

BOROUGH OF KENDAL.

COMMONS ACT, 1899.

SCHEME FOR THE REGULATION AND MANAGEMENT OF COMMONS.

1. The pieces of land with the ponds paths and roads thereon commonly known as Kirkland Common, Goose Holme, Waste Lands adjoining the River, Waste Lands adjoining the New Road, and Waste Lands adjoining Castle Crescent, situate in the Municipal Borough of Kendal in the County of Westmorland and hereinafter referred to as "the common," as the same are delineated in a plan deposited at the office of the Council of the Borough of Kendal, hereinafter called "the Council," and thereon coloured green, being a "Common," within the meaning of the Commons Act, 1899, shall henceforth be regulated by this scheme and the management thereof shall be vested in the Council.

Description of common and management by Borough Council.

2. The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common and otherwise for the purposes of this scheme and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

Appointment of officers.

3. The Council may execute any works of drainage raising levelling or fencing or other works for the protection and improvement of the common and shall preserve the turf shrubs trees plants and grass thereon and for this purpose may for short periods enclose by fences such portions as may require rest to revive the same and may plant trees and shrubs for shelter or ornament and may place seats upon and light the common and otherwise improve the common as a place for exercise or recreation but the Council shall do nothing that may otherwise vary or alter the natural features or aspect of the common or interfere with free access to every part thereof, and shall not erect upon the common any shelter pavilion or other building without the previous consent of the person entitled to the soil of the common.

Protection and improvement of common.

4. The Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial or other enclosure of any part thereof.

Against encroachments.

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other species of recreation thereon, subject to any byelaws made by the Council under this scheme.

Public right of access and recreation.

6. The Council shall have power to repair and maintain the existing paths and roads on the common and to set out make and maintain such new paths and roads on the common as appear to the Council to be necessary or expedient and to take any proceedings necessary for the stopping or diversion of any highway over the common.

Maintenance and construction of paths and roads.

7. The Council may for the prevention of accidents fence any quarry pit pond or other like place on the common.

Fencing of quarries, &c.

8. The Council may set apart for games any portion or portions of the common as they may consider expedient and may form cricket grounds and may allow the same to be temporarily enclosed with any open fence so as to prevent cattle and horses straying thereon but such grounds shall not be laid out so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants thereof.

Games, &c.

Byelaws.

9. The Council may, for the prevention of nuisances and the preservation of order on the common and subject to the provisions of section 10 of the Commons Act, 1899, make revoke and alter byelaws for any of the following purposes, viz. :—
- a. For prohibiting the deposit on the common, or in any pond thereon, of road-sand, materials for repair of roads, dung, rubbish, wood, or other matter ;
  - b. For prohibiting any person without lawful authority from digging, cutting, or taking turf, sods, gravel, sand, clay, or other substance on or from the common, and from cutting, felling, or injuring any gorse, heather, timber or other tree, shrub, brushwood, or other plant growing on the common ;
  - c. For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling, and taking trees or underwood on or from the common, in exercise of any right of common or other right over the common ;
  - d. For prohibiting the injury, defacement, or removal of seats, fences, notice-boards, or other things put up or maintained by the Council on the common ;
  - e. For prohibiting or regulating the posting or painting of bills, placards, advertisements, or notices on trees or fences or notice-boards on the common ;
  - f. For prohibiting any person without lawful authority from bird catching, setting traps or nets or liming trees or laying suares for birds or other animals, taking birds' eggs or nests, and shooting or chasing game or other animals on the common ;
  - g. For prohibiting or regulating the drawing without lawful authority upon the common of any carriage, cart, caravan, truck, or other vehicle, and the erecting or permitting to remain on the common, without the consent of the Council or other lawful authority, any building, shed, tent, fence, post, railing, or other structure, whether used in connection with the playing of games or not, and for authorising an officer of the Council to remove from the common any vehicle drawn upon the common and any structure erected thereon in contravention of any such byelaw ;
  - h. For prohibiting (except in the case of a fair lawfully held) or regulating the placing on the common of any photographic cart, or of any show, exhibition, swing, roundabout, or other like thing, and for authorising an officer of the Council to remove from the common any thing placed upon the common in contravention of any such byelaw ;
  - j. For prohibiting or regulating the lighting of any fire on the common ;
  - k. For prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the common ;
  - l. For regulating games to be played and other means of recreation to be exercised on the common, and assemblages of persons thereon ;
  - m. For regulating the use of any portion of the common temporarily enclosed or set apart under this scheme for any purpose ;
  - n. For prohibiting or regulating horses being exercised or broken in without lawful authority by grooms or others on the common ;
  - o. For prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep, or other animals ; and for authorising an officer of the Council to remove from the common any cattle, sheep, or other animal being on the common in contravention of any such byelaw ;
  - p. Generally, for prohibiting or regulating any act or thing tending to injury or disfigurement of the common or to interference with the use thereof by the public for the purpose of exercise and recreation ;
  - q. For authorising an officer of the Council, after due warning, to remove or exclude from the common any person who within his view commits, or whom he reasonably suspects of committing, an offence against any byelaw made under this scheme or against the Vagrancy Act, 1824 ;
  - r. For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this scheme or under any byelaws made thereunder.

