



CHAP. xxxiv.

An Act to inclose certain open Fields, Meadows, and Waste Lands in and near the Borough of Stamford; and to provide a Recreation Ground; and for quieting the titles with respect to certain Encroachments; and for other purposes. A.D. 1871.
[25th May 1871.]

WHEREAS there are certain open fields and meadows in the parishes of All Saints, Saint George, and Saint Michael, in the borough of Stamford, and in the adjoining parish of Tinwell, in the county of Rutland, belonging to various proprietors, in different plots or parcels, and forty-seven acres or thereabouts of waste lands in the said parishes of All Saints, Saint George, and Saint Michael belonging, or claimed to belong, to the lord of the manor of Stamford, all which, containing together about one thousand six hundred and twenty-two acres, are greatly intermixed, and it is expedient that the same should be inclosed :

And whereas there are also other waste lands in the parishes of Saint Mary and Saint John, in the said borough, belonging, or claimed to belong, to the lord of the manor of Stamford :

And whereas the freemen of the borough of Stamford (in this Act called "the freemen") have exercised, and claim to be entitled to, certain rights of depasturing cattle, sheep, horses, and swine over parts of the said open fields during certain times of the year, but such claim has been resisted, and litigation has been had thereon :

And whereas the freemen also claim to be entitled as owners, subject to the rights of the lord of the manor of Stamford, to several pieces of the said open fields :

And whereas the Most Honourable the Marquis of Exeter is or claims to be lord of the manor of Stamford :

And whereas it has been agreed between the lord of the manor of Stamford and the owners of the said open fields, meadows, and waste lands, and the freemen, that the freemen shall receive as an

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And whereas no part of the said waste land is conveniently situated for exercise and recreation ground, but several parcels of land in the said open fields, and situate partly in the said parish of Saint Michael and partly in the said parish of All Saints, and containing together eight acres or thereabouts, are well adapted for that purpose; (that is to say,) the lands bounded on part of the west by a road or footpath (partly used as a rope walk), and on the remaining part of the west and on part of the north by property belonging, or claimed to belong, to Thomas Charles Gibson, on the remaining part of the north by open field lands, the property of Browne's Hospital, on the east by a road leading from North Street into the open fields, and on the south by the end of the North Street Chapel and other buildings ranging in line therewith:

And whereas it is expedient that provision should be made for appropriating the lands firstly above described as an allotment to the freemen, in lieu of all their claims in or upon the said open fields, meadows, and waste lands, and the lands secondly above described for the purposes of exercise and recreation, and that provision should also be made for the management, regulation, use, and enjoyment of the said lands respectively:

And whereas a plan showing the lands to be purchased and allotted for the purposes aforesaid, and a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerk of the peace for the borough of Stamford and with the clerk of the peace for the parts of Kesteven in the county of Lincoln respectively, which plans and books of reference are herein-after referred to as the deposited plans and books of reference respectively:

And whereas this Act has been assented to by twenty-one out of twenty-three owners representing one thousand five hundred and sixty acres two roods and five perches of the lands to be inclosed under the provisions of this Act, and by forty-six out of the whole body of fifty-four freemen:

And whereas no owner or freeman has expressed any dissent therefrom:

And whereas for many years past encroachments have been made upon the waste lands belonging to the manor of Stamford, and

lying partly within and partly without the area to be inclosed under the provisions of this Act, and rights of ownership may have been acquired by the persons who at present occupy some of such encroachments, or by those under whom they claim, but for the most part the rights of persons occupying such encroachments are either doubtful or have no legal existence, and it is expedient to make provision for enabling all persons to obtain a good title as against the lord of the manor with respect to the said encroachments, or such of them as were made before the thirtieth day of September one thousand eight hundred and seventy, upon certain terms and conditions :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited for all purposes as "The Stamford Inclosure Act, 1871." Short title.

2. "The Lands Clauses Consolidation Act, 1845," except when expressly varied by this Act, shall be incorporated with and form part of this Act, and in construing such Act for the purpose of this Act the expression "the promoters of the undertaking" shall mean the valuer to be appointed under and for the purposes of this Act. 8 & 9 Vict.
c. 18. incor-
porated.

