CHAPTER xxix.

An Act to confirm the Provisional Order for the inclosure of certain lands known as Bettws Disserth Common, situate in the Parish of Bettws Disserth, in the County of Radnor, in pursuance of a Report of the Inclosure Commissioners for England and Wales. A.D. 1882.

[19th June 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, 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:

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

2. This Act may be cited as the Inclosure (Bettws Disserth) Provisional Order Confirmation Act, 1882. Short title.

A.D. 1882.

SCHEDULE.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Bettws Disserth Common, situate in the parish of Bettws Disserth, in the county of Radnor, 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 Severn Arms Hotel, Penybont, on the 24th and 25th days of November 1879, 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:

And whereas Sir Joseph Russell Bailey, Baronet, as lord of the manor of Gareg, is entitled to the soil of the said Common:

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, 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, 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.
2. 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. 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 one-fourteenth part in value of the said Common be allotted, under the provisions of the said Acts, to the said Sir Joseph Russell Bailey, as lord of the said manor, in lieu of his right and interest in the soil of the said Common, exclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, and also exclusively of any right of pasturage or other right of common or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon the said Common, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

And in respect of the mines, minerals, stone, and other substrata under the said Common, which are hereby excepted from the inclosure and reserved to the lord of the manor, it is hereby specified as follows; that is to say,—

That a right to enter the said Common when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata, be reserved to such lord of the manor, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our official seal this twenty-eighth day of January one thousand eight hundred and eighty.

L.S.

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