

METROPOLITAN COMMONS ACT, 1866.

SCHEME WITH RESPECT TO EALING COMMONS.

1. Ealing Common, Ealing Green, Haven Green, and certain strips of waste, hereinafter called "the Commons," in the county of Middlesex, as the same are delineated in a plan deposited with the Inclosure Commissioners for England and Wales, shall henceforth, for all the purposes of this scheme, be regulated and managed by the Local Board for the district of Ealing, hereinafter termed "the Board."

2. The powers of the Board generally as to appointing or employing officers and servants, and paying them under the general Acts applicable to the Board, shall apply to all such persons as in the judgment of the Board may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the Commons, and otherwise for the purposes of this scheme; and the Board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require. And all costs and expenses incurred by the Board in respect to this scheme and its execution, from time to time and at all times, shall be deemed to be expenses of the Board in the execution of the Public Health Act, 1875, and the Acts incorporated therewith, and be raised accordingly.

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

4. The Board shall maintain the Commons, as delineated in the plan
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deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on, or partial or other enclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed or erected thereon without the consent in writing of the Board.

5. The Board shall frame bye-laws and regulations against encroachments, for the preservation of order on the Commons, for the prevention of nuisances and the deposit of road-sand, rubbish, or other matter on, and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the Commons. Also for the regulation of games to be played, and other means of recreation on the Commons. Also for the prevention of vehicles being driven, or horses being exercised by grooms and others, on or across the Commons; and for the removal, and apprehension if necessary, of gamblers, cardsharps, gipsies, squatters, vagrants, sellers and exhibitors of infamous books, prints, photographs, or pictures, or persons guilty of brawling, fighting, or quarrelling, or using indecent and improper language, or any idle or disorderly persons, so that all such persons may be dealt with according to law. Provided that all such bye-laws made by the Board shall be in writing under their seal. And the Board may by any such bye-laws impose upon offenders against the same such reasonable penalties as they shall think fit, not exceeding the sum of Five Pounds for each offence, and in the case of a continuing offence a further penalty not exceeding the sum of Forty Shillings for each day after written notice to the person committing such offence. And the Board may alter or repeal any such bye-laws, and may make any other bye-laws as may from time to time appear desirable. Provided always, that all bye-laws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty. Provided always that no such bye-laws shall be repugnant to the laws of England or the provisions of this scheme, and no such bye-laws shall be of any force or effect unless the same shall be sanctioned and confirmed by Her Majesty's First Commissioner of Works for the time being, who is hereby empowered to confirm or disallow the same as he may think proper. Provided that any certificate of such confirmation purporting to be signed by the First Commissioner of Works for the time being shall be *prima facie* evidence of such confirmation in all courts of justice and other places whatsoever. Provided also that no such bye-laws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers one calendar month at least before the making of such application, and for one calendar month at least before any such application a copy of the proposed bye-laws shall be kept at the office of the Board, and be open during office hours thereat to the inspection of any ratepayer of the said district without fee or reward, and the Clerk of the Board shall furnish every such ratepayer who shall apply for the same with a copy thereof, or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

6. All bye-laws made by the Board in pursuance of this scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the Commons (not less than three) as to the Board may appear desirable.

7. Any penalty imposed by or under the authority of this scheme, or any bye-law made under this scheme, may be recovered, together with the costs of the proceedings, in such manner, and with such remedies by distress or otherwise, as are given in the Public Health Act, 1875, and the Acts incorporated therewith and amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this scheme, or any bye-law made under this scheme, shall be had or taken by the Board, and the penalty recovered shall be paid to the Board, and shall be applied for the purposes of this scheme.

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

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

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

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

12. All the powers of the Board as to borrowing, contained in the Public Health Act, 1875, and the Acts incorporated therewith and amending the same, shall be considered to include powers of borrowing money for the purposes of this scheme.

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

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

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

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

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

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

In witness whereof they, the said Inclosure Commissioners, have caused their official seal to be hereunto affixed, this twenty-seventh day of January, One Thousand Eight Hundred and Seventy-six.

L.S.

This is the clause which was inserted at the
instance of Mr Lee inserted by him & me
after discussion - see my letter to him
7 Dec 1875 page 6 of the Times fundee

W.H.

THE PUBLIC HEALTH ACT, 1875.
THE METROPOLITAN COMMONS SUPPLEMENTAL
ACT, 1877.

AND
THE EALING CORPORATION ACT, 1905.

BOROUGH



OF EALING.

