

[41 & 42 VICT.] *Inclosure Provisional Orders* [Ch. ccxxxiii.]  
*Confirmation Act, 1878.*



### CHAPTER ccxxxiii.

An Act to confirm the Provisional Orders for the Inclosure of certain lands in pursuance of Reports of the Inclosure Commissioners for England and Wales. [16th August 1878.] A.D. 1878.

**W**HEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1876, issue in the year 1877 the four Provisional Orders of Inclosure which are set forth in the Schedule hereto, each being therein distinguished by the name of the inclosure to which it relates and by the letter A.:

And whereas in accordance with the recommendation of a Committee of the House of Commons, to which the same Provisional Orders were referred, the said Commissioners have modified each of the said Provisional Orders by a subsequent Order relative to the same inclosure, and likewise set forth in the said Schedule and therein marked with the letter B.:

And whereas the said Commissioners have by four special reports relating to the said inclosures respectively reported that the several Provisional Orders have been modified as aforesaid, and that the necessary consents to such modifications have been duly obtained:

And whereas the said inclosures 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. Each of the Provisional Orders of inclosure set forth in the Schedule to this Act, and therein marked A., as modified by the Order relating to the same inclosure, and set forth in the said Schedule, and therein marked B., is hereby confirmed. Confirmation of Provisional Orders.

2. This Act may be cited as the Inclosure Provisional Orders Confirmation Act, 1878. Short title.

A.D. 1878.



SOUTH LUFFENHAM, A.

*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Open Fields, situate in the parish of South Luffenham, and the Heath (including Flasket or Plasket Leys), or so much thereof as is within the said parish, in the county of Rutland, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1876, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure 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 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 sixth day of April one thousand eight hundred and seventy-seven, at half-past ten o'clock in the forenoon and at seven o'clock in the evening, at the Fox and Hounds Inn, North Luffenham, 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 Right Honourable Gilbert Henry Baron Aveland, as lord of the manor of South Luffenham, is entitled to the soil of that part of the Heath known as Flasket Leys:

[41 & 42 VICT.] *Inclosure Provisional Orders* [Ch. ccxxxiii.]  
*Confirmation Act, 1878.*

And whereas a difference is pending between the Most Honourable William Alleyne Marquis of Exeter, as lord of the hundred of Wrangdyke and manor of Barrowden, and the said Right Honourable Gilbert Henry Baron Aveland, as lord of the said manor of South Luffenham, as to the ownership of the soil of the Heath (exclusive of Flasket Leys), or so much thereof as is within the said parish of South Luffenham: A.D. 1878.

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 plot of grass at the junction of the roads at the spot marked A on the map hereto annexed, and four acres in the Open Fields near the village at or near the spot marked B on the said map, be allotted for recreation ground:

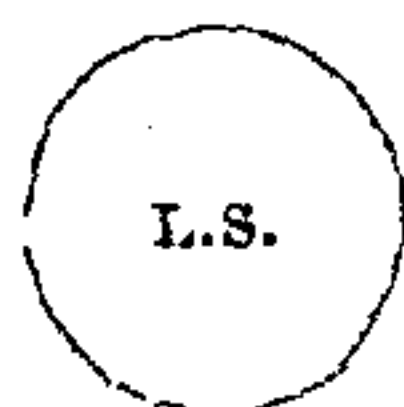
That fifteen acres in the Open Fields adjoining the recreation ground at or near the spot marked C on the said map be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

That one-sixteenth part in value of that part of the Heath known as Flasket Leys be allotted under the provisions of the said Acts to the said Gilbert Henry Baron Aveland as lord of the said manor of South Luffenham, in lieu of his right and interest in the soil thereof, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, but exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which may have been usually enjoyed by such lord or his tenants upon the said land, which said right of pasturage or other right (if any) is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his right and interest in the soil.

That one-sixteenth part in value of the Heath (exclusive of Flasket Leys), or of so much thereof as is within the parish of South Luffenham, be allotted under the provisions of the said Acts to the owner of the soil thereof in lieu of his right and interest in the soil thereof, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, but exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which may have been usually enjoyed by such owner or his tenants upon the said land, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his right and interest in the soil.

In witness whereof we have hereunto set our official seal this twenty-sixth day of April one thousand eight hundred and seventy-seven.



A.D. 1878.

SOUTH LUFFENHAM, B.

