CHAPTER cxii.

An Act for empowering the Mayor Aldermen and Burgesses of the Borough of Carnarvon to acquire Morfa Seiont Common in the Borough and to lay out a public Park and for other purposes. [12th July 1882.] A.D. 1882.

WHEREAS there are within the municipal borough of Carnarvon (in this Act called the borough) certain parcels of unenclosed waste ground described in the schedule to this Act and known as Morfa Seiont Common (in this Act called the Common):

And whereas George William Duff Assheton Smith is or claims to be under the limitations of the will of the late Matilda Assheton Smith tenant for life in possession among other hereditaments commonly known as the Vaynol Estate of the soil of the Common (subject to certain commonable rights therein) and John Newdigate Francis Ludford Astley is the surviving trustee of that will with power to sell or exchange lands subject to its limitations with the consent of the tenant for life for the time being:

And whereas the mayor aldermen and burgesses of the borough (in this Act called the Corporation) are desirous and it would be for the advantage of the inhabitants of the borough if they were empowered to acquire the common freed and discharged from all commonable and other rights and interests therein and to lay out and maintain the same or the greater portion thereof as a public park and recreation ground:

And whereas the said George William Duff Assheton Smith derives no income whatever from the common and the value of certain lands abutting on the common of which he is or claims to be also tenant for life in possession under the same limitations of the will of the said Matilda Assheton Smith will be greatly enhanced in value for building and other purposes by the conversion of the common into a park under the care of the Corporation:

A.D. 1882.

And whereas it is considered that such enhanced value is a full equivalent for the estate and interest in the common of the said George William Duff Assheton Smith and of the persons entitled in remainder under the limitations of the said will and the said George William Duff Assheton Smith and the said John Newdigate Francis Ludford Astley as surviving trustee of the said will have accordingly assented to the promotion of the Bill for this Act by the Corporation:

And whereas it is expedient to confer on the Corporation such powers of laying out maintaining managing and regulating the common as a public park and otherwise in relation thereto as are in this Act contained:

And whereas the Corporation are the owners of the gas undertaking within the borough and have in their hands on account of that undertaking moneys not required for the purposes thereof and it is expedient that the Corporation be empowered to apply the same for the purposes of this Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans showing the lands to be taken under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Carnarvon and with the parish clerk of the parish of Llanbeblig which plans and book of reference are herein-after referred to as the deposited plans and book of reference respectively:

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the 29th day of December eighteen hundred and eighty-one after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Carnarvon and Denbigh Herald a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the Carnarvon and Denbigh Herald a newspaper circulating in the borough and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held on the third day of January one thousand eight hundred and eighty-two in pursuance

of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1882.

And whereas the owners and ratepayers of the borough in manner provided by Schedule 3 of the Public Health Act 1875 consented to the promotion of the Bill for this Act: 38 & 39 Vict. c. 55.

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):

Short title.

1. This Act may be cited as the Carnarvon (Morfa Seiont Common) Act 1882.

Execution of Act by Corporation.

2. This Act shall be carried into execution by the Corporation acting by the Council with all the powers and immunities conferred on the Corporation as a municipal body and as a sanitary authority by the Municipal Corporation Act 1835 and the Public Health Act 1875 and the Acts amending the same respectively and the purposes of this Act shall be deemed to be purposes of the Public Health Act 1875. 5 & 6 Will. 4. c. 76.

Vesting of the common in Corporation.

3. On and after the passing of this Act the lands described generally in the schedule to this Act and more particularly shown on the deposited plans and described in the deposited book of reference and known as Morfa Seiont Common of which George William Duff Assheton Smith is or claims to be tenant for life under the will of the late Matilda Assheton Smith shall in consideration of the enhanced value which will accrue by reason of the execution by the Corporation of the provisions of this Act to certain adjoining lands whereof the said George William Duff Assheton Smith is or claims to be also tenant for life under the same limitations of the said will vest by virtue of this Act and without conveyance or the consent or concurrence of any person in the Corporation for all the estate and interest therein of the said George William Duff Assheton Smith and of any other person or persons whomsoever under the limitations of the will of the late Matilda Assheton Smith and freed and discharged from all commonable or other rights of the said George William Duff Assheton Smith and of any such person or persons as aforesaid and subject only to the commonable rights other than those (if any) devised by the said will affecting the same lands until such rights are extinguished in manner provided by this Act.

Power to enter into

4. (1) Without prejudice to any other provisions of this Act the Corporation on the one hand and any persons entitled to any com-

A.D. 1882.

agreements as to commonable rights.

monable or other rights in or over the common may enter into and execute agreements for the release of such rights or vesting thereof in the Corporation with or without consideration and on such terms as may be agreed on.

(2) Any such agreements whether made before or after the passing of this Act shall in each case operate as an absolute release and extinguishment of the right or rights agreed to be released and any such agreement may after the passing of this Act be entered into by any persons empowered to sell or convey or release lands by the Lands Clauses Consolidation Act 1845 and such agreement shall be valid and bind the parties.

