conservators, other than one 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.~~

A.D. 1871.  
Vacancies  
among first  
Conserva-  
tors.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

12. The Conservators ~~[other than the first]~~ shall be appointed and elected as follows; (namely,)

Constitution  
of Conserva-  
tors.

(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 Secretary of State for War:
- One by the First Commissioner of Works:

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

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

Provisions  
relating to  
appointed  
Conserva-  
tors.

(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 respective authorities aforesaid 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 which 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.

A.D. 1871.  
 Provisions  
 relating to  
 elected Con-  
 servators.

14. 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 for three years, beginning on that day and terminating on 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.

Description  
 of electors.

15. The following persons, and no others, shall be qualified to be electors of Conservators; (namely, ~~every tenant or occupier of a dwelling-house coming within the following description; (that is to say,)~~

~~(1.) Being (with or without any land rated therewith) of the annual rateable value of thirty five pounds or upwards; and~~

(2.) Situate within the ambit of Wimbledon Common, or within the distance of three quarters of a mile from some part of Wimbledon Common, measured along a road or footpath to the nearest gate or door of or connected or used residence with the dwelling-house, and giving access from the residence ~~dwelling-house~~ to that road or footpath; or

(3.) Situate in the parish of Putney beyond such distance of three quarters of a mile as aforesaid.

Scale of  
 voting.

~~16. The electors shall have votes according to the scale set forth in the second schedule to this Act.~~

List of  
 electors.

17. Before the first election, and each triennial election, the Conservators shall make a list of the electors, ~~showing the number~~

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every person registered as a local government elector under the Representation of the People Act 1983 (a), who would accordingly be entitled to vote if the election were a local government election and whose residence (or place treated as his residence) for that purpose is -

(a) 1983 c.2.

Amended by  
 S.I. 1990/201

Amended by  
 S.I. 1990/201

Repealed by  
 S.I. 1990/201

Amended by  
 S.I. 1990/201

~~of votes to which each elector is entitled~~, and for twenty-one days at least before the election shall keep the list at their office open for inspection by persons interested. A.D. 1871.

18. The day ~~[hour, and place]~~ of each election shall be appointed by the Conservators, at least one month's notice thereof being published by the Conservators, and elections and proceedings preliminary thereto and consequent thereon ~~(including the inspection of lists of electors, and the form and mode of appointment of proxies)~~, shall, subject to the provisions of this Act, be regulated by byelaws of the Conservators. Time, mode, &c. of election.

Amended by S.I. 1990/201

Qualification of Conservator.

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

20. 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. Delivery of names of candidates.

21. Seven clear days at least before the day appointed for each election the Conservators shall publish the names of the candidates. Publication of names of candidates.

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

~~23. 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 present personally or by proxy at a meeting held for the purpose of the election.~~ Voting at election.

Substituted by S.I. 1990/201

24. 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 drawn by the returning officer ~~at the meeting~~. Provision for equality of votes. Amended by S.I. 1990/2

25. 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. Return of persons elected.

26. 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 in the making, furnishing, or printing of any list of electors, or by reason of any person not qualified or ceasing Error, failure, &c. in elections or appointments not to vitiate acts done.

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23. At each election every elector shall be entitled to give one vote to as many candidates as there are Conservators to be elected, and the election shall be determined by a majority of the electors voting.

, including the giving of other notices, the manner in which voting is conducted (whether by postal votes or otherwise), the use (if at all) of proxies, and the inspection of lists of electors.

A.D. 1871. — 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. 27. Expenses incurred in the making of lists of electors, and in the providing of a place for elections, and 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. 28. 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 vacancies. 29. 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, at a meeting to be convened for the purpose by the Conservators, and for that purpose the list of electors made for the then last ordinary election shall be in force and shall be used, and the provisions of this Act respecting ordinary elections, and the meetings for the same, shall as nearly as may be apply to elections under this section and meetings for the same, 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, auditor, &c. 30. 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 eight the term "insolvent" shall be taken to include a person who compounds with his creditors by deed or otherwise:
- (2.) With reference to section thirty-six, 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 any three of the first Conservators by writing under their hands:
- (3.) With reference to section thirty-nine, the prescribed number (constituting the quorum) of the Conservators shall be three:



(4.) With reference to section forty, the annual meeting of the Conservators shall be held on a day to be from time to time appointed by byelaw 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 : A.D. 1871.

(5.) With reference to section ninety-two, a permanent auditor, not being a Conservator, shall be from time to time appointed by the chairman of the Court of Quarter Sessions for the county of Surrey, who shall fix his remuneration :

→ ~~(6.) The provisions respecting ratepayers shall extend only to persons liable to rates under this Act.~~

Substituted by  
S.I. 1990/201

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

Conservators  
not to be re-  
munerated,  
&c.

32. The commons, with the buildings and inclosures comprised within the ambit thereof, as respectively shown on the deposited plans, being thereon coloured green, and as respectively described in the third schedule to this Act, with their respective rights, members, and appurtenances, are by this Act and 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.

Vesting of  
commons  
in conser-  
vators.

~~33. 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 the commons by Earl Spencer to the Conservators if the same had been carried into effect by deed.~~

Act to be  
stamped.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

34. The Conservators shall at all times keep the commons 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 expressed, and shall by all lawful means prevent, resist, and abate all encroachments and attempted encroachments on the commons, and protect the commons and preserve them as open spaces, and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof.

Commons  
to be kept  
open.

35. It shall not be lawful for the Conservators, except as in this Act expressed, to sell, lease, grant, or in any manner dispose of any part of the commons.

Prohibition  
of alienation,  
&c.

36. The Conservators shall at all times preserve, as far as may be, the natural aspect and state of the commons, and to that end

Preservation  
of turf, &c.

(6) References to ratepayers shall (so far as the context permits) be construed as references to persons for the time being qualified as electors of Conservators.

A.D. 1871. shall protect the turf, gorse, heather, timber, and other trees, shrubs, and brushwood thereon.

Prohibition  
of sale of  
turf, gravel,  
&c.

37. 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 commons for profit, except subject and according 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 let  
buildings and  
inclosures.

38. The Conservators may maintain and keep in good order, and from time to time let at a yearly or other rent, or otherwise use, the buildings on Wimbledon Common transferred to them by this Act, with the inclosures adjoining thereto or any part thereof, and any rents and money received in respect thereof shall be carried to and form part of the Conservancy Fund under this Act.

Power to  
drain, &c.

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

To drain, level, and improve the commons, 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 :

To make temporary inclosures for the protection of the turf or the better attainment of the objects aforesaid :

To make and maintain such roads and ways as may be in their judgment necessary or proper :

To make and maintain ornamental ponds :

To plant trees and shrubs for purposes of shelter or ornament, and to make temporary inclosures for the protection thereof :

To build lodges, not exceeding six in number, to be used for residences of common-keepers and officers, and for no other purpose :

To repair from time to time the lodges and other buildings vested in them.

Annual  
occupation  
of part of  
Wimbledon  
Common by  
National  
Rifle Asso-  
ciation.

~~40. Subject to the provisions of this Act, the Conservators shall permit the body known as the National Rifle Association exclusively to occupy and use, from year to year, as a rifle shooting ground and place for an encampment, for all purposes of the annual meeting of the Association, the whole, or, at the option of the Association, any part of the area, being part of Wimbledon Common, which is described on the deposited plans by being thereon encircled with a brown line, together with the butts, targets, and other conveniences for rifle shooting for the time being~~

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

thereon; and the Association shall not at any time use the part of Wimbledon Common so occupied by them for any purpose or in any manner not authorised by this Act. A.D. 1871.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~41. Notwithstanding anything in this Act, it shall not be lawful for the Conservators to permit the National Rifle Association to occupy or use, or for that Association to occupy or use as aforesaid, any part of Wimbledon Common for any longer time in any year than the following; (namely,)~~ Period of occupation by Association, and shooting period.