*Order modifying the above Provisional Order.*

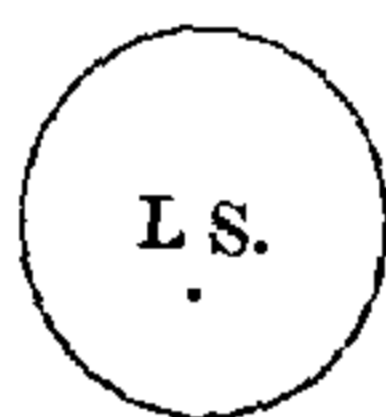
WHEREAS, after the foregoing Provisional Order had become final, the Inclosure Commissioners for England and Wales did in a report duly certify that it was expedient that such Provisional Order should be confirmed by Parliament :

And whereas such report, having been presented to Parliament, was referred to a Committee of the House of Commons for consideration, and such Committee recommended that the Provisional Order should be confirmed by Parliament, subject to certain modifications :

Now, therefore, in pursuance of the powers given to us by the Inclosure Acts, 1845 to 1876, we, the Inclosure Commissioners for England and Wales, do hereby modify the said Provisional Order in accordance with the recommendation of the Committee by making it a condition thereof :

That the recreation ground reserved by the said Provisional Order be augmented by not less than two acres.

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



NORTH LUFFENHAM, A.

*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Open Field Land, Cow Pasture, High Pasture, Great Meadow, and Little Meadow, situate in the parish of North Luffenham, in the county of Rutland, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1876, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure 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 inspected the said common, and having caused public notice to be given as required by the said

[41 & 42 VICT.] *Inclosure Provisional Orders* [Ch. CCXXXIII.]  
*Confirmation Act, 1878.*

Acts, held, pursuant to the said notice, public meetings on the sixth day of April one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon and at half-past seven o'clock in the evening, at the Fox and Hounds 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: A.D. 1878.

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:

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 piece of land in the Open Fields, near the village and the school, at the spot marked A on the map hereto annexed, containing five acres one rood and eight perches or thereabouts be allotted for recreation ground.

That twenty acres in the Open Fields adjoining the recreation ground at or near the spot marked B on the said map be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

In witness whereof we have hereunto set our official seal this twenty-sixth day of April one thousand eight hundred and seventy-seven.

L.S.

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NORTH LUFFENHAM, B.

*Order modifying the above Provisional Order.*

WHEREAS, after the foregoing Provisional Order had become final, the Inclosure Commissioners for England and Wales did in a report duly certify that it was expedient that such Provisional Order should be confirmed by Parliament:

And whereas such report, having been presented to Parliament, was referred to a Committee of the House of Commons for consideration, and such Com-

[Ch. ccxxxiii.] *Inclosure Provisional Orders* [41 & 42 VICT.]  
*Confirmation Act, 1878.*

A.D. 1878. mittee recommended that the Provisional Order should be confirmed by Parliament, subject to certain modifications :

Now, therefore, in pursuance of the powers given to us by the Inclosure Acts, 1845 to 1876, we, the Inclosure Commissioners for England and Wales, do hereby modify the said Provisional Order in accordance with the recommendation of the Committee by making it a condition thereof :

That the recreation ground reserved by the said Provisional Order be augmented by not less than two acres.

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

L.S.

BARROWDEN, A.

*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Open Field Land, Cow Pasture, and Commons, situate in the parish of Barrowden, and the Heath, or so much thereof as is within the said parish, in the county of Rutland, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1876, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure 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 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 fifth day of April one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon and at seven o'clock in the evening at the Exeter Arms 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 :

[41 & 42 VICT.] *Inclosure Provisional Orders* [Ch. ccxxxiii.]  
*Confirmation Act, 1878.*

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 :

A.D. 1878.

And whereas the Most Honourable William Alleyne Marquis of Exeter, as lord of the hundred of Wrangdyke and manor of Barrowden, is entitled to the soil of the lands called the Shire Oaks, the Coppice Leys, and the Mole Hills, and of the Heath, or so much thereof as is within the said parish :

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 village green in the centre of the village and the small green at the east end of the village, containing together about three acres, and also four acres in East Field at or near the spot marked A on the map hereto annexed be allotted for recreation ground.

That twenty acres in East Field, at or near the spot marked B on the said map, be allotted for Field Gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

That one-sixteenth part in value of the said lands called the Shire Oaks, the Coppice Leys, and the Mole Hills, and of the Heath, or so much thereof as is within the said parish of Barrowden, be allotted under the provisions of the said Acts to the said William Alleyne Marquis of Exeter, as lord of the said manor, in lieu of his right and interest in the soil of the said lands, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, but exclusively of any right of pasturage or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon the said lands, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

In witness whereof we have hereunto set our official seal this twenty-sixth day of April one thousand eight hundred and seventy-seven.

