

126A

[2 EDW. 7.] *Richmond, Petersham,* [Ch. ccliii.]
and Ham Open Spaces Act, 1902.



CHAPTER ccliii.

An Act to confirm agreements for vesting A.D. 1902.
common and other land in the local authorities of the districts of Richmond Ham and Kingston and the Surrey County Council as public open spaces and for other purposes.
[18th November 1902.]

WHEREAS the prospect from Richmond Hill over the valley of the River Thames is of great natural beauty and agreements have been entered into with a view to prevent building on certain lands herein-after mentioned :

And whereas application has been made by a committee composed of representatives of the London County Council the Surrey County Council the Middlesex County Council the mayor aldermen and burgesses of the borough of Richmond (Surrey) (herein-after referred to as "the Richmond Corporation") the Twickenham Urban District Council and other persons to the Right Honourable Sir William John Manners Earl of Dysart (herein-after referred to as "the Earl of Dysart") requesting him to aid in the protection of such prospect and the Earl of Dysart has agreed to do so and it is expedient that with that object provisions should be made as in this Act set forth :

And whereas the Right Honourable Sir Lionel William John Manners Earl of Dysart by his will (in this Act referred to as "the recited will") dated the twenty-sixth day of June one thousand eight hundred

A.D. 1902. — and seventy-three amongst other things devised all the freehold manors rectories advowsons capital and other messuages lands tenements and hereditaments in possession reversion remainder or expectancy whereof or wherein he or any person or persons in trust for him was or were or at his decease should be seised or interested or over which he then had or at his decease should have a disposing power (except such hereditaments as were vested in him as a trustee or mortgagee) with their and every of their rights members and appurtenances to the use of the Honourable Frederick James Tollemache and the Honourable Algernon Gray Tollemache and the Honourable Charles Douglas Richard Hanbury Tracy their executors administrators and assigns for the term of twenty-one years to commence from the date of his death without impeachment of waste upon the trusts and with and subject to the powers provisoes and declarations therein-after declared and expressed concerning the same and from and after the expiration of the same term and in the meantime subject thereto and to the trusts thereof to the use of the Honourable William John Manners (then commonly called "Lord Huntingtower" and who now is the Earl of Dysart) and his assigns for his life without impeachment of waste with remainder to the use of the first and every other son of the said Lord Huntingtower successively according to their respective seniorities in tail male with remainder to the use of Arthur Lionel Tollemache and his assigns for his life without impeachment of waste with remainder to the use of Arthur Frederick Churchill Tollemache the eldest son of the said Arthur Lionel Tollemache and his assigns for his life without impeachment of waste with remainder to the use of the first and every other son of the said Arthur Frederick Churchill Tollemache successively according to their respective seniorities in tail male with divers remainders over And the said testator appointed the said Frederick James Tollemache Algernon Gray Tollemache and Charles Douglas Richard Hanbury Tracy executors of the said will :

And whereas the said testator died on the twenty-third day of September one thousand eight hundred and seventy-eight :

And whereas the recited will was proved in the Principal Registry of the Probate Division of the High Court on the sixth day of December one thousand eight

hund
in th
Hanb
Dou

died
and

of
and
Gra
Sud
of
Arr
of
We
the
it
wh
sh
wi
Do

di
ei

d
n
C
F
F
h
y
c
1

hundred and seventy-eight by the three executors named in the recited will the said Charles Douglas Richard Stanbury Tracy being then the Right Honourable Charles Douglas Richard Baron Sudeley : A.D. 1902.

And whereas the said Frederick James Tollemache died on the second day of July one thousand eight hundred and eighty-eight :

And whereas by indenture dated the eleventh day of March one thousand eight hundred and eighty-nine and expressed to be made between the said Algernon Gray Tollemache and Charles Douglas Richard Baron Sudeley of the one part and Charles Edmund Webber of 17 Egerton Gardens a major-general in His Majesty's Army and Companion of the Most Honourable Order of the Bath of the other part the said Charles Edmund Webber was appointed a trustee of the recited will in the place of the said Frederick James Tollemache and it was thereby declared that the trust estate and premises which were then subject to the trusts of the recited will should vest in the said Charles Edmund Webber jointly with the said Algernon Gray Tollemache and Charles Douglas Richard Baron Sudeley :

And whereas the said Algernon Gray Tollemache died on the sixteenth day of January one thousand eight hundred and ninety-two :

And whereas by an indenture dated the thirtieth day of November one thousand eight hundred and ninety-two and expressed to be made between the said Charles Douglas Richard Baron Sudeley and Charles Edmund Webber of the one part and George Tournay Biddulph of 43 Charing Cross in the city of Westminster banker of the other part the said George Tournay Biddulph was appointed a trustee of the recited will in the place of the said Algernon Gray Tollemache and it was thereby declared that the trust estate and premises which were then subject to the trusts of the recited will should vest in the said George Tournay Biddulph jointly with the said Charles Douglas Richard Baron Sudeley and Charles Edmund Webber :

And whereas by an indenture dated the twenty-eighth day of December one thousand eight hundred and ninety-three and expressed to be made between the said Charles Douglas Richard Baron Sudeley of the one part and the said Charles Edmund Webber and George Tournay

[Ch. ccliii.] *Richmond, Petersham,* [2 Edw. 7.]
and Ham Open Spaces Act, 1902.

A.D. 1902. Biddulph of the other part the said Charles Douglas Richard Baron Sudeley retired from the trusts of the recited will and it was thereby declared that the trust estate and premises which were then subject to the trusts of the recited will should vest in the said Charles Edmund Webber and George Tournay Biddulph as joint tenants :

And whereas by an indenture dated the fourteenth day of April one thousand eight hundred and ninety-six and expressed to be made between the said Charles Edmund Webber and George Tournay Biddulph of the one part and the Honourable Stanhope Tollemache of the other part the said Stanhope Tollemache was appointed a trustee of the recited will in the place of the said Charles Douglas Richard Baron Sudeley and it was thereby declared that the trust estate and premises which were then subject to the trusts of the recited will should vest in the said Stanhope Tollemache jointly with the said Charles Edmund Webber and George Tournay Biddulph :

And whereas the said Arthur Lionel Tollemache died on the third day of January one thousand eight hundred and seventy-four :

And whereas Arthur Henry William Tollemache who is the son of the said Arthur Frederick Churchill Tollemache and was born on the fifth day of April one thousand eight hundred and ninety-four is the first tenant in tail under the limitations contained in the recited will and no tenant in tail under those limitations has attained the age of twenty-one years :

And whereas the Earl of Dysart and the said Arthur Frederick Churchill Tollemache are the only persons now living who are or may become entitled in priority to the said Arthur Henry William Tollemache under the limitations contained in the recited will :

And whereas the said Arthur Frederick Churchill Tollemache the said Arthur Henry William Tollemache (by his next friend) and the said Charles Edmund Webber George Tournay Biddulph and the Honourable Stanhope Tollemache as trustees have respectively consented to the provisions of this Act :