8 & 9 Vict. c. 18.

Provision for stamp duty.

5. The Corporation shall within one year from the passing of this Act produce to the Commissioners of Inland Revenue a Queen's printer's copy of this Act stamped with such duty as the said Commissioners shall in their opinion deem equivalent to the duty payable if the vesting under this Act had been effected by deed or deeds.

Procedure for ascertaining if necessary persons entitled to commonable rights.

6. (1.) The Local Government Board shall on the application of the Corporation for that purpose at any time within three months after the passing of this Act appoint one of their inspectors or some other fit and proper person (in this Act called "the Commissioner") to perform the several duties in this section mentioned:

(2.) It shall be the duty of the Commissioner to inquire and ascertain with all reasonable despatch and in any event within three months from the date of his appointment the persons (if any) entitled to commonable or other rights in over or affecting the common who have not entered into agreements with the Corporation under the foregoing provisions of this Act and the nature and extent of the rights of such persons in each and every case and to report the same in manner herein-after mentioned:

(3.) For the purposes of such inquiry the Commissioner shall as to all proceedings under this section have full power jurisdiction and authority to require discovery from any party to summon any person before him to give evidence or to bring and produce and give inspection of documents to administer or direct the administration of oaths and to take or direct the taking of affidavits and declarations and generally he may exercise all such powers jurisdictions and authorities as might be exercised by any division of Her Majesty's High Court of Justice if the matter coming before him had come before it and a note under the hand of the Commissioner shall for the purposes of this Act have the force and effect of a subpœna or process issued by any division of the High Court of Justice and he shall also have in addition like powers to those conferred on

Commissioners or Assistant Commissioners by section seventeen of the Inclosure Act 1854 as far as the same may in the circumstances be applicable and with any necessary modifications thereof : A.D. 1882. 17 & 18 Vict. c. 97.

(4.) When and as soon as the Commissioner shall have concluded the said inquiry and shall have reported under his hand to the Corporation the names of the persons (if any) entitled to commonable or other rights as aforesaid and the nature and extent of such rights in each and every case such report shall as to the contents thereof be final and conclusive and shall be binding on the Corporation and on all other parties whether included in or excluded from such report :

(5.) The several persons (if any) mentioned in the report of the Commissioner and no others shall be the persons entitled to commonable or other rights in over or affecting the common and the Commissioner shall determine and award the amount of compensation to be paid to such persons in each and every case and the Corporation shall pay the amounts awarded accordingly and on payment or tender of payment of such amounts to such persons respectively all such commonable or other rights shall be by virtue of this Act absolutely extinguished :

(6.) If the Commissioner shall as the result of the said inquiry find that no person is entitled to commonable or other rights in over or affecting the common he shall report such finding under his hand to the Corporation and such report and finding shall be final and conclusive and shall be as binding on all persons and for all purposes and shall have the same force and effect as if rights had been ascertained to exist and had by virtue of this Act been taken purchased and extinguished :

(7.) All the costs charges and expenses of the Commissioner and of attending or incident to the said inquiry by or before the Commissioner including the remuneration of such Commissioner shall be paid by the Corporation.

Corporation to lay out and maintain park.

7. The Corporation shall (subject to the limited power of sale and exchange herein-after contained) form lay out and maintain the common as a public park or recreation ground and may from time to time level drain sewer flag gravel plant turf over and otherwise improve the park or recreation ground and may erect and maintain thereon lodges shelters and other buildings and conveniences and may form improve and maintain approaches and walks thereto and thereon and do such other works and things as from time to time may appear expedient for the use and enjoyment of such park or recreation ground by the public. Provided nevertheless that all

A.D. 1882.

such lodges shelters and other buildings and conveniences shall be erected in accordance with plans and elevations to be first submitted to and approved of by the said George William Duff Assheton Smith or other the owner for the time being of the Vaynol estate.

Power to let herbage and set apart portions of park for games.

8. (1.) The Corporation may from time to time let the herbage of the park and set apart portions of the park or recreation ground for cricket football archery lawn tennis and other like games but so that the same portions shall be open to the public when not in use for such games.

(2.) The Corporation may take and receive in respect of any letting of the herbage or of leave to any club or persons to use any portion of the park or recreation ground for any game such annual or other rents or sums as may be agreed on.

(3.) All rents or other sums received by the Corporation under this section shall be carried to the credit of the district fund of the borough.

Byelaws for regulation of park.

