CHAPTER lxxvi.

An Act to confirm a Provisional Order for the Regulation of Ewer Common, situated in the parish of Alverstoke, in the county of Southampton, in pursuance of a report of the Land Commissioners for England. [5th July 1887.]

A.D. 1887.

WHEREAS the Land Commissioners for England did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and eighty-seven, the Provisional Order of Regulation set forth in the Schedule hereto, and in a special report 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 Order was referred, recommended that the same should be confirmed without modification:

And whereas the said Regulation 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 Order.

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

Receipts and expenditure of Alverstoke Local Board.

2. The receipts and expenditure of the Alverstoke Local Board under the said Provisional Order of Regulation shall, for the purposes of sections two hundred and forty-five, two hundred and forty-seven (except so much thereof as is repealed by the District Auditors Act, 1879), two hundred and forty-nine, and two hundred and fifty of the Public Health Act, 1875, be deemed to be receipts and expenditure under the last-mentioned Act.

Short title.

3. This Act may be cited as the Commons Regulation (Ewer) Provisional Order Confirmation Act, 1887.

[*Price* 3*d.*]

A.D. 1887.

SCHEDULE.

PROVISIONAL ORDER for the Regulation of EWER COMMON.

WHEREAS the Alverstoke Local Board, being the Urban Sanitary Authority of the district of Alverstoke, have, with a view to the benefit of their town and the improvement of the Common herein-after mentioned, and with the consent of persons representing at least one-third in value of the interests in certain lands called or known as Ewer Common, situate in the parish of Alverstoke, in the county of Southampton, such Common being a suburban Common within the meaning of "The Inclosure Acts, 1845 to 1878," made application to the Land Commissioners for England 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 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 Land 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 Thorngate Hall, Gosport, in the said parish, on the 24th and 25th days of January 1887, at the respective hours of half-past ten 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 sketch map of the said Common, a copy of which map is deposited in the office of the said Commissioners:

And whereas the Ecclesiastical Commissioners for England, as lords of the manor of Alverstoke, are entitled to the soil of the said Common, and have agreed (as testified by their consenting to this Provisional Order) to transfer without any consideration all their rights and interests in the said Common to the said Local Board, to be held by them on trust for the benefit of their town:

And whereas the Reverend William Durst, Sarah Foster Elliott, Georgiana Rachel Purvis, Charles William House, William Grant, Frederick Loney, and James Hoare, being or claiming to be persons interested as commoners in the rights of common exerciseable over and upon the said Common, have agreed (as

testified by their consenting to this Provisional Order) to transfer without any consideration all their rights and interests in the said Common to the said Local Board, to be held by them on such trust as aforesaid, and it is expedient that all the rights and interests in the said Common should be transferred to and vested in the said Local Board:

And whereas the said Local Board have, with the sanction of the said Land Commissioners, entered into an undertaking to pay compensation in respect of the rights and interests of the commoners other than the said William Durst, Sarah Foster Elliott, Georgiana Rachel Purvis, Charles William House, William Grant, Frederick Loney, and James Hoare, for the purpose of securing greater privileges for the benefit of their town, and have also, with the like sanction, undertaken to contribute out of their funds such sums as may be necessary for the laying out and maintenance of the said Common as a recreation ground, and for the payment of such compensation as aforesaid:—

Now, therefore in pursuance of the powers given to us by the said Acts, We, the Land Commissioners for England, 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 of the said Acts 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 the rights of common to which the said Common is subject, and the persons entitled to such rights, shall be determined by the valuer to be appointed pursuant to the said Acts, and that all such rights, and also the rights of the lords of the manor in the said Common, shall be transferred to and vested in the said Local Board, who shall pay compensation to such of the persons entitled to such rights as have not agreed, or shall not agree, to transfer their rights without any consideration, the amount to be paid by the said Local Board as such compensation to be in each case settled by agreement, or failing agreement then under the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, so far as the same relate to the purchase and taking of lands otherwise than by agreement, and as if in all cases the word "lands" included interests, rights, and easements.

That, in consideration of the said Local Board, as such Urban Sanitary Authority as aforesaid, having undertaken to contribute out of their funds such sums as may be required for the laying out and maintenance of the said Common as a recreation ground, and for the payment of compensation in respect of the rights of the commoners, the general management of the said Common be vested in the said Local Board, who shall have power to drain, manure, level, fence, plant, lay out, make paths or walks over, place seats on, or in any other way improve or add to the beauty of the said Common, and to execute any works which may be necessary to form the same into a recreation ground, and also to make byelaws and regulations for the prevention of or protection from nuisances or for keeping order on the said Common.

That the Local Board may authorise the temporary inclosure with posts and chains or other open fence of such parts of the said Common as shall be set apart for cricket or other games.

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That there be reserved for the inhabitants of the neighbourhood a right of free access to the said Common for the purpose of enjoying lawful recreation, subject as aforesaid, and also subject to such byelaws and regulations as may from time to time be framed by the said Local Board.

That, for the purpose of giving complete effect to this Provisional Order, 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 Land Commissioners shall think desirable and proper.

In witness whereof we have hereunto affixed our official seal this tenth day of February one thousand eight hundred and eighty-seven.

L.S.

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