CHAPTER xxvii.

An Act to confirm the Provisional Orders for the regulation of certain lands known as Crosby Garrett Common, in the parish of Crosby Garrett, in the county of Westmoreland; and for the regulation of certain lands known as Stivichall Common, in the parish of St. Michael, Coventry, in the county of Warwick. [19th June 1882.] A.D. 1882.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845 to 1878, issue, in the year one thousand eight hundred and eighty-one, the Provisional Orders of Regulation set forth in the Schedule hereto, and in certain special reports certified that it was expedient that the same should be confirmed by Parliament: 8 & 9 Vict. c. 118., &c.

And whereas a Committee of the House of Commons, to which the same Provisional Orders were referred, recommended that the same should be confirmed without modification:

And whereas the said Regulations cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Confirmation of Provisional Orders.

1. The Provisional Orders of Regulation set forth in the Schedule to this Act are hereby confirmed.

Short title.

2. This Act may be cited as the Commons Regulation (Crosby Garrett and Stivichall Commons) Provisional Orders Confirmation Act, 1882.

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SCHEDULE.

CROSBY GARRETT.

PROVISIONAL ORDER for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as Crosby Garrett Common, situate in the parish of Crosby Garrett, in the county of Westmoreland, such lands being a Common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the regulation of such Common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said Common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a primâ facie case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the "Fleece" Inn, in the said parish, on the 5th and 6th days of December 1881, at the respective hours of seven in the evening and half-past ten in the forenoon, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner inspected the said Common as required by the said Acts: :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said Common, a copy of which map is deposited at the office of the said Commissioners:

And whereas Agnes Elyetson Thompson, of Kirkby Stephen, in the county of Westmoreland, spinster, as Lady of the Manor of Crosby Garrett, is entitled to the soil of the said Common:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the regulation of the said Common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the provisions for the adjustment of rights and the improvement of the Common which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,—

That for the adjustment of rights the following provisions be put in force; that is to say, provisions for :—

1. As respects rights of common of pasture; the determination of the persons by whom, the stock by which, and the times at which such common of pasture is to be exercised.
2. As respects rights of common of turbary, or taking of estovers, or taking gravel, stone, or otherwise interfering with the soil of the said Common; the determination of the persons by whom, and the mode and place or places in which, and the times at which such rights, or any of them which may be proved to exist, are to be exercised, and also, on compensation made to any person aggrieved, either by grant of a right of equal value, or with his consent in writing in money, the restriction, modification, or abolition of all or any of such rights which may permanently injure the Common.
3. The determination of any rights and settlement of any disputes relating to boundaries, rights in the soil or in the produce of the soil, or otherwise, should any such disputes be found to exist.

That for the improvement of the said Common the following provisions be put in force, that is to say, provisions for :—

1. The draining, manuring, and levelling of the said Common as may be found necessary.
2. The planting of trees, or the erection of such fencing as may be found necessary for shelter, or for the protection of the planting, or of the due exercise of the rights of common, or in any other way improving or adding to the beauty of the said Common.
3. The making of byelaws and regulations for the prevention of, or protection from, nuisances, and for keeping order on the said Common.
4. The general management of the said Common.
5. The appointment from time to time of conservators of the said Common for the purposes of such improvement, such conservators being persons interested in the said Common.

That the foregoing provisions for adjustment of rights and for improvement shall apply to the whole of the said Common, subject nevertheless as to that portion thereof lying within sixty yards of the margin of Sunbiggin Tarn to the right of planting trees herein-after reserved to the lady of the manor.

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That with a view to the benefit of the neighbourhood the following provisions be made part of the terms and conditions of this Order; that is to say,

1. That there be reserved for the public a right at all times to walk over the whole of the said Common.
2. That there be reserved a privilege of playing games and of enjoying other species of recreation at all times on thirty acres at or near the spot marked X on the said map.
3. That if found necessary carriage-roads, bridle-roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

That one-sixteenth part in value of the rights of common of pasture over the said Common be allotted, under the provisions of the said Acts, to the said Agnes Elyetson Thompson as lady of the said manor, in lieu of her right and interest in the soil of the said Common so far as the same is affected by this Order, such allotment to be without prejudice to any right of pasturage or other right of common or interest in the nature of a right of common, which may have been usually enjoyed by such lady or her tenants upon the said Common, which said right of pasturage or other right, if any, is to be compensated for and determined under the provisions herein-before referred to for the adjustment and determination of rights of common of pasture.

That the mines, minerals, stone, and other substrata under the said Common be reserved to the lady of the manor, together with a right to enter the said Common for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata.

Provided always, that the person or persons exercising such right shall, in the exercise thereof, do as little damage to the surface of the Common as reasonably may be, and shall not prejudicially affect any carriage-road, bridle-road, or footpath to be set out as aforesaid, and shall pay compensation for any damage done thereby to any drain made, tree planted, or improvement executed under the powers aforesaid, such compensation to be paid to the conservators for the time being, to be applied by them in improving the said Common, and the conservators for the time being shall have power to sue for, recover, receive, and give effectual receipts for, and to settle all questions relating to, such compensation.

