



CHAPTER clxxiv.

An Act to authorise the acquisition of a house and grounds known as Raleigh House and other property at Brixton Hill in the county of Surrey and the preservation thereof for public purposes. A.D. 1888.
[7th August 1888.]

WHEREAS there are at Brixton Hill in the parish of Saint Mary Lambeth in the county of Surrey an old house known as Raleigh House with grounds surrounding the same and other houses and land adjoining part of which formed part of the land formerly known as Rush Common and it is expedient to provide for preserving the said lands from being covered by buildings and that with that object power should be conferred for the purchase and acquisition of the said house grounds and other property and that other powers should be conferred and provisions made as in this Act set forth :

And whereas plans showing the said house grounds and property have been deposited with the clerk of the peace for the county of Surrey together with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers thereof and such plans and book of reference are in this Act referred to as the deposited plans and book of reference :

And whereas on the eighteenth day of November 1887 the Metropolitan Board of Works (in this Act called "the Metropolitan Board") resolved that subject to the authority of Parliament being obtained they would make a contribution at the rate of one thousand pounds an acre towards the cost of acquiring the said lands for the purpose of a public pleasure ground :

And whereas on the twenty-second day of December 1887 the vestry of the said parish (in this Act called "the vestry") resolved to contribute one thousand pounds per acre towards the purchase of the said lands for the purpose of a public pleasure ground :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :

Short title.

1. This Act may be cited as the Raleigh Park (Brixton) Act 1888.

Interpretation.

2. In and for the purposes of this Act—

The expression "the special Act" in the Lands Clauses Acts means this Act;

"The promoters of the undertaking" means the vestry.

Incorporation of Lands Clauses Acts.

3. Subject to the provisions of this Act the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (in this Act referred to as "the Lands Clauses Acts") are incorporated with and form part of this Act.

Power to purchase lands.

4. Subject to the provisions of this Act and of the Lands Clauses Acts the vestry may purchase and take the lands delineated on the deposited plans and described in the deposited book of reference.

Powers of vestry for dealing with lands.

5. The vestry if they purchase the said lands may exercise the following powers :

(a) They shall devote not less than ten acres of the said land to public use as an open space and they shall lay out plant manage maintain and improve the same as a public park garden or recreation ground.

(b) They may if they think fit retain the said house known as Raleigh House or alter the same so as to use or adapt it for use as a public museum or library.

(c) They may if they think fit by resolution prior to the completion of the purchase determine to reserve any land round the said house to form a site for any such museum or library to be occupied therewith and to provide a suitable approach thereto so that the total extent of such site including the site of the buildings shall not exceed half an acre and such site is herein-after referred to as "the reserved site."

(d) Or they may demolish the said house and remove and sell the materials thereof and throw the site thereof into and deal with it as part of the open space public park garden or recreation ground.

(e) They may retain manage and repair for the period of the existing lease of the house known as No. 2 the Lawn (which expires on the twenty-fifth day of March one thousand nine hundred and ten) the three other existing houses on the land known as the Lawn with the buildings connected therewith and the appurtenances thereto or any of them and they shall at such times as they think fit but not later than the twenty-fifth day of June one thousand nine hundred and ten demolish the said houses and throw the site thereof into and deal with it as part of such open space public garden park or recreation ground.

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(f) The vestry may during the said term from time to time let the said four houses or any of them with the buildings connected therewith and the appurtenances thereto on lease for such term or terms of years to expire not later than the said twenty-fifth day of March one thousand nine hundred and ten and subject to and in accordance with such terms covenants and conditions as they may think fit.

(g) The proceeds of any sale of materials under the provisions of this section and any rent derived by the vestry from such houses or any of them or any part thereof shall after deducting any necessary expenses of maintaining renewing and repairing any such houses be applied in or towards the expenses of forming keeping up maintaining and improving the open space public park garden or recreation ground to be established under the powers of this Act.

6. Within three months from the completion of any purchase of the said lands under this Act the vestry shall produce to the Commissioners of Inland Revenue a duly stamped deed of conveyance and in default of such production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the vestry with full costs of suit and all costs and charges attending the same.

Stamp on conveyance.

7. Notwithstanding anything in this Act it shall not be lawful for the vestry to purchase and take the freehold estate and interest of Henry Smallman in the said lands otherwise than by agreement except as herein-after provided: But they may purchase and acquire the same if they think fit and the said Henry Smallman shall if required sell the same to the vestry at and for the sum of forty thousand pounds at any time within six months after the passing of this Act or if the vestry require an extended period then within such extended period as the said Henry

Freehold interest to be acquired by agreement only.

A.D. 1888. Smallman may from time to time agree to by writing under his hand.