~~For all purposes, seventy seven consecutive days, commencing not earlier than the first day of May and terminating not later than the thirty first day of August (which period is in this Act referred to as the period of occupation);~~

~~For purposes of rifle shooting, and for the purpose of a review, fourteen days within the period of occupation (which period of fourteen days is in this Act referred to as the shooting period);~~

~~and the period of occupation and the shooting period respectively shall begin on such days as the Association yearly select, by notice in writing delivered at the office of the Conservators one week at least before the day selected by the Association for the beginning of the period of occupation.~~

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~42. If in any year the National Rifle Association occupy and use as aforesaid any part of Wimbledon Common, they shall at their own expense adopt and apply all such reasonable precautions, by means of signals and otherwise, for preventing accidents arising from firing or otherwise as may be from time to time agreed on between them and the Conservators, or determined by arbitration, and shall at all times use their best endeavours to secure that the proceedings of the Association, and of the volunteers and others encamped, shall be conducted peaceably and with as little annoyance as may be to the residents in the neighbourhood of Wimbledon Common and the public generally, and the Conservators shall at all times aid the Association in that behalf.~~ Protection of public by signals, &c. during occupation by Association.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~43. If in any year the National Rifle Association occupy and use as aforesaid any part of Wimbledon Common, they shall as far as possible preserve the surface of the common, and protect the turf, gorse, heather, timber, and other trees, shrubs, and brushwood thereon; and the Association shall not at any time remove or destroy or dig up, or suffer to be removed or destroyed or dug up, any gorse, timber, or other tree, shrub, brushwood, gravel, or other substance thereon, except in case of fire or other great emergency, or (as regards gravel or other substance) of material being required~~ Protection of surface, heather, &c. by the Association.

A.D. 1871.

~~for repair of butts or other conveniences for rifle shooting, or in such other cases (if any) as may be from time to time agreed on between the Association and the Conservators, or determined by arbitration; and as regards the digging up of gravel and other substances, the Association shall only dig up the same, or suffer the same to be dug up, at places from time to time agreed on or determined as aforesaid, and the Association shall in all cases within this section act subject and according to such restrictions and rules as may from time to time be agreed on or determined as aforesaid.~~

Permission for Association to drain and erect temporary buildings, &c.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~44. If in any year the National Rifle Association occupy and use as aforesaid any part of Wimbledon Common, they may drain the part occupied and used by them, and erect thereon such butts and targets and temporary buildings, and generally use the same, in such manner as the purposes of their annual meeting may require, subject to the conditions to be from time to time agreed on between them and the Conservators, or determined by arbitration, as to mode of execution of works, and as to removal thereof, and as to supervision and approval thereof by the Conservators, and as to restoration of the surface of the common, and removal of all rubbish therefrom, at the expense of the Association, and as to other matters, but so that everything done by the Association under this section be begun and finished within the period of occupation in each year, and not before or after; provided that the butts which at the time of the passing of this Act are erected on the common for the purpose of the Association shall not be removed or altered by the Conservators, unless by agreement with the Association or under the award of an arbitrator.~~

Permission for Association to erect paling, &c.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~45. If in any year the National Rifle Association occupy and use as aforesaid any part of Wimbledon Common, they may do the following things or any of them; (namely,) they may within the seven days (exclusive of Sunday) next before the beginning of the shooting period, but not sooner, put up a paling or other fence round the part occupied by them (but so as not to interfere more than may be necessary with any road or way), and keep the same up during and for seven days (exclusive of Sunday) next after the shooting period, but no longer, and may during the shooting period keep off and remove from the inclosure made by the paling or other fence any persons other than such as are authorised in pursuance of this Act to enter therein, and may during the shooting period take payment for admission thereto, and may during the shooting period allow, on such terms as they think fit, the erection therein of tents or booths for sale of refreshments and otherwise,~~

A.D. 1871.

~~For the use of persons admitted within the inclosure, and whenever any such paling or other fence is put up the following provisions shall have effect; (namely,)~~

~~(1.) The Association shall deliver to the Conservators, on their application, free tickets of admission to the inclosure, as follows; (namely,) one for each of the Conservators personally, and twenty to be used by the Conservators for the admission of their officers and servants, or otherwise as they think fit:~~

~~(2.) The Association shall deliver to the tenant or occupier of any dwelling-house liable to rates under this Act, on his application, free tickets of admission to the inclosure for himself and for such members of his family and friends as are resident with him, but so that no tenant or occupier be entitled to have more than six tickets in respect of one dwelling-house, and that no such ticket be transferable to any person other than one of such members or friends:~~

~~But the provisions of this section may be from time to time modified in any manner and to any extent agreed on between the Association and the Conservators, or determined by arbitration, and nothing in this section shall restrict the generality of other provisions of this Act in favour of the Association.~~

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~46. If in any year the National Rifle Association occupy and use as aforesaid any part of Wimbledon Common, the Conservators shall, subject to the provisions of this Act, permit the Association, during the shooting period and the three next preceding days, to have the exclusive possession of the cottage known as Manor Cottage, adjoining the Windmill on Wimbledon Common, with the wooden shed and outbuildings connected therewith, and the portion of Wimbledon Common near thereto heretofore used by the Association as a hospital field, but the Association shall at their own expense settle all claims of the tenant or occupier for compensation in respect of such possession, and nothing in this section shall be taken to require the Conservators to maintain or repair the cottage, shed, and outbuildings aforesaid or any of them.~~

Possession  
of buildings  
by Association.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~47. The National Rifle Association, in consideration of the occupation and use by them as aforesaid of part of Wimbledon Common, shall on the first day of September in each year (beginning with the year one thousand eight hundred and seventy-two) pay to the Conservators, without deduction, (except for income tax,) the sum of one hundred pounds (which shall be carried to the Conservancy Fund), and if in any year the Association make default in payment thereof or of any part thereof for fourteen days after the day~~

Annual  
payment by  
Association.

A.D. 1871.

~~aforsaid, the Conservators may recover the same or the unpaid part thereof, with costs, as between solicitor and client, either summarily or by action in any court of competent jurisdiction, or may, at their option, recover the same, or the unpaid part thereof, by distress and sale of all or any goods and chattels for the time being found in any subsequent year within the inclosure made by the Association, and the Association shall pay to the Conservators all costs and expenses incurred by them in connexion with any such distress and sale, and the same may be included in the sum distrained for; and in relation to every such distress and sale the Conservators shall have all such powers, rights, and privileges as landlords have against tenants at common law or by statute or otherwise in respect of rent in arrear.~~

Damages recoverable from Association.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~48. If the National Rifle Association, or the council or other governing body thereof, or any of the officers thereof, commit or cause or knowingly suffer any breach or default in performance of any of the conditions to be observed or performed by the Association under this Act, then and in every such case, and in respect of every such breach or default separately, the Association shall (without prejudice to any other remedy or proceeding by the Conservators) be liable to pay to the Conservators by way of liquidated damages the sum of one hundred pounds, and in case of a continuing breach or default a further sum of ten pounds for every day during which the same continues after notice thereof in writing under the seal of the Conservators, addressed to the secretary of the Association, and delivered at the office of the Association; and every such sum shall be recoverable either summarily or by proceedings in any court of competent jurisdiction; but nothing in this section shall make the Association liable in respect of any such breach or default, as aforesaid, being beyond the control of the Association and the officers thereof.~~

Appointment of trustees for Association.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~49. If in any year the National Rifle Association occupy and use as aforesaid any part of Wimbledon Common, they shall, not less than one month and not more than two months next before the beginning of the period of occupation, deliver to the Conservators in writing the names of three fit members of the council of the Association, as trustees for the Association, for the purposes of this section, with the consent of those members in that behalf in writing under their hands; and all actions, suits, and proceedings whatever against the Association by the Conservators in respect of any matter arising within or in relation to the period of occupation in that year may be brought, instituted, and taken against the trustees in their own names, and the trustees shall be jointly and~~

