



ANNO PRIMO & SECUNDO

GEORGIIV. REGIS.

Cap. Iv.

An Act to repeal certain Parts of, and to alter and amend an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, for inclosing Lands in the Manor of *Lambeth*, in the County of *Surrey*. [7th May 1821.]

WHEREAS an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Manor of Lambeth, in the County of Surrey*: And whereas after reciting, amongst other things, that there were within the Manor of *Lambeth*, in the County of *Surrey*, certain Common Lands, containing together Two hundred Acres and upwards, and that the most Reverend Father in God *Charles*, by Divine Providence, Lord Archbishop of *Canterbury*, in right of his Archiepiscopal See, was Lord of the said Manor of *Lambeth*, and as such claimed to be entitled to the Soil of the said Common Lands; and the said Lord Archbishop and the Right Honourable *Edward* Lord *Thurlow*, *William* Cole Esquire, and divers other Persons, were the Owners of Lands or Tenements, Parcel or held of the said Manor of *Lambeth*, in respect of which they claimed to be entitled to Rights of Common of Pasture, in, over; or upon the said Common Lands; and that the said Common Lands and Wood Grounds were, in their then State, incapable of any considerable Improvement, and that the same, if divided and inclosed, might be greatly improved, but such Division and Inclosure could not be effected without the Authority

46 G. 3. c. 57.

[Local.]

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of

of Parliament: It was in and by the said Act enacted, that *William Frere* of the *Middle Temple, London*, Esquire, Barrister at Law, *Abraham Pursbouse Driver* of *Kent Road*, Land Surveyor, and *John Middleton* of *Lambeth* aforesaid, Land Surveyor, and their Successors, to be elected in manner therein-after mentioned, should be and they were thereby appointed Commissioners for dividing and inclosing the said Common Lands, and for carrying the said Act into Execution, subject to the Rules, Orders, and Directions therein-after particularly mentioned, and also subject (except where the same were thereby altered or varied) to the Regulations and Provisions of an Act of Parliament passed in the Forty-first Year of the Reign of His said late Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And it was further in and by the said Act enacted, that all Roads, Ways, and Passages, which should be set out by the said Commissioners upon any of the Common Lands or Wood Grounds thereby directed to be inclosed, except such Highways as therein mentioned, and also except a certain other Road from *Streatham Common* to the *Vicars Oak* at *Norwood*, should be, from Time to Time, kept in Repair by the Owners or Occupiers of the Lands and Houses on either Side of, or near adjoining to, such Roads, Ways, and Passages respectively, in such Proportions and Manner as the said Commissioners should direct; and that the same should be used and enjoyed by such Persons only as should so contribute to the Repair thereof: And it was further in and by the said Act enacted, that the said Commissioners should, and they were thereby required to set out, allot, and award, unto and for the said Lord Archbishop of *Canterbury* and his Successors, as Lord of the said Manor of *Lambeth*, for and in lieu of his and their Right, Title, and Interest in and to the Soil of the said Common Lands, such Part or Parts thereof, (Quantity, Quality, and Situation, being considered), as by the said Commissioners should be deemed, declared, and adjudged to be equal in Value to One Sixteenth Part of so much thereof as should remain after setting out such Parts as should be required for Public Roads or Ways, and such Parts thereof, if any, as should be sold by the said Commissioners for defraying the Expences of that Act, pursuant to the Powers for that Purpose therein, and in the said Act of the Forty-first Year of the Reign of His said late Majesty contained; and that the said Commissioners should set out, allot, and award, the Residue of the said Common Lands thereby directed to be divided, allotted, and inclosed, unto and amongst the several Persons who at the Time of the said Allotment should be interested therein, according to their several or respective Rights and Interests therein, in lieu of and as a Compensation for all such their Claims, Rights, and Interests; such Proportions and Allotments to be settled and ascertained by such Ways and Means as to the said Commissioners should seem most equitable and proper: And it was further in and by the said Act enacted, that no Buildings or Erections above the Surface of the Earth should thereafter be erected upon the narrow Strip of Waste Land lying in Front of *Brixton Place*, or upon the Common called *Rush Common*, within the Distance of One hundred and fifty Feet from the Turnpike Road leading from *London* to *Croydon*, being the Boundary thereof on the one Side, or within the Distance of Two hundred Feet from the Old Inclosures, being the Boundaries thereof on the East and South Sides, nor upon any other of the Common Lands or

