

**TUNBRIDGE WELLS COMMONS.**

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**EXTRACTS**

**FROM THE**

**Tunbridge Wells Improvement Act, 1890**

*(so far as it relates to the Tunbridge Wells Commons)*

**AND**

**BYE-LAWS**

**FRAMED BY**

**The Conservators of the Tunbridge Wells  
Commons**

**FOR THE**

**Government, Control, Improvement,**

**AND**

**Management of the said Commons,**

**Under and pursuant to the provisions of Section 171 of the**

**TUNBRIDGE WELLS IMPROVEMENT ACT, 1890.**

**W. C. CRIPPS,**  
Clerk to the Conservators.

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Tunbridge Wells :  
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**EXTRACTS**  
**FROM THE**  
**Tunbridge Wells Improvement Act,**  
**1890**

[53 & 54 Vict.] [Ch. ccxxxv.]

*A.D. 1890.*

**An Act to make further and better Provision for the Improvement Health and good Government of the Borough of Tunbridge Wells .... and other purposes. [14th August 1890.]**

*Preamble.*

Whereas by the Rusthall Manor Act 1863 (reciting the Rusthall Manor Act 1739) the exercise of rights of common of pasture and other rights in the wastes or commons of the manor of Rusthall in the county of Kent (herein-after referred to as " the commons ") were regulated and provision was made for the prevention of nuisances thereon and for the protection thereof :

And whereas the Commons being within the borough it is expedient in consequence of the increasing population of the borough and in pursuance of an agreement come to between the Corporation and the lord and freehold tenants of the said manor of Rusthall that the further provisions herein-after contained be enacted for the preservation maintenance regulation and improvement of the commons for the benefit of the inhabitants of the borough and neighbourhood :

And whereas it is expedient that the Corporation be empowered to purchase other lands by agreement for the purposes of this Act as herein-after provided :

And whereas it is expedient that the Corporation be empowered to raise and apply moneys for the purposes and subject to the provisions herein-after contained :

## **Part I. — Preliminary.**

### ***Short Title.***

1. This Act may be cited for all purposes as the Tunbridge Wells Improvement Act 1890.

### ***Act divided into parts.***

2. This Act is divided into parts as follows :—

(Inter alia)

Part XIV. — The Commons.

(Inter alia)

### ***Interpretation of Terms.***

4. "The borough" means the Borough of Tunbridge Wells.

"The Corporation" means the Mayor, Aldermen and Burgesses of the Borough.

"The Council" means the Council of the Borough.

"The Town Clerk" means the Town Clerk of the Borough.

## **Part XIV. — The Commons.**

### ***Definition of the commons.***

**151.** For the purposes of this Act the commons shall consist of the lands coloured red blue and green (except as herein-after provided) on a plan authenticated by the signature of George Woodyatt Hastings the chairman of the committee of the House of Commons to whom the Bill for this Act was referred and such plan shall be deposited in quadruplicate by the town clerk as follows One copy with the Clerk of the Parliaments one copy with the clerk of the peace for the county of Kent one copy with the conservators of the commons appointed under this Act and one copy with the town clerk (such plan is in this Act and the Fourth Schedule hereto referred to as the deposited plan) A copy of or extract from the deposited plan purporting to be certified as a true copy or extract by the said town clerk or clerk of the peace or clerk of the conservators shall be received in all courts and elsewhere as evidence of the contents of the deposited plan and the said town clerk or clerk of the peace or clerk of the conservators shall permit all persons interested in the commons at all reasonable times to inspect and take copies of or make extracts from the deposited plan on payment of a fee not exceeding ten shillings Provided that the lands coloured brown on the deposited plan and specified in the Fourth Schedule hereto shall be excluded from the operation of and shall not be affected by this Act nor by the byelaws hereinafter mentioned and shall not be in any way subject to the

jurisdiction of the commons conservators hereinafter mentioned nor be under their control or management.

***Appointment of number of conservators to manager the commons.***

**152.** From and after the passing of this Act and notwithstanding anything contained in the Rusthall Manor Act 1863 the management of the commons shall be vested in a body to be called the conservators consisting of twelve persons to be appointed as follows (that is to say) :-

One-third to be nominated by the lords, lord or lady of the manor of Rusthall for the time being who shall have power to nominate themselves himself or herself and their steward and bailiff or any persons or person as they he or she may think fit;

One-third to be nominated by the freeholders' committee mentioned in the said Rusthall Manor Act 1863 Every person so nominated shall be a registered freeholder and upon parting with his qualification as a registered freeholder shall vacate his office of conservator ; and

One-third to be nominated by the council from among the members of the council who upon ceasing to be such members shall also vacate the office of conservator :

And the said lords lord or lady of the manor and the freeholders' committee and the council shall severally have the power to remove at any time any of the conservators appointed by him or them and to appoint another person or other persons in his or their stead.

***Appointment of first conservators and successors.***

**153.** The first appointment of conservators shall be made as soon as conveniently may be after the passing of this Act and the next appointment of conservators shall be made on the ninth day of November one thousand eight hundred and ninety-one or as soon thereafter as conveniently may be and the succeeding appointments of conservators by the lords lord or lady of the said manor and the said freeholders' committee shall be made triennially on the ninth day of November or as soon thereafter as conveniently may be and the succeeding appointments of conservators by the council shall be made annually on the ninth day of November or as soon thereafter as conveniently may be And the conservators so respectively appointed as aforesaid shall hold office until the appointment of their several successors and no longer.

