

[42 & 43 VICT.] *Inclosure (Whittington) Provisional* [Ch. clxii.]
Order Confirmation Act, 1879.



CHAPTER clxii.

An Act to confirm the Provisional Order for the inclosure of certain Lands known as Whittington Marshes and Whittington Hurst, situate in the parish of Whittington, in the county of Stafford, in pursuance of a Report of the Inclosure Commissioners for England and Wales. A.D. 1879.

[21st July 1879.]

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 seventy-nine, 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 :

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. Confirmation
of Provi-
sional Order.

2. This Act may be cited as the Inclosure (Whittington) Provisional Order Confirmation Act, 1879. 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 Whittington Marshes and Whittington Hurst, situate in the parish of Whittington, in the county of Stafford, 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 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 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 inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 20th day of November 1877, at 11 o'clock in the forenoon, and on the following day at 7 o'clock in the evening, at the Dog Inn, in the said parish, 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 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 hereto annexed:

And whereas the Most Honourable Henry William George Marquis of Anglesey, as lord of the manor of Longdon, 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 inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and

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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,

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That Whittington Hurst, containing eight acres one rood and four perches, be set out as an allotment for the supply of gravel for the repair of roads and ways within the said parish, subject to the right of the public to use such allotment for games and other kinds of recreation.

That ten acres of average quality on Whittington Marshes be allotted for field gardens, with the view of exchanging the same for land conveniently situated and suitable for the purpose.

That public carriage roads be set out across Whittington Marshes from the point marked A. to the point marked B. on the map hereto annexed, and from the point marked C. to the point marked D. on the said map, or as near thereto as may be.

That one-sixteenth part in value of the residue of Whittington Marshes be allotted, under the provisions of the said Acts, to the said Henry William George Marquis of Anglesey, 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 said marshes, 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 marshes, 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.

And in respect of the mines, minerals, stone, and other substrata under the said marshes, 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 marshes when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata be reserved 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 we have hereunto set our official seal this eighth day of May one thousand eight hundred and seventy-nine.

L.S.

