

[61 & 62 VICT.] *Commons Regulation (Wolstanton [Ch. xxxvi.]
Marsh) Provisional Order Confirmation Act, 1898.*



CHAPTER xxxvi.

An Act to confirm a Provisional Order under the Inclosure Acts 1845 to 1882 relating to Wolstanton Marsh in the County of Stafford. A.D. 1898.
[1st July 1898.]

WHEREAS the Board of Agriculture did in pursuance of the Inclosure Acts 1845 to 1882 issue in the year one thousand eight hundred and ninety-seven 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 (Wolstanton Marsh) Provisional Order Confirmation Act 1898. Short title.

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A.D. 1898.

SCHEDULE.

PROVISIONAL ORDER FOR THE REGULATION OF WOLSTANTON MARSH.

WHEREAS persons interested in certain lands called or known as Wolstanton Marsh (hereinafter referred to as "the said Common") situate in the township of Wolstanton in the county of Stafford such lands being a common within the meaning of the Inclosure Acts 1845 to 1882 have made application to the Board of Agriculture to issue a Provisional Order for the regulation 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 Board 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 Board 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 officer of the Board :

And whereas the said officer having caused public notice to be given as required by the said Acts held pursuant to the said notice public meetings at the National School Room at Wolstanton on the 4th and 5th days of August 1893 at the respective hours of seven in the evening and ten in the morning 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 officer inspected the said Common as required by the said Acts :

And whereas the said officer duly reported in writing to the said Board the result of the local inquiry and of the public meetings held by him together with all the information and other matters 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 Board :

And whereas the provisions of the said Acts have been in all other respects complied with :

And whereas the said Common is waste land of the manor of Newcastle-under-Lyme of which manor Her Majesty the Queen in right of Her Duchy

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of Lancaster is the Lady and as such Lady is entitled to the soil of the said Common and to the mines and minerals thereunder : A.D. 1898.

And whereas the said Common is within the district of the Wolstanton Rural District Council and the said Council have with the consent of the County Council for the County of Stafford and with the sanction of the said Board and in exercise of the powers conferred upon them under the Local Government Act 1894 and the Inclosure Acts 1845 to 1882 entered into an undertaking to contribute out of their funds for or towards the maintenance of the said Common as an open space and the improvement of the said Common and otherwise for the benefit of the inhabitants of their district in relation to the said Common :

Now therefore the Board of Agriculture being satisfied that regard being had to the benefit of the neighbourhood as well as to private interests it is expedient to proceed further in the matter do by virtue of the powers in this behalf given to them by the Inclosure Acts 1845 to 1882 and the Board of Agriculture Act 1889 make this their Provisional Order as follows (that is to say) :—

PART I.—For the improvement of the said Common the following provisions shall be put in force :— Improvement.

The Wolstanton Rural District Council shall be the Conservators of the said Common and as such Conservators shall have power to— Conservators.

- (a) drain manure and level the said Common ; and
- (b) plant trees on or light the said Common or in any other way improve or add to the beauty of the said Common ; and
- (c) make bye-laws and regulations for the prevention of or protection from nuisances or for keeping order on the said Common including the regulation of the exercise of lawful rights of common subsisting thereon such bye-laws and regulations being subject to any such confirmation as is by law required ; and
- (d) generally manage the said Common.

PART II.—For the benefit of the neighbourhood :

- (a) There shall be reserved a right of free access to the said Common and a privilege of playing games and enjoying recreation thereon at such times and in such manner and on such parts of the said Common as may from time to time be prescribed by any bye-laws and regulations to be made by the Conservators and confirmed as by law required and the Conservators may cause any part for the time being prescribed as aforesaid to be temporarily inclosed with posts and chains or other open fences ;
- (b) The Conservators shall have power to set out make and maintain new carriage roads bridle paths and footpaths over the said Common.

Provisions for
the benefit of
neighbourhood.

PART III.—This Provisional Order is to be without prejudice to the rights of Her Majesty as Lady of the Manor in the mines and minerals under the said Common and such rights may be exercised in the same manner and to the same extent as if this Provisional Order had not been made.

Reservation
of rights of
Lady of the
Manor.

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PART IV.—For the purpose of giving complete effect to this Provisional Order there shall be inserted in the award to be made in pursuance of the Inclosure Acts 1845 to 1882 such provisions not inconsistent with such Acts as the Board of Agriculture shall think desirable and proper.

In witness whereof the Board of Agriculture have hereunto set their official seal this sixteenth day of October one thousand eight hundred and ninety-seven.

(L.S.)

T. H. ELLIOTT
Secretary.

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