



CHAPTER xv.

An Act to confirm the Provisional Order for the Regulation of Stoke Common, situated in the parishes of Stoke, Wyken, and Saint Michael, Coventry, in the county of Warwick, in pursuance of a report of the Land Commissioners for England. A.D. 1886.
[4th June 1886.]

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-five, 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:

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

2. This Act may be cited as the Commons Regulation (Stoke) Provisional Order Confirmation Act, 1886. Short title.

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S C H E D U L E.

PROVISIONAL ORDER for the Regulation of STOKE COMMON.

WHEREAS persons interested in certain lands called or known as Stoke Common, situate in the parishes of Stoke, Wyken, and St. Michael, Coventry, in the county of Warwick, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1878," have 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 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 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 board school at Stoke, on the twenty-seventh and twenty-eighth days of April one thousand eight hundred and eighty-five, 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 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 mayor, aldermen, and citizens of the city of Coventry (herein-after referred to as the said Corporation), as lords of the manor of Stoke, are entitled to the soil of the said common, and the said Corporation are the urban sanitary authority of the said city to which the said common is suburban within the meaning of the said Acts, and the said Corporation have, with the sanction of the Land Commissioners for England, undertaken to give up

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to and vest in the Conservators of the said common the right from or upon the said common to take clay and sand for bricks, and to make and burn bricks, and to take and burn lime, and to sell such clay, sand, bricks, and lime, together with power to let such right, in order that the rents and receipts derived therefrom may be applied by the Conservators in or towards the maintenance of the said common as a place of recreation, and in the improvement and protection of the said common, but such right shall not be exercised beyond what is necessary for such maintenance, improvement, and protection : A.D. 1886.

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 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 :—

That for the “adjustment of rights,” the provisions of the Commons Act, 1876, or such of them as may be found applicable, be put in force.

That for “improvement,” the provisions of the said Act, or such of them as may be found applicable, be put in force.

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 :—

That there be reserved to the inhabitants of the neighbourhood a right of free access to the said common, and a privilege of playing cricket and other games, and of enjoying reasonable recreation thereon, subject to such byelaws as may from time to time be made by the Conservators, and confirmed by the Secretary of State :

That such roads and paths be set out and made, to the satisfaction of the Land Commissioners, as may be convenient for public use :

That the right from or upon the said common to take clay and sand for bricks, and to make and burn bricks, and to take and burn lime, and to sell such clay, sand, bricks, and lime, together with power to let such right, shall be vested in the Conservators of the said common to be appointed under the provisions of the said Inclosure Acts, and that the rents and receipts derived therefrom be applied by the Conservators in or towards the maintenance of the said common as a place of recreation, and in the improvement and protection of such common, but such right shall not be exercised beyond what is necessary for such maintenance, improvement, and protection.

That the Conservators be empowered to impose and take such fee, for marking the stock turned out on the said common by each person entitled to rights of pasturage, as they shall, regard being had to the amount of the fee heretofore paid for marking stock, and with the approval of the Land Commissioners under their seal, from time to time fix.

That the costs and expenses incurred by the Conservators from time to time in the improvement and protection of the said common, and in the maintenance of the same as a place of recreation, shall be defrayed by means of the rents and receipts derived from the exercise of the right to take clay and sand for bricks, and to make and burn bricks, and to take and burn lime, and to sell such

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That for the purposes 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 for the appointment of Conservators, and filling up vacancies, and such other provisions not inconsistent with such Acts, as the said Land Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal this fifth day of October, one thousand eight hundred and eighty-five.

L.S.

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