And whereas it is desirable in the interest of all parties who are now or may hereafter be interested

[2 Edw. 7.] *Richm*
and Ham C

in the lands and here-
time being subject to the
Act referred to as "
should be given to the

And whereas the
of Richmond (Surrey)
herein-after referred to
taining seventeen acre
abouts certain freehol
or thereabouts (herein
meadows") and cert
River Thames betwee
southern boundary o
Twickenham Ferry
Richmond riverside 1
all of which common
estates subject to the
estates are herein-a
estates" :

And whereas by
sham) Supplemental
ment of Petersham C
Agriculture was com
the said Act and sch
and managed by a l

And whereas it
scheme should be an
Act is provided :

And whereas the
the urban district c
to as "the Ham C
taining one hundred
or thereabouts kno
"Ham Common" the
part of the Dysart c

And whereas b
Supplemental Act 1
Ham Common as c
was confirmed and
and scheme Ham C
a body of conserva

And whereas it
scheme should be a
Act is provided :

[2 EDW. 7.] *Richmond, Petersham,* [Ch. ccliii.]
and Ham Open Spaces Act, 1902.

in the lands and hereditaments settled by and for the time being subject to the trusts of the recited will (in this Act referred to as "the Dysart estates") that effect should be given to the provisions of this Act : A.D. 1902

And whereas there are situate within the borough of Richmond (Surrey) certain common land known and herein-after referred to as "Petersham Common" containing seventeen acres one rood fourteen poles or thereabouts certain freehold land containing thirty-two acres or thereabouts (herein-after referred to as "Petersham meadows") and certain other land lying along the River Thames between River Lane Richmond and the southern boundary of the borough of Richmond near Twickenham Ferry (herein-after referred to as "the Richmond riverside land") the freehold in the soil of all of which common and other land forms part of the estates subject to the trusts of the recited will which estates are herein-after referred to as "the Dysart estates" :

And whereas by the Metropolitan Commons (Petersham) Supplemental Act 1900 a scheme for the management of Petersham Common as certified by the Board of Agriculture was confirmed and under and by virtue of the said Act and scheme Petersham Common is regulated and managed by a body of conservators :

And whereas it is expedient that the said Act and scheme should be amended in the manner and as by this Act is provided :

And whereas there is situate within the district of the urban district council of Ham (herein-after referred to as "the Ham Council") certain common land containing one hundred and twenty-five acres seven poles or thereabouts known and herein-after referred to as "Ham Common" the freehold in the soil of which forms part of the Dysart estates :

And whereas by the Metropolitan Commons (Ham) Supplemental Act 1901 a scheme for the management of Ham Common as certified by the Board of Agriculture was confirmed and under and by virtue of the said Act and scheme Ham Common is regulated and managed by a body of conservators :

And whereas it is expedient that the said Act and scheme should be amended in the manner and as by this Act is provided :

A.D. 1902.

And whereas there is situate in the parish of Ham in the county of Surrey certain land forming part of the Dysart estates along the River Thames between the northern boundary of the said parish near Twickenham Ferry and a point known as Half Mile Tree near the southern boundary of the said parish of Ham (herein-after referred to as "the Ham riverside land") :

And whereas it is expedient that provision should be made with respect to the control and management of Petersham Common and the Richmond riverside land Ham Common and the Ham riverside land as herein-after set forth :

And whereas there are within the parish of Ham certain arable fields and market gardens (herein-after referred to as "lammas land") over which lammas rights of pasture are or are reputed to be exerciseable from the twelfth day of August in each year until the sixth day of April in the succeeding year :

And whereas the greater portion of the lammas land forms part of the Dysart estates :

And whereas the exercise of such lammas rights of pasture has practically fallen into disuse and it is expedient that such rights should be extinguished to the extent in the manner and upon the terms set forth in this Act :

And whereas under the provisions of the Metropolitan Commons Acts 1866 to 1878 application was made in or about the month of December one thousand eight hundred and ninety-six to the Board of Agriculture praying the Board to make a scheme with respect to the lammas land :

And whereas after examination and inquiry the draft of a scheme respecting the lammas land was prepared printed and published pursuant to the said Acts and certain objections to the said draft scheme having been received by the Board of Agriculture that Board in pursuance of the said Acts directed a local inquiry to be held :

And whereas after such local inquiry the Board of Agriculture after consideration of the matter came to the conclusion and reported to Parliament that the case was not one to which the provisions of the Metropolitan Commons Acts could be reasonably or conveniently

applied and decided to the lammas land

And whereas entered into between and the Richmond the grant to that Co

- (1) The freehold estate and manor of
- (2) Petersham in fee simple
- (3) The Richmond thereof in

subject to the reservation contained in Part I. of the schedule

And whereas entered into between and the urban district for the grant to Common and all lord of the manor subject to the reservation contained in the schedule to this Act

And whereas made for enabling arrangements to be made as set out in the said schedule

And whereas entered into between and the mayor and council of Kingston-upon-Thames and other part for the reservation of land and the reservation to the reservation contained and a schedule to

And whereas entered into between and the council

applied and decided not to certify a scheme with respect to the lammas land : A.D. 1902.

And whereas a provisional agreement has been entered into between the Earl of Dysart of the one part and the Richmond Corporation of the other part for the grant to that Corporation of—

- (1) The freehold of Petersham Common and all the estate and interest therein of the lord of the manor of Petersham;
- (2) Petersham meadows and the inheritance thereof in fee simple; and
- (3) The Richmond riverside land and the inheritance thereof in fee simple;

subject to the reservations and provisions in the said agreement contained and a copy thereof is set out in Part I. of the schedule to this Act :

And whereas another provisional agreement has been entered into between the Earl of Dysart of the one part and the urban district council of Ham of the other part for the grant to the council of the freehold of Ham Common and all the estate and interest therein of the lord of the manors of Ham and Kingston-Canbury and subject to the reservations and provisions in the said agreement contained and a copy thereof as intended to be confirmed by this Act is set out in Part II. of the schedule to this Act :

And whereas it is expedient that provision should be made for enabling the proposed grants and incidental arrangements to be completed and that the said agreements as set out respectively in Parts I. and II. of the said schedule should be confirmed :

And whereas another provisional agreement has been entered into between the Earl of Dysart of the one part and the mayor aldermen and burgesses of the borough of Kingston-upon-Thames in the county of Surrey of the other part for the grant to the corporation of a piece of land and the inheritance thereof in fee simple subject to the reservations and provisions in the said agreement contained and a copy thereof is set out in Part III. of the schedule to this Act :

And whereas another provisional agreement has been entered into between the Earl of Dysart of the one part and the council of the administrative county of Surrey

A.D. 1902. (in this Act called "the Surrey County Council") of the other part for the grant to the Surrey County Council of a piece of land and the inheritance thereof in fee simple subject to the reservations and provisions in the said agreement contained and a copy thereof is set out in Part IV. of the schedule to this Act :

And whereas a plan has been prepared showing Petersham Common Petersham meadows Ham Common the Richmond riverside land the Ham riverside land and the portions of the lammas land forming part of the Dysart estate which plan has been signed in triplicate by the Right Honourable the Earl of Morley Chairman of the Committee of the House of Lords to which the Bill for this Act was referred :

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 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 as follows (that is to say) :—

Short title. **1.** This Act may be cited as the Richmond Petersham and Ham Open Spaces Act 1902.