***Deficiency in numbers not to invalidate acts of conservators.***

**154.** In the event of any neglect delay or default occurring in any nomination of a conservator or conservators the other conservators duly nominated and appointed as aforesaid shall nevertheless be deemed to be and shall be a duly constituted body for the

purposes of this Act and any proceedings consequent thereon and may act and proceed accordingly.

***Provision as to casual vacancies.***

**155.** Any conservator going out of office resigning or otherwise ceasing to be a conservator may be again nominated a conservator. In the event of any vacancy in the number of conservators by death resignation or otherwise between the times fixed for nomination as aforesaid the conservators for the time being shall continue to be as competent to act as if no such vacancy or deficiency in number had occurred Provided that in the case of the death resignation or other incapacity of any conservator the person or persons or body corporate whose nominee he was may immediately nominate another conservator to supply his place but each person so nominated shall retain his office so long only as the vacating conservator would have retained the same if no such vacancy had occurred.

***Conservators to act gratuitously.***

**156.** No conservator shall receive any remuneration or hold any office of profit under this Act or any proceeding consequent thereon Provided nevertheless that nothing in this section contained shall operate to prevent the steward or bailiff of the lords lord or lady of the manor from receiving remuneration or holding any office of profit other than under this Act.

***Irregularity of appointment to invalidate acts of Conservators.***

**157.** No act of the conservators shall be invalidated or be illegal by reason of any irregularity or omission in or about any appointment of any conservator or in or about any matter preliminary or incidental thereto.

***Meetings of conservators.***

**158.** The conservators shall hold meetings for transacting business under this Act and any proceedings consequent thereon four times at least in every year and at such other time or times as may be expedient for properly executing their powers and duties and shall from time to time make regulations with respect to the summoning notice place management and adjournment of such meetings and generally with respect to the transaction and management of their business.

***Quorum at meetings.***

**159.** No business shall be transacted at any meeting unless five conservators at least are present thereat.

***Decision of questions.***

**160.** All questions shall be decided by a majority of votes five conservators at least being present and voting and the names of the conservators present and voting shall be recorded so as to show whether each vote given was for or against the question.

***Appointment of chairman of conservators***

**161.** The mayor of Tunbridge Wells for the time being if elected a conservator shall be ex-officio chairman of the conservators and shall preside at all meetings at which he is present but in case he shall not be elected a conservator or if so elected he shall be absent from any meeting at the time appointed for holding the same the meeting shall appoint one of the conservators then present to be and he shall be chairman of such meeting At every meeting of the conservators the chairman of the meeting shall in case of equality of votes on a division have a second or casting vote.

***Conservators to provide offices.***

**162.** The conservators shall from time to time provide and maintain such offices as may be necessary for transacting their business and that of their officers and servants under this Act or any proceedings consequent thereon.

***Authentication of documents.***

**163.** Until the contrary be proved a copy of a resolution of the conservators signed and certified by the clerk to the conservators to be a true copy shall be sufficient evidence of the passing of such resolution without further or other proof of the signature of the said clerk or of the said resolution having been duly passed.

***Minutes of proceedings to be kept.***

**164.** The conservators shall have power to appoint a committee or committees for any purpose and may delegate to such committee or committees any of their powers and duties and shall cause minutes of the proceedings of the conservators and of every committee appointed by them with the names of the conservators who shall attend such meeting to be duly made from time to time in books to be provided for the purpose which shall be kept by the clerk to the conservators under the superintendence of the conservators and every entry shall be signed by the chairman of the meeting at which the proceedings took place or by the chairman at the next following meeting and such entry so signed shall be received as evidence in all courts and before judges justices and others without proof of such meeting having been duly convened or held or of the persons attending such meeting having been or being conservators or members of a committee respectively or of the signature of the chairman or of the fact of his having been chairman all of which last-mentioned matters shall be presumed until the contrary is proved and such books shall at all reasonable times be open to the inspection of every conservator The conservators shall from time to time appoint a fit and proper person to be their clerk

and they may if they think fit appoint the town clerk to be clerk to the conservators Provided nevertheless that the present town clerk shall be the first clerk to the conservators.

*Appointment of treasurer and officers &c.*

**165.** The conservators shall from time to time appoint a fit and proper person to be their treasurer and shall appoint or employ such common keepers and other officers and servants as they may think necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the commons and otherwise for the purposes of this Act and any proceedings consequent thereon so far as such Act and proceedings relate to or affect the commons and may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed altering such rules as occasion may require and the conservators may pay out of the moneys to be received by them under this Act or any proceedings consequent thereon to their officers and servants such reasonable wages salaries or allowances as they may think proper and every officer and servant of the conservators shall be removable by the conservators at their pleasure.

*Duty of conservators to execute works.*

**166.** The conservators may execute any works of drainage and improvement of the commons so far only as may be required for the purposes of this Act or any proceedings consequent thereon and shall to the extent of their ability preserve the turf trees and grass and for this purpose may enclose by fences for short periods such portions as may require rest to revive the same and may plant trees on the said commons and enclose the same with fences to protect such trees all fences to be of such a character as not to be likely to injure cattle sheep or other animals and may make necessary paths and provide and place seats for the accommodation of the public in convenient parts thereof No house or other building shall be erected on the said commons except tents for games or amusements or removable lodges if required for the better maintenance or management of the said commons or for purposes ancillary to the recreation of the public But such tents or lodges shall not without the consent of the conservators be allowed to remain more than six days at one time or on Sundays Good Fridays or Christmas Days.