10. All byelaws made under this scheme shall be published on notice-boards placed on such parts of the common (not less than 4) as to the Council may appear desirable. Publication of byelaws on common.

11. Nothing in this scheme or any byelaw made thereunder shall prejudice or affect the lawful use of any highway or thoroughfare on the common or affect any power or obligation to repair any such highway or thoroughfare or prejudice or affect any of the following rights, that is to say:— Saving of rights, &c. in the soil and highways.

a. Any right of the person entitled as lord of the Manor or otherwise to the soil of the Common or of any person claiming under him which is lawfully exercisable in over under or on the soil or surface of the Common in connection with game or with mines minerals or other substrata or otherwise: For the protection of the lord of the Manor.

b. The right of Messrs. J. J. & W. Wilson, Ltd. or any person claiming under them which is now exercised or enjoyed by them in over or under the soil or surface of the Common in connection with the head race and weirs of their property called Castle Mills and nothing shall be done under or by virtue of such scheme or byelaws as aforesaid which shall in any way diminish or interfere with the uninterrupted right of road or access which Messrs. J. J. and W. Wilson, Ltd. enjoy to their weirs watercourses and land or to other adjoining land over which they may have any right or easement: For the protection of Messrs. J. J. & W. Wilson, Ltd.

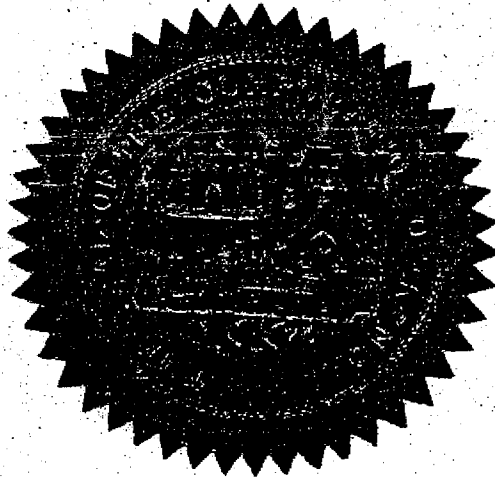
c. Any right of Mr. Maurice John Pearson or any person claiming under him which is lawfully exercisable over or on that part of the common which lies on the south side of the New Road in connection with the business of a fell-monger carried on in the property belonging to him and situate on the north side of the New Road. For the protection of Mr. Maurice John Pearson.

12. Printed copies of this scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price not exceeding sixpence each. Copies of scheme.

Passed under the Common Seal of the Mayor, Aldermen, and Burgesses of the Borough of Kendal, in pursuance of a resolution of the Council on the *twentieth* day of January, 1910, by the Mayor, in the presence of

*J. C. Bolton* Town Clerk

*J. Cunningham*  
Mayor



*Approved by Order of  
the Board of Agriculture  
and Fisheries, the eighth  
day of March, 1910.*

*J. N. Bell*

Secretary.