

[43 & 44 VICT.] *Regulation (Abbotside) Provisional* [Ch. lxiv.]
Order Confirmation Act, 1880.



CHAPTER lxiv.

An Act to confirm the Provisional Order for the Regulation of A.D. 1880.
certain Lands known as Abbotside Common, situate in the
parish of Aysgarth, in the county of York, in pursuance of
a report of the Inclosure Commissioners for England and
Wales. [19th July 1880.]

WHEREAS the Inclosure Commissioners for England and
Wales did, in pursuance of the Inclosure Acts, 1845-1878, 8 & 9 Vict.
c. 118., &c.
issue, in the year one thousand eight hundred and eighty, 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:

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:

1. The Provisional Order of Regulation set forth in the schedule Confirmation
of Provi-
sional Order.
to this Act is hereby confirmed.

2. This Act may be cited as the Regulation (Abbotside) Pro- Short title.
visional Order Confirmation Act, 1880.

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SCHEDULE.

Provisional Order for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as Abbotside Common, situate in the townships of High and Low Abbotside, in the parish of Aysgarth, in the county of York, 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 *prima 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 on the twenty-sixth day of August one thousand eight hundred and seventy-nine, at eleven o'clock in the forenoon, and on the following day, at the hour of seven in the evening, at the Green Dragon Inn, Hardrow, High Abbotside, 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 hereto annexed:

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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 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: Provided that in any fences which may be erected in pursuance of this provision there shall be placed such gates as will afford to the public convenient access to that part of the common known as Staggs Fell Plain, over which a privilege of playing games and of enjoying other species of recreation is hereinafter reserved:
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 aforesaid, such conservators being persons interested in the said common.

That the foregoing provisions for improvement shall apply to the whole of the said common.

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 to the public a privilege of playing games, and of enjoying other species of recreation, at all times, over that part of the said common known as Staggs Fell Plain, bounded on the north by the present turbary road, on the south by the High Clint, on the west by Staggs Fell Road, and on the east by the road leading to Sedbusk High Pasture:
2. 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 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 gates or stints upon the said common, in proportion to the number of their gates or stints, as

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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 first day of January one thousand eight hundred and eighty.

I.S.

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