Wood Grounds so intended to be divided or inclosed by the said Act, within the Distance of One hundred Feet in Front of any Messuage or Dwelling House then erected upon any Land adjoining thereto, without such Consent as therein mentioned, under such Power of Abatement and other Penalties as therein also mentioned: And it was by the said Act also provided and enacted, that in case it should thereafter be found expedient, by reason of the Increase of Population within the said Parish, to erect and endow One or more Chapel or Chapels, for the Public Worship of Almighty God, according to the Laws Ecclesiastical of this Realm, or to provide One or more Pieces of Ground for Burial Ground within the said Parish, then it should be lawful for the Archbishop of *Canterbury* for the Time being, at the Request of the Bishop of *Winchester*, and of the Rector of the said Parish for the Time being, to agree, on Behalf of himself and his Successors, with any Person or Persons whomsoever, that such Person or Persons might build One or more Chapel or Chapels for the Purposes aforesaid, and One or more House or Houses for the Residence of the Minister or Ministers thereof, upon any Piece or Pieces of Ground, Parcel of the Lands which under and by virtue of that Act should be awarded in Severalty to the said Archbishop and his Successors, and to appropriate Ground to be annexed to the Ministers Houses, so as such Ground to be built upon and appropriated did not exceed in the Whole the Quantity of Ten Acres: And it is by the said now reciting Act further enacted, that as soon as conveniently might be after the Division and Allotment of the said Common Lands should have been made and completed, pursuant to the Directions thereof, the Commissioners should form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, with One or more proper Plan or Plans thereto annexed, in the Manner prescribed by the said Act of the Forty-first Year of the Reign of His said late Majesty, which said Award or Instrument should be fairly engrossed or written on Parchment, and signed by the said Commissioners: And whereas the said Commissioners did accordingly form, draw up, and sign their Award in Writing, bearing Date the Third Day of *March* One thousand eight hundred and ten, and thereby amongst other things awarded and allotted to the Rector of *Lambeth* Parish aforesaid, in respect of certain Premises in the Third Schedule to the said Award, and the Map or Plan thereto annexed mentioned and described, and which belonged to the said Rector in right of his Rectory of the Parish Church of *Saint Mary Lambeth* aforesaid, a Piece of Land on *Rush Common*, containing or described to contain Thirty-one Perches, numbered in the said Map or Plan One thousand six hundred and forty-two, abutting, North and East, on a Road numbered in the said Plan to the said Award Thirteen, called *Middle Road*, North-west on the Turnpike Road leading from *London* to *Croydon*, and South-west on the Allotment of *Randle Jackson* Esquire: And whereas there was also allotted by the said Award, amongst other Allotments, to the Archbishop of *Canterbury*, Lord of the Manor, in lieu of his Right of Soil in the aforesaid Common Lands, a Piece of Land at the Northern Extremity of *Rush Common*, containing, or described to contain, One Acre and Twenty-one Perches, numbered in the said Map or Plan One thousand six hundred and forty-one, abutting, North-east, on another Road, Number Two, in the said Plan to the said Award, called *Effra Road*, South on the said Road called *Middle Road*, and North-west on the said Turnpike Road leading from *London* to *Croydon*; and also
allotted

