CHAPTER lviii.

An Act to confirm the Provisional Order for the Inclosure of Llanybyther Common, situate in the parish of Llanybyther, in the county of Carmarthen, in pursuance of a Report of the Land Commissioners for England. A.D. 1885.

[16th July 1885]

WHEREAS the Land Commissioners for England did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and eighty-five, 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 (Llanybyther) Provisional Order Confirmation Act, 1885. Short title.

A.D. 1885.

SCHEDULE.

PROVISIONAL ORDER for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Llanybyther Common, situate in the parish of Llanybyther, in the county of Carmarthen, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1878," have made application to the Land Commissioners for England 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 Land 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 "Black Lion Hotel" in the said parish, on the fourth and fifth days of December one thousand eight hundred and eighty-four, 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 sketch map of the said common, a copy of which map is deposited in the office of the said Commissioners:

And whereas Her Majesty the Queen, as lady of the manors of Mabelview and Bwlchcynbyd, 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 Land Commissioners for England, 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:—

That there be reserved to the inhabitants of the neighbourhood and the public a privilege at all times of enjoying air, exercise, and recreation upon all such parts of the land to be inclosed as shall not be planted or broken up for cultivation, and that in all fences inclosing such parts, gates or stiles shall be placed, at convenient intervals not exceeding a quarter of a mile apart, for the purpose of securing public access: Provided that, in the enjoyment of the privilege thus reserved, no injury shall be done to the lands, or to the herbage, or fences, or anything thereon.

That forty acres of average quality be allotted for field gardens and recreation, with the view of exchanging the same for a smaller extent of land in convenient situations and suitable for those purposes.

That a hard road be made from the south-west to the north-east extremity of the common, and that if found necessary such other roads or paths be set out and made to the satisfaction of the Land Commissioners as may be convenient for public use.

That one-fourteenth part in value of the residue of the said common, after providing for field gardens as aforesaid, be allotted under the provisions of the said Acts to Her Majesty the Queen, as lady of the said manors, in lieu of Her right and interest in the soil of the said common, exclusively of Her 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 Her Majesty or Her 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 Her right and interest in the soil.

That in respect of the mines, minerals, stone, and other substrata under the said common, which are hereby excepted from the Inclosure and reserved to Her Majesty, 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 Her Majesty, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

That an allotment equal in value to the sum of one hundred and ninety-five pounds be set out and allotted to Her Majesty in lieu and satisfaction of the chief or quit rents amounting to seven pounds thirteen shillings and tenpence per annum, payable to Her Majesty, as lady of the said manors, in respect of lands and tenements within the said parish of Llanybyther.

That a copy of the award of the valuer and of the map annexed thereto be furnished to the Commissioners of Her Majesty's Woods and Forests at the expense of the Inclosure.

In witness whereof we have hereunto set our official seal this sixth day of March one thousand eight hundred and eighty-five.

L.S.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.