~~severally liable in all such proceedings for all damages, money, costs, charges, and expenses to all intents as if the cause of action, suit, or proceeding related to them as individuals, and not to the Association; and the Association shall not in any year begin to occupy and use as aforesaid any part of Wimbledon Common unless and until they have delivered names as required by this section.~~

A.D. 1871.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~50. Provided that the National Rifle Association and the Conservators may, if they think fit, from time to time, in case of the incorporation of the Association, or otherwise, agree for the substitution for or addition to the security intended to be provided by this Act by means of the appointment of trustees as aforesaid of any other security by way of bond or deposit of money or otherwise.~~

Power to  
substitute  
other security for  
Association,  
by agreement.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~51. Subject to the provisions of this Act, the Conservators shall permit the following rifle volunteer corps, (namely,) the Fifteenth Middlesex, commonly called the London Scottish, the Twenty-first Middlesex, commonly called the Civil Service, the First Surrey, and the Eleventh Surrey Rifle Volunteer Corps, (in this Act referred to as the four volunteer corps,) respectively, to occupy and use for the purposes of practice of rifle shooting and drill by members of those corps the following parts of Wimbledon Common (in this Act referred to as the ranges); (namely,) as regards the London Scottish corps the ranges described on the deposited plans by being thereon coloured red, and marked with the letter X (in this Act referred to as the London Scottish ranges), and as regards the other three volunteer corps, the ranges described on the deposited plans by being thereon coloured red, and marked with the letter Y (in this Act referred to as the Eleventh Surrey ranges), together with the butts, targets, and other conveniences for rifle shooting for the time being thereon, and those corps respectively, or any of them, shall not at any time use the ranges for any purpose or in any manner not authorised by or under this Act.~~

Use of part  
of Wimbledon Common  
for ranges  
by certain  
volunteer  
corps.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~52. Notwithstanding anything in this Act, it shall not be lawful for the Conservators to permit the four volunteer corps or any of them to occupy or use, or for those corps or any of them to occupy or use, as aforesaid, the ranges on any Wednesday, or at or for any other or longer time than as follows; (namely,) on any Monday, Tuesday, Thursday, Friday, and Saturday, between the hours of twelve and five in the day in the months from October to March (inclusive), and between the hours of two and seven in the day in the remaining months; and as among the four volunteer corps~~

Period of  
occupation  
of ranges.

A.D. 1871. themselves (other than the London Scottish corps), the Eleventh Surrey ranges may be used as aforesaid in the same proportions of time as before the passing of this Act, or in such other proportions as they from time to time agree.

Protection of public by signals, &c. at ranges.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~53. Each of the four volunteer corps shall fire only at butts existing at the passing of this Act, or at such butts as are from time to time agreed between those corps respectively and the Conservators, or determined by arbitration to be substituted for the same within the ranges, and shall conduct the firing at all times with due regard to the safety of the public, and shall at all times when any firing is going on, at their own expense, adopt and apply all such reasonable precautions, by means of look-out men and of signals and otherwise, for preventing accidents arising from firing or otherwise, as may be from time to time agreed or determined as aforesaid, and shall at all times use their best endeavours to secure that the proceedings of their respective corps and others using the ranges under this Act shall be conducted peaceably and with as little annoyance as may be to the residents in the neighbourhood of Wimbledon Common and the public generally, and the Conservators shall at all times aid the four volunteer corps in that behalf.~~

Protection of surface, heather, &c. by corps.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~54. As long as the four volunteer corps occupy and use as aforesaid the ranges, they shall as far as possible preserve the surface of the common, and protect the turf, gorse, heather, timber, and other trees, shrubs, and brushwood thereon, and they shall not at any time remove or destroy or dig up, or suffer to be removed or destroyed or dug up, any turf, gorse, timber, or other tree, shrub, or brushwood, gravel, or other substance thereon, except in case of fire or other great emergency, or (as regards gravel or other substance) of material being required for repair of butts or other conveniences for rifle shooting, or in such other case (if any) as may be from time to time agreed on between them and the Conservators, or determined by arbitration; and as regards the digging up of gravel and other substances, the corps respectively shall only dig up the same or suffer the same to be dug up at places from time to time agreed on or determined as aforesaid, and the corps respectively shall in all cases within this section act subject and according to such restrictions and rules as may from time to time be agreed on or determined as aforesaid.~~

Permission for volunteer corps to drain, &c.

Repealed by Statute Law (Repeals) Act 1993, Schedule 1, Part IV

~~55. As long as the four volunteer corps occupy and use as aforesaid the ranges, they shall, at their own expense, keep in proper repair the butts, targets, and other conveniences for rifle shooting~~



~~for the time being thereon, and they may drain the ranges and generally use the same in such manner as the purposes of their practice of rifle shooting and drill may require, subject to the conditions to be from time to time agreed on between them and the Conservators, or determined by arbitration, as to mode of execution of works, and as to removal thereof, and as to supervision and approval thereof by the Conservators, and as to restoration of the surface of the common, and removal of all rubbish therefrom, and as to other matters; but nothing in this Act shall authorise the four volunteer corps or any of them to put up any building or structure on the ranges without the previous consent in writing of the Conservators.~~

A.D. 1871.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~56. Each of the four volunteer corps, in consideration of the occupation and use by them as aforesaid of the ranges, shall, on the first day of January in each year (beginning with the year one thousand eight hundred and seventy two), pay to the Conservators the sum of one shilling.~~

Annual  
payment by  
volunteer  
corps.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~57. Subject to the provisions of this Act, the four volunteer corps shall from time to time permit the National Rifle Association, and the body known as the county of Surrey Rifle Association, or either of them, to occupy and use the ranges as follows; that is to say, the National Rifle Association during the shooting period in every year, and for the six days immediately preceding such period, and the county of Surrey Rifle Association for two consecutive days in each year; provided that each of the said Associations give two months notice in writing to the said corps of their intention so to occupy and use the ranges; and in every case the corps so permitting shall give notice thereof in writing to the Conservators, and that corps shall be in all respects liable for the acts and defaults of such Associations or either of them, and of the members thereof, in the like manner and to the like extent as for the acts and defaults of themselves or of any of their members.~~

Power to  
permit use of  
ranges by  
Association,  
&c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~58. Subject to the provisions of this Act, the London Scottish Rifle Volunteer Corps may, if they think fit, at any time admit the body known as the West End Club to share with them in the privileges given to them by or under this Act, and may, if they think fit, at any time admit any one volunteer corps, but not more than one in any year reckoned from the first day of January, except in case of the London Scottish ranges not being used in any year by the West End Club, in which case they may during that year admit two volunteer corps, but no more, to share with them in the privileges given to them by or under this Act; and subject to the provisions~~

Admission of  
other corps  
by consent,  
&c.

A.D. 1871. — of this Act, any of the four volunteer corps may from time to time, on the occasion of a rifle shooting match between members of their own and those of any other volunteer corps, admit members of those other corps to share with them in the privileges given to the four volunteer corps by or under this Act.