Contribution
by Metro-
politan
Board of
Works
towards the
purchase
money.

8. If and when the purchase of the whole of the said lands shall be carried into effect by the vestry and the vestry shall have determined by resolution how much of the said lands (if any) shall form the reserved site under the provisions of this Act the Metropolitan Board may and shall contribute in aid of the purchase money for the said lands a sum of money calculated at the rate of one thousand pounds per acre for so much of the said lands as shall be devoted to public use as an open space including the site of the said houses mentioned in paragraph (e) section 5 of this Act and such sum shall be paid by the Metropolitan Board to the vestry at the time of the completion of the purchase.

Contribution
out of city
parochial
charities
funds.

9. Whereas under the City of London Parochial Charities Act 1883 the Charity Commissioners for England and Wales (therein and herein-after called "the Commissioners") are to inquire into the nature and value of the property and endowments of the parochial charities therein mentioned and to classify the same into two schedules one of "Ecclesiastical Charity Property" and the other of "General Charity Property" and by the said Act the Commissioners are also empowered to prepare schemes for the future application and management of the charity property and endowments so classified by them :

And whereas it is enacted by section 14 of the said Act that in every scheme relating to the property or endowments belonging to or applicable in the parishes enumerated in the Second Schedule to that Act the Commissioners shall (subject to carrying over a sum of money for the expenses of the Commissioners and to making provision for saving or making compensation contained in the said Act) provide for the application of the said general charity property to such of the objects or purposes to or for which the same are now applied as the Commissioners may think proper and legal and substantially beneficial to the inhabitants of the parish in which the same is now applicable or otherwise as therein stated and subject thereto shall provide for the application of such property (inter alia) to the preserving providing and maintaining of open spaces and recreation grounds within the metropolis :

And whereas it is expedient that in the event of the said lands being required for the purposes of this Act a contribution should be made out of the said general charity property in aid of such purchase :

Be it enacted that in the event of any agreement being made for the purchase of the said lands under this Act (and subject to

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provision being made for giving compensation as required by the said Act and for the application of the general charity property under section 14 of the said Act to such of the objects or purposes to or for which the same are now applied as the Commissioners may think proper and legal and substantially beneficial to the inhabitants of the parish in which the same is now applicable or to any class thereof or in such manner as to secure to the inhabitants of the said parishes and to persons employed though not resident therein the benefit of any one or more of the applications in the said section 14 mentioned) the Commissioners may if they so think fit by a preliminary scheme to be framed by them as soon as conveniently may be after the publication of the statement or statements referred to in section 8 of the said Act provide for the payment of a sum of money calculated at the rate of one thousand pounds per acre towards the acquisition of the said lands for the purposes of this Act.

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Such scheme may provide for the payment of such sum by the governing body to be appointed under section 48 of the said Act or otherwise as the said Commissioners may see fit and shall be valid and have effect accordingly.

Such scheme shall be subject to the provisions as to schemes contained in the said City of London Parochial Charities Act 1883 so far as such provisions are applicable.

10. As from the date of the sale of the said lands to the vestry for the purposes of this Act it shall become the duty of the vestry to keep so much thereof as will be devoted to the purposes of a public park garden or recreation ground free from any enclosure or building except such as they may think necessary for preserving the said lands or any part thereof as a park garden or recreation ground and to prevent resist and abate by all lawful means all or any encroachments or attempted encroachments on the said lands and to preserve them for the purposes of this Act and to resist all proceedings tending to the enclosure or appropriation for any purpose of any part thereof.

As to
keeping land
open.

11. The Commissioners for Public Libraries and Museums for the parish of Saint Mary Lambeth or for the parish of Saint Mary Lambeth and any other parish combining with them for that purpose may with the consent of the vestry take over utilise alter and adapt the building known as Raleigh House now existing on the said land for the purpose of a public library or museum or any purposes of the Public Libraries Act 1855.

Site reserved
for Commis-
sioners of
Public
Libraries.

12. As from the date when the said lands or any part thereof shall be laid out as a public park garden or recreation ground

Byelaws as
to park.

A.D. 1888. — under the authority of this Act all the provisions of the Metropolitan Board of Works Act 1877 with respect to the making contents confirmation approval allowance publication and evidence of byelaws and to securing the observance of the same and the penalties and proceedings before justices and the recovery and application of penalties and generally with respect to the parks and heaths or commons shall extend and apply to the lands laid out as aforesaid as if they had been included among the parks heaths and commons in respect of which byelaws are by the Metropolitan Board of Works Act 1877 authorised to be made by the Board: But all the said provisions shall be read and have effect for the purposes of this Act as if the vestry had been named therein instead of the Metropolitan Board.