allotted amongst other Allotments to *Robert Stone* of *Rush Common* Esquire, in respect of certain Premises in the said Third Schedule; and the Plan annexed to the said Award mentioned and described, a certain other Piece of Land on *Rush Common*, containing, or described to contain, Three Acres Two Roods and Fourteen Perches, numbered in the said Map or Plan One thousand six hundred and thirty-eight, abutting North and West on the said Road called the *Middle Road*, and North-east on the other Road called *Effra Road*, South on Land allotted to *Samuel Sanders*, and South-east on Land sold to *John Miles*; and the said Commissioners did, in and by the said Award, set out as a Carriage Road or Drift-way, the said Road called *Effra Road*, of the Breadth of Forty Feet, numbered Two in the said Map or Plan, branching out of the said Turnpike Road leading from *London* to *Croydon* opposite to *Acre Lane*, and continuing in a Southward Direction along the Eastern Side of *Rush Common*, until it communicates with the Road numbered Three, next therein-after described, called *Cross Road*; and the said Commissioners did also set out and award One other Carriage Road or Drift-way, called *Middle Road*, of the Breadth of Forty Feet, numbered Thirteen in the said Map or Plan, branching out of the said Road called *Cross Road*, and continuing in a Northward Direction over *Rush Common* for the Distance of Ninety Rods, and then branching Westward to communicate with the Turnpike Road leading from *London* to *Croydon*, and Eastward to communicate with the before described Road, Number Two; and the said Commissioners thereby declared, that the said Roads as herein-before described, and severally numbered Two and Thirteen, should be from Time to Time, and at all Times thereafter, kept in Repair, and used and enjoyed by the Occupiers of such Lands and Houses as are or were Parcel of or erected upon the said Common called *Rush Common* and *Brockwell Green*, in the Proportions and Manner therein particularly mentioned: And whereas an Act was passed in the Fifty-eighth Year of the Reign of His said late Majesty, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*; and in the Fifty-ninth Year of the Reign of His said late Majesty, another Act was passed, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*: And whereas at a Vestry Meeting of the Inhabitants of the Parish aforesaid, held in consequence of the passing of the said Act of the Fifty-eighth of His said late Majesty's Reign, it was unanimously resolved, that owing to the great Increase of the Population of the said Parish, and for the Accommodation of such Inhabitants as were precluded from attending Divine Worship for want of Room in the Parish Church of the said Parish, the said Parish should build Four Churches or Chapels, and that One of the said Churches or Chapels should be situate at or near *Brixton*, within the said Parish: And whereas the Pieces of Ground so allotted to the said Archbishop of *Canterbury*, and the Rector of the Parish aforesaid, together with One Rood and Sixteen Perches or thereabouts, of the said Piece of Ground allotted to *Robert Stone* Esquire, at the Northern Extremity thereof, abutting East on the *Effra Road* aforesaid, West on the *Middle Road* aforesaid, and North on the Eastern Branch or Diversion of the said last-mentioned Road, together with the Diversions or Branches of the North End of the said *Middle Road*, and such other Part of the said *Middle Road* as lies between the said One Rood and Sixteen Perches or thereabouts,

58 G. 3. c. 45.

59 G. 3. c. 134.

abouts, of the said Piece of Ground so allotted to the said *Robert Stone*, and the said Piece of Ground so allotted to the said Rector of the said Parish, respectively situate at *Brixton*, have been deemed most eligible for the Scite of the Church or Chapel so intended to be built, and of a House or Place of Residence for the Minister thereof, and for making a Church-yard or Cemetry to the said intended Church or Chapel: And whereas it will be expedient that the Residue of the said *Middle Road* and the Whole of the said *Effra Road* should be converted into and be deemed Public Roads, Footpaths, and Approaches to and from the said Church or Chapel, and the said Parts and Pieces of Ground and Roads have respectively been accordingly approved of by the said Commissioners appointed under the said Act of the Fifty-eighth Year of His said late Majesty's Reign: And whereas the beneficial Purposes of the said Acts of the Fifty-eighth and Fifty-ninth Years of His said late Majesty's Reign cannot be carried into Execution in regard to building the said intended Church, and a Residence for the Minister, and erecting the Walls of the intended Cemetry, and other Offices, Buildings, and Appurtenances upon the said Allotments of the said Archbishop of *Canterbury*, and the Rector of the Parish of *Saint Mary Lambeth* aforesaid, and Part of the said Allotment of *Robert Stone* Esquire, and the aforesaid Branches and other Part of the said *Middle Road*, and making suitable and convenient public and private Roads, Footpaths, Accesses, and Approaches thereto, unless such Part of the said Act of the Forty-sixth Year of His late Majesty as is herein mentioned shall be repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That from and after the passing of this Act so much and such Part of the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third, as provides that no Buildings or Erections above the Surface of the Earth should thereafter be erected upon the narrow Strip of Waste Land lying in Front of *Brixton Place*, or upon the Common called *Rush Common*, within the Distance of One hundred and fifty Feet from the Turnpike Road leading from *London* to *Croydon*, being the Boundary thereof on the one Side, or within the Distance of Two hundred Feet from the Old Inclosures, being the Boundaries thereof on the East and South Sides, nor upon any other of the Common Lands or Wood Grounds thereby intended to be divided or inclosed, within the Distance of One hundred Feet in Front of any Messuage or Dwelling-house then erected upon any Land adjoining thereto, without such Consent as therein mentioned, shall, so far as respects the said Diversions or Branches of the North End of the said *Middle Road*, and such other Part of the said *Middle Road* as lies between the said Allotment of the said Rector of *Lambeth*, and the said One Rood and Sixteen Perches or thereabouts, of the said Piece of Ground so allotted to the said *Robert Stone*, and such last-mentioned Part of the said last-mentioned Allotment, and the Whole of the said Allotments of the said Archbishop of *Canterbury* and Rector of *Lambeth*, Number One thousand six hundred and forty-two and One thousand six hundred and forty-one, henceforth be and the same is hereby repealed and made void.