Proceedings  
against  
commanding  
officers.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~59. All actions, suits, and proceedings whatever against any of the four volunteer corps by the Conservators, in respect of any matter arising out of the occupation and use by that corps of the ranges, may be brought, instituted, and taken against the commanding officer of that corps at the time when such matter arose, and that commanding officer, and his estate and effects, shall, notwithstanding any change in the person of the commanding officer, be liable in all such proceedings for all damages, money, costs, charges, and expenses to all intents as if the cause of action, suit, or proceeding related to him as an individual, and not to that corps.~~

Substitution  
of other  
ranges.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~60. Notwithstanding anything in this Act, the Conservators may from time to time, at their own expense, with the previous consent in writing of the Secretary of State for War, after notice in writing of their application for such consent given to the four volunteer corps, substitute for the ranges aforesaid other parts of Wimbledon Common, affording similar accommodation for the purposes of the practice of rifle shooting and drill, and the parts so for the time being substituted shall be deemed to be the ranges within this Act, and this Act shall have effect in relation thereto accordingly.~~

Indemnity  
by Associa-  
tion and  
corps to  
Conservators  
in respect  
of claims,  
costs, &c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~61. The National Rifle Association, and each of the four volunteer corps, shall at all times keep the Conservators absolutely indemnified against all claims and demands consequent on or in any manner relating to the occupation and use as aforesaid of any part of Wimbledon Common by the Association or that corps, and shall pay all damages, and all costs and expenses, (including costs as between solicitor and client,) necessarily or properly incurred by the Conservators in consequence of any such claim or demand, or in doing anything in which the Association or that corps have made default or in remedying anything wrongfully done by the Association or that corps, or otherwise in relation to such occupation and use as aforesaid, or in relation to any of the provisions of this Act concerning the same, or concerning in any manner the Association or that corps, but nothing in this section shall make the Association or any corps liable in respect of any claim or demand of any person claiming under the Conservators.~~

Saving of  
general  
byelaws as

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~62. Nothing in the provisions of this Act relating to the National Rifle Association or to the four volunteer corps, or any of them, shall~~

~~exempt or relieve any person, by reason of his being a member of the Association, or of any of those corps or of any other body, and whether he is such a member or not, from any obligation, liability, duty, or penalty to which he would be subject or liable under this Act, or any byelaw of the Conservators, if those provisions had not been inserted in this Act, and, subject to any express provisions in the byelaws of the Conservators to the contrary, those byelaws shall have full effect as regards all persons, whether members of the Association or of any of those corps, or of any other body, or not, during and notwithstanding the occupation and use of any part of Wimbledon Common by the Association or any of those corps, or any other body, but (notwithstanding anything in this Act) no byelaw shall be made by the Conservators that would take away, abridge, or prejudicially affect any privilege provided for in this Act in favour of the Association or any of those corps, or any other body.~~

A.D. 1871.  
affecting  
members of  
Association,  
volunteer  
corps, &c.

~~63. If any person uses the ranges for the purpose of the practice of rifle shooting on any Wednesday, or at any time other than the days and times at which the four volunteer corps are permitted to occupy or use the same, under this Act, he shall for every such offence be liable on summary conviction to a penalty not exceeding ten pounds, and any constable or any officer of the Conservators may, without other warrant than this Act, take into custody any person so offending in his view, and convey him with all convenient despatch before some justice, to be dealt with according to law.~~

Penalty for  
using ranges  
at unautho-  
rised times.

Repealed by Statute  
Law (Repeals) Act 199  
Schedule 1, Part IV

~~64. If any question arises between the Conservators on the one hand, and the National Rifle Association, or any of the four volunteer corps, on the other hand, respecting the construction or effect of any provision of this Act relating to that Association or those corps or any of them, or respecting anything done or omitted or intended to be done or omitted under any such provision, then (unless the settlement of the question is otherwise provided for in this Act) the same may be referred to arbitration.~~

Arbitration  
in case of  
difference.

Repealed by Statute  
Law (Repeals) Act 199  
Schedule 1, Part IV

~~65. Any arbitration under this Act between the Conservators on the one hand, and the National Rifle Association or any of the four volunteer corps on the other hand, shall be conducted as follows; (namely,) there shall be two arbitrators, one nominated by the Conservators, and the other by the National Rifle Association or the volunteer corps concerned, and there shall be an umpire, who shall be either a person agreed on by the arbitrators before they enter on the reference, or in default of such agreement then a competent and impartial person nominated, on the application of the arbitrators or either of them, before they enter on the reference, by~~

Mode of  
arbitration.

Repealed by Statute  
Law (Repeals) Act 199  
Schedule 1, Part IV

A.D. 1871. ~~the Lord Lieutenant of the county of Surrey, by writing under his hand; and the provisions of The Common Law Procedure Act, 1854, relating to arbitrations, shall apply in every such case, and the arbitrators or umpire shall take into consideration all the circumstances of the case, and the costs of the arbitration shall be in the discretion of the arbitrators or umpire.~~

Termination  
or suspen-  
sion of per-  
mission to  
Association  
or corps.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~66. Notwithstanding anything in or done under this Act, the Conservators may at any time, if they think fit, by notice in writing under their seal, as follows; (namely,)~~

~~In the case of the National Rifle Association, addressed to the secretary of the Association, and delivered at the office of the Association:~~

~~In the case of any of the four volunteer corps, addressed to the commanding officer of the corps, and delivered at the headquarters of the corps—~~

~~declare the desire of the Conservators to put an end absolutely to the permission for the Association or that corps to occupy and use as aforesaid any part of Wimbledon Common, and that permission shall by virtue of that notice, at the end of six months from the delivery thereof, be put an end to accordingly, subject to any award to the contrary of arbitrators or an umpire appointed and acting as in this Act provided; and in every such case the arbitrators or umpire shall take into consideration (with all the other circumstances of the case) the state of the Association or corps, and any public or general interest involved or alleged to be involved in the exercise by the Association or corps of the permission aforesaid; and the arbitrators or umpire, in case they or he do not think fit to approve by their or his award of the absolute putting an end to the permission aforesaid, may, if they or he think fit, direct the suspension for such time as they or he think fit of the permission aforesaid.~~

Nature of  
privilege of  
Association,  
volunteer  
corps, &c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~67. Nothing in or done under the provisions of this Act relative to the occupation and use of any part of Wimbledon Common by the National Rifle Association, or any other Association, or any volunteer corps, or any club, or any other body, shall give to any such body any right in or easement over any part of Wimbledon Common; and every such body shall be deemed to be by virtue of this Act merely in the enjoyment of a statutory privilege of the nature provided in this Act, and subject to determination as in this Act prescribed: Provided, and it is hereby declared, that every such statutory privilege, and the enjoyment thereof, shall be subject and without prejudice to all rights of common of pasture or other rights or easements, if any, which belong to and may or might be lawfully~~

~~used, exercised, and enjoyed by any person or body corporate in, or upon Wimbledon Common or any part thereof, and that all rightful claims for damages or compensation for interference with any such right or easement shall be satisfied by and at the cost of the body so interfering; and the amount of the damages or compensation, if no agreement be come to by the parties, shall be settled by an arbitrator, to be appointed by them, or in default of such appointment to be nominated by one of the judges of Her Majesty's Superior Courts of Common Law, on the application of either party; and every such nomination, and the proceedings in every such arbitration, shall respectively be subject to and in accordance with the provisions of The Common Law Procedure Act, 1854, or any statutory modification thereof.~~

A.D. 1871.

68. 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 Wimbledon Common or Putney Lower Common, and any such land when vested in the Conservators shall be for the purposes of this Act deemed part of the commons.

Power to purchase or accept land, &amp;c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~69. Nothing shall be done affecting the Conservators or the commons at any court of the Manor of Battersea and Wandsworth or of the Manor of Wimbledon without previous notice in writing to the steward of the respective manors, 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 commons, and any such protest shall be entered on the rolls of the court.~~

Notice of proceedings at courts, and protest by Conservators.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~70. 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 and of the Manor of Wimbledon, 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 undamaged, unless prevented by fire or other inevitable accident.~~

Production, &amp;c. of court rolls of manors.

71. 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 either of the commons or any part

Power to take proceedings as commoners.

A.D. 1871. thereof is capable of taking, and for that purpose the Conservators shall have all the rights, powers, and remedies of a person having such a right of common.