Incorporation of Lands Clauses Acts. **2.** The Lands Clauses Acts, (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act.

Interpretation. **3.** In this Act unless the subject or context otherwise require—

"The trustees" shall mean the trustees for the time being acting under the provisions of the will of the late Sir Lionel William John Manners Earl of Dysart dated twenty-sixth June one thousand eight hundred and seventy-three ;

"The Richmond Corporation" means the mayor aldermen and burgesses of the borough of Richmond (Surrey) ;

"The Kingston Corporation" means the mayor aldermen and burgesses of the borough of Kingston-upon-Thames ;

“The Ham Council” means the Ham Urban District Council; A.D. 1902.

“The Ham Act 1901” means the Metropolitan Commons (Ham) Supplemental Act 1901;

“The Petersham Act 1900” means the Metropolitan Commons (Petersham) Supplemental Act 1900;

“Ham Common” “Petersham Common” “Petersham meadows” “the lammas land” “the Richmond riverside land” and “the Ham riverside land” respectively mean the lands so named and shown upon the deposited plan;

“The commoners” shall mean the owners for the time being of lands in respect of which at the date of the passing of this Act they are entitled to exercise lammas rights of pasture upon the lammas land or rights of common upon Petersham Common and Ham Common respectively;

“The deposited plan” means the plan signed by the Right Honourable the Earl of Morley the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and upon which “Ham Common” “Petersham Common” “Petersham meadows” “the lammas land” “the Richmond riverside land” and “the Ham riverside land” are delineated and of which one copy has been deposited in the Parliament Office of the House of Lords and another copy has been deposited in the Private Bill Office of the House of Commons.

4.—(1) On the passing of this Act the piece of land mentioned in the said agreement set out in Part III. of the schedule to this Act shall vest absolutely in the Kingston Corporation in fee simple who shall from and after the passing of this Act hold the same subject to all the provisions and reservations in the said agreement contained in perpetuity as a cricket and athletic ground or other place of exercise and recreation for the use of the inhabitants of the said borough subject to and under such conditions and regulations as the Corporation may from time to time prescribe in accordance with the provisions of the Public Health Acts as to public walks and pleasure grounds as if the land had been acquired by the Corporation for the purposes of those Acts.

Grant of
cricket field
to Kingston
Corporation.

A.D. 1902.

(2) The agreement of which a copy is set out in Part III. of the schedule to this Act is hereby confirmed and made binding upon the several parties thereto and the conveyance of the said piece of land shall be evidenced by a duly stamped conveyance and such conveyance shall contain all such reservations for the protection of the Earl of Dysart and the owners for the time being of the Dysart estates as are provided for by the said agreement.

Vesting of
Petersham
meadows
&c. in
Richmond
Corporation.

5.—(1) On the passing of this Act Petersham Common Petersham meadows and the Richmond riverside land shall vest absolutely in the Richmond Corporation in fee simple who shall from and after the passing of this Act hold the same subject to all the provisions and reservations in the said agreement set out in Part I. of the schedule to this Act contained and in particular as to Petersham Common and the Richmond riverside land as and for open spaces for the perpetual use thereof by the public for exercise and recreation and the Richmond Corporation shall maintain preserve regulate and manage the same as such accordingly and as to Petersham meadows the Richmond Corporation shall not suffer any building to be erected thereon or on any part thereof except such buildings if any as by such agreement are authorised.

(2) The agreement of which a copy is set out in Part I. of the schedule to this Act is hereby confirmed and made binding upon the several parties thereto and the conveyance of the said Petersham Common Petersham meadows and the Richmond riverside land shall be evidenced by a duly stamped conveyance and such conveyance shall contain all such reservations for the protection of the Earl of Dysart and the owners for the time being of the Dysart estates as are provided for by the said agreement.

Vesting
of Ham
Common &c.
in Ham
Council.

6.—(1) On the passing of this Act Ham Common shall vest absolutely in the Ham Council in fee simple who shall from and after the passing of this Act hold the same subject to all the provisions and reservations in the said agreement between the Earl of Dysart of the one part and the Ham Council of the other part as set out in Part II. of the schedule to this Act contained and in particular as to all the said lands as and for an open space for the perpetual use thereof by the public for exercise

[2 EDW. 7.] *Richmond, Petersham,* [Ch. ccliii.]
and Ham Open Spaces Act, 1902.

and recreation and the Ham Council shall maintain A.D. 1902.
preserve regulate and manage the same as such
accordingly.

(2) The said agreement as set out in Part II. of the
schedule to this Act is hereby confirmed and made binding
upon the several parties thereto and the conveyance of
Ham Common shall be evidenced by a duly stamped
conveyance and such conveyance shall contain all such
reservations for the protection of the Earl of Dysart
and the owners for the time being of the Dysart estates
as are provided for by the said agreement.

(3) It shall be lawful for the trustees to pay or transfer
out of the funds in their hands subject to the trusts of
the recited will the sum of three thousand pounds local
loans stock the payment whereof is provided for by
clause 4 of the said agreement.

7.—(1) On the passing of this Act the Ham riverside
land shall vest absolutely in the Surrey County Council in
fee simple who shall from and after the passing of this
Act hold the same subject to all the provisions and
reservations in the said agreement set out in Part IV.
of the schedule to this Act contained and in particular as
to all the said land as and for an open space for the
perpetual use thereof by the public for exercise and
recreation and the Surrey County Council shall maintain
preserve regulate and manage the same as such
accordingly.

Vesting of
Ham river-
side land in
Surrey
County
Council.

(2) The agreement of which a copy is set out in
Part IV. of the schedule to this Act is hereby confirmed
and made binding upon the parties thereto and the
conveyance of the Ham riverside land shall be evidenced
by a duly stamped conveyance and such conveyance
shall contain all such reservations for the protection of
the Earl of Dysart and the owners for the time being
of the Dysart estates as are provided for by the said
agreement.

(3) The Surrey County Council shall not transfer
their rights and duties in respect of the Ham riverside
land or part with the ownership of that land to any
public body other than the Ham Council without first
offering the same to the Ham Council on the like terms
and conditions as those on which the Surrey County
Council hold the same.

A.D. 1902.

Alteration of
schemes as to
Petersham
and Ham
Commons.