*Inhabitants of Tunbridge Wells and neighbourhood to have free access to commons.*

**167.** The inhabitants of Tunbridge Wells and the neighbourhood shall have free access to and a privilege at all times of playing and attending at games and of enjoying all other species of lawful recreation upon the commons without payment but subject to such byelaws and regulations as are herein-after mentioned and with power for the conservators as they may consider expedient to set apart any portion or portions of the said commons for cricket football or other games and to form any cricket or football ground or grounds and to inclose the same with posts and chains or with open fences so as to prevent cattle straying thereon and to prescribe or arbitrate as to the persons or associations of persons who shall use the same for playing cricket football or other games

and the times when and for how long the particular persons or associations of persons may exclusively use the same for playing at cricket football or other games as aforesaid.

*Commons to be preserved from encroachments.*

**168.** The conservators shall maintain the commons free from all encroachments except as herein provided and also except that they shall have power to permit temporary enclosures to be made and tents or booths to be erected on such occasions as they shall think fit. It shall not be lawful for any persons other than the conservators without the consent in writing of the conservators under the hand of their clerk to make any temporary or other inclosure of any part of the commons or to put any tents removable lodges fences posts rails or other matters or things thereon or to make any road or footpath except over such portions of the commons as are coloured red on the deposited plan or to lay any sewer drain pipe waterway or other work of a like nature in or through any part of the commons Provided nevertheless that this clause shall not interfere with any right of the council to make and maintain such sewers as may be necessary for effectually draining the borough for the purposes of the Public Health Acts Provided also that the council notwithstanding as aforesaid shall have exercise and be subject to all the powers authorities duties and liabilities of surveyors of highways under the law for the time being in force so far as regards any highway over the commons.

*Commons to be deemed a street for police purposes.*

**169.** For the purpose of police the commons shall be deemed a street and place of public resort and the powers and duties of all police constables in relation to public safety and preservation of order decency and protection of property shall extend thereto.

*Regulation of public speeches, &c. on the commons.*

**170.** From and after the passing of this Act it shall not be lawful to deliver utter or read aloud any public speech lecture prayer scripture sermon address discourse or other matter of any kind or description whatever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture prayer scripture sermon discourse address or other matter or to hold or cause or take part in any public assemblage or (without the consent of the conservators) to play any musical instrument upon any road or footpath on the commons or upon any portion of the commons other than the portion coloured green upon the deposited plan. Any person offending against the provisions of this section shall be subject to a penalty not exceeding forty shillings and it shall also be lawful for any constable of the borough or officer of the conservators to remove from the commons any person so offending.

*Power to make byelaws.*

**171.** The conservators shall as soon as conveniently may be by writing under the hands of three conservators frame byelaws for the efficient working and carrying into effect the objects of this Act so far as relates to the commons and may from time to time in the



same manner frame additional byelaws or repeal or amend existing byelaws The byelaws may be directed to all or any of the following purposes or objects (that is to say) :

1. The government control improvement and management of the commons and the preservation of good order and conduct among persons frequenting them.
2. The exclusion and removal therefrom of prostitutes gipsies beggars rogues and vagabonds gamblers card sharpers squatters settlers and exhibitors of infamous or indecent books prints photographs or pictures or other objects or persons guilty of brawling fighting or quarrelling or using indecent or improper language or any idle or disorderly person and the apprehension of all offenders so that all such persons may be dealt with according to law.
3. The protection of walls railings fences lamp-posts trees bushes gorse heather walks and other things therein.
4. The prevention of nuisances annoyances obstructions and encroachments.
5. The prevention of the deposit of road sand or rubbish or other matter.
6. The prevention of the taking cutting or digging firing or otherwise injuring turf sods gravel clay sand gorse heather ferns bracken bushes trees and the like.
7. The prevention of bird catching bird trapping and the robbing of birds' nests or eggs.
8. The prevention of shooting or chasing of game pigeons or other birds rabbits or any other animals thereon.
9. The regulation and control of assemblages of persons thereon and of sports and games played there and the use thereof by volunteer corps and others.
10. The regulation of the use of animals and carriages let out for hire thereon and of the drivers of carriages and of persons letting out for hire or using animals or carriages thereon and in general the regulation of riding on the commons.
11. The prevention of vehicles including bicycles tricycles and velocipedes being driven or horses being exercised by grooms or others on any part of the commons not set apart by the conservators for the purpose.
12. The prohibition and prevention of any new roads or ways being formed across the commons or any of them save with the consent of the conservators and subject to the conditions and restrictions prescribed by them Provided always that this subsection shall be limited to the main portions of the commons and shall not extend to such portions as are coloured red on the deposited plan.
13. The prohibition and prevention of the fouling of any ornamental or other lakes ponds or waters the regulation of skating and sliding thereon the prevention of the

destruction or injury of aquatic or other birds or of other animals or of fish therein.

14. The prevention of the posting of bills or placards and the writing stamping cutting painting drawing or marking in any manner of any word or character or of any representation of any object on any of the rocks on or about the commons or on any wall railing fence tree lamp-post walk pavement or seat or elsewhere and the prevention of any other injury to or the removal of any such rocks wall railing fence tree lamp-post walk pavement or seat.
15. The regulation and if need be the prohibition of placing drying or bleaching of clothes household linen or other materials or things and the beating and cleansing of carpets or like articles.
16. The temporary enclosure of portions of the commons for the protection and renewal of the herbage thereon.
17. Generally the prevention of all acts and things tending to the injury or disfigurement of the commons or the interference with the use thereof by the public for purposes of exercise and recreation.
18. The imposition of penalties for breach of the byelaws.