Annuity to  
Earl  
Spencer.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~72. 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 one thousand two hundred 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 of or 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 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.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~73. 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 by this Act given to them in relation to their revenue or to the Conservancy Fund under this Act, including their powers of making, assessing, and levying rates, and of recovering the same, and of requiring production of poor rate and assessment books and valuation lists, and of inspecting the same, and of 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 powers of the receiver shall cease.~~ A.D. 1871.

~~74. 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 make, assess, order payment of, and levy a rate or rates on and by the tenants or occupiers of the several dwelling houses conferring the electoral qualification under this Act, which shall for the purposes of such rates be divided into the four classes mentioned in the fourth schedule to this Act, and the said rates shall be of such amount in the pound on the annual rateable value of each such dwelling house, and of the land rated therewith, as the Conservators shall from time to time, by order under their common seal, direct, not exceeding in any one year as to each class the sum in the pound mentioned as to that class in the fourth schedule.~~

Conservators  
to levy rates  
as in sche-  
dule.

Repealed by  
S.I. 1990/201

~~75. In relation to the making, assessing, and levying of rates under this Act, the Conservators shall, subject to the provisions of this Act, have the same powers as if those rates were rates levied under the laws now in force for the relief of the poor, and as if the Conservators were overseers or other authorities or persons authorised or required to make, assess, and levy rates for the relief of the poor under the same laws, in the several parishes, townships, or other districts in which the property rated is situated; and the Conservators shall, whenever practicable, make and assess such rates according to the valuation lists made for the purposes of the poor rate, and for the time being in force in the said parishes, townships, or other districts.~~

Mode of levy  
of rates, &c.

Repealed by  
S.I. 1990/201

~~76. The Conservators shall not at any time order payment of any rate under this Act otherwise than in equal proportion among~~

Rates to be  
payable pro-  
portionately.

A.D. 1871. ~~the several classes of contributors, according to their liability as specified in the fourth schedule to this Act; and every order for payment of a rate shall be kept at the office of the Conservators open for inspection by persons interested, and in relation to such orders the Conservators shall have the following powers and discretions; (namely,) they may make any such order for the purpose of meeting expenses, incurred or to be incurred, and may appoint the time for payment of rates, half yearly or otherwise, and may apportion any rate in case of any tenant or occupier being rated for a less time than one year, and may name or otherwise designate any tenant or occupier in the manner in which he is named or designated in the poor rate or assessment book, without more particularity, and may from time to time amend any order.~~

Repealed by  
S.I. 1990/201

Recovery of rates.

~~77. The Conservators may recover any rate under this Act, with costs, either summarily or by proceedings in any court of competent jurisdiction.~~

Repealed by  
S.I. 1990/201

Power for occupiers on lower rating to undertake rate and become electors.

~~78. Notwithstanding anything in this Act, any tenant or occupier of a dwelling-house which is (with or without any land rated therewith) of the annual rateable value of less than thirty five pounds, but which would confer the electoral qualification under this Act if it were (with or without any land as aforesaid) of the annual rateable value of thirty five pounds or upwards, may apply to the Conservators to be admitted to be an elector under this Act, and on his undertaking to pay and paying rates to the Conservators during the two years next following his application as if the dwelling-house aforesaid conferred the electoral qualification under the other provisions of this Act, such rates to be calculated according to the annual rateable value of that dwelling-house (with or without any land as aforesaid), he shall be entitled to be put on the list of electors, and to vote accordingly, and thenceforth the dwelling-house aforesaid, while he is rated as tenant or occupier thereof, shall confer the electoral qualification under this Act, and he shall while he remains the tenant or occupier thereof be liable to pay to the Conservators rates under this Act as if the limit of thirty five pounds of annual rateable value had not been inserted in this Act.~~

Repealed by Statute Law (Repeals) Act 2004, Schedule 1, Part 17

Power to redeem annuity.

~~79. 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.~~

Amended by  
S.I. 1990/201

Power to Conservators to borrow.

80. The Conservators from time to time may borrow and re-borrow at interest on the security of the yearly amount to be raised by rates under this Act, and of the other revenue of the Conservators

24  
special levies



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 aforesaid~~ the sum of five thousand pounds, and may mortgage the yearly amount and revenue aforesaid to secure repayment of the money so borrowed, with interest, accordingly.

A.D. 1871.

Repealed by Statute  
Law (Repeals) Act 199  
Schedule 1, Part IV

81. 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.

Application  
of money  
borrowed.

82. The receipts of the Conservators from ~~rates~~ <sup>special levies</sup> under this Act, and their other revenue under this Act, shall be carried to and constitute a fund to be called the Wimbledon and Putney Commons 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.

Wimbledon  
and Putney  
Conservancy  
Fund.

Amended by  
S.I. 1990/201

83. 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.

Subscrip-  
tions and  
donations.

84. 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,)

Power to  
make bye-  
laws.

For the prevention of nuisances, and the preservation of order on the commons :

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 the prevention or regulation of the 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 :

A.D. 1871.

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 or suffering to remain thereon of any rubbish, manure, or other substance :

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

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

~~For the keeping off and removal from the inclosure made by any paling or fence put up by the National Rifle Association on Wimbledon Common under this Act of all persons other than those for the time being authorised in pursuance of this Act to enter therein :~~

Generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the commons or to interference with the use thereof by the public for purposes of exercise and recreation ~~[or with the use of parts of Wimbledon Common by the National Rifle Association and four volunteer corps and other bodies respectively in manner authorised by this Act] :~~

~~Provided that the byelaws from time to time made by the Conservators shall be adapted to the provisions of this Act relative to the National Rifle Association, and the ranges, and to the circumstances connected with the use of various parts of the commons in different manners at different times.~~

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

Allowance  
of byelaws.

85. 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 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. A.D. 1871.

86. Subject to the conditions herein-after contained, no bye-law prohibiting on the common military drill (including the pitching and striking of tents for the purposes of drill), or prohibiting a review of Her Majesty's troops and reserve forces, or an encampment of the same, shall have any force until it has received the sanction of the Secretary of State for War, as well as the allowance of the First Commissioner of Works: Provided that the following conditions shall apply to such matters respectively:

As to use of  
common for  
military  
purposes.

- (a.) There shall not be more than two encampments in any one year, except encampments for a single night necessary for the halt of troops on the line of march:
- (b.) No encampment shall remain on the ground more nights than three:
- (c.) The area for such drill for encampments and for reviews respectively, being adequate for such purposes, shall from time to time be fixed by the Conservators:
- (d.) All damage done by Her Majesty's troops and reserve forces to the surface of the common which shall be capable of immediate reparation shall be made good by the troops and forces so encamped before they leave the common, and any damage to the common which can be compensated only by pecuniary payment shall be so compensated by the Secretary of State for War:
- (e.) Any difference which may arise between the Secretary of State for War and the Conservators, concerning the adequacy of the area fixed by the Conservators for the respective purposes aforesaid, or concerning compensation for damage done to the common, shall be determined by the First Commissioner of Works.

87. The Conservators may, by any byelaws, impose penalties for a breach thereof, not exceeding for any one offence five pounds, or for a continuing offence not exceeding a 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. Penalties in byelaws.

88. 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. Printing and sale of byelaws.

89. A copy of byelaws, purporting to be made by the Conservators under this Act, and to be allowed as required by this Proof of byelaws.

A.D. 1871. — Act, 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 conclusive evidence of the existence and contents of such bylaws, and of the due making and allowance thereof, without proof of such seal or signature, or of any other thing.

Appoint-  
ment of con-  
stables, &c. 90. The Conservators may from time to time appoint officers for securing the execution of this Act and bylaws thereunder, and may procure any such officers to be sworn in as constables.