3. In construing this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; (that is to say,)

The expression "the Inclosure Acts" shall mean the Public General Acts now in force for regulating the inclosure of lands in England ;

The expression "the Inclosure Commissioners" shall mean the Inclosure Commissioners for England and Wales appointed under the Inclosure Acts ;

The expression "the lands to be inclosed" shall mean and include all the open fields, meadows, and waste lands to be inclosed under the provisions of this Act ;

The expression "the valuer" shall mean the valuer to be appointed under the provisions of this Act with reference to the inclosure of the lands to be inclosed under the provisions of this Act ;

Interpreta-
tion of
terms.

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The word "justice" shall mean a justice of the peace acting for the borough, county, or division of a county where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where any matter shall be authorised or required to be done by two justices the expression "two justices" shall be understood to mean two justices assembled and acting together in petty sessions.

Open field,
&c. in sche-
dule to be
included.

4. The open fields, meadows, and waste lands described in the schedule (A.) to this Act annexed, containing by estimation one thousand six hundred and twenty-one acres or thereabouts, and situate in the several parishes of All Saints, Saint George, Saint Michael, Saint John, and Saint Mary, or some of them, in the borough of Stamford and in the parish of Tinwell in the county of Rutland, shall be inclosed by and under the direction of the Inclosure Commissioners in like manner in all respects as if such inclosure had been provided for by a Provisional Order confirmed by Act of Parliament, subject nevertheless to the provisions of this Act.

Trustees to
be appointed
for freemen's
lands.

5. There shall be five trustees, who and whose successors in the trust are in this Act referred to as "the freemen's trustees," and such trustees and their successors shall be appointed in manner provided by the Inclosure Acts for the appointment of trustees and their successors in the trust with respect to allotments to persons of a class.

Freemen's
trustees to
make out list
of freemen
entitled to
benefit of
this Act.

6. The freemen's trustees shall obtain a copy of the freemen's roll from the town clerk of the borough of Stamford, and from such copy shall make a correct list of the freemen for the time being, omitting the names of all persons who shall be dead, or who from any cause shall have ceased to be freemen of the said borough, or shall not be resident in the said borough, or within seven miles thereof, and shall make an amended list from time to time as occasion may require, and shall sign such list; and the persons on such signed list for the time being, and no other, shall be entitled as freemen of the borough of Stamford to the benefits of this Act.

Freemen's
lands to be
allotted to
freemen's
trustees.

7. The valuer shall allot and award to the freemen's trustees, for the use of the freemen of the borough of Stamford, the lands delineated upon the deposited plan, and therein described as "lands for freemen," and such lands shall be an allotment to the freemen in respect of all such of the lands to be inclosed as belong, or are claimed to belong, to them, and in respect of, and in substitution for, all rights of depasturing cattle, sheep, horses, or swine, or other rights of any description in or over the lands to be inclosed, and the lands so allotted to the freemen's trustees are in this Act

called "the freemen's lands," and shall be held by the said trustees upon trust for the freemen of the borough of Stamford, subject to the provisions of this Act. A.D. 1871.

8. The provisions contained in the eighty-seventh section of the Inclosure Act, eight and nine Victoria, chapter one hundred and eighteen, with respect to allotments to freemen, and in the one hundred and thirteenth and following sections of the same Act to the one hundred and twentieth section, with respect to regulated pasture, shall apply to the freemen's lands; but the powers conferred by those sections upon the commissioners and the valuer respectively shall belong to and be exercised by the freemen's trustees, subject nevertheless to the same rights and powers of control as are by the said sections given to meetings of the freemen or class of persons entitled to the allotment. Freemen's trustees to have the management of the freemen's lands.

9. The freemen's trustees may from time to time make bye-laws for regulating the use of the freemen's lands and for the management thereof, and may from time to time alter or repeal any such byelaws, and make others, but no byelaw shall be inconsistent with the provisions next herein-after contained. Power for freemen's trustees to make bye-laws.

10. The freemen's lands shall, subject to the rights of depasturage and laying the same for hay, and so that such rights or the enjoyment thereof be not interfered with, be at all times available for the purposes of exercise and recreation by the inhabitants of the borough of Stamford, and also for the purpose of drill or parade by any regiment or corps of the regular army, or of the militia, or of the volunteers, and may be used accordingly. Freemen's lands may be used for drill or parade.