L.S.

A.D. 1878.

BARROWDEN, B.

*Order modifying the above Provisional Order.*

WHEREAS, after the foregoing Provisional Order had become final, the Inclosure Commissioners for England and Wales did in a report duly certify that it was expedient that such Provisional Order should be confirmed by Parliament:

And whereas such report having been presented to Parliament was referred to a Committee of the House of Commons for consideration, and such Committee recommended that the Provisional Order should be confirmed by Parliament subject to certain modifications:

Now, therefore, in pursuance of the powers given to us by the Inclosure Acts, 1845 to 1876, we, the Inclosure Commissioners for England and Wales, do hereby modify the said Provisional Order in accordance with the recommendation of the Committee, by making it a condition thereof:

That the recreation ground reserved by the said Provisional Order be augmented by not less than two acres.

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

L.S.

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RICCALL, A.

*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as Riccall Common, Riccall Dam, and the Open Fields, situate in the parish of Riccall, in the county of York, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1876, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure 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 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 sixteenth day of



[41 & 42 VICT.] *Inclosure Provisional Orders* [Ch. ccxxxiii.]  
*Confirmation Act, 1878.*

February one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon and at seven o'clock in the evening at the Drovers 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:

A.D. 1878.

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 Right Honourable Beilby Richard Baron Wenlock, as lord of the manor of Riccall, and as owner of all the estate and interest formerly held by the Ecclesiastical Commissioners for England as lords of the manor of Howden, in all and singular the waste lands and commons of such manor, situate in the parish of Riccall, is entitled to the soil of the said Riccall Common and Riccall Dam:

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 four acres in West Field, at or near the spot marked X on the map hereto annexed, be allotted for recreation ground.

That six acres in North Field, at or near the spot marked Y on the said map, and four acres in West Field, at or near the spot marked Z on the said map, be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out under the direction of the Inclosure Commissioners as may be found most convenient.

That one-sixteenth part in value of the said Riccall Common and Riccall Dam be allotted under the provisions of the said Acts to the said Beilby Richard Baron Wenlock, as lord of the said manor of Riccall, and as owner of the estate and interest formerly held by the Ecclesiastical Commissioners as aforesaid, in lieu of his right and interest in the soil of the said lands, exclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, and also exclusively of any right of pasturage or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by the said Beilby Richard Baron Wenlock or his tenants upon the land to be inclosed, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

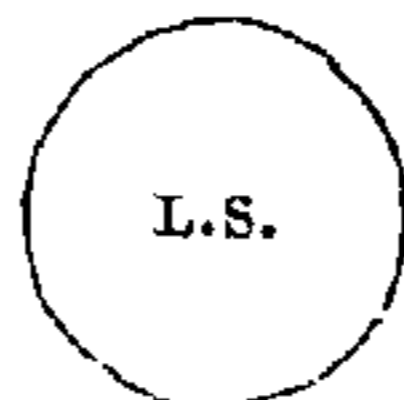
[Ch. ccxxxiii.] *Inclosure Provisional Orders* [41 & 42 VICT.]  
*Confirmation Act, 1878.*

A.D. 1878.

And in respect of the mines, minerals, stone, and other substrata under the said Riccall Common and Riccall Dam, which are hereby excepted from the inclosure and reserved to the said Beilby Richard Baron Wenlock, it is hereby specified as follows; that is to say,

That a right to enter the said lands when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata be reserved to the said Beilby Richard Baron Wenlock, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our official seal this twenty-third day of April one thousand eight hundred and seventy-seven.



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RICCALL, B.

*Order modifying the above Provisional Order.*

WHEREAS, after the foregoing Provisional Order had become final, the Inclosure Commissioners for England and Wales did in a report duly certify that it was expedient that such Provisional Order should be confirmed by Parliament:

And whereas such report having been presented to Parliament was referred to a Committee of the House of Commons for consideration, and such Committee recommended that the Provisional Order should be confirmed by Parliament, subject to certain modifications:

Now, therefore, in pursuance of the powers given to us by the Inclosure Acts, 1845 to 1876, we, the Inclosure Commissioners for England and Wales, do hereby modify the said Provisional Order, in accordance with the recommendations of the Committee, by making it a condition thereof:

That the recreation ground reserved by the said Provisional Order be augmented by not less than two acres.

That the field gardens reserved by the said Provisional Order be increased by ten acres.

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

