CHAPTER liv.

An Act to confirm a Provisional Order for the Inclosure of Mungrisdale Low Common, situate in the parish of Greystoke, in the county of Cumberland, in pursuance of a report from the Board of Agriculture. A.D. 1891.

[3rd July 1891.]

WHEREAS the Board of Agriculture did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and ninety-one, the Provisional Order of Inclosure 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 Inclosure 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:

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

2. This Act may be cited as the Inclosure (Mungrisdale) Provisional Order Confirmation Act, 1891. Short title.

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SCHEDULE.

Provisional Order for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Mungrisdale Low Common, situate in the township of Mungrisdale, in the parish of Greystoke, in the county of Cumberland, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Board of Agriculture to issue a Provisional Order for the inclosure 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 Board 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 Board, 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 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 school house in the said township on the twenty-eighth and twenty-ninth days of August one thousand eight hundred and ninety, 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 Board 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 Board:

And whereas Henry Charles Howard, Esquire, as lord of the manor of Greystoke, is entitled to the soil of the said common:

Now, therefore, the Board of Agriculture, in pursuance of the powers given to them by the Board of Agriculture Act, 1889, and the said Acts, being satisfied that, having regard to the benefit of the neighbourhood as well as to private

interests, the inclosure of the said common is desirable, have framed, for the consideration of the persons interested, this Draft Provisional Order specifying the terms and conditions on which, provided the necessary consents are given thereto, they are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That the strips of common in the village of Mungrisdale, tinted pink on the map herein-before referred to, and containing four and a half acres or thereabouts, and also the piece tinted yellow and marked C on the said map, and containing three acres or thereabouts, be allotted for recreation grounds:

That three acres at or near the spot marked A, and three acres at or near the spot marked B on the said map, be allotted for field gardens:

That such roads and paths be set out to the satisfaction of the Board of Agriculture as may be convenient for public use:

That one-sixteenth part in value of the residue of the said common be allotted, under the provisions of the said Acts, to the said Henry Charles Howard, as lord of the said manor, in lieu of his right and interest in the soil of the said common, exclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, and also exclusively of 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 lord or his tenants upon the said common, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil:

That the allotments to which the said Henry Charles Howard may be entitled, in lieu of his right and interest in the soil, or in respect of rights of pasturage or other rights of common as aforesaid, be set out upon that part of the common which is known as "White Moss," and that the said Henry Charles Howard, and the lord of the said manor for the time being, shall be entitled to the sole and exclusive right to all manner of game upon the said part of the common known as "White Moss," when inclosed, together with the right of hunting, hawking, and fowling over the same, with full power and authority for him, and all persons authorised by him, to enter upon the said common called "White Moss," when inclosed, for the convenient exercise of such rights, and to watch and preserve the game, and to prevent unauthorised persons from the destruction or pursuit thereof:

That there be reserved to the lord of the manor, concurrently with the owners of the allotments, all manner of game upon the lands to be inclosed (except the said common called White Moss) when inclosed, together with the right of hunting, hawking, and fowling over the same lands (except as aforesaid), with full power and authority for him and all persons authorised by him to enter upon the said lands (except as aforesaid) when inclosed, for the convenient exercise of such rights, and to watch and preserve the game, and to prevent unauthorised persons from the destruction or pursuit thereof:

And in respect of the mines, minerals, stone, and other substrata under the said common, which are hereby excepted from the inclosure and reserved to the lord of the manor, it is hereby specified as follows; that is to say,

That a right to enter the said lands, when inclosed, for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata be reserved

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to such lord of the manor, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof they have hereunto set their official seal this fifteenth day of January one thousand eight hundred and ninety-one.

L.S.

JAMES CAIRD,
Member of the Board.

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