11. The valuer shall purchase the lands delineated on the deposited plans, and thereon described as "recreation ground," and shall cause the same to be conveyed to the mayor, aldermen, and burgesses of the borough of Stamford and their successors, and the said lands shall vest in the said mayor, aldermen, and burgesses and their successors for ever, upon trust for the use of the inhabitants of the borough of Stamford, as ground for exercise and recreation, subject to the provisions of this Act, and such lands are in this Act referred to as the "recreation ground." Lands for recreation ground to be purchased and conveyed to the corporation of Stamford.

12. The powers by this Act granted for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

13. The recreation ground shall in the first instance be fenced, drained, and levelled by the valuer, and the expenses thereby incurred, together with the expenses incurred in the purchase and conveyance of the said ground (including the price or consideration Recreation ground to be fenced, &c. by valuer, and expenses of fencing,

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&c. and of purchase of land to be inclosure expenses.

Subsequent expenses to be paid out of herbage, and deficiency to be borne by the corporation.

Management of recreation ground vested in the council.

Powers of council with respect to the recreation ground.

Appointment of officers.

Powers to make byelaws.

Fines for breach of byelaws.

for such purchase), shall be considered part of the expenses of the inclosure under this Act, and shall be defrayed accordingly.

14. All expenses to be subsequently incurred in laying out, maintaining, and improving the recreation ground and the fences thereof, and in otherwise carrying out the provisions of this Act with reference thereto, shall be paid out of the rents to be received for the herbage for the time being, and the deficiency, if any, shall be borne and paid by and out of the borough fund; but when in any year the rent received for the herbage shall be more than sufficient to defray the expenses of the recreation ground for that year the balance shall be carried to the borough fund.

15. The management of the recreation ground shall be vested in the council of the borough of Stamford.

16. The council may lay out the recreation ground with such roads and ways for driving, riding, and walking as they think fit, and may appropriate particular portions of the said ground for garden and pleasure grounds, and for the exercise of athletic sports and other purposes of a like description, and may erect and place such suitable buildings and conveniences in the recreation ground as they think proper, and may from time to time make such alterations in the laying out and appropriation of the said ground and the buildings therein as they consider desirable, and may let the herbage of the recreation ground or any part thereof.

17. The council may from time to time appoint and remove such officers, servants, and workmen to be employed in and about the recreation ground as they think proper, and may fix the salaries and wages of the persons so employed.

18. The council may from time to time make byelaws for the regulation of their officers, servants, and workmen employed in and about the recreation ground, and for the management and regulation of the various parts of the recreation ground, and the buildings and conveniences therein, and for the protection and preservation of the same and the property therein respectively, and for the maintenance of order and prohibition or suppression of acts or practices causing nuisance or annoyance to persons frequenting or using the recreation ground, and generally for promoting the rational enjoyment of the recreation ground, and all the buildings and conveniences therein, by all persons entitled to the use of the same, and the council may from time to time alter or repeal any such byelaws, and make others.

19. It shall be lawful for the trustees or the council by whom any byelaws are made under the powers of this Act to impose such

reasonable fines or penalties upon all persons offending against such byelaws as they think fit, not exceeding five pounds for any one offence.

Fines or penalties may be mitigated.

20. All byelaws made under the provisions of this Act shall be so framed as to allow the justice before whom any fine or penalty imposed thereby may be sought to be recovered to order a part only of such fine or penalty to be paid, if such justice shall think fit.

Byelaws to be approved of at quarter sessions before being enforced.

21. No byelaw made under the provisions of this Act shall be of any authority until it has been approved of by the justices for the parts of Kesteven in the county of Lincoln, in quarter sessions assembled; and a copy of such byelaws, signed as approved by the chairman of the said quarter sessions, shall be conclusive evidence of such approval in all courts of law and elsewhere.

22. No byelaw made under the provisions of this Act shall be of any force if it be repugnant to the laws of the kingdom or to the provisions of this Act, and all byelaws made under the provisions of this Act shall be reduced to writing, and shall be signed by the trustees by whom they were made, or sealed with the common seal of the borough of Stamford.