Penalty for  
assaulting  
constable,  
&c. 91. If any person assaults or resists, or aids or incites any person to assault or resist, any constable or officer of the Conservators, or other person, in the execution of his duty, or the lawful exercise of any authority under this Act, or under any bylaw 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 au-  
thority over  
commons. 92. For the purposes of enactments empowering the Metropolitan Police the commons shall be deemed places 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. 93. 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 this Act, or any bylaw of the Conservators, whose name or address is unknown to such constable or officer, and convey him with all convenient despatch before a justice, to be dealt with according to law.

Proceedings  
for summary  
convictions  
and appeals. ~~94. Proceedings with a view to the summary conviction of offenders under this Act, or under any bylaw of the Conservators, or to the recovery of any [rate] money, or expenses authorised to be recovered summarily, or any other order to be made by justices under this Act or any such bylaw, 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 convictions 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~~

Amended by  
S.I. 1990/204

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~"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.~~ A. D. 1871.

95. 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 liable to contribution or being an elector under this Act. Justices, &c. not disabled.

96. 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. Application of penalties.

97. 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 Wimbledon and Putney respectively, wheresoever notices are usually affixed. Mode of publication of notices, &c.

98. For the purpose of measurement of distances under this Act, the deposited road maps as regards both public roads and private roads shall be conclusive. Road maps conclusive.

99. If at any time access to any part of Wimbledon Common is provided by a new road or footpath giving such access for any portion of the year by a shorter route than that previously existing, the Conservators shall cause the same to be laid down on a map similar as far as may be to the deposited road maps, and shall cause distances from Wimbledon Common as measured on the new road or footpath to be marked on that map, and the same shall be deposited with and kept as part of the deposited road maps, and shall have the like effect as the deposited road maps have under this Act, ~~and the liability to rates under this Act of dwelling houses having access to Wimbledon Common by the new road or footpath shall (as far as the case requires) be varied accordingly.~~ Provision for opening of new roads. Amended by S.I. 1990/201

~~100. If any tenant or occupier of any dwelling house thinks himself aggrieved by any order of the Conservators affecting the same or any other dwelling house conferring or supposed to confer the electoral qualification under this Act, or liable or supposed to be liable to rates under this Act, or relating in any way to the electoral qualification or to rating under this Act, the question of the propriety of the order shall, on the request of the tenant or~~ Arbitration on dispute as to rate, &c. Repeated by S.I. 1990/201

A.D. 1871.

~~occupier or of the Conservators, stand referred by virtue of this Act to the decision of an arbitrator, to be agreed on between them, or in case of difference to be appointed by the chairman of the court of quarter sessions for the county of Surrey, on the application of either party, and the provisions of The Common Law Procedure Act, 1854, shall apply to every such arbitration, and the decision of the arbitrator shall be final, and the costs of the reference shall be in his discretion; and the Conservators shall, if the decision of the arbitrator so requires, amend the order complained of, or give relief to the complainant by inserting in the order, or striking out therefrom any name, or altering any sum therein, or otherwise, but not so as to prejudicially affect any person other than the complainant or a person becoming a party to the reference.~~

Access to  
rate books.Repealed by  
S.I. 1990/201

~~101. The Conservators, or any person authorized by them by writing under their seal, may from time to time, at all reasonable times, require the production of any poor rate and assessment books and valuation lists of any parish, township, or other district in which is situate any dwelling-house conferring the electoral qualification under this Act, and inspect the same, and take copies thereof or extracts therefrom, without payment; and if any person having the custody of any such poor rate or assessment books or valuation lists fails to comply with any such requisition as aforesaid to inspect the same, at reasonable times, and to take copies thereof or extracts therefrom, he shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues.~~

Directions  
by Poor Law  
Board.Amended by  
S.I. 1990/201

102. 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 for the better execution of the provisions of this Act relating to the raising of money by rates, and for making, if necessary, 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.

Saving for  
and appli-  
cation of  
Metropolitan  
Commons  
Act.

103. Notwithstanding anything in this Act, the commons shall continue to be deemed metropolitan commons, within The Metropolitan Commons Act, 1866, and accordingly any provisions supplemental to this Act for the better preservation and management of the commons may from time to time be made by a scheme under

The Metropolitan Commons Act, 1866, on a memorial in that behalf presented to the Inclosure Commissioners for England and Wales by the Conservators, but not otherwise.

A.D. 1871.

~~104. With respect to an indenture dated on or about the twenty-seventh day of November 1869, and made or expressed to be made between Earl Spencer of the one part, and the Wimbledon Local Board of the other part, demising or purporting to demise to that local board two pieces or parcels of land therein described as part of the waste lands or reputed waste lands of the Manor of Wimbledon, to hold for the term and at the rent or rents and subject to and under the conditions and covenants therein specified and contained, including a covenant by that local board to the effect that they would during the term use the land thereby demised for the purposes of conducting to and collecting on it the sewage from the houses and lands within their jurisdiction, the following provisions shall have effect; namely,~~

Provisions  
respecting  
intended  
sewage farm.Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

- ~~(1.) Nothing in this Act shall confirm, weaken, or otherwise affect that indenture, and the same shall, after and notwithstanding the passing of this Act, have the same (but no further or other) validity and force in favour of and against all persons as it would have had if this Act had not been passed:—~~
- ~~(2.) Nothing in this Act shall affect the suit pending at the passing of this Act in the Court of Chancery, instituted by information and bill by Her Majesty's Attorney General on behalf of Her Majesty, and all persons entitled to the rights of common on the commonable waste land of the Manor of Wimbledon, at the relation of Charles Barker, wherein (among other things) a declaration is sought that the same indenture is void, nor shall anything in this Act affect any injunction or order granted or made in that suit before the passing of this Act, or affect any proceeding to be taken in that suit after the passing of this Act, but that suit, and every such injunction, order, and proceeding, shall remain and may be continued or taken as if this Act had not been passed, subject, however, to such alterations or amendments in the frame of the said suit as may be necessary in consequence of the commons having been by this Act vested in the Conservators for all the estate and interest of Earl Spencer, or in consequence of any other provisions of this Act:~~
- ~~(3.) If the lessees take possession under the said indenture, and convert the land therein comprised into a sewage~~

A.D. 1871.

~~farm accordingly, then during the term thereby granted the whole benefit of the rent or rents thereby reserved, and of the covenants therein contained, shall, notwithstanding anything in this Act, accrue and belong to Earl Spencer, his heirs and assigns, and accordingly the Conservators shall during the term thereby granted hold the hereditaments therein comprised, and receive and account for the rent or rents thereby reserved, and all other moneys made payable thereunder, as trustees for Earl Spencer, his heirs and assigns, and he and they may from time to time enforce these covenants or any of them, and may for that purpose take proceedings in the name of the Conservators (who shall permit him and them to use the common seal of the Conservators for that purpose), he and they first indemnifying the Conservators.~~

~~(4.) Notwithstanding anything in this Act, the Conservators may, with the concurrence of the lessees, but without any further consent of Earl Spencer, at any time, if they think fit, put an end to or accept or submit to the determination by surrender or otherwise of the demise which the same indenture makes or purports to make.~~

Provisions  
respecting  
petition of  
Wimbledon  
Local Board  
for purchase,  
&c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~105. Nothing in this Act shall affect any petition of the Wimbledon Local Board, presented or to be presented to one of Her Majesty's Principal Secretaries of State, relative to the purchase of part of Wimbledon Common by that local board for purposes of utilization or disposal of sewage, and any such petition may be proceeded on, and may be either dismissed or otherwise dealt with, as if this Act had not been passed, and nothing in this Act shall be taken to preclude the Conservators from opposing any such petition, or any proceeding of that local board, or other proceeding consequent thereon; and if on any such petition or otherwise that local board, at any time within two years after the passing of this Act, obtain compulsory powers to purchase any part of Wimbledon Common for purposes of utilization or disposal of sewage, then the purchase money to be paid by that local board on that purchase for the estate and interest of the Conservators in the land purchased shall, notwithstanding anything in this Act, belong and be paid to Earl Spencer, his heirs and assigns.~~

For protect-  
ing rights of  
owners.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~106. Nothing in this Act shall take away, abridge, vary, or prejudicially affect any right of any owner of land adjoining Wimbledon Common to insist on the discontinuance of rifle shooting on Wimbledon Common, so far as may be necessary to prevent bullets traversing such land.~~



A.D. 1871.