The penalties to be imposed for breach of the byelaws shall be such reasonable penalties as the conservators shall think fit not exceeding the sum of forty shillings for each offence and a daily penalty not exceeding the sum of twenty shillings Provided always that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

### ***Confirmation of byelaws.***

**172.** No byelaws shall be of any validity until the same have been confirmed by the Secretary of State and no repeal or amendment of any existing byelaw or byelaws shall be valid until the same has been confirmed in like manner.

Notice of intention to apply for such confirmation shall be given twice in some newspaper published and circulating in the county of Kent one month at least before the making of such application And for one month at least before any such application a copy of the proposed byelaws shall be kept at the office of the conservators and at the town hall of the borough and be open during office hours thereat to the inspection of any inhabitant of Tunbridge Wells and the neighbourhood without fee or reward and the conservators shall at any time furnish every person who shall apply for the same with a printed copy thereof on payment of a sum not exceeding one shilling for each copy. After due confirmation a copy of any byelaw or byelaws certified under the hand of the clerk to the conservators to be a true copy and that the byelaw or byelaws certified has or have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the validity of such byelaw or byelaws so far as the authenticity and due making and confirmation thereof are concerned.

All byelaws made by the conservators shall be legibly written or printed at length on boards of suitable size and placed on such parts of the commons (not less than three) as to the conservators may seem desirable.

***Recovery and application of penalties.***

**173.** Any penalty imposed by or under any byelaws as aforesaid may be recovered together with the costs of the proceedings in manner provided by the Commons Act 1876 or any Act amending the same and all proceedings for the recovery of any such penalty shall be had or taken by the conservators and the penalty recovered shall be paid to the conservators and shall be applied in aid of the costs and expenses of carrying into effect the provisions herein contained.

***Power to conservators to appoint officers.***

**174.** The conservators may from time to time appoint officers for securing the observance of this part of this Act and of the byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose.

***Only commoners to turn out cattle to graze on commons.***

**175.** Except for those persons who are by law entitled it shall not be lawful to turn out any cattle horses sheep or other animals on the commons but the persons who are by law entitled may continue to exercise their lawful right of turning out cattle or other animals as if this Act had not been passed but no further or otherwise. Conservators entitled to commons.

***Conservators entitled to impound stray cattle &c.***

**176.** The conservators shall be entitled to impound omitted &c. stray horses, cattle, sheep and other animals unlawfully straying on the commons and for that purpose may if they think fit use any pounds belonging to the manor.

***Conservators not to manage roads over commons.***

**177.** Nothing herein contained shall be construed as not to manage roads over placing any public roads or highways on or across the commons under the care of the conservators.

***Costs of commons how defrayed.***

**178.** All costs and expenses incurred by the conservators in respect of this Act and any proceedings consequent thereon from time to time and at all times shall be defrayed by means of half-yearly payments in advance to be made to the conservators by the Corporation not exceeding the sum of one farthing in the pound on the rateable value for the time being of the property within the borough and by means of any other moneys applicable to the purpose which may come to the hands of the conservators by way of

subscription penalty donation or otherwise The payments so to be made by the Corporation shall be charged to and paid out of the district fund and nothing herein contained shall affect any power which the Corporation may have of voting a sum or sums of money for or towards such costs and expenses beyond the said annual sum.

*With respect to the rights of the lord of the manor.*

**179.** From and after the passing of this Act in consideration of the payment by the Corporation of the sum herein-before mentioned towards the expenses incurred by the conservators and of the sum of two hundred pounds to the lord of the manor all the right of the lord of the manor for the time being to cut down or remove trees and other timber from time to time growing or situate upon the commons shall cease provided that if any of such trees shall after the said date be blown or otherwise thrown down die or be cut down by the conservators then and in every such case such tree shall thereupon belong to and become the property of the said lord Provided that nothing in this clause contained shall prohibit the lord of the manor from trimming or brushing up the branches of any tree which may obstruct the access of light to or overhang or be otherwise prejudicial to any house belonging to him on the commons.

*Saving of rights*

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

*Power to acquire rights of lord and freeholders in Rusthall Commons.*

**181.** The Corporation may by agreement purchase and acquire the commons together with all rights of common commonable rights rights of way and other rights estates interests and privileges whatsoever of the lord of the manor freehold tenants or others in over or affecting the same or any part thereof and upon every such purchase or acquisition the Corporation may extinguish or retain and exercise all or any of such rights and privileges and do all such things and execute such works as they from time to time shall deem necessary for the maintenance preservation and improvement of the commons as places of public exercise and recreation.

*Power to acquire quarry rights*

**182.** The Corporation may by agreement purchase and acquire all the rights of the lord of the manor to open mines quarries pits or other like excavations and also the rights of the lord of the manor freehold tenants or others to work dig up use or dispose of any minerals gravel stone or other matters and upon every such purchase or acquisition the Corporation may extinguish or retain and exercise all or any of such rights.

***Purchase to be effected under Lands Clauses Consolidation Act 1845.***

**183.** For the purposes of the above authorised purchase or acquisition the Corporation and the persons at present constituting the freeholders' committee mentioned in the Rusthall Manor Act 1863 shall be respectively considered as promoters of an undertaking and as a committee acting and appointed under the provisions of sections 103 and 104 of the Lands Clauses Consolidation Act 1845 and any money to be paid by the Corporation to or on account of the freehold tenants of the said manor may be paid to the said committee who are authorised to execute the deed of conveyance receive such money and give due discharge and the Corporation shall not be bound or concerned to see or inquire as to whether the committee were duly appointed.