8. From and after the passing of this Act—

- (1) The scheme for Petersham Common confirmed by the Petersham Act 1900 shall be read as if all reference to the lord of the manor had been omitted therefrom and the number of conservators shall be reduced to nine persons accordingly;
- (2) The scheme for Ham Common confirmed by the Ham Act 1901 shall be read as if all reference to the lord of the manor had been omitted therefrom and the conservators as constituted by such scheme shall cease to exist and all their powers are by this Act transferred to the Ham Council and they shall have and may exercise all the powers and duties of the conservators properly exercisable by them;
- (3) Sections 17 to 22 (inclusive) of the said last-mentioned scheme are hereby repealed and the provisions of section 58 of the Local Government Act 1894 shall apply.

Control and
manage-
ment of
vested
lands.

9.—(1) All the powers and duties vested in and exercisable by the conservators of Petersham Common with respect to that common by sections 12 13 14 15 22 and 23 of the scheme with respect to Petersham Common confirmed by the Petersham Act 1900 shall be vested in and exercisable by the Richmond Corporation with respect to the Richmond riverside land *mutatis mutandis* and all costs charges and expenses incurred by the Richmond Corporation in the exercise of such powers and duties shall be paid by that Corporation out of the borough fund.

(2) All the powers and duties comprised in sections 12 13 15 16 23 and 24 of the scheme confirmed by the Ham Act 1901 and vested in and exercisable by the Ham Council shall by virtue of this Act be vested in and exercisable by the Surrey County Council with respect to the Ham riverside land *mutatis mutandis*.

Prohibiting
building on
certain
lands.

10. Neither Lord Dysart nor any of the owners or occupiers for the time being of any part of the Dysart estates shall at any time after the passing of this Act erect any building or suffer any building to be erected on so much of the meadows in the parish of Ham numbered

52 and 60 on the 0
inches to the mile
southern boundary
drawn parallel to
from such bounda

11. As from
provisions shall h

- (1) All lamm:
the lamm:
and such
visions o:
to 1898 ;
- (2) Such of :
entitled t
and Pete
the passi
cise the
Petersham
- (3) Within t
Act ther
of the c
rights w
Dysart t
same ma
common:
section 1
Act 184:
- (4) If at suc
of such
grants by
the comm
tion for
aforesaid
- (5) If at such
such cor
aforesaid
appointm
vided by
Consolid
committe
trustees
money t
rights o

52 and 60 on the Ordnance map on the scale of twenty-five inches to the mile published in 1897 as lies between the southern boundary of the Ham riverside land and a line drawn parallel to and at a distance of two hundred feet from such boundary.

A.D. 1902.

11. As from the passing of this Act the following provisions shall have effect:—

Extinction
of lammas
rights.

- (1) All lammas rights exercisable over any part of the lammas land shall be absolutely extinguished and such land shall not be subject to the provisions of the Metropolitan Commons Acts 1866 to 1898:
- (2) Such of the respective commoners as are now entitled to rights of common upon Ham Common and Petersham Common respectively shall after the passing of this Act be entitled to exercise the like rights upon Ham Common and Petersham Common respectively:
- (3) Within three months from the passing of this Act there shall be convened a meeting of such of the commoners as are entitled to lammas rights which may be convened by the Earl of Dysart the trustees or the Ham Council in the same manner as if the lammas rights were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act 1845:
- (4) If at such meeting not less than three fourths of such commoners present shall so decide the grants by the Earl of Dysart and the trustees of the commons and lands shall be the consideration for the extinction of the lammas rights as aforesaid:
- (5) If at such meeting not less than three fourths of such commoners present do not so decide as aforesaid the meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Earl of Dysart and the trustees being unable to agree upon a sum of money to represent the value (if any) of such rights over and above the value of the lands

A.D. 1902.

and of the interest of the Earl of Dysart and the trustees in the commons so vested in the local bodies and lands (other than Petersham meadows) it shall be referred to an arbitrator appointed as herein-after provided to determine whether and if so by what amount the value of the lammas rights extinguished under this Act shall exceed the value of the lands (other than Petersham meadows) and of the interest of the Earl of Dysart and the trustees in the commons granted to the local bodies as aforesaid and any sum of money so awarded shall be paid by the Earl of Dysart or the trustees to the Ham Council and may subject to the consent of such committee be applied by them for any of the following purposes (that is to say):—

(A) In the improvement or upkeep of Ham Common;

(B) In the purchase of additional land to be used as common land;

(C) In the purchase of land to be used as a recreation ground or allotments for the inhabitants of the district;

(D) In providing endowment for the almshouses known as the Ham and Hatch Almshouses in the parish of Ham :

At such meeting the decision of the three-fourths majority of the commoners present shall bind the minority and all absent parties as in the case of a decision under the said section 103.

Grant of right to use certain lands for towing-path.

12.—(1) Notwithstanding any of the provisions of this Act the Richmond riverside land and the Ham riverside land shall be held subject to a perpetual right in the public to pass for the purpose of towing boats and vessels navigating the River Thames over and along the land now held by the conservators on a lease dated the thirty-first day of December one thousand eight hundred and ninety-eight from the trustees and shown on the plan attached to the said lease. Provided that the conservators of the River Thames their successors or assigns shall for ever pay to the Richmond Corporation an annual sum of five pounds and to the Surrey County Council an annual

[2 Edw. 7.] *Richmond, Petersham, [Ch. ccliii.]*
and Ham Open Spaces Act, 1902.

sum of twenty pounds in consideration of such grant of such right of towing. A.D. 1902

(2) Except as in this section provided nothing in this Act contained shall take away prejudice or interfere with any of the rights powers duties or interests of the conservators of the River Thames.

13. All costs charges and expenses incurred by the Surrey County Council the Richmond Corporation the Kingston Corporation or the Ham Council in the exercise of the powers and duties vested in or imposed upon them respectively by this Act or by the Ham Act 1901 and the scheme confirmed thereby as amended by this Act shall be paid by the Surrey County Council out of the county fund and county rate by the Richmond Corporation and the Kingston Corporation out of the borough fund of their respective boroughs and by the Ham Council out of the district fund and general district rate.

Cost of management.

14. There shall be reserved to the Earl of Dysart and the trustees and to the owners for the time being of the Dysart estates all such rights and easements in over or upon Petersham Common Ham Common Petersham meadows and the Richmond riverside land and the Ham riverside land as are provided for in the said agreements contained in the schedule hereto Provided always that neither the Earl of Dysart nor the trustees nor any person claiming through or under him or them nor any other body or persons shall be entitled to construct or lay out a metalled road or way along the Richmond riverside land or the Ham riverside land other than a footpath and a suitable and necessary path for towing incidental to the navigation of the River Thames.

Certain reservations.

15. For the purpose of ascertaining the values of the lammas rights and of the lands (other than Petersham meadows) and of the interest of the Earl of Dysart and the trustees in the commons granted to the local bodies under the provisions of this Act there shall be an arbitrator appointed and acting as follows (that is to say):—

Appointment of arbitrator.

