



CHAPTER cii.

An Act to confirm a Provisional Order of the Board of Agriculture relating to the Regulation of the Commons in the parish of West Tilbury in the county of Essex. A.D. 1893.
[29th June 1893.]

WHEREAS the Board of Agriculture did in pursuance of the Inclosure Acts, 1845-1882, issue, in the year one thousand eight hundred and ninety-two, 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 ought to be confirmed by Parliament 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. Order in schedule confirmed.

2. This Act may be cited as the Commons Regulation (West Tilbury) Provisional Order Confirmation Act, 1893. Short title.

A.D. 1893.

SCHEDULE.

PROVISIONAL ORDER FOR THE REGULATION OF WEST TILBURY
COMMONS, ESSEX.

WHEREAS persons interested in certain lands, called or known as The Green, Hall Hill Common, Fort Road Common, Parsonage Common, Walton Common, and Tilbury Fort Common, situate in the parish of West Tilbury, in the county of Essex, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1882, and herein-after collectively referred to as "the common," have made application to the Board of Agriculture to issue a Provisional Order for the regulation of the 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 Board that the persons making the said application represent at least one third in value of such interests in the common as are proposed to be affected by the Provisional Order :

And whereas the said Board, 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 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 World's End Public House, at Chadwell, in the said county of Essex, on the third and fourth days of June 1891, at the respective hours of 11 in the morning and 7 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 common, as required by the said Acts :

And whereas the Assistant Commissioner duly reported in writing to the said Board 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 common, a copy of which map is deposited in the office of the said Board :

And whereas the common is waste land of the manor of West Tilbury, of which manor George Richard Burness, Esquire, is the lord :

[56 & 57 VICT.] *Commons Regulation (West Tilbury) Provisional Order Confirmation Act, 1893.* [Ch. cii.]

Now, therefore, the Board of Agriculture, in pursuance of the powers given to them by the Board of Agriculture Act, 1889, and the said Acts, and being satisfied that, having regard to the benefit of the neighbourhood, as well as to private interests, the regulation of the common is desirable, have framed, for the consideration of the persons interested, this Draft Provisional Order, specifying the provisions for "adjustment of rights" and for "improvement" which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, they are prepared to certify that it is expedient that the Provisional Order should be confirmed by Parliament (that is to say):—

A.D. 1893.

1. That for the "adjustment of rights" there shall be determined by the valuer, and set out in his award,— Adjustment of rights.

1. As respects rights of common of pasture, the persons by whom, the stock by which, and the times at which, such common of pasture is to be exercised.

2. As respects rights of common of turbary, or taking of estovers, or taking gravel, stone, or otherwise interfering with the soil of the common, the persons by whom, and the mode and place or places in which, and the times at which, such rights, or any of them which may be proved to exist, are to be respectively exercised.

Provided that, on compensation made to any person aggrieved, either by grant of a right of equal value or, with his consent in writing, in money, all or any of such last-mentioned rights which may permanently injure the common may be restricted, modified, or abolished, and that the valuer shall have power to determine any rights, and settle any disputes relating to boundaries, rights in the soil or in the produce of the soil, or otherwise, should any such disputes be found to exist.

2. That for "improvement" seven Conservators shall be appointed, one by the lord of the manor, three by the inhabitants of the parish of West Tilbury in vestry assembled, and three by the persons entitled to the rights of common to be determined by the valuer as aforesaid out of their own number, with power for Conservators to— Improvement Conservators.

1. Drain, manure, and level the common, as they may from time to time deem necessary.

2. Plant trees, whether for shelter or otherwise, or in any other way improve or add to the beauty of the common.

3. Make byelaws and regulations for the prevention of or protection from nuisances, and for keeping order on the common, including the regulation of the exercise of the rights of common to be determined and set out by the valuer as aforesaid, such byelaws and regulations being subject to confirmation by one of Her Majesty's Principal Secretaries of State.

4. Take the general management of the common.

[Ch. cii.] Commons Regulation (West [56 & 57 VICT.]
Tilbury) Provisional Order Confirmation Act, 1893.

A.D. 1893.

Provisions for
benefit of
neighbourhood.

3. 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 inhabitants of the parish and neighbourhood at all times a right of free access to the common, and a privilege of playing cricket and other games, and of enjoying reasonable recreation thereon, subject to such byelaws and regulations as may from time to time be made by the Conservators and confirmed by the Secretary of State, and that the Conservators may set apart such portion or portions of the common as they may consider expedient for cricket and other games, and may inclose the same temporarily with posts and chains or other open fence, so as to prevent cattle or horses straying thereon.
2. That, if found necessary, carriage roads, bridle roads, and footpaths be set out, to the satisfaction of the Board of Agriculture, as may be convenient for public use.

Expenses of
proceedings.

4. That the expenses of and incidental to the regulation be raised by means of a rate or rates to be levied by the valuer upon the persons interested in the common, in proportion to the value of their respective rights and interests therein as determined by the valuer for the purposes of the regulation.

That the expenses incurred by the Conservators in the execution of their powers and duties shall be defrayed by means of voluntary contributions, or any other moneys applicable to the purpose that may come into their hands, or by means of rates to be levied by the Conservators for the time being, or by such of them as are persons interested in the common; every such rate to be subject to the approval of the Board of Agriculture under their seal, and to be levied upon the persons interested in the common in proportion to the value of their rights and interests as ascertained from the award, and to be recoverable by the Conservators or any officer appointed by them for the purpose in such manner, as nearly as circumstances will permit, as if the same had been rates recoverable by a field reeve appointed under the powers of the said Acts, or any of them.

Compensation
for rights of
lord of
manor.

5. That one-sixteenth part in value of the rights of common of pasture over the common be allotted, under the provisions of the said Acts, to the said George Richard Burness, as lord of the said manor, in lieu of and compensation for his right and interest in the soil of the common, so far as the same is affected by this Order, but this Order shall not affect his right and interest in the mines, minerals, stone, and other substrata under the common, or his right of winning, working, getting, and carrying away the same.

And the said allotment to be made as aforesaid shall be without prejudice to any right of pasture 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 common, which said right of pasturage or other right, if any, is to be compensated for and determined [under the provisions herein-before referred to for the adjustment and determination of rights.

Provisions to
be inserted
in award.

6. 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

[56 & 57 VICT.] *Commons Regulation (West* [Ch. cii.]
Tilbury) Provisional Order Confirmation Act, 1893.

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 Board of Agriculture shall think desirable and proper. A.D. 1893.

In witness whereof the Board of Agriculture have hereunto set their official seal this twenty-fourth day of November one thousand eight hundred and ninety-two.

RICHARD DAWSON. (L.S.)
Authorised by the President.

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