***Conveyance to be stamped.***

**184.** The purchase under the foregoing powers shall be evidenced by a duly stamped deed of conveyance which shall within three months from the date thereof be produced to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp with interest at the rate of five per centum per annum shall be recoverable from the Corporation together with full costs of suit and all costs and charges attending the same.

***Transfer of powers.***

**185.** From and after the purchase or acquisition as aforesaid by the Corporation of the commons and all rights of common commonable rights rights of way and other rights estates interests and privileges of the lord of the manor the freehold tenants and others therein all the powers rights duties capacities liabilities obligations and property exercisable by attaching to or vested in With respect to rights in and over the commons the conservators under this Act shall pass to and be exercisable by and be vested in the Corporation.

***With respect to rights in and over the commons.***

**186.** And whereas the lords of the manor of Rusthall claim the soil and freehold of the commons and the minerals under the same and the freehold tenants of the manor claim rights of pasturage and other rights in and over the commons Be it enacted that nothing in this Act shall affect the rights in and over the commons so claimed as aforesaid except so far as is necessary for the purposes contemplated by this Act and that the improvement of the commons and the prevention of nuisances thereon and other purposes of a like nature shall be deemed to be purposes of this Act Provided always that nothing herein contained shall affect the right of the lord or lords lady or ladies for the time being of the manor to the gravel stone mines or minerals under the commons and to work the same or the right of such lord or lords lady or ladies in the event of any part of the commons being required by any railway company or any other public or private company or body for the purposes of their undertaking to receive the same amount of purchase money or compensation money for the same as he they or she would have been entitled to claim or receive in case this Act had not been passed.

The SCHEDULES referred to in the foregoing Act.

### SCHEDULE I.

List of Local Acts and Provisional Orders referring to the Borough of Tunbridge Wells.  
(inter alia)

The Rusthall Manor Act 1739.

The Rusthall Manor Act 1863.

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### SCHEDULE IV.

#### List of Properties excluded from the Commons.

No. on deposited Plan.	No. on Ordnance Plan.	Name and Description.	Owners.	Occupiers.	Remarks.
1	1003	Belleville Cottage	Lady of the Manor.	John Graves Wyatt.	
2	1005	St. Helena	Lady of the Manor.	Edward Moxon.	
3	1006	Gibraltar	Lady and Freehold Tenants.	G.W.Kent.	
4	1009-10	Mount Edgecumbe stable house and cottage	Lady of the Manor.	Olivia Walker.	
5	1010	Ephraim Villa stables and coach house	Lady of the Manor.	Rev. T. R. Stebbing.	
6	1011	Romanoff Lodge	Lady and Freehold Tenants.	Elizabeth Mary Thompson.	
7	1013	Onslow House	Lady of the Manor.	Daniel Chissell.	Leased to Elias Edwards.
8	—	Exeter Villa	Lady and Freehold	Creasy.	

			Tenants.		
9	1018	Star Mews	Lady and Freehold Tenants.	Card and Bobbett.	Leased to the late Charles John Stone.
10	1018	Lewis Place	Linn	Benoy and Son and J. Walter.	Leased to Benoy and Son.
11	1018	Sion Prospect	William Jabez Smith.	William Jabez Smith.	
12	1018	Kentish Hotel stables	Lady and Freehold Tenants leased to Hughes.	William Barnsley Hughes.	
13	1020	Fonthill	Lady of the Manor leased to Noakes.	William Thomas Noakes.	
14	1016	Hand and Sceptre stables	Lady of the Manor leased to Wni. Wilson.	William Wilson.	
15	1016	Booty's warehouse	Lady and Freehold Tenants leased to James Booty.	James Booty.	
16	1016	Cottage adjoining	Lady and Freehold Tenants leased to H. and E. Kelsey.	Stephen Card.	
17	1021	Swan Hotel stables	Lady of the Manor leased to William Rule.	William Rule.	
18	1021	York Cottage and small cottage adjoining	George Avery.	George Avery.	
19	794	Cottages on Rusthall Common	Hallett William Samuel Reed and Joseph Barnett.	Samuel Reed and Blackman.	



# BYE-LAWS

FRAMED BY

**The Conservators of the Tunbridge Wells Commons for the government, control, improvement, and management of the said Commons under and pursuant to the provisions of the Tunbridge Wells Improvement Act, 1890.**

## *Interpretation of Terms.*

Throughout these Bye-Laws the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—

" The Act " means the Tunbridge Wells Improvement Act, 1890.

" The Commons " means the Commons as denned by section 151 of the Act.

" The Conservators " means the Conservators nominated and appointed for the time being under the provisions of section 152 of the Act.

" Person " includes corporation aggregate or sole.

" Constable " means and includes any Police Constable for the time being acting in and for the Borough of Tunbridge Wells.

" Officer of the Conservators " means and includes any officer or person for the time being in the service of the Conservators.

" Daily Penalty " means a penalty for each day on which the offence is continued or repeated after conviction thereof.

Words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular.