(A) The High Court may at any time after the passing of this Act on the application of the

A.D. 1902.

Earl of Dysart or the Ham Council to be made ex parte by motion or summons intituled in the matter of this Act appoint a person to act as arbitrator and may on the like application remove from his office an arbitrator for any cause for which an arbitrator may be removed under the Arbitration Act 1889 and may from time to time appoint a new arbitrator in the place of any arbitrator who may die resign or be removed from office in the same manner as if he were a single arbitrator appointed under the Arbitration Act 1889 and as if the notices prescribed by section 5 of that Act had been served by the Earl of Dysart on the Ham Council and seven clear days had elapsed after service of such notice without any appointment having been made:

- (B) The court may on the like application give any direction and exercise any powers which may be given or exercised by the court under the Arbitration Act 1889 in relation to arbitrations under that Act.

Protection
of vested
lands.

16. It shall not be lawful for any body or person without the consent of the trustees in writing to erect any temporary or permanent building tent shed or other obstruction to the free passage of persons upon the Richmond riverside land or the Ham riverside land other than the caretaker's cottage and shed mentioned in the agreement set out in Part IV. of the schedule hereto and except seats or hurdles for the protection of the herbage trees or shrubs and no trees shall be planted upon the Richmond riverside land or the Ham riverside land which shall obstruct the view of the River Thames from Ham House and grounds Provided that this section shall not limit or prevent the exercise of any rights which may be reserved to the Earl of Dysart and the trustees on any such grant as aforesaid and shall not prevent the erection of any bridge over the River Thames by the Surrey County Council and the Middlesex County Council or the Earl of Dysart and the trustees with necessary approaches thereto.

Application
of moneys
received

17. All moneys received by the Earl of Dysart or his heirs under the provisions of article 2 of the said

agreement set out in Part I. of the schedule to this Act shall be paid by him or them to the trustees and shall be held and applied by them as if the same were capital money arising under the Settled Land Acts 1882 to 1890.

A.D. 1902.

—
under sche-
duled agree-
ment.

18. The costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the trustees out of their trust estate subject to the trusts of the recited will.

Costs of Act.

The SCHEDULE referred to in the foregoing Act.

PART I.

(RICHMOND AGREEMENT.)

AN AGREEMENT made the 25th day of March 1902 between THE RIGHT HONOURABLE SIR WILLIAM JOHN MANNERS EARL OF DYSART (herein-after called "Lord Dysart") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF RICHMOND in the County of Surrey (herein-after called "the Corporation") of the other part.

WHEREAS under the settlement created by the will of the late Sir Lionel William John Manners Earl of Dysart Lord Dysart is tenant for life of the manors lands and hereditaments thereby settled (herein-after referred to as "the Dysart estates") and is lord of the manor of Petersham :

And whereas the Dysart estates comprise (inter alia) (1) certain common land situate within the said borough being waste of the manor of Petersham and containing 17a. 1r. 14p. or thereabouts and shown on the plan hereunto annexed and thereon coloured green (and herein-after referred to as "Petersham Common") subject to such rights of common (if any) as may still subsist therein (2) certain freehold land situate within the said borough and containing 32 acres or thereabouts and shown on the said plan and thereon coloured pink (and herein-after referred to as "Petersham meadows") and (3) a strip of freehold land lying along the Surrey bank of the River Thames between River Lane Petersham and the southern boundary of the said borough

A.D. 1902. and shown on the said plan and thereon coloured brown (and herein-after referred to as "the Richmond riverside land"):

And whereas negotiations have lately taken place between Lord Dysart the Corporation and others with the view to an arrangement whereby (amongst other matters) the freehold of Petersham Common Petersham meadows and Richmond riverside land may (subject as herein-after is mentioned) be respectively vested in the Corporation and certain reputed lammas rights over lands situate in the parish of Ham in the county of Surrey (the greater portion whereof forms part of the Dysart estates) may be extinguished and a Bill is now pending in Parliament for the purpose of authorising the said arrangement and carrying the same into effect:

Now in furtherance of the said arrangement it is hereby agreed by and between the parties hereto conditionally upon the said Bill being passed into law in its present or some modified form in the present session of Parliament as follows:—

1. Lord Dysart so far as he lawfully may or can do so as such tenant for life as aforesaid and any other necessary parties shall grant and convey to the Corporation (1) the freehold of Petersham Common and all the estate and interest therein of the lord of the manor of Petersham (2) Petersham meadows and the inheritance thereof in fee simple and (3) the Richmond riverside land and the inheritance thereof in fee simple. As to all the said premises free from incumbrances and as to Petersham meadows and the Richmond riverside land subject to the tenancies existing therein and as to the towing-path part of the said Richmond riverside land to a perpetual right to the public of towing vessels and boats upon the River Thames upon payment of the annual rent of 5*l.* by the Conservators of the River Thames.

2. In the grants aforesaid there shall be reserved to Lord Dysart and his successors in title the owners for the time being of the Dysart estates or any part thereof his and their assigns—(1) The free and uninterrupted access of light and air at all times over the hereditaments granted and every part thereof to any buildings which shall for the time being be erected or standing on the Dysart estates or any part thereof and to all windows and openings which may from time to time and at any time exist in such buildings (2) All such rights of way and passage of water and soil in over or upon the hereditaments granted and every part thereof as now exist in respect of any part of the Dysart estates (3) Full right of access for Lord Dysart his heirs and assigns and the owners and occupiers for the time being of any part of the Dysart estates to and from the Richmond riverside lands and to and from the River Thames over the said riverside lands (4) Full right and liberty for Lord Dysart and his successors in title and other owners for the time being of Ham House and their friends in their company at all times by day or by night

and for all purposes of pleasure with or without horses and vehicles of all kinds to pass and repass at their own risk along over and upon the Richmond riverside land Provided always and it is hereby agreed that no metalled road or way shall be constructed by Lord Dysart or the Corporation or any other person or body upon the Richmond riverside land other than a gravelled footpath and a necessary and suitable path for towing incidental to the navigation of the River Thames and (5) Full and free right of access at all times to the Petersham Meadow or field No. 4 on the said plan for the owners and occupiers for the time being of the messuage and gardens known as The Wilderness to and from the same with liberty for the purposes of such access to erect and perpetually maintain two gates or doors at such points in the fence of such premises as the owners or occupiers thereof for the time being may at any time or times determine (6) If at any time any of the said land or common or any part thereof shall be acquired compulsorily from the Corporation and payment made for the same the compensation money paid therefor after deduction of all costs and expenses reasonably incurred by the Corporation in relation thereto shall be paid to the Earl of Dysart his heirs or assigns.

A.D. 1902.