BYE-LAWS

MADE BY

*THE MAYOR, ALDERMEN AND BURGESSES
OF THE BOROUGH OF EALING*

(Acting by the Council)

WITH RESPECT TO

THE EALING COMMONS

Ealing, W.:

"TIMES" PRINTING AND PUBLISHING WORKS, BROADWAY.
1906.

THE PUBLIC HEALTH ACT, 1875.
THE METROPOLITAN COMMONS SUPPLEMENTAL ACT, 1877.
AND
THE EALING CORPORATION ACT, 1905.

BYE-LAWS

MADE BY THE

*Mayor, Aldermen, and Burgesses of the Borough
of Ealing (acting by the Council),*

WITH RESPECT TO

EALING COMMONS.

1.—In the construction of these Bye-laws—

The expression "The Commons" means Ealing Common, Ealing Green, Drayton Green, Haven Green, and the strips of waste land referred to in the Scheme with respect to Ealing Commons scheduled to the Metropolitan Commons Supplemental Act, 1877.

The expression "The Acts" means The Metropolitan Commons Supplemental Act, 1877, The Public Health Act, 1875, and The Ealing Corporation Act, 1905.

The expression "The Council" means the Mayor, Aldermen, and Burgesses of the Borough of Ealing acting by the Council.

The expression "unauthorised person" means any person other than a person for the time being duly authorised by the Council in writing, or a person or a servant of a person acting by virtue of or pursuant to or under the authority of some provision of the Acts or of some estate, interest or right of a profitable or beneficial nature, in, over or affecting the Commons or some part thereof, and legally entitled so to act, or an officer of

the Council, or a person or a servant of a person employed by the Council in or about any work in connection with the laying out, planting improvement or maintenance of the Commons.

2.—No unauthorised person shall encamp upon the Commons or erect or place any hut, platform, table, camera, booth, tent, clothes-pole, hurdle, post, fence or other erection of any kind whatsoever, or cause any obstruction thereon.

3.—No person shall trap any bird or take the egg or nest of any bird or chase animals upon any part of the Commons.

4.—No unauthorised person shall turn out on the Commons any cattle, sheep, horse, ass, mule or other animal, or knowingly permit any cattle, sheep, horse, ass, mule or other animal to graze or feed on the Commons. Provided always that this Bye-law shall not be deemed to apply to a dog under the control of its owner or of any other person.

5.—No person shall turn out on the Commons any diseased cattle, horse, or other animal.

6.—No person shall illegally cut, dig, or take any turf, sods, gravel, sand, and the like substance, from any part of the Commons.

7.—No unauthorised person shall cut, or take any gorse, trees, shrubs, fern, rushes, grass or other plant, on or from any part of the Commons.

8.—No unauthorised person shall carelessly or negligently damage or destroy any turf, gorse, furze, heather, fern, grass, timber, or other trees, shrub, brushwood or other plants upon the Commons, or dig upon or in or break up or disturb the surface of the Commons or of any gravel or sand pit thereon, or wilfully or negligently place, throw or let fall any lighted or combustible substance or thing which may cause or be likely to cause damage by fire to any gorse, furze, heather, timber or other tree, shrub, brushwood or plant upon the Commons.

9.—No unauthorised person shall remove or carelessly or negligently injure or deface any seat, notice or notice board, post, chain, railing, fence, gate, camp-shedding, or sheathing, barrier or other things which may be from time

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to time erected or placed upon the Commons by, or by the authority of, the Council.

10.—No person shall make any encroachment on any part of the Commons.

11.—No unauthorised person shall carelessly or negligently injure or disfigure by the posting thereon of any bill, placard or notice, any fence or other erection, or any tree on the Commons.

12.—No unauthorised person shall deposit on the Commons any road sand.

13.—No unauthorised person shall cause or suffer any vehicle other than a wheel-chair drawn or propelled by hand or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid to be driven across or to stand upon the Commons.

14.—No person shall ride or drive any cycle, motorcycle or motor car on the Commons, and no person shall ride, drive or exercise any horse on the Commons, except on such part or parts thereof as shall be set aside for the purpose of riding or exercising horses.

15.—A person shall not, except as hereinafter provided, play or take part in any game of football, quoits, bowls, hockey, cricket or any other game which by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person on the Commons may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of and space on the Commons.