~~farm accordingly, then during the term thereby granted the whole benefit of the rent or rents thereby reserved, and of the covenants therein contained, shall, notwithstanding anything in this Act, accrue and belong to Earl Spencer, his heirs and assigns, and accordingly the Conservators shall during the term thereby granted hold the hereditaments therein comprised, and receive and account for the rent or rents thereby reserved, and all other moneys made payable thereunder, as trustees for Earl Spencer, his heirs and assigns, and he and they may from time to time enforce those covenants or any of them, and may for that purpose take proceedings in the name of the Conservators (who shall permit him and them to use the common seal of the Conservators for that purpose), he and they first indemnifying the Conservators:~~

(4.) ~~Notwithstanding anything in this Act, the Conservators may, with the concurrence of the lessees, but without any further consent of Earl Spencer, at any time, if they think fit, put an end to or accept or submit to the determination by surrender or otherwise of the demise which the same indenture makes or purports to make.~~

Provisions  
respecting  
petition of  
Wimbledon  
Local Board  
for purchase,  
&c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~105. Nothing in this Act shall affect any petition of the Wimbledon Local Board, presented or to be presented to one of Her Majesty's Principal Secretaries of State, relative to the purchase of part of Wimbledon Common by that local board for purposes of utilization or disposal of sewage, and any such petition may be proceeded on, and may be either dismissed or otherwise dealt with, as if this Act had not been passed, and nothing in this Act shall be taken to preclude the Conservators from opposing any such petition, or any proceeding of that local board, or other proceeding consequent thereon; and if on any such petition or otherwise that local board, at any time within two years after the passing of this Act, obtain compulsory powers to purchase any part of Wimbledon Common for purposes of utilization or disposal of sewage, then the purchase money to be paid by that local board on that purchase for the estate and interest of the Conservators in the land purchased shall, notwithstanding anything in this Act, belong and be paid to Earl Spencer, his heirs and assigns.~~

For protect-  
ing rights of  
owners.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~106. Nothing in this Act shall take away, abridge, vary, or prejudicially affect any right of any owner of land adjoining Wimbledon Common to insist on the discontinuance of rifle shooting on Wimbledon Common, so far as may be necessary to prevent bullets traversing such land.~~

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~107. Nothing in this Act shall take away, abridge, vary, or prejudicially affect any right of John Samuel Wanley Sawbridge Esq. Drax, his heirs or assigns, or of his or their tenants or lessees, to insist on the discontinuance of rifle shooting on Wimbledon Common so far as may be necessary to prevent bullets traversing or coming on or through any lands, gardens, or houses belonging or reputed to belong to or leased to or occupied by him or them, or any right of him or them in respect of roads and proper access, to such lands, gardens, or houses, as far as such roads and access are enjoyed and used by him and them at the passing of this Act.~~

A.D. 1871.

Saving  
rights of  
Mr. Drax,  
his  
&c.

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

Saving for  
rights of  
common, &c.

109. 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 or of the Manor of Wimbledon, except the commons.

Saving cer-  
tain rights  
of Earl  
Spencer, &c.

Repealed by Statute  
Law (Repeals) Act 1993,  
Schedule 1, Part IV

~~110. 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, as from the sixth day of April one thousand eight hundred and seventy, 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.~~

Expenses]  
of Act.

A.D. 1871.

The SCHEDULES referred to.

THE FIRST SCHEDULE.

*Parts of Commissioners Clauses Act excepted.*

Sections twelve to sixteen (inclusive), relating to declarations to be made by commissioners, to penalties on commissioners acting without being qualified, and to commissioners neglecting to act.

Sections seventeen to thirty-five (inclusive), relating to election and rotation of commissioners.

Section fifty-four, relating to attendance at the office of the commissioners.

Section eighty-four, relating to a sinking fund.

Sections ninety-six, ninety-seven, and ninety-eight, relating to the making of byelaws.

Section one hundred and four, as far as it relates to the mode of recovery of damages and penalties.

~~THE SECOND SCHEDULE.~~

~~Scale of Votes.~~

Repealed by  
 S.I. 1990/201

	Where the dwelling-house conferring the qualification is situate within the ambit of Wimbledon Common, or within the distance of one quarter of a mile from some part of Wimbledon Common, measured in manner prescribed by this Act.	Where the dwelling-house conferring the qualification is situate beyond the distance of one quarter of a mile, but within that of one half of a mile, from some part of Wimbledon Common, measured in manner prescribed by this Act.	Where the dwelling-house conferring the qualification is situate beyond the distance of one half of a mile from some part of Wimbledon Common, measured in manner prescribed by this Act.
In respect of property of the annual rateable value of less than £50.	Three votes.	Two votes.	One vote.
In respect of property of the annual rateable value of £50 but less than £100.	Six votes.	Four votes.	Two votes.
In respect of property of the annual rateable value of £100 but less than £150.	Nine votes.	Six votes.	Three votes.
In respect of property of the annual rateable value of £150 but less than £200.	Twelve votes.	Eight votes.	Four votes.
In respect of property of the annual rateable value of £200 but less than £250.	Fifteen votes.	Ten votes.	Five votes.
In respect of property of the annual rateable value of £250 or upwards.	Eighteen votes.	Twelve votes.	Six votes.

## THE THIRD SCHEDULE.

A.D. 1871.

*Description of Commons, with buildings and inclosures, transferred  
to the Conservators.*

## A.—WIMBLEDON COMMON.

All that tract or parcel of land commonly known as Wimbledon Common, parts thereof being also respectively known as Wimbledon Green and Putney Heath, the area of which is about 1,004 acres, situated in the parishes of Wimbledon, Wandsworth, and Putney, all in the county of Surrey, more particularly delineated and coloured green on the deposited plan marked A, bounded on the north by a road from the village of Roehampton to Putney Hill, and having a frontage thereto of about 3,710 feet, thence running southwards about 380 feet, and bounded on the east side thereof by a road from the aforesaid road from Roehampton to Putney Hill to the junction of the road known as Cut-through Lane with the road from Putney to Wimbledon, thence running in the same direction about 5,100 feet, and bounded on the east side thereof by the said road from Putney to Wimbledon, thence running westwards about 300 feet, and bounded on the south side thereof by land belonging to Mr. Reeves, thence running southwards about 655 feet, and bounded on the east side thereof by land belonging to Mr. Reeves, thence running eastwards about 260 feet, and bounded on the north side thereof partly by premises and land belonging to Mr. Reeves, and partly by premises and land belonging to Mr. Wilson, and in the occupation of Captain Mackenzie, thence running southwards about 4,110 feet, and bounded on the east side thereof by the said road from Putney to Wimbledon, thence running westwards about 160 feet, and bounded on the south side thereof by a road leading across the said common to Workhouse Lane, thence crossing the said road running south-east about 450 feet, and bounded on the east side thereof by a road branching out of the said road from Putney to Wimbledon to the junction with the road from Wimbledon to Kingston, thence running south-westwards about 2,260 feet, and bounded on the south-east side thereof by the road known as the Kingston Road, Wimbledon, and including narrow strips of the common lying on the south side of the said Kingston Road, and bounded on the south-east by a public footpath which runs parallel with the said Kingston Road, thence running northwards about 200 feet, and bounded on the west side thereof by a private road, thence running eastwards about 90 feet, and bounded on the north side thereof by cottages lately sold by Earl Spencer to Mr. Townsend, thence running northwards about 60 feet, and bounded on the west side thereof by cottages aforesaid, belonging to Mr. Townsend, thence running eastwards about 280 feet, and bounded on the north side thereof by a road known as the Crooked Billet Road, thence running northwards about 2,300 feet, crossing the said Crooked Billet Road and Workhouse Lane, and bounded on the west side thereof by land and premises respectively belonging or reputed to belong to Messrs. Watney Forbes, deceased, Drax Handford Drax, Henry Murray, Croft, Mason, Witham, and Phillips respectively, thence running westwards in

