## CHAPTER xxviii.

An Act to confirm the Provisional Order for the inclosure of certain lands known as Arkleside Common, situate in the Parish of Coverham, in the North Riding of Yorkshire, in pursuance of a Report of the Inclosure Commissioners for England and Wales. [19th June 1882.]

A.D. 1882.

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-one, the Provisional Order of Inclosure 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 inclosure 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:

Confirmation of Provisional Order.

**1.** The Provisional Order of Inclosure set forth in the Schedule to this Act is hereby confirmed.

Short title.

**2.** This Act may be cited as the Inclosure (Arkleside) Provisional Order Confirmation Act, 1882.

A.D. 1882.

# SCHEDULE.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Arkleside Common, situate in the parish of Coverham, 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 inclosure 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 Thwaites Arms Inn, Horsehouse, in the said parish, on the 8th and 9th days of June 1881, at the respective hours of eleven in the morning 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 said Commissioners:

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 inclosure of the said Common is desirable, have framed, for the consideration of the persons interested, this our draft Provisional Order, specifying 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 there be reserved to the public a privilege at all times of enjoying air, exercise, and recreation upon those parts of the land to be inclosed which shall for the time being be unplanted or uncultivated for arable purposes. Provided that, in such enjoyment, no injury shall be done to the lands or to the herbage growing thereon, or to the stock or game upon such lands. Provided also, that gates or stiles shall be placed in all fences inclosing such lands at convenient intervals not exceeding a quarter of a mile, and that access to such lands shall be secured to the public.

That 20 acres of average quality be allotted for field gardens, with the view of exchanging the same for land conveniently situated and suitable for the purpose.

That quarries for the supply of stone for the repair of the highways within the district be set out to the satisfaction of the Inclosure Commissioners.

That five acres, in such situation as the valuer, with the sanction of the Inclosure Commissioners shall determine to be most suitable for the purpose, be set out as an allotment for turbary for fuel for the use of the inhabitants of Arkleside and Horsehouse in their houses, but not otherwise, or for sale.

That if found necessary carriage-roads, bridle-roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

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

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1882.