Powers of contribution by vestry.

13. In the event of or with a view to any agreement being entered into by the vestry for the purchase of the said lands under the authority of this Act it shall be lawful for the vestry to expend or make a contribution towards the purchase money of such an amount as they may think fit and to enter into and carry into effect any agreement or agreements with respect to such expenditure or contribution.

Conditions of contribution by vestry.

14. No expenditure or contribution towards the purchase money of the said lands under this Act shall be made except in pursuance of a resolution passed by an absolute majority of the whole number of the members of the vestry at a meeting held after not less than fourteen days' notice shall have been given to each member of the vestry which notice shall state the intention to propose such resolution at such meeting and the amount of the proposed contribution and the manner in which it is intended to raise the same and whether the proposed contribution is to be charged upon the whole or any and what part or parts of the said parish and in what proportions: Provided also that a public notice to the like effect shall be given previously to such meeting which notice shall be published as an advertisement once in each of two successive weeks in one or more London daily newspapers and shall be affixed to the principal doors of every church or chapel in the said parish to which notices are usually affixed.

Approval of ratepayers.

15. The purchase of the said lands shall not be made until the opinion of the ratepayers of Lambeth has been taken on the desirability of such purchase in the following manner:

A public meeting of the ratepayers of the parish shall be held at the Brixton Hall in Acre Lane of which meeting notice shall be published as an advertisement in the same manner as prescribed in the next preceding section which meeting shall be presided over by

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the rector of the parish as the ex-officio chairman of the vestry of the said parish or in his absence by some other person to be appointed by him for that purpose. A.D. 1888.

The chairman shall submit to the meeting a resolution approving the expediency of purchasing the said lands and the question shall be decided by the votes of the majority of the ratepayers present and voting thereat :

Provided that if not less than one-fourth in number of the ratepayers present thereat on a show of hands being taken for that purpose demand that such question be decided by a poll of the ratepayers such poll shall be taken in the same manner and with the same incidents as to voting papers expenses and otherwise as a poll of ratepayers under the Public Libraries Act 1855 and the Public Libraries Amendment Act 1877. For the purpose of this section the expression "ratepayer" shall mean every person who will be liable to contribute towards any rate levied for the purpose of any expenditure or contribution by the vestry under this Act.

16. It shall be lawful for the vestry to charge the amount of any contribution made by them in aid of such purchase or any part of such amount either upon the whole or upon any part or parts of the said parish and to direct the sum or sums necessary for defraying the expenses so charged to be levied in such part or parts of the said parish as they may consider to derive special benefit from the acquisition and preservation of the said lands and to exempt any part of the said parish from the levying or collection of any rate for the purpose thereof or to require a less rate to be levied in any part or parts than in other parts and all the provisions of the Metropolis Management Act 1855 and the Acts amending the same with regard to the collection and levying of moneys charged upon a part of the parish shall apply to the collection and levying of any moneys charged on any part of the said parish under the provisions of this Act :

Contributions may be charged on parts of parish.

Provided that there shall not be charged upon a part only of the said parish in respect of any such contribution any sum of such an amount that the annual sum required to be levied for payment of interest and repayment of principal thereof shall exceed one two-hundred-and-fortieth part of the rateable value of the property assessed in that part of the parish after apportioning for the purpose of such assessment the rateable value of any property which may be situate partly in the part of the parish charged with the contribution and partly elsewhere.

17. For the purpose of making any contributions or payments for the purposes of this Act the vestry may borrow of the

Power to vestry to borrow from

A.D. 1888.
Metropolitan
Board.

Metropolitan Board and the Metropolitan Board may (subject to the provisions of any Act of Parliament for the time being in force relating to loans by that Board to a vestry) lend to the vestry the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the vestry may mortgage and assign over to the Metropolitan Board all the moneys or rates authorised to be raised by the vestry under the Metropolis Management Act 1855 or any special rate levied for the purposes of this Act and all the provisions of sections 183 to 191 inclusive of the last-mentioned Act shall apply to any borrowing by the vestry under this section of this Act.

Saving
Rush Com-
mon Act.

18. Nothing in this Act shall authorise the erection of any house or building on any part of the said lands on which the erection of houses and buildings is prohibited by the local Act 46 George III. chapter lvii. known as the Rush Common Act.

Restriction
on taking
houses
of labouring
class.

19. The vestry shall not under the powers of this Act purchase or acquire twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Costs of Act.

20. In the event of any agreement being entered into by the vestry for the purchase of the said lands for the purposes of this Act the costs of and incidental to the preparing applying for and passing of this Act and of the negotiations relative thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the vestry.

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