Byelaws not to be contrary to law, and to be in writing, and signed by trustees or sealed.

23. Copies of all byelaws made by the council and in force for the time being, with the amount of the fine or penalty to be incurred by the breach of each byelaw, shall be painted on boards, or printed on paper and pasted or otherwise affixed to boards, which shall be put up in such conspicuous parts of the recreation ground, and in such of the buildings therein, as the council from time to time may appoint, and no fine or penalty shall be recoverable for the breach of any byelaw which shall not be so exhibited in at least three different parts of the recreation ground or the buildings therein.

Byelaws relating to recreation ground to be exhibited, and no fine or penalty to be recoverable for breach of byelaw not exhibited.

24. The production of a written or printed copy of the byelaws of the council, sealed with the common seal of the borough of Stamford, shall be sufficient evidence of such byelaws in all cases of prosecution under the same.

Evidence of byelaws of council.

25. Copies of all byelaws made by the freemen's trustees, and in force for the time being, with the amount of the fine or penalty to be incurred by the breach of each byelaw, shall be printed on paper, and a copy shall be deposited with the town clerk, and another copy with the clerk to the justices of the borough of Stamford, who respectively shall, on payment of a fee of sixpence for every inspection, allow inspection thereof at all reasonable times by any person.

Byelaws of freemen's trustees to be deposited with town clerk and clerk to justices.

26. The production of a written or printed copy of the byelaws of the freemen's trustees, signed by the trustees by whom they were

Evidence of byelaws of freemen's trustees.

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Copies of byelaws to be renewed when necessary, and penalty for defacing boards used for exhibiting same.

27. All copies of byelaws by this Act required to be exhibited or deposited shall be renewed or replaced as often as the same or any parts thereof are obliterated, lost, or destroyed; and if any person shall pull down or injure any board put up or affixed as required by this Act, for the purpose of publishing any byelaw or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

For recovery of penalties.

28. All penalties incurred by the breach of any byelaw under the provisions of this Act shall be recoverable as penalties are directed to be recovered by the Act eleven and twelve Victoria, chapter forty-three, and as soon as the same shall be paid or levied shall be paid to the treasurer of the borough of Stamford, to be applied by the council in and towards the expenses of maintaining and improving the recreation ground and the fences thereof.

Allotments for labouring poor.

29. The valuer shall set out and allot from the allotments to be made to the Marquis of Exeter, and as part of such allotments, one or more parcel or parcels of land, containing in the whole twelve acres, which shall for ever thereafter be used as an allotment or allotments for the labouring poor, and every such allotment shall be allotted to the mayor, aldermen, and burgesses of the borough of Stamford, upon trust for that purpose, and shall vest in them, subject to the payment of a perpetual annual rentcharge of twenty-four pounds to the said Marquis of Exeter, his heirs and assigns; and every such allotment shall be under the management of the council of the said borough, and shall from time to time be subdivided and let by them as allotment gardens amongst the labouring poor of the six parishes in the said borough of Stamford, at rents not exceeding a fair agricultural value.

Valuer to fix price for enfranchisement of encroachments.

30. Before setting out the allotments the valuer shall ascertain what encroachments have been made upon the waste of the manor of Stamford, whether within or beyond the area to be inclosed under the provisions of this Act, prior to the thirtieth day of September one thousand eight hundred and seventy, and shall with respect to each such encroachment fix such a sum as in his opinion would be a reasonable price for the conversion of the encroachment into a freehold, regard being had to the time the encroachment has existed and other circumstances, and such price shall include the cost of the certificate and deed herein-after referred to, and shall be

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called the enfranchisement price, and the valuer shall cause a list of all such encroachments, and the amount of enfranchisement price for each encroachment, to be exhibited in such conspicuous places in Stamford, near the site of the encroachments, as he shall direct.

