

[61 & 62 VICT.] *Commons Regulation (Runcorn)* [Ch. lxxxvii.]
Provisional Order Confirmation Act, 1898.



CHAPTER lxxxvii.

An Act to confirm a Provisional Order under the Inclosure Acts 1845 to 1882 relating to Runcorn Heath and Runcorn Hill in the County of Chester. A.D. 1898.

[25th 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-eight 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 (Runcorn) Provisional Order Confirmation Act 1898. Short title.

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SCHEDULE.

PROVISIONAL ORDER FOR THE REGULATION OF RUNCORN HEATH AND
RUNCORN HILL.

WHEREAS persons interested in certain lands called or known as Runcorn Heath and Runcorn Hill (herein-after referred to as "the said commons") situate in the parishes of Runcorn and Weston in the county of Chester—such lands being commons 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 commons 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 commons 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 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 Public Hall Runcorn on the 15th and 16th days of February 1898 at the respective hours of eleven in the morning and eight 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 officer inspected the said commons 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 commons:

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

And whereas the Board have prepared and sealed a map (herein-after referred to as "the sealed map") showing the reputed boundaries of the said commons Runcorn Heath being thereon coloured pink and brown and Runcorn Hill being coloured green:

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And whereas the said commons are waste lands of the manor of Runcorn and the most Honourable George Henry Hugh Cholmondeley Marquis of Cholmondeley the lord of the said manor claims to be entitled as such lord to the soil of the said commons and to the mines and minerals thereunder and also to divers mining rights and rights of cutting turf in connexion therewith :

And whereas the said commons are with respect to the district of the Runcorn Urban District Council suburban commons within the meaning of the said Acts and the said Council have with the sanction of the said Board and in exercise of the powers conferred upon them under the Inclosure Acts 1845 to 1882 entered into an undertaking to contribute out of their funds for or towards the maintenance of the said commons as open spaces and the improvement of the said commons and otherwise for the benefit of the inhabitants of their district in relation to the said commons :

And whereas the applicants are desirous that the interests of the lord of the said manor in such part of Runcorn Heath as is coloured pink on the sealed map and in the minerals thereunder and in any other rights in connexion therewith should be abolished with the consent of the said Marquis as lord of the said manor on compensation being made by the allotment to him in respect of the interests so affected of the land coloured brown on the sealed map :

And whereas the said Marquis has consented to this Provisional Order and to the abolition of the said interests :

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 commons the following Improvement.
provisions shall be put in force :—

The Runcorn Urban District Council shall be the conservators of the said Conservators.
commons and as such conservators shall have power to—

- (a) Drain manure and level Runcorn Heath ; and
- (b) Plant trees on or light the said commons or in any other way improve or add to the beauty of the said commons ; and
- (c) Make byelaws and regulations for the prevention of or protection from nuisances or for keeping order on the said commons including the regulation of the exercise of lawful rights of common subsisting thereon such byelaws and regulations being subject to any such confirmation as is by law required ; and
- (d) Generally manage the said commons.

PART II.—For the benefit of the neighbourhood—

- (a) There shall be reserved subject as herein-after provided a right of free access to the said commons and a privilege of playing games and

Provisions for
the benefit of
neighbourhood.

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enjoying recreation thereon at such times and in such manner and on such parts of the said commons as may from time to time be prescribed by any byelaws and regulations to be made by the conservators and confirmed as by law required and the conservators may cause any part of Runcorn Heath for the time being prescribed as aforesaid to be temporarily inclosed with posts and chains or other open fences ;

(b) The beacon on Runcorn Hill shall at all times be maintained in good order by the conservators ;

(c) The conservators shall have power to set out make and maintain new carriage roads bridlepaths and footpaths over the said commons.

Abolition of
lord's rights in
Runcorn
Heath.

PART III.—The part of Runcorn Heath coloured brown on the sealed map shall be allotted under the provisions of the said Acts to the said Marquis as lord of the said manor in respect of the interest of the lord of the said manor in the residue of Runcorn Heath and in the minerals thereunder and in any other rights in connexion therewith which interest shall be abolished as from the date of such allotment.

Reservation of
rights of lord
of the manor.

PART IV.—This Provisional Order is to be without prejudice to the rights of the lord of the manor in the mines and minerals under Runcorn Hill and also without prejudice to such mining rights and rights of cutting turf in connexion with Runcorn Hill as he is now entitled to and all the rights aforesaid may be exercised in the same manner and to the same extent as if this Provisional Order had not been made.

Award.

PART V.—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 1852 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 Fourth day of May One thousand eight hundred and ninety-eight.

(L.S.)

T. H. ELLIOT
Secretary.

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