3. The Corporation shall at all times retain and preserve Petersham Common and the Richmond riverside land respectively as open spaces for the use enjoyment and recreation of the public subject as to Petersham Common to all such rights of common as are now exercisable thereon and to the provisions of any scheme for the time being authorised by Parliament for the management thereof and as to all the lands to be conveyed to the Corporation to the reservations mentioned in clause 2 hereof and shall not suffer any building to be erected on any of the lands to be conveyed to the Corporation or any part thereof respectively except such buildings (if any) as may be authorised by any such scheme as aforesaid or except as to Petersham meadows a pavilion conservatory or other building or buildings suitable for the purposes of a park or recreation ground and shall not plant trees or shrubs or permit any act or thing to be done upon any of the said premises respectively or upon any part thereof respectively which may be in contravention of any such scheme or which shall obstruct the view of the River Thames from Ham House and grounds or may be or become a nuisance damage or annoyance to Lord Dysart or the owners or the occupiers for the time being of any portion of the Dysart estates.

4. If the said pending Bill shall not be passed into law in its present or some modified form in the present session of Parliament the agreements herein-before contained shall be void but if it shall be so passed the parties hereto shall execute all such deeds and documents and shall do all such acts and things as may be necessary or deemed expedient to give complete effect to the said agreements.

A.D. 1902.

5. On the faith of this agreement being in all respects specifically performed and observed on the part of Lord Dysart the Corporation shall not directly or indirectly offer or sanction opposition to the said Bill. But this provision shall not prevent the Corporation from petitioning against the said Bill or from appearing on such petition for the purpose of securing the insertion therein of amendments and clauses for confirming this agreement and giving full effect thereto and opposing clauses or amendments inconsistent therewith.

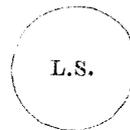
In witness whereof Lord Dysart has hereunto set his hand and the Corporation have hereunto affixed their corporate seal the day and year first above written.

Signed by the above-named Sir
William John Manners Earl of
Dysart by the Honourable
Stanhope Tollemache his
attorney under a power of
attorney dated the 20th day of
March 1902 in the presence of

DYSART
by his attorney
STANHOPE TOLLEMACHE.

PERCIVAL BIRKETT
4 Lincoln's Inn Fields London
Solicitor.

The common seal of the above-
named mayor aldermen and
burgesses of the borough of
Richmond was hereunto affixed
in the presence of



CHARLES BURT }
MARSH RAY } Members of the Council.
FREDk. B. SENIOR Town Clerk.

A. ALDIN Mayor.

[2 EDW. 7.] *Richmond, Petersham,* [Ch. ccliii.]
and Ham Open Spaces Act, 1902.

PART II.

A.D. 1902.

(HAM AGREEMENT.)

AN AGREEMENT made the 14th day of April 1902 between THE RIGHT HONOURABLE SIR WILLIAM JOHN MANNERS EARL OF DYSART (herein-after called " Lord Dysart ") of the one part and THE URBAN DISTRICT COUNCIL OF HAM in the County of Surrey (herein-after called " the Council ") of the other part.

WHEREAS under the settlement created by the will dated the 26th day of June 1873 of the late Sir Lionel William John Manners Earl of Dysart Lord Dysart is tenant for life of the manors lands and hereditaments thereby settled (herein-after referred to as " the Dysart estates ") and is lord of the manors of Ham Petersham and Kingston-Canbury :

And whereas the Dysart estates comprise (inter alia) certain common land situate within the district of the Council being waste of the manors of Ham and Kingston-Canbury or one of them and containing 125a. 0r. 7p. or thereabouts and shown on the plan hereunto annexed and thereon coloured green (and herein-after referred to as " Ham Common ") subject to such rights of common (if any) as may still subsist thereon and to a claim alleged by the Corporation of Richmond in the county of Surrey of the right to dig gravel therefrom :

And whereas negotiations have lately taken place between Lord Dysart the Council and others with the view to an arrangement whereby (inter alia) the freehold of Ham Common may (subject as herein-after mentioned) be vested in the Council and certain of the lammas rights or reputed lammas rights over the said lands and other lands situate in the parish of Ham in the county of Surrey (the greater portion whereof forms part of the Dysart estates) may be extinguished and a Bill is now pending in Parliament for the purpose of authorising the said arrangement and carrying the same into effect :

Now in furtherance of the said arrangement it is hereby agreed by and between the parties hereto conditionally upon the said Bill being passed into law in its present or some modified form in the present session of Parliament as follows :—

1. Lord Dysart so far as he lawfully may or can do so as such tenant for life as aforesaid and all other necessary parties (if any) shall grant and convey to the Council the freehold of Ham Common and all the estate and interest therein of the lord of the manors of Ham and Kingston-Canbury.

2. Upon the said grant there shall be reserved to Lord Dysart and his successors in title the owners for the time being

A.D. 1902. of the Dysart estates or any part thereof his and their assigns
— (1) the free and uninterrupted access of light and air at all times
over the hereditaments granted and every part thereof to the
buildings of whatsoever height and in whatsoever position which
shall for the time being be erected or standing on the Dysart
estates or any part thereof and to all windows and openings
which may from time to time and at any time exist in such
buildings (2) all such rights of way water and soil and other
rights and privileges in over or upon the hereditaments granted
and every part thereof as are or may be necessary or reasonably
convenient for the purpose of developing any land at the date of
the passing of the said Bill forming part of the Dysart estates
including the right to make open and use such roadways over
Ham Common from any portion of the Dysart estates to the
nearest public road upon Ham Common as may reasonably be
required provided that Lord Dysart and such owners for the
time being shall repair and make good all damage done to Ham
Common in the construction of any road or drain or otherwise
in the exercise of such rights and privileges to the reasonable
satisfaction of the Council.

3. The Council shall at all times retain and preserve Ham
Common as an open space for the use enjoyment and recreation
of the public subject to a sole right of pasture to be hereafter
enjoyed thereon by the same class of persons as are now entitled
to rights of common thereon and to the aforesaid claim of the
borough of Richmond and to the reservations mentioned in
clause 2 hereof and to the provisions of any scheme for the
time being authorised by Parliament for the management thereof
and shall not suffer any building to be erected thereon or on
any part thereof except such buildings (if any) as may be
authorised by any such scheme as aforesaid or permit any act
or thing to be done thereon or upon any part thereof which
may be in contravention of any such scheme or which shall
or may be or become a nuisance or damage to Lord Dysart
or the owners or occupiers for the time being of any portion
of the Dysart estates.

4. Lord Dysart or the owner for the time being of the
Dysart estates shall pay to the Council the sum of £3000 local
loans stock bearing interest at 3 per cent. per annum at least
The Council shall hold the said sum of £3000 local loans stock
upon trust to apply the income thereof as to £50 per annum
in defraying the expenses of the upkeep of the common and
as to the balance thereof in or towards such objects of public
utility in the parish of Ham as to the Council shall seem fit.

5. Lord Dysart or the owner for the time being of the Dysart
estates shall from time to time if required by the Council in
writing so to do provide land not exceeding in all twenty acres
in extent as allotment ground in a suitable situation for the use

[2 EDW. 7.]