Repealing a certain Part of the said Act as to Buildings.

II. Provided nevertheless, That nothing in this Act contained shall be construed to extend to give Authority for any Building or Erection upon

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Not to authorize other Buildings

than a
Church, &c.

the said Pieces or Parcels of Ground, any or either of them, other than a Church or Chapel, and a House or Place for the Residence of the Minister thereof, and the Walls, Fences, or other Inclosures of the Burial Ground or Cemetery, and such Offices, Buildings, and Appurtenances as may be deemed requisite, suitable, or convenient for the Use of the said Church Cemetery, and Minister's House and Place of Residence, or any or either of them.

Repealing a
certain other
Part of the
said Act as
to certain
Roads.

III. And be it further enacted, That from and after the passing of this Act, so much and such Part of the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third, as directs that the Roads, Ways, and Passages which should be set out by the said Commissioners, should from Time to Time be kept in Repair by the Owners or Occupiers of the Lands and Houses on either Side of or near adjoining to such Roads, and be used and enjoyed by such Persons only as should so contribute to the Repair thereof, shall, so far as respects the Residue of the said *Middle Road* and the Whole of the said *Effra Road* henceforth be, and the same is hereby repealed and made void.

The same as
to certain
other Roads.

IV. And whereas it was at the Vestry Meeting aforesaid resolved that another of the said Four Churches or Chapels so intended to be built, should be situated at or near *Norwood*: And whereas the said Commissioners did, in and by their said Award, set out Five several other Carriage Roads, numbered respectively in the said Map or Plan Five, Eight, Ten, Eleven, and Twelve; that is to say, Number Five, called *Knightshill Road*; Number Eight, called *Elder Road*; Number Ten, called *Clayland Road*; Number Eleven, called *Beaulieu Road*; and Number Twelve, called *Gypsey House Road*; and the said Commissioners thereby declared, that the said Roads severally numbered Five, Eight, Ten, Eleven, and Twelve, should be from Time to Time and at all Times thereafter kept in Repair and used and enjoyed by the Occupiers of such Lands and Houses as were Parcel of or erected upon the Common called *Norwood Common*, and the Wood Grounds thereto adjoining, and *Hall Green* and *Knightshill Green*: And whereas it will be expedient that the said Roads numbered Five, Eight, Ten, Eleven, and Twelve, should be converted into and deemed public Roads, Footpaths, Accesses, and Approaches to and from the said Church or Chapel at or near *Norwood*; and that due Provision be made for the future Maintenance and Repair thereof, and of the said Roads numbered Two and Thirteen; be it therefore further enacted, That from and after the passing of this Act, so much and such Part of the said last-mentioned Act, as directs that the Roads, Ways, and Passages as should be set out by the said Commissioners, should from Time to Time be kept in Repair by the Owners and Occupiers of the Lands and Houses on either Side of or near adjoining to such Roads, and be used and enjoyed by such Persons only as should so contribute to the Repair thereof, shall, so far as respects the said Roads numbered respectively Five, Eight, Ten, Eleven, and Twelve, henceforth be, and the same is hereby repealed and made void.

That such
Roads shall
become Pa-
rish High-
ways.

V. And be it further enacted, That from and after the passing of this Act, the said *Effra Road*, and the said Roads numbered Five, Eight, Ten, Eleven, and Twelve, and the said Residue of the said *Middle Road*, shall be and become Common Highways of the Parish of *Saint Mary*

Lambeth

Lambeth aforesaid, and be kept, repaired, and amended by the Surveyor or Surveyors of the Highways thereof as other Parish Highways.

VI. And be it further enacted, That this Act shall be deemed and Public Act. taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1821.