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eastwards about 90 feet, and bounded on the north-west side thereof by the Roehampton National Infant Schools, thence running north-westwards about 60 feet, and bounded on the south-west side thereof by the said National Infant Schools, thence running north-eastwards about 35 feet, and bounded on the north-west side thereof by Ponsonby Road, thence running south-eastwards about 90 feet, and bounded on the north-east side thereof by the Roehampton Parochial School for boys, thence running north-eastwards about 240 feet, and bounded on the north-west side thereof by the said Parochial School, thence running north-westwards about 115 feet, and bounded by the aforesaid Parochial School, thence running south-westwards about 90 feet, and bounded on the south-east side thereof by the aforesaid Parochial School, thence running north-westwards about 225 feet, and bounded on the south-west side thereof by the said Ponsonby Road, thence running north-eastwards about 370 feet, and bounded on the north-west side thereof by Medfield Street, Roehampton, thence running north-westwards about 285 feet to the aforesaid road leading from Roehampton to Putney Hill, the northern boundary, and bounded on the south-west side thereof by Trevill Street, Roehampton, be the several dimensions (which are taken from the Ordnance Survey plan of the common, and not from actual measurement on the ground,) a little more or less, together with the buildings formerly a windmill, the common-keeper's cottage, and the buildings adjoining thereto or to either of them, and all other cottages, buildings, and erections on the said tract or parcel of land coloured green on the said plan, and all roads traversing the same, except the targets, mantlets, houses, sheds, and other erections, being at the passing of this Act the property of the National Rifle Association, or any of the four volunteer corps in this Act mentioned; and except the following properties, situate on the above tract or parcel of land, and wholly bounded thereby, or by certain roads which intersect the said tract or parcel of land, and which are not coloured green on the said deposited plan, with the buildings and erections thereon, (that is to say,) an inclosure in the parish of Wimbledon at the south end of the common, bounded by the common near the Crooked Billet on the north-east and west sides and on the south by the Kingston and Wimbledon Road, also the following inclosures numbered respectively on the aforesaid deposited plan 424, 425, 426, 428, 430, 431, and 432, and being or reputed to be named, owned, and occupied as follows :

Name of Property.	Owners Name.	Tenants Name.
Bristol House	Lord A. Harvey	Mr. Galpin.
Heath House	Mr. Hussey	Mr. Hussey.
Heath Cottages	Mr. Waller	Mr. Waller.
The Heath	Mr. Lambert	Mr. Lambert.
Bowling Green House	Mrs. Doxat	Mrs. Doxat.
Scio House, formerly Gothic House.	Mr. Ralli	Mr. Ralli.
Gardener's House	Mrs. Doxat	Mrs. Doxat.
Highlands	Mrs. Barchard	Mrs. Barchard.
Telegraph cottages	Mrs. Barchard	Unoccupied.
Fireproof House	Earl Spencer	Mr. Radley.
Telegraph Arms	Phillips and Wigan	Mr. Wigley.
Reservoir and Land	The Chelsea Waterworks Company.	

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## B.—PUTNEY LOWER COMMON.

All that tract or parcel of land commonly known as Putney Lower Common, the area of which is about 41 acres, situate in the parish of Putney in the county of Surrey, more particularly delineated and coloured green on the deposited plan marked B, bounded on the north by land formerly belonging to Sir John Scott Lillie, and now in the occupation of Mr. Pochin, and running eastwards in an irregular line about 1,350 feet, thence running southwards about 30 feet, and bounded on the east side thereof by land belonging to Miss Whitehead, thence running eastwards about 50 feet, and bounded on the north side thereof by the said land belonging to Miss Whitehead, thence running southwards in an irregular line about 710 feet, and bounded on the east side thereof by properties belonging respectively to Miss Whiting, the parish of Putney, Mr. Sadler, Mrs. Falkner, Mr. and Miss Roberts, and Mrs. Cork, Mrs. Bellamy, Mr. Morgan, and the representatives of the late Mr. Scarth, deceased, thence running westwards, and bounded on the south side thereof by a road leading from Putney to Richmond, and known as Lower Richmond Road, and having a frontage thereto of about 200 feet, thence running southwards, crossing the said Lower Richmond Road, about 470 feet, and bounded on the east side thereof by properties belonging to Earl Spencer and Putney Lower Common National Schools, thence running eastwards about 230 feet, and bounded on the north side thereof by the said property of the Putney Lower Common National Schools, thence running southwards about 210 feet, and bounded on the east thereof by land belonging to Mr. Charlwood, thence running westwards about 115 feet, and bounded on the south side thereof by land belonging to the said Mr. Charlwood, thence running northwards about 25 feet, and bounded on the west side thereof by property belonging to the aforesaid Mr. Charlwood, thence running westwards about 1,140 feet, and bounded on the south side by land and properties belonging respectively to Mr. Charlwood, Mr. Dulley, Mr. Morrison, and Mr. Dulley, thence running northwards in an irregular line of about 1,915 feet, crossing Dyer's Lane, Lower Richmond Road, and a road leading from Putney to Barnes, and known as Barnes Road, and bounded on the west side thereof by a watercourse known as Barnes Ditch, being the boundary line between the parishes of Putney and Barnes, be the several dimensions (which are taken from the Ordnance Survey plan of the common, and not from actual measurement on the ground,) a little more or less, together with all timber trees and bushes thereon, and all roads traversing the said tract or parcel of land; but excepting the following properties, situate within the ambit of the above tract or parcel of land as above described, and which are not coloured green on the said deposited plan, with the buildings and erections thereon, that is to say, an inclosure on the west side of the common, numbered 3 on the aforesaid deposited plans, and bounded on the north-east and west sides by the common, and on the south by the said Barnes Road, and known as the Putney Cemetery, also an inclosure on the east side of the common numbered 9 and 9A on the aforesaid deposited plan, bounded on all sides by the common and roads adjacent thereto, and known as Elm Lodge and Waller's Cottages, and a site for a church in the south-east corner of the common, bounded on the north, south, and west by the common, and on the east partly by the common and partly by a road.

~~THE FOURTH SCHEDULE.~~

A.D. 1871.

Repealed by  
S.I. 1990/201~~Scale of Maximum Annual Rates.~~

<del>Description of Dwelling-House.</del>	<del>Maximum Annual Rate per pound of annual rateable value of dwelling- house and land attached therewith.</del>
<del>Every dwelling-house situate within the ambit of Wimbledon Common, or within the distance of one quarter of a mile from some part of Wimbledon Common, measured in manner prescribed by this Act.</del>	<del>Sixpence.</del>
<del>Every dwelling-house (other than as aforesaid) situate within the distance of one half of a mile from some part of Wimbledon Common, measured in manner prescribed by this Act.</del>	<del>Fourpence.</del>
<del>Every dwelling-house (other than as aforesaid) situate within the distance of three quarters of a mile from some part of Wimbledon Common, measured in manner prescribed by this Act.</del>	<del>Twopence.</del>
<del>Every dwelling-house situate in the parish of Putney beyond such distance of three quarters of a mile as aforesaid.</del>	<del>Twopence.</del>

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