[2 EDW. 7.] *Richmond, Petersham, [Ch. ccliii.]
and Ham Open Spaces Act, 1902.*

A.D. 1902.

their assigns
ir at all times
hereof to the
position which
on the Dysart
and openings
exist in such
soil and other
ments granted
or reasonably
at the date of
Dysart estates
roadways over
estates to the
reasonably be
owners for the
ge done to Ham
in or otherwise
the reasonable

of the villages of Ham so long as there is a legitimate demand for allotment ground and will not charge a larger rent therefor than sixpence per rod per annum.

6. If the said pending Bill shall in its present or some modified form be passed into law in the present session of Parliament the parties hereto and all necessary parties shall execute all such deeds and documents and shall do all such acts and things as may be necessary or be deemed expedient to give complete effect to the said agreements.

7. The title to Ham Common shall commence with the said will dated the 26th day of June 1873 and the Council shall not require any earlier title nor make any requisition or inquiry with respect to any such earlier title.

8. This agreement is made subject to such alterations as Parliament may think fit to make herein but if the Committee on the Bill make any material alteration in this agreement it shall be competent for either of the parties hereto to withdraw the same.

As witness the hand of Lord Dysart and the seal of the Council.

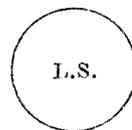
Signed by the above-named Sir
William John Manners Earl
of Dysart by the Honourable
Stanhope Tollemache his
attorney under a power of
attorney dated the 20th day
of March 1902 in the presence
of

DYSART
by his attorney
STANHOPE TOLLEMACHE.

PERCIVAL BIRKETT
4 Lincoln's Inn Fields
Solicitor.

The common seal of the Ham
Urban District Council was
hereunto affixed in the
presence of

The common
seal of the
Ham Urban
District
Council.



W. H. HARLAND } Members of the Council.
C. E. D. JULIUS }
H. J. MANNINGS Clerk.

time being of the
sum of £3000 local
per annum at least
0 local loans stock
to £50 per annum
the common and
h objects of public
shall seem fit.

being of the Dysart
by the Council in
in all twenty acres
situation for the use

A.D. 1902.

PART III.

(KINGSTON-UPON-THAMES AGREEMENT.)

AN AGREEMENT made the 15th day of April 1902 between THE RIGHT HONOURABLE SIR WILLIAM JOHN MANNERS EARL OF DYSART (herein-after called "Lord Dysart") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF KINGSTON-ON-THAMES in the County of Surrey (herein-after called "the Corporation") of the other part.

WHEREAS under the settlement created by the will of the late Sir Lionel William John Manners Earl of Dysart Lord Dysart is tenant for life of the manors lands and hereditaments thereby settled (herein-after referred to as "the Dysart estates") which comprise (inter alia) a piece of land situate within the parish of Ham containing 9 acres or thereabouts and shown on the plan hereunto annexed and thereon coloured pink :

And whereas negotiations have lately taken place between Lord Dysart the Corporation and others with the view to an arrangement whereby (amongst other matters) the said piece of land may (subject as herein-after is mentioned) be vested in the Corporation and a Bill is now pending in Parliament for the purpose of authorising the said arrangement and carrying the same into effect :

Now in furtherance of the said arrangement it is hereby agreed by and between the parties hereto conditionally upon the said Bill being passed into law in its present or some modified form in the present session of Parliament as follows :—

1. Lord Dysart so far as he lawfully may or can do so as such tenant for life as aforesaid shall grant and convey the said piece of land and the inheritance thereof in fee simple to the Corporation and shall obtain the concurrence in such grant and conveyance of all other parties (if any) necessary for effecting the same.

2. Upon the said grant there shall be reserved to Lord Dysart and his successors in title the owners for the time being of the Dysart estates or any part thereof his and their assigns (1) the free and uninterrupted access of light and air at all times over the said piece of land and every part thereof to the buildings of whatsoever height and in whatsoever position which shall for the time being be erected or standing on the Dysart estates or any part thereof and to all windows and openings which may from time to time and at any time exist in such buildings (2) all such rights of passage of water drainage and soil in respect of the said piece of land as are or may be necessary or convenient for the purpose of developing any portion of the Dysart estates

[2 EDW. 7.] *Richmond, Petersham, [Ch. ccliii.]*
and Ham Open Spaces Act, 1902.

and in particular the right of constructing across the said lands in such direction as shall be agreed upon between the parties hereto and in such manner as shall not permanently injure or interfere with the use of the said land a drain from any land of Lord Dysart adjoining the said land to the Latchmere Brook shown upon the said plan. A.D. 1902.

3. The Corporation shall at all times retain and preserve the said piece of land as a cricket and athletic ground or other place of exercise and recreation for the use of the inhabitants of the said borough and other persons in conjunction with such inhabitants authorised by the Corporation and subject to the reservations mentioned in clause 2 hereof and under such conditions and regulations as the Corporation may from time to time prescribe and the Corporation shall not suffer any building to be erected thereon or on any part thereof except a pavilion or such other building or buildings as may conduce to the more convenient user of the said piece of land as aforesaid and subject as aforesaid shall not permit any act or thing to be done upon the said piece of land or upon any part thereof which shall or may be or become a nuisance damage or injury to Lord Dysart or the owners or occupiers for the time being of any portion of the Dysart estates.

4. If the said pending Bill shall be passed into law in its present or some modified form in the present session of Parliament the parties hereto shall execute all such deeds and documents and shall do all such acts and things as may be necessary or be deemed expedient to give complete effect to the said agreements.

5. This agreement is made subject to such alterations as Parliament may think fit to make herein but if the Committee on the Bill make any material alteration in this agreement it shall be competent for either of the parties hereto to withdraw the same.

In witness whereof Lord Dysart has hereunto set his hand and the Corporation have hereunto affixed their corporate seal the day and year first above written.

Signed by the above-named Sir
William John Manners Earl
of Dysart by the Honourable
Stanhope Tollemache his
attorney under a power of
attorney dated the 20th day
of March 1902 in the presence
of

DYSART
by his attorney
STANHOPE TOLLEMACHE.

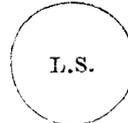
PERCIVAL BIRKETT
4 Lincoln's Inn Fields
Solicitor.

C

25

A.D. 1902.

The common seal of the mayor
aldermen and burgesses of
the borough of Kingston-
upon-Thames was hereunto
affixed in pursuance of an
order of the Council of the
said borough in the presence
of



W. E. ST. L. FINNY Mayor.
HAROLD WINSER Town Clerk.

PART IV.

(SURREY COUNTY COUNCIL AGREEMENT.)

AN AGREEMENT made the 15th day of April 1902 between
THE RIGHT HONOURABLE SIR WILLIAM JOHN
MANNERS EARL OF DYSART (herein-after called "Lord
Dysart") of the one part and THE COUNTY COUNCIL
OF THE ADMINISTRATIVE COUNTY OF SURREY (herein-
after called "the Council") of the other part.

