

[43 & 44 VICT.]      *Inclosure (Llanfair Hills)*      [Ch. cxxxiii.]  
*Provisional Order Confirmation Act, 1880.*



### CHAPTER cxxxiii.

An Act to confirm the Provisional Order for the Inclosure of certain Lands known as Llanfair Hills, situate in the parish of Llanfair Waterdine, in the county of Salop, in pursuance of a report of the Inclosure Commissioners for England and Wales. A.D. 1880.  
[6th August 1880.]

**W**HEREAS 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 Provi-  
sional Order.
2. This Act may be cited as the Inclosure (Llanfair Hills) Provisional Order Confirmation Act, 1880. Short title.

A.D. 1880.

S C H E D U L E.

*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as Llanfair Hills, situate in the townships of Menethesney, Llanfair, Trebert, and Fynnon Vair, in the parish of Llanfair Waterdine, in the county of Salop, 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 *prima 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," in the said parish, on the twenty-sixth and twenty-seventh days of November one thousand eight hundred and seventy-nine, 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 hereto annexed:

And whereas the Right Honourable Edward James Earl of Powis, as lord of the manor of Tempsiter, in the honour and lordship of Olun, is entitled to



the soil of that part of the said common which is in the said townships of Menethesney, Llanfair, and Trebert, and to all mines, minerals, stone, and other substrata under the same, and also to the mines and minerals, except building stone and tile, under that part of the said common which is in the said township of Fynnon Vair: A.D. 1880.

And whereas Sir Richard Green Price, Baronet, and Charles Lister Ryan, Esquire, as mortgagees in possession, are the owners of the soil of that part of the said common which is in the said township of Fynnon Vair, and of the building stone and tile under the same:

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 ten acres, in two plots of five acres each, on either side of "Offa's Dyke," at or near the spots marked A and B on the map hereto annexed, being the point of intersection of roads there, be allotted for recreation ground:

That "Offa's Dyke," in so far as it passes through the said common, be preserved in its present state, with convenient points of access to it, as a public footpath:

That fifteen acres of average quality be allotted for field gardens, with the view of exchanging the same for good land conveniently situated near the cottages:

That thirty acres on such part or parts of the said common as may be found most suitable and convenient be set out as an allotment for turbary for fuel for the use of the inhabitants:

That carriage roads, bridle roads, and footpaths over the said common be set out, to the satisfaction of the Inclosure Commissioners, in the most convenient and commodious manner, with such deviations from the present lines of traffic as may provide more level ground and better shelter, and give public access to "Offa's Dyke," to the proposed recreation grounds, to the turbary allotments, and to the springs and streams of water:

That one fourteenth part in value of the residue of that part of the said common which is in the said townships of Menethesney, Llanfair, and Trebert (to be set out adjoining his freehold property in the townships of Berfield and Spoad) be allotted under the provisions of the said Acts to the said Edward James Earl of Powis, as lord of the said manor, in lieu of his right and interest in the soil of such part of the said common, inclusively of his right and interest in the building stone and tile under the same, but exclusively of his right and interest in all other mines and minerals under the said common, 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, inde-

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A.D. 1880.      pendently of the allotment hereby stipulated in respect of his right and interest in the soil as aforesaid :

That one fourteenth part in value of the residue of that part of the said bommon which is in the said township of Fynnon Vair (to be set out adjoining their old inclosed lands) be allotted under the provisions of the said Acts to the said Sir Richard Green Price and Charles Lister Ryan, as such mortgagees in possession, in lieu of their right and interest in the soil of such part of the said common, and in the building stone and tile under the same.

And in respect of the mines and minerals (except building stone and tile) 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 apening, working, and winning such mines and minerals, 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 eighth day of January one thousand eight hundred and eighty.

L.S.