31. If at any time within two years from the passing of this Act the occupier or other person claiming to be entitled to any such encroachment shall pay to the valuer the enfranchisement price for the same, the encroachment shall for the purposes of this Act be deemed an old inclosure, as if it had existed for more than twenty years prior to the first meeting to be held under the provisions of the Inclosure Acts for the examination of claims in the matter of the inclosure, and the valuer shall give to the occupier or person who shall have paid the price a certificate in the form set forth in the schedule (B.) to this Act annexed, or to the like effect, but nothing in this Act contained shall entitle any person to demand a certificate with respect to any land, parcel of the said waste, which had not been entered upon and taken possession of by such person, or those under whom he claims, prior to the thirtieth day of September one thousand eight hundred and seventy.

If price paid within two years after passing of Act, encroachment to be dealt with as an old inclosure, and valuer to give certificate.

32. Every such certificate shall entitle the person to whom it is given to have executed and delivered to him by the lord of the manor of Stamford, in exchange for the certificate, a deed in the form set forth in the schedule (B.) to this Act annexed, or to the like effect; and such deed shall be effectual to enfranchise and sever the land to which it relates from the manor of Stamford, and to release and discharge such land from all estate, right, title, interest, property, claim, and demand of the lord of the manor of Stamford, his heirs and assigns, and all persons claiming under him or them, but shall not prejudice or affect the rights of persons claiming under any other title, or release or discharge the land from any estate, trust, charge, or incumbrance created by any person who shall at any time have been in possession of the land since the encroachment.

Certificate to entitle party to deed from the lord of the manor releasing his rights.

33. All enfranchisement prices received by the valuer shall, after deduction of the cost of the certificate and deed, be applicable in reduction of the share or proportion of the inclosure expenses to be borne and paid by the lord of the manor of Stamford.

Prices to be applicable in payment of lord's share of inclosure expenses.

34. The valuer shall, by all or any of the ways or means authorised by the Inclosure Acts for defraying the expenses attending the inclosure of lands, raise such sum or sums of money as may be required for carrying the provisions of this Act into execution, including the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, and shall pay the same accordingly.

Funds for carrying provisions of Act into effect and defraying costs of Act.

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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

DESCRIPTION OF THE LANDS TO BE INCLOSED.

All those several pieces or parcels of arable land and meadow or pasture ground lying within the borough of Stamford, surrounded by the several parishes of Tinwell and Ingthorpe, Great Casterton, Little Casterton, and Ryhall with Belmesthorpe, in the county of Rutland, Uffington, in the county of Lincoln, and Saint Martin Stamford Baron, Wothorpe, and Easton, in the county of Northampton:

And also all those several pieces or parcels of meadow land in the parish of Tinwell aforesaid, being part and parcel of a certain meadow called Broadeng Meadow, and lying on the north-western side and at the western end thereof, and being intermixed with the meadow or pasture ground above described, or some part or parts thereof:

All which several pieces or parcels of arable land and meadow or pasture ground lying within the said borough of Stamford and in Tinwell aforesaid contain together in the whole one thousand six hundred and twenty-two acres, or thereabouts.

SCHEDULE (B.)

FORM OF CERTIFICATE.

I, _____ the valuer appointed under "The Stamford Inclosure Act, 1871," for the purposes of that Act, hereby certify that I have received the sum of _____ from _____ of _____ in the county of _____ as the enfranchisement price for an encrâachment upon the waste of the said manor made prior to the thirtieth day of September one thousand eight hundred and seventy, in respect of [*here insert a short description to identify the property*].

Witness my hand, this _____

day of _____
(Signed)

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FORM OF DEED.

Know all men by these presents, that I,
 lord of the manor of Stamford, in pursuance of "The Stamford
 Inclosure Act, 1871," and in consideration of _____ pounds
 paid by _____ of _____ in the county
 of _____ to _____ of _____ in the
 county of _____ Esquire, the valuer appointed under and for
 the purposes of the said Act, for me or on my behalf, and as and for
 the enfranchisement price for an encroachment upon the waste of the
 said manor in respect of all that [*here insert a short description, in
 order to identify the property*], do hereby enfranchise and release
 the said _____ from all estate, right, title, interest,
 property, claim, and demand which as lord of the manor of Stam-
 ford I have, or at any time may have had, in the said
 and every or any part thereof. In witness whereof I have hereunto
 set my hand and seal, this _____ day of _____ 187 .

Signed, sealed, and delivered
 in the presence of

(Signed)

(L.S.)