WHEREAS under the settlement created by the will of the late
Sir Lionel William John Manners Earl of Dysart Lord Dysart
is tenant for life of the manors lands and hereditaments thereby
settled (herein-after referred to as "the Dysart estates"):

And whereas the Dysart estates comprise (inter alia) a strip
of freehold land comprising forty-five acres or thereabouts lying
along the Surrey bank of the River Thames between the northern
boundary of the parish of Ham and a point known as Half Mile
Tree near the southern boundary of the same parish which strip
of land is shown upon the plan hereunto annexed and marked "A"
and is thereon coloured brown and herein-after referred to as
"the Ham riverside land":

And whereas negotiations have lately taken place between
Lord Dysart and the Council and others with the view to an
arrangement whereby (amongst other matters) the Ham river-
side land may (subject as herein-after mentioned) be vested in
the Council and certain reputed lammas rights over lands situate
in the said parish of Ham (the greater portion whereof forms
part of the Dysart estates) may be extinguished and a Bill is
now pending in Parliament for the purpose of authorising the
said arrangement and carrying the same into effect:

Now in furtherance of the said arrangement it is hereby
agreed by and between the parties hereto conditionally upon the

I
e
(
o
t
a
fi
st
th
re
ac
oc
ar
ov
wi
er
lan
Ha
as
of
th
Ha
Tw
du
day
hor
ow
alw
be
or t
a fe
and

Har
reer
in el
on ti

said Bill being passed into law in its present or some modified A.D. 1902.
form in the present session of Parliament as follows :—

1. Lord Dysart so far as he lawfully may and can do so as such tenant for life as aforesaid shall grant and convey to the Council the Ham riverside land and the inheritance thereof in fee simple free from incumbrances subject as to the towing-path part of the said Ham riverside land to a perpetual right to the public of towing vessels and boats upon the River Thames upon payment to the Council of the annual rent of 20*l.* by the Conservators of the River Thames.

2. Upon the said grant there shall be reserved to Lord Dysart and his successors in title the owners for the time being of the Dysart estates or any part thereof his and their assigns (1) the free and uninterrupted access of light and air at all times over the Ham riverside land and every part thereof to the buildings of whatsoever height and in whatsoever position which shall for the time being be erected or standing on the Dysart estates or any part thereof and to all windows and openings which may from time to time and at any time exist in such buildings (2) all such rights of way and passage of water and soil in over and upon the Ham riverside land and every part thereof as now exist in respect of any portion of the Dysart estates (3) full right of access for Lord Dysart his heirs and assigns and the owners and occupiers for the time being of any part of the Dysart estates to and from the Ham riverside land and to and from the River Thames over the said riverside land including a right from time to time with the consent of the Conservators of the River Thames to erect temporary landing stages adjoining to the Ham riverside land and a right to make suitable approaches thereto over the Ham riverside land at such places and under such conditions as may be agreed upon between the owners for the time being of the Dysart estates and the Surrey County Council provided that no landing stage shall be erected adjoining any part of the Ham riverside land for a distance of twelve hundred yards above Twickenham Ferry and (4) full right and liberty for Lord Dysart during his life and his friends in his company at all times by day or by night and for all purposes of pleasure with or without horses and vehicles of all kinds to pass and repass at his and their own risk along over and upon the Ham riverside land Provided always and it is hereby agreed that no metalled road or way shall be constructed upon the Ham riverside land by Lord Dysart or the Council or by any other person or body thereon other than a footpath and a necessary and suitable path for towing boats and vessels incidental to the navigation of the River Thames.

3. The Council shall at all times retain and preserve the Ham riverside land as an open space for the use enjoyment and recreation of the public subject to the reservations mentioned in clause 2 hereof and shall not suffer any building to be erected on the Ham riverside land or on any part thereof except a cottage

A.D. 1902. and shed for the use of a caretaker at such place as shall be agreed upon between Lord Dysart or his surveyor and the Council nor shall they plant any trees or shrubs or do or permit any other act or thing to be done upon the Ham riverside land or any part thereof which shall or may materially obstruct the view of the River Thames from Ham House and grounds or may be or become a nuisance damage or annoyance to Lord Dysart or the owners or occupiers for the time being of any portion of the Dysart estate.

4. Lord Dysart shall within six calendar months after the passing of the said Bill give up sufficient lammas land forming part of the said Dysart estates and shown upon the plan "B" hereunto annexed and thereon coloured yellow to make the portion of the main road or highway leading from Richmond to Kingston and shown on the said plan "B" and thereon bordered partly on one side and partly on the other side with a red line fifty feet in width at all points where it abuts on such lammas land to the intent that the strips of lammas land on either side of the said main road or highway so to be given up as aforesaid shall for ever thereafter form part of the said main road or highway.

5. If the said pending Bill shall be passed into law in its present or some modified form (as herein-after mentioned) in the present session of Parliament the parties hereto shall execute all such deeds and documents and shall do all such acts and things as may be necessary or be deemed expedient to give complete effect to the said agreements.

6. This agreement is made subject to such alterations as Parliament may think fit to make herein but if the Committee on the Bill make any material alteration in this agreement it shall be competent for either of the parties hereto to withdraw the same.

7. Any question arising under this agreement between the owner for the time being of the Dysart estates and the Council shall be settled by arbitration.

As witness the hand of Lord Dysart and the seal of the Council.

Signed by the above-named Sir
William John Manners Earl
of Dysart by the Honourable
Stanhope Tollemache his
attorney under a power of
attorney dated the 20th day
of March 1902 in the presence
of

DYSART
By his attorney
STANHOPE TOLLEMACHE.

E. MONKS
3 Croft Street Ipswich
Clerk.

[2 EDW. 7.] *Richmond, Petersham,* [Ch. ccliii.]
and Ham Open Spaces Act, 1902.

The common seal of the county } The common
council of the administrative } seal of the
county of Surrey was here- } county coun-
unto affixed in the presence of } cil of Surrey.

L.S.

A.D. 1902.

E. J. HALSEY
Chairman of the County Council.
T. W. WEEDING
Deputy Clerk of the County Council.

MEMORANDUM. (ENDORSED ON THE AGREEMENT.)

Whereas it has been agreed by the parties to the within written agreement that certain alterations should be made upon the plan A annexed hereto it is now therefore agreed that the plan A to which such agreement refers shall be taken to be a copy of and correspond with so much of the deposited plan signed by the Chairman of the Committee of the House of Lords as relates to the Ham riverside land.

Dated 24th day of July 1902.

Witness

F. W. ASTLEY COOPER
Ham House Richmond
Gentleman.

DYSART.

The common seal of the county council of
the administrative county of Surrey was
hereunto affixed in the presence of

L.S.

E. J. HALSEY
Chairman of the County Council.
T. W. WEEDING
Deputy Clerk of the County Council.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adams House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.