*For the government, control, improvement, and management of the Commons, and the preservation of good order and conduct among persons frequenting them.*

1. No person shall on any part of the Commons wilfully obstruct, disturb, or annoy any other person in the proper use of the Commons, or wilfully obstruct, or disturb, any officer, agent, or servant of the Conservators in the execution of his duty.
2. No person shall on any part of the Commons sell or offer or expose for sale or hire, any commodity or article without the authority of the Conservators.
3. No person shall fire a gun, pistol, or other firearm, or discharge any airgun, catapult, or sling on any part of the Commons, or commit or do any other act or thing thereon, whereby persons lawfully using or being on the Commons may be endangered.



4. No person shall collect, incite, or take part in, any unlawful assembly or disorderly gathering of persons on any part of the Commons.
5. Every person who shall infringe any Bye-Law for the regulation of the Commons may be removed therefrom by any officer of the Conservators, or by any Constable, in any one of the several cases hereinafter specified, that is to say:—

(I.) Where the infraction of the Bye-Law is committed within the view of such officer or Constable, and the name and residence of the person infringing the Bye-Law are unknown to and cannot readily be ascertained by such officer or Constable.

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

*For the exclusion and removal from the Commons of prostitutes, gipsies, beggars, rogues and vagabonds, gamblers, card sharpers, squatters, settlers, and exhibitors of infamous or indecent books, prints, photographs, or pictures, or other objects, or persons guilty of brawling, fighting, or quarrelling, or using indecent or improper language, or any idle or disorderly person and the apprehension of all offenders, so that all such persons may be dealt with according to law.*

6. No prostitute, gipsy, beggar, rogue, vagabond, squatter, or disorderly person shall frequent or resort to or remain on the Commons.
7. No person shall gamble, or play with cards, or dice, or any device for gambling on the Commons. No person shall exhibit or distribute any infamous or indecent book\* print, photograph, picture, representation, or object on the Commons. No person shall brawl; fight, or quarrel, or use indecent language on the Commons.
8. Any Constable or officer of the Conservators may apprehend and detain in custody any person who shall offend against the preceding Bye-Law in the same manner and subject to the same conditions in all respects as Borough Constables may apprehend idle and disorderly persons under Section 193 of the Municipal Corporations Act, 1882.

*For the protection of walls, railings, fences, lamp-posts, trees, bushes, gorse, heather, walks, and other things on the Commons.*

9. No person shall destroy, injure, deface, or defile any part of any rock, or any wall, railing, fence, lamp-post, seat, statue, monument, work of art, drinking fountain,

ornament, decoration, notice board, or any other structure, erection, or thing on the Commons.

10. No person shall destroy or injure any trees, bushes, gorse, heather, plants, or grass on the Commons.
11. No person shall without the authority of the Conservators, remove or displace any rock or any wall, railing, fence, lamp-post, seat, statue, monument, work of art, drinking fountain, ornament, decoration, notice board, or any plate or tablet containing the name of any tree, shrub, or plant on the Commons.
12. No person shall without the authority of the Conservators on any part of the Commons break or pluck any branch of any tree or sapling, or any gorse or fern.
13. No person shall light any fire on the Commons, or burn, or cause to be burnt thereon, anything whatsoever, or place, throw, or let fall any lighted or combustible substance, article, or thing which may cause or be likely to cause damage or injury by fire, to anything growing or being on the Commons.

*For the prevention of nuisances, annoyances, obstructions, and encroachments on the Commons.*

14. No person shall commit any nuisance, or act in an indecent or disorderly manner on the Commons.
15. No person shall (save under the directions or with the sanction of the Conservators as provided by section 168 of the Act), inclose or attempt to inclose any part of the Commons, or erect or maintain, or attempt to erect or maintain, or cause or procure to be erected or maintained, on the Commons any thing whatsoever which shall be an encroachment upon the Commons, or which shall in any way diminish the area of the Commons.

*For the prevention of the deposit of road sand, or rubbish, or other matter.*

16. No person shall, without the authority of the Conservators, throw, deposit, or leave or cause or suffer to be thrown, deposited, or left any road sand, rubbish, rags, refuse, substance, or matter or material whatsoever, on any part of the Commons.

*For the prevention of the taking, cutting, or digging turf, sods, gravel, clay, sand, and the like.*

17. No person shall, without the authority of the Conservators, take, cut, or dig, any turf, peat, sods, gravel, clay, loam, sand, or soil, on any part of the Commons.

*For the prevention of bird catching, bird trapping, and the robbing of birds' nests or eggs.*

18. No person shall on any part of the Commons take, injure, or destroy any bird, or spread or use any net, or set or use any snare or other engine, instrument, or means for the taking, injuring, trapping, or destruction of any bird, or displace, disturb, injure, or destroy any bird's nest, or take, injure, or destroy any bird's egg.

*For the prevention of shooting or chasing of game, pigeons, or other birds, rabbits, or other animals, on the Commons.*

19. No person shall, without the authority of the Conservators, shoot or chase game, pigeons, or other birds, or rabbits, or any other animals, on any part of the Commons.

*For the regulation and control of assemblages of persons on the Commons, and of sports and games played there, and the use thereof by volunteer corps and others.*

20. No person shall in any way interfere with any meeting lawfully held on any part of the Commons.

21. No person shall, except with the consent of the Conservators, play any game upon any portion of the Commons specially reserved for cricket matches and defined by lines or in some other conspicuous manner.

22. No person shall upon any part of the Commons specially set apart for cricket, play or take part in any game of football, quoits, or hockey, or any other game likely to injure the turf.

23. No person shall on Sunday play any game on the portions of the Commons set apart or enclosed by the Conservators for cricket, football, or other games.