That the right of the lady of the said manor to all manner of game and fish upon and in the said Common and the waters thereof, together with the right of hunting, hawking, fishing, and fowling over the same, with full power and authority for her, and all persons authorised by her, to enter upon and in the said Common, and the waters thereof, for the convenient exercise of such rights, or any of them, and to watch and preserve the game and fish, and prevent unauthorised persons from the destruction or pursuit thereof, be reserved to the lady of the said manor.

That there be reserved to the lady of the manor the right of planting trees for ornament upon the said Common within sixty yards of the margin of

Sunbiggin Tarn, subject to the obligation to leave proper and sufficient access to the water for the stock upon the said Common.

That there may be raised by the conservators for the time being such sums as the said Inclosure Commissioners shall think fit, and by order from time to time under their seal, at the request of the conservators, direct, to be applied towards the improvement or protection of the said Common, and to be raised by means of rates to be levied upon the respective owners of the rights of common of pasture according to the value of such rights as ascertained from the award, and to be recoverable by the conservators, or any officer appointed by them for the purpose, in such manner, as nearly as circumstances will permit, as if the same had been rates recoverable by a field reeve appointed under the powers of the said Acts, or any of them.

That, for the purpose of giving complete effect to this Provisional Order, and to enable the conservators to carry out their duties in the most efficient manner, there shall be inserted in the award, to be made in pursuance of the said Acts, such provisions not inconsistent with such Acts as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal this thirtieth day of December one thousand eight hundred and eighty-one.

L.S.

STIVICHALL.

PROVISIONAL ORDER for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as Stivichall Common, situate in the parish of Saint Michael, Coventry, in the county of Warwick, such lands being a Common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the regulation of such Common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the said Common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a primâ facie case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice,

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public meetings at St. Mary's Hall, in the city of Coventry, on the 21st and 22nd days of December 1880, at the respective hours of eleven in the morning and seven in the evening, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner inspected the said Common as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said Common, a copy of which map is deposited in the office of the said Commissioners:

And whereas the corporation of the city of Coventry as lords of the manor of Coventry are entitled to the soil of the said Common:

And whereas the freemen of the said city of Coventry claim to be exclusively entitled to the rights of pasturage or other common rights over and upon the said Common:

And whereas the said corporation, as the urban sanitary authority of the said city to which the said Common is suburban within the meaning of the said Acts, have with the sanction of the Inclosure Commissioners for England and Wales undertaken to contribute out of their funds such sums as may from time to time be necessary for the maintenance of the said Common as a place of recreation, and have also with the like sanction undertaken to pay compensation in respect to the rights of the said freemen, with a view to the extinction of all such rights for the purpose of securing greater privileges for the benefit of the said city:

Now, therefore, in pursuance of the powers given to us by the said Acts, we the Inclosure Commissioners for England and Wales being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the regulation of the said Common is desirable, have framed, for the consideration of the persons interested, this our draft Provisional Order, specifying the provisions for the improvement of the Common which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That there be reserved for the benefit of the inhabitants of Coventry and the public generally, at all times, a privilege of playing games and of enjoying other species of recreation upon the whole of the said Common, except the parts to be sold and to be laid out as a road as herein-after provided.

That in consideration of the said corporation, as such urban sanitary authority as aforesaid, having undertaken to provide such compensation and to contribute such sums as aforesaid, the general management of the said Common

be vested in the said corporation, who shall have power to drain, fence, plant for ornament, or in any other way improve or add to the beauty of the said Common, and to make byelaws and regulations for the prevention of, or protection from nuisances, or for keeping order thereon.

That the compensation in respect to the rights of the said freemen shall consist of the laying out and making of a new public carriage road 40 feet wide from the point marked A on the said map in a west-north-west direction as far as the point marked B on the said map, at the entrance to an estate belonging to the said freemen, such road to consist of a carriage-way 28 feet wide properly macadamized, with a footpath on each side six feet wide, properly kerbed and channelled:

That in consideration of such compensation as last aforesaid all the rights of the said freemen over and upon the said Common shall be extinguished.

That for the purpose of raising, wholly or partly, the expenses of and incidental to the regulation of the said Common, the portion marked C on the said map, containing one rood and nine perches, may be sold under the provisions of the said Acts.

That the existing rights of way in respect of the land adjoining the Common on the west side thereof (and which land, including the east fence thereon, and ditch four feet wide adjoining, belong to Robert Arnold Dalton, of Coventry, esquire, as owner in fee simple) shall, upon the confirmation of the award, be extinguished, and in lieu thereof the said Robert Arnold Dalton and the owners and occupiers for the time being of his said land shall, for the purpose of enjoying the reservations aforesaid, be allowed convenient access from such adjoining land to the said Common (other than the parts intended to be sold and laid out as aforesaid), opposite to proper hand-gates not exceeding six in number to be placed by the said Robert Arnold Dalton, his heirs or assigns, in the said fence or any substituted fence, the said Robert Arnold Dalton agreeing to this arrangement as testified by his signature as a consenting party to this Provisional Order.

That for the purpose of giving complete effect to this Provisional Order, and to enable the said corporation to carry out their duties of management in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts, such provisions, not inconsistent with such Acts, as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal, this thirtieth day of December one thousand eight hundred and eighty-one.

L.S.

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