



CHAPTER cxiii.

An Act to confirm the Provisional Order for the inclosure of certain Lands situated in the parish of Orford, in the county of Suffolk, in pursuance of a report of the Inclosure Commissioners for England and Wales. [4th July 1878.]

A.D. 1878.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1876, issue, in the year one thousand eight hundred and seventy-seven, the Provisional Order of Inclosure set forth in the schedule hereto, and in their annual report, in one thousand eight hundred and seventy-eight, 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 (Orford) Provisional Order Confirmation Act, 1878.

Short title.

A.D. 1878.

SCHEDULE.

Provisional Order for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as the Mill Fields, Meres, and Wastes, situate in the parish of Orford, in the county of Suffolk, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1876, and herein-after designated "the said common," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of the said 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 twenty-first day of March one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon, and at seven o'clock in the evening, at the Crown and Castle 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 said common is on the map hereto annexed coloured blue, pink, and green:

And whereas Sir Richard Wallace, of Sudborne Hall, in the said county, Baronet, M.P., is the owner of such parts of the said common as are coloured blue on the said map, subject only to certain common rights belonging to the rated inhabitants of Orford:

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And whereas the Corporation of the borough of Orford are the owners of such parts of the said common as are coloured pink and green on the said map, subject only to certain common rights belonging to the said rated inhabitants of Orford: A.D. 1878,

And whereas, after the said application for a Provisional Order had been made to the said Inclosure Commissioners, the said Sir Richard Wallace, the person interested within the meaning of the said Acts in certain lands not subject to the operation of the proposed inclosure (which lands are on the said map coloured brown and yellow, and include also so much of the land immediately adjoining the said lands coloured yellow as the valuer who shall be appointed in the matter of the proposed inclosure shall, with the approval of the said Inclosure Commissioners, determine to be requisite to make up together with the said lands coloured yellow a full equivalent for the rights of common in and over the said common, and which said lands coloured yellow, and the said other lands immediately adjoining thereto, are herein-after described as "the said lands in the Chantry Marshes"), duly made application to the said Inclosure Commissioners to submit such lands to the operation of the said proposed inclosure under the provisions of the said Acts:

And whereas the said Inclosure Commissioners duly gave notice by advertisement in two successive weeks of their intention to embody in their Provisional Order in the matter of the said inclosure such directions in reference to the said application of the said Sir Richard Wallace as might be necessary to carry out the desire of the said Sir Richard Wallace to submit his said lands to the operation of the said proposed inclosure:

And whereas one calendar month has elapsed from the publication of the last of such advertisements, and no notice of dissent from such proposed directions has been given to the said Inclosure Commissioners:

And whereas it has been agreed between the said Sir Richard Wallace, the said Corporation of the borough of Orford, and the said rated inhabitants of Orford as follows; that is to say,

1. That the said lands in the Chantry Marshes be allotted to the said rated inhabitants, in lieu of all their rights and interests in and over the said common.

2. That the said lands coloured brown on the said map be allotted to the said Corporation in lieu of all their rights and interests in and over such parts of the said common as are coloured pink and green as aforesaid.

3. That the lands numbered 31, 32, 33, 157, 175, 177, and 178 on the said map, being part of the said common, and containing together five acres three roods and twenty-nine perches or thereabouts, be allotted as recreation ground for the benefit of the inhabitants of the parish and neighbourhood.

4. That the residue of the said common be allotted to the said Sir Richard Wallace in lieu of the said lands coloured brown, and of the said lands in the Chantry Marshes, and also in lieu of his rights and interests in and over such parts of the said common as are coloured blue as aforesaid.

5. That the boundary fences of the said lands coloured brown, and of the said lands in the Chantry Marshes be erected by the said Sir Richard Wallace, and be for ever hereafter maintained and repaired by the said Sir Richard Wallace, his heirs and assigns.

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6. That the tithe rentcharge chargeable on the said lands coloured brown and on the said lands in the Chantry Marshes be paid by the said Sir Richard Wallace, his heirs and assigns.

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 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 the said lands coloured brown on the said map hereto annexed, and the said lands in the Chantry Marshes, be submitted to the operation of the proposed inclosure in consideration of an allotment or allotments to be made under such inclosure.

That the herein-before recited agreement be made a condition of the proposed inclosure.

In witness whereof, we have hereunto set our official seal this fifth day of July one thousand eight hundred and seventy-seven.

L.S.