24. No person shall drive or ride or lead any horse over any portions of the Commons set apart or inclosed by the Conservators for cricket, football, or other games.

25. No person shall obstruct, interfere with, or annoy any persons who are playing or have made preparations for playing at cricket, football, or any other lawful game upon the portions of the Commons set apart or inclosed by the Conservators for cricket, football, or other games.

26. No person shall except with the consent of the Conservators, and subject to the proviso hereinafter contained, drill or practice, or take part in any military evolutions, or cause or permit any person to drill or practice or take part in any military evolutions upon any part of the Commons. Provided that nothing in these Bye-Laws shall be construed as prohibiting on the Commons (a) Infantry Military drill, (b) Encampment of troops for a single night for a halt on a march to or from their quarters, (c) A review (with the previous assent of the Conservators) of Her Majesty's troops and auxiliary forces, such assent to be subject to the following conditions :—

When an adequate area for such drill, encampment, and reviews respectively has been fixed by the Conservators, that area only shall be used for such purpose. All damage done by Her Majesty's troops and auxiliary forces to the surface of the Common, which shall be capable of immediate reparation, shall be made good by the troops and forces encamped before they leave the Common, and any damage which can be compensated only by pecuniary payment, shall be so compensated by the Secretary of State for War.

Any difference which may arise between the Secretary of State for War and the Conservators concerning the adequacy of the area fixed by the Conservators for the respective purposes aforesaid, or concerning compensation for damage done to the Commons, shall be determined by the First Commissioner of Works.

*For the regulation of the use of animals and carriages let out for hire on the Commons, and of the drivers of carriages and of persons letting out for hire or using animals or carriages thereon, and in general the regulation of riding on the Commons.*

27. No person shall, without the consent of the Conservators, stand for hire any animal or carriage on any part of the Commons.
28. A person permitted by the Conservators to stand for hire any animal or carriage on the Commons, shall, when so standing for hire, stand and remain at the stands defined by posts and adjoining the road leading from Vale Royal to Mount Edgecumbe, or at such other stand or part of the Commons as shall from time to time be prescribed by the Conservators.
29. A person permitted by the Conservators to stand for hire any animal or carriage on the Commons shall charge such fares as shall from time to time be prescribed by the Council of the Borough in respect of animals and hackney carriages standing or plying for hire in the streets of the Borough.
30. Every driver of any animal or carriage who shall be permitted by the Conservators to stand for hire on the Commons shall be sober and cleanly, and conduct himself with propriety towards every hirer of such animal, or carriage, and shall comply with every reasonable requirement of any such hirer, and of any Constable, and of any officer of the Conservators, and shall not leave his animal or carriage unattended for any purpose.
31. No person shall ride any horse or other animal on the Commons during the months from November to March, both inclusive, nor at any time on any parts of the Commons on which for the time being riding is prohibited by the Conservators.

*For the prevention of vehicles, including bicycles, tricycles, and velocipedes, being driven or horses being exercised by grooms, or others on any part of the Commons not set apart by the Conservators for the purpose.*

32. No person shall drive or ride any vehicle, bicycle, tricycle, or velocipede, or other like machine, on any part of the Commons on which, for the time being, the driving or use of such vehicles or machines is by notice placed on the Commons prohibited by the Conservators.
33. No person shall ride or lead for the purpose of exercise or training any horse or other animal upon any part of the Commons not set apart by the Conservators for that purpose, or in a manner likely to endanger the safety or comfort of persons lawfully using or being on the Commons.

*For the prohibition and prevention of any new roads or ways being formed across the Commons or any of them save with the consent of the Conservators, and subject to the conditions and restrictions prescribed by them.*

34. No person shall, without the authority of the Conservators, make or form any new road, path, or way over or across any part of the Commons (other than such portions of the Commons as are coloured red on the plan referred to in section 151 of the Act).

*For the prohibition and prevention of the fouling of any ornamental or other lakes, ponds, or waters, the regulation of skating and sliding thereon, the prevention of the destruction or injury of aquatic or other birds or of other animals or of fish therein.*

35. No person shall bathe, wade, or wash in, or foul or pollute the waters of, any lake, pond, stream, ornamental or other water on the Commons.
36. No person shall take, injure, or destroy, or attempt to take, injure, or destroy, or disturb, or worry, or illtreat any fowl in any lake, pond, stream, ornamental or other water, or elsewhere on the Commons.
37. No person shall, without the authority of the Conservators, place or use any boat or canoe upon any lake, pond, stream, ornamental or other water on the Commons.
38. No person shall cast, throw, or deposit in any lake, pond, stream, ornamental or other water on the Commons, any soil, stones, refuse, rubbish, manure, dead animal, or other matter or thing whatsoever.
39. No person shall, with intent to drown the same, cast or throw any dog, cat, or other animal into any lake, pond, stream, ornamental or other water on the Commons.

40. No person shall, without the authority of the Conservators, break any ice upon or remove any ice from any lake, pond, stream, ornamental or other water on the Commons.
41. No person shall walk, skate, slide, or go upon any lake, pond, stream, ornamental or other water on the Commons when frozen, after notice by the Conservators, or their officers, or by the Police, that it is dangerous to do so.

