

[43 & 44 VICT.] *Inclosure and Regulation (Lizard Common) Provisional Orders Confirmation Act, 1880.* [Ch. xc.]



## CHAPTER xc.

An Act to confirm the Provisional Orders for the regulation of certain Lands forming part of the Lizard Common, and situated in the parish of Landewednack, in the county of Cornwall, and the Provisional Orders for the inclosure of certain other Lands forming the remainder of the said common, and situated in the same parish, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

A.D. 1880.

[2nd August 1880.]

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845-1878, issue, in the year one thousand eight hundred and seventy-nine, the Provisional Order of Inclosure and 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 Orders were referred, recommended that the same should be confirmed without modification :

And whereas the said inclosure and 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 Inclosure and the Provisional Order of Regulation set forth in the schedule to this Act are hereby confirmed.

Confirmation  
of Provi-  
sional Orders.

2. This Act may be cited as the Inclosure and Regulation (Lizard Common) Provisional Orders Confirmation Act, 1880.

Short title.

[Ch. xc.]      *Inclosure and Regulation (Lizard [43 & 44 VICT.]*  
*Common) Provisional Orders Confirmation Act, 1880.*

A.D. 1880.

S C H E D U L E.

*Provisional Order for the Regulation of a Common.*

WHEREAS persons interested in certain lands called or known as the Lizard Common, situate in the parish of Landewednack, in the county of Cornwall, 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 Provisional Orders for the regulation of part, and for the inclosure of the residue, of such common, and to certify that it is expedient that such Provisional Orders 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 Orders :

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 notices to be given as required by the said Acts, held, pursuant to the said notices, public meeting at Hill's Hotel, in Lizard Village, on the twenty-seventh and twenty-eighth days of June one thousand eight hundred and seventy-eight, at the respective hours of eleven in the forenoon and seven in the evening, and on the fourteenth and fifteenth days of August one thousand eight hundred and seventy-nine, at the same hours respectively, 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 Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders :

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, so far as it relates to the subject-matter of this Order, is hereto annexed :

And whereas it is expedient to modify the boundaries as proposed in the said application of the part of the said common to be regulated and the part to be inclosed :

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 part 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, A.D. 1880.

That the part of the said common to be regulated be that which is included within an edging of green colour on the map hereto annexed.

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

1. The stinting or other determination of the rights, and the persons by whom, and the mode in which, and the times at which, such rights are to be exercised.
2. 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 be found to exist.

That for the improvement of the part of the said common to be regulated, the following provisions be put in force; that is to say, provisions for—

1. The draining and levelling of such part of the said common as may be found necessary.
2. The making of byelaws and regulations for the prevention of, or protection from, nuisances, and for keeping order on such part of the said common.
3. The general management of such part of the said common.
4. The appointment, from time to time, of conservators of such part of the said common for the purposes aforesaid.

That the aforesaid provisions for adjustment of rights and for improvement shall apply to all that part of the said common which is to be regulated.

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 right of free access, at all times, to the whole of the lands to be regulated, together with the privilege of playing games, and of enjoying other species of recreation thereon.
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 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 eighteenth day of December one thousand eight hundred and seventy-nine.

L.S.



[Ch. xc.]      *Inclosure and Regulation (Lizard [43 & 44 VICT.]  
Common) Provisional Orders Confirmation Act, 1880.*

A.D. 1880.

*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Lizard Common, situate in the parish of Landewednack, in the county of Cornwall, such lands being a common within the meaning of the Inclosures Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue Provisional Orders for the regulation of part, and for the inclosure of the residue, of such common, and to certify that it is expedient that such Provisional Orders 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 Orders :

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 notices to be given, as required by the said Acts, held, pursuant to the said notices, public meetings at Hill's Hotel, in Lizard Village, on the 27th and 28th days of June 1878, at the respective hours of 11 in the forenoon and 7 in the evening, and on the 14th and 15th days of August 1879, at the same hours respectively, 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 Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders :

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, so far as it relates to the subject-matter of this Order, is hereto annexed :

And whereas it is expedient to modify the boundaries as proposed in the said application of the part of the said common to be regulated and the part to be inclosed :

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 part of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given

[43 & 44 VICT.] *Inclosure and Regulation (Lizard* [Ch. xc.]  
*Common) Provisional Orders Confirmation Act, 1880.*

thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that is to say, A.D. 1880.

That the part of the said common to be inclosed be that which is included within an edging of red colour on the map hereto annexed.

That 20 acres of average quality be allotted for field gardens, with the view of exchanging the same for land conveniently situated and suitable for the purpose.

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.

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

L.S.

---

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1880.