Provided that where by a Notice or Notices, which shall be affixed or set up in some conspicuous positions on the Commons the Council may from time to time set apart for the playing of any such game or games as may be specified in such Notice or Notices such space or spaces on the Commons as shall be defined or described in such Notice or Notices; this Bye-law shall not be taken to prohibit any person from playing or taking part in any game or games which may be played in such space or spaces in accordance with the following regulations :—

- (1). Every person resorting to any such space for the purpose of playing or taking part in any such

game shall, in making preparation for the playing of such game, and in the manner of playing, use reasonable and proper care to prevent undue interference with the reasonable and proper use of such space by any other person engaged in making preparation for playing or in playing therein, or thereafter resorting to such space for the purpose of making preparation for playing or of playing therein.

(2). A person resorting to any such space for the purpose of playing or taking part in any such game shall not begin to play at any time when such space is already occupied by such a number of players and in such a manner as to render any addition to the number of players incompatible with the safe and convenient use of such space by the players already in occupation.

(3). Except in any case where the exclusive use of any such space, or of any part thereof, may have been granted by the Council for the playing of any match, of which the occasion and character shall be such as to render expedient an extension of the time hereinafter specified, a player or a company of players shall not, in making preparation for playing and in playing any game, use any part of such space for a longer time than *two hours* continuously if, at the expiration of that time any other player or company of players, for whose use no other part of such space or no part of any other space set apart for the purpose may be available, shall make known to an officer of the Council a desire to use, for the purpose of playing, such part of such space as shall have been previously used by such player or company of players.

16.—A person shall not play any game on any space on the Commons at any time when on account of the wetness of the ground or of any other cause such space is unfit for use, and a notice is exhibited on or near to such space prohibiting play thereon.

17.—No owner or person in charge of any carriage, saddle-horse, pony, donkey, or goat chaise, shall ply for hire upon the Commons, or use any part of the Commons as a

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standing place, except at such places as the Council may from time to time prescribe, and indicate by a notice or notices affixed or set up, and continued in a conspicuous position at or near to such places.

18.—No person shall shoot on the Commons, course any hare or rabbit, or be concerned in dog-racing or rat-worrying on the Commons.

19.—No person shall hang out, dry or bleach clothes, or other articles, or beat carpets upon the Commons.

20.—No person shall be present at or collect or aid or abet in collecting any assemblage of persons on the Commons which may be calculated to impede the lawful use and enjoyment of the Commons by the Public.

21.—Every person who shall offend against any of the foregoing bye-laws, or against any of the express provisions of the Scheme relating to the Ealing Commons, scheduled to the Metropolitan Commons Supplemental Act, 1877, shall be liable for every such offence to a penalty of FIVE POUNDS for each offence, and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence shall have been given to the person committing it.

Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.

22.—Every person who shall be guilty of brawling, fighting or quarrelling or of using indecent and improper language, and every idle or disorderly person and every gambler, card-sharper, gipsy, squatter, vagrant, seller, exhibitor of infamous books, prints, photographs, or pictures may be removed by a servant or officer appointed and employed by the Council for the preservation of order, and the enforcement of the bye-laws and may if necessary be apprehended so as to be dealt with according to law.

23.—Every person who shall infringe any bye-law for the regulation of the Commons may be removed therefrom by any officer of the Council, or by any constable, in any one of the several cases hereinafter specified, that is to say :—

- (i) Where the infraction of the bye-law is committed within the view of such officer or constable and the name and residence of the person infringing

the byelaw are unknown to and cannot be readily ascertained by such officer or constable.

- (ii) Where the infraction of the bye-law is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance on the Commons of the person infringing the bye-law may result in another infraction of a bye-law, or that the removal of such person from the Commons is otherwise necessary as a security for the proper use and regulation thereof.

24.—SAVING. Nothing in, or done under, any of the provisions of the foregoing bye-laws shall prejudice, or injuriously affect any right, power or privilege legally exercisable by any person in, over, or in respect to the Commons.

25.—From and after the date of the confirmation of these bye-laws the bye-laws with respect to Ealing Commons made by the Local Board for the District of Ealing on the 4th of October, 1878, and allowed by the Local Government Board on the 26th of October in the same year, shall be repealed

*The Corporate Seal of the Borough
of Ealing was hereto affixed on
the 3rd day of August, 1906,
in the presence of*



JOSEPH BOX, *Mayor.*

GEO. E. BRYDGES, *Town Clerk.*

*Confirmed and Allowed by the Local
Government Board this 26th day
of September, 1906.*



H. C. MONRO, *Assistant Secretary,*

*Acting on behalf of the said Board under the Authority
of their General Order dated the 26th day
of May, 1877.*