CHAPTER xx.

An Act to confirm the Provisional Order for the Regulation of certain lands known as Beamsley Moor, situate in the township of Beamsleys Both, in the parish of Skipton, in the county of York, in pursuance of the report of the Inclosure Commissioners for England and Wales. A.D. 1881.

[3rd June 1881.]

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1878, issue in the year one thousand eight hundred and eighty 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 should be confirmed 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. Confirmation of Provisional Order.

2. This Act may be cited as the Commons Regulation (Beamsley Moor) Provisional Order Confirmation Act, 1881. Short title.

A.D. 1881.

SCHEDULE.

PROVISIONAL ORDER for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as Beamsley Moor, situate in the township of Beamsleys Both, in the parish of Skipton, in the county of York, such lands being a Common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the Regulation 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 caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the Red Lion Inn, Bolton Bridge, near Skipton, on the 21st and 22nd days of September 1880, at the respective hours of eleven in the forenoon and seven 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 said Common as required by the said Acts:

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 deposited in the office of the Inclosure Commissioners for England and Wales:

And whereas the said Common is waste land of the Manor of Beamsleys Both, of which the Honourable Mary Lee Mainwaring and the Most Noble William Duke of Devonshire are Lady and Lord:

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 regulation of the said Common is desirable, have framed for the consideration

of the persons interested this our draft Provisional Order, specifying the provisions for the adjustment of rights and the improvement of the Common which are to be put in force, and 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 for the adjustment of rights the following provisions be put in force; that is to say, provisions for—

1. As respects rights of common of pasture, the determination of 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 said Common, the determination of 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 exercised; and also, on compensation made to any person aggrieved, either by grant of a right of equal value, or, with his consent in writing, in money, the restriction, modification, or abolition of all or any of such rights which may permanently injure the Common.
3. The determination of any rights and settlement of 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.

That for the improvement of the said Common the following provisions be put in force; that is to say, provisions for—

1. The draining, manuring, and levelling of the said Common as may be found necessary.
2. The planting of trees on parts of the said Common, or in any other way improving or adding to the beauty of the same.
3. The making of byelaws and regulations for the prevention of or protection from nuisances, and for keeping order on the said Common.
4. The general management of the said Common.
5. The appointment from time to time of Conservators of the said Common for the purposes aforesaid, such Conservators being persons interested in the said Common.

That the foregoing provisions for adjustment of rights and for improvement shall apply to the whole of the said Common.

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 a convenient foot-road, 12 feet wide, be set out by the valuer, subject to the approval of the Inclosure Commissioners, from the south side of the property belonging to the Duke of Devonshire, and marked M on the said map to Beamsley Beacon and thenceforward to the Pike as a means of access thereto, and to the land to be set out as next hereinafter mentioned.
2. That five acres about the Beacon and five acres about the Pike be respectively set out by the valuer, subject to the approval of the Inclosure

A.D. 1881.

Commissioners, and that the public have the privilege of enjoying thereon any species of recreation.

3. That the road and land to be set out as aforesaid be clearly indicated by stones.
4. That no dogs be allowed on the said road or land to be set out as aforesaid, and that a notice board to that effect be put up in one or more conspicuous place or places.
5. That the road and land to be set out as aforesaid be open to the public as and for the purposes aforesaid only from the commencement of one hour before sunrise till the expiration of one hour after sunset.
6. That the repair and management of the road and land to be set out as aforesaid be under the control of the Conservators.
7. That there be reserved for the public a privilege of playing games and of enjoying other species of recreation at all times on the portion of the said Common between Deerstones and the road running east and west at Ling Chapel, such portion being marked R on the said map, and that not less than two acres, part thereof, be drained by the valuer to render the same fit for the playing of cricket.

That there may be raised by the Conservators for the time being such sums as the said Inclosure Commissioners shall think fit, and by order from time to time, under their seal, at the request of the Conservators, direct, to be applied towards the improvement or protection of the said Common, and to be raised by means of rates to be levied upon the respective owners of the rights of common of pasture, according to the value of such rights 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.

That for the purpose of giving complete effect to this Provisional Order, and to enable the Conservators to carry out their duties in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts such provisions not inconsistent with such Acts as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal this sixteenth day of December one thousand eight hundred and eighty.

L.S.

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