*For the prevention of the posting of bills or placards, and the writing, stamping, cutting, painting, drawing, or marking in any manner of any word or character, or of any representation of any object on any of the rocks on or about the Commons or on any wall, railing, fence, tree, lamp-post, walk, pavement or seat, or elsewhere.*

42. No person shall, without the authority of the Conservators, affix or post any bill, placard, or notice to or on any rock, or on any wall, railing, fence, tree, lamp-post, building, tent, barrier, board, walk, pavement, seat, statue, monument, work of art, or drinking fountain, or to or on any other structure, erection, or thing on the Commons.
43. No person shall write, stamp, cut, paint, draw, mark, or delineate in any manner any word or character, or representation of any object on any rock, or on any wall, railing, fence, tree, lamp-post, building, tent, barrier, board, plate, tablet, post, walk, pavement, seat, statue, monument, work of art, or drinking fountain, or on any other structure, erection, or thing on the Commons.

*For the regulation, and if need be the prohibition, of placing, drying, or bleaching of clothes, household linen, or other materials or things, and the beating and cleansing of carpets or like articles on the Commons.*

44. No person shall on the Commons, except under such restrictions, and at such places as the Conservators shall from time to time prescribe, hang, place, spread, or deposit any clothes, household linen, or other fabric, materials or things, for the purpose of drying or bleaching.
45. No person shall on the Commons, except under such restrictions, and at such places as the Conservators shall from time to time prescribe, beat, shake, sweep, brush, or cleanse any carpet, drugget, rug, or mat, or any other fabric retaining dust or dirt.

*For the temporary inclosure of portions of the Commons for the protection and renewal of the herbage thereon.*

46. The Conservators may temporarily inclose portions of the Commons for the purpose of preserving and renewing the turf, herbage, trees, and grass growing thereon ; and no person shall, without the authority of the Conservators, enter any portions so inclosed, or interfere with the fences put up for such inclosure.

*For the imposition of penalties for breach of the Bye-Laws.*

47. Every person who shall offend against any of the foregoing Bye-Laws shall be liable for every such offence to a penalty of forty shillings and to a daily penalty of twenty shillings.
48. Every person who shall aid, abet, counsel, or procure the commission of any offence against any of the foregoing Bye-Laws shall be liable to the same penalty and penalties as the principal offender.
49. Provided nevertheless that the Justices or Court before whom any complaint may be made or any proceedings may be taken in respect of any offence against the foregoing Bye-Laws may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by these Bye-Laws.
50. Provided always that nothing in these Bye-Laws shall affect any rights of pasturage and other rights in and over the Commons claimed by the Lord and tenants, except so far as is necessary for purposes of the Act within the meaning of section 186 thereof.

*The foregoing Bye-Laws were framed by the Conservators, at a meeting held at the Town Hall, Tunbridge Wells, on Tuesday, this 26th day of May, 1891.*

*Given under the hands of us, the undersigned Conservators, the day and year aforesaid.*

F. WADHAM ELMERS.  
HENRY H. CRONK.  
FRANK Wm STONE.  
EBENEZER WALTER.  
W. C. CRIPPS,  
*Clerk to the Conservators.*

*I hereby confirm the foregoing Bye-Laws.*

HENRY MATTHEWS,  
*One of Her Majesty's principal Secretaries of State.*

Whitehall,  
23rd February, 1892.

The following were appended to the Act when it was reprinted in 1960:

1. Throughout these byelaws the expression “the Conservators” means the Conservators nominated and appointed for the time being under the provisions of Section 152 of the Tunbridge Wells Improvement Act, 1890; the expression “the Commons” means the Commons as defined by Section 151 of the said Act and the expression “power-driven model aircraft” means any model aircraft driven by the combustion of petrol-vapour or other combustible substances.
2. A person shall not fly any power-driven model aircraft on the Commons.
3. Every person who shall offend against the foregoing bye-laws shall be liable on summary conviction to a fine not exceeding two pounds.

*The foregoing bylaws were framed by the Conservators, at a meeting held at the Town Hall, Tunbridge Wells, on Tuesday, this Twenty-third day of June, One thousand nine hundred and fifty-three.*

*Given under the hands of us, the undersigned Conservators, the day and year aforesaid.*

*Commons Conservators* (Sgd.) SYDNEY V. THORPE  
(Sgd.) J. A. McNAB  
(Sgd.) R. W. CARD

(Sgd.) JOHN WHITEHEAD,  
Clerk to the Conservators.

*Ii hereby confirm the foregoing byelaws and fix the date on which they are to come into operation as 1<sup>st</sup> October, 1953.*

(Sgd.) DAVID MAXWELL FYFE,  
*One of Her Majesty’s Principal Secretaries of State.*

L.S.

WHITEHALL.  
10<sup>th</sup> September, 1953



Byelaw No.23 of the Byelaws framed by the Conservators of the Tunbridge Wells Commons on the 26<sup>th</sup> day of May, 1891, and confirmed by the Secretary of State on the 23<sup>rd</sup> day of February, 1892, is hereby repealed.

*Given under the hands of the undersigned Conservators, this 6<sup>th</sup> day of October, 1959.*

*Signed*            N. GLANFIELD  
                         H. A. SHEPPARD  
                         D. SAVAGE

*Countersigned*    JOHN WHITEHEAD,  
   *Clerk to the Conservators*

*The Secretary of State this day confirmed the foregoing Byelaw and fixed the date on which it is to come into operation as the 1<sup>st</sup> day of April, 1960*

*Signed* E. H. GWYNN,  
*An Assistant Under Secretary of State.*

L.S.

HOME OFFICE, WHITEHALL.  
*15<sup>th</sup> February, 1960*