9. The Corporation may from time to time make alter and repeal (subject to the provisions of this Act) byelaws for all or any of the following purposes relating to the park or recreation ground (that is to say):—

For appointing and regulating keepers and other persons employed therein:

For regulating the hours at which the same are to be opened and closed:

For regulating the conduct of persons frequenting the same:

For preventing the holding therein of any religious political or party meeting or any meeting which in the judgment of the Corporation is not proper to be held therein:

For regulating the days on and hours at which games are to be permitted therein and the particular parts or places for the same:

For regulating the days on and hours at which bands of music or music of any sort are or is to be permitted therein and the payment (if any) for such permission:

For regulating refreshment rooms therein and for determining the days on and hours at which they are to be opened and closed and the nature and prices of the articles to be sold therein:

For preventing or for regulating the smoking of tobacco therein or in any building or part of a building therein:

For preventing or regulating the admission therein of horses vehicles dogs and other animals:

For protecting from injury buildings walks seats fences and other parts of or things of or belonging to the park or recreation ground and for preventing the destruction or injury of trees shrubs plants or flowers or the plucking of flowers or leaves therein and for preventing the destruction or injury therein of aquatic or other birds their nests and eggs :

For enabling the servants of the Corporation or any constable to exclude or remove therefrom persons guilty of a breach of any byelaw relative thereto or of any public law.

As to byelaws.

10. The sections of the Public Health Act 1875 referred to in this section by their numbers and marginal notes shall apply to byelaws which the Corporation are by this Act authorised to make namely :—

Section one hundred and eighty-two "Authentication and alteration of byelaws."

Section one hundred and eighty-three "Power to impose penalties on breach of byelaws."

Section one hundred and eighty-four "Confirmation of byelaws."

Section one hundred and eighty-five "Byelaws to be printed &c."

Section one hundred and eighty-six "Evidence of byelaws."

Power to fix gates.

11. The Corporation may from time to time provide fix and maintain permanent or temporary gates or other barriers on or across the highways roads and footpaths crossing the common but so that no such gate or barrier shall be kept locked on or across any public highway or public footway.

Power to sell or exchange lands not required for park.

12. The Corporation may from time to time sell such part or parts of the common as lie on the west and south-west sides of the Carnarvon and Llanberis Railway of the London and North-western Railway Company between the point where the said railway is crossed by the turnpike road and the bridge carrying the said railway over the river Seiont near the union workhouse and any part of the land numbered 11 on the deposited plans.

And the Corporation may from time to time exchange any part or parts of the lands which form the frontage or outskirts of the common so far as may be necessary or expedient for the purpose of rectifying or improving the boundary line of the common and all lands received by the Corporation in exchange shall be thrown into and form and be maintained as part of the park.

Application of purchase money of land.

13. Any purchase money received on any sale of land by the Corporation shall be distinguished as capital in the accounts of the Corporation and shall be applied exclusively for purposes for which money borrowed by the Corporation is applicable or in discharge of

A.D. 1882.

borrowed moneys and any moneys so discharged shall not be reborrowed.

Expenses of execution of Act.

14. Any expenses incurred by the Corporation in acquiring the common or in forming and laying out the park or recreation ground may be defrayed by the Corporation out of any moneys now in their hands on account of their gas undertaking and not required for the purposes thereof and subject as aforesaid all expenses incurred by the Corporation in the execution of this Act shall be defrayed by the Corporation out of the district fund and general district rate leviable by them under the Public Health Act 1875 or out of any moneys borrowed on the security of such fund and rate under that Act.

Future sale to London and North-western Railway Company.

15. If and when the London and North-western Railway Company shall require to widen their Carnarvon and Llanberis Railway where the same passes through the common the Corporation (or other the then owner or owners) may and shall sell and convey to that company a strip of the common not exceeding fifteen feet in width adjoining and (at the option of the said company) on either side of the said railway and extending from the point where the railway is crossed by the turnpike road to the Carnarvon union workhouse and also a similar strip of the portion of common numbered on the deposited plans 11 in the parish of Llanbeblig and situate between the said workhouse and the river Seiont at a price to be settled (in default of agreement) by arbitration in manner prescribed by the Lands Clauses Consolidation Act 1845 and in settling such price regard shall be had to the condition of the land at the time of such purchase. The power of purchase hereby conferred upon the said company shall cease if not exercised within five years from the passing of this Act.

Saving for London and North-western Railway and for Carnarvonshire turnpike trustees.

16. Nothing in this Act shall authorise the Corporation to interfere with the railway or any works of the London and North-western Railway Company and sidings connecting the same or with any road under the control and jurisdiction of the trustees of the Carnarvonshire turnpike trust.

Costs of Act.

17. All costs charges and expenses of and incidental to the preparing obtaining and passing of this Act shall be paid by the Corporation out of the district fund or general district rate leviable by them under the Public Health Act 1875 or out of money borrowed by them under and according to the provisions of that Act.

SCHEDULE.

Description of Lands known as Morfa Seiont Common.

All that common or commonable land situate in the parish of Llanbeblig, in the county of Carnarvon, within the borough of Carnarvon, and lying on the north side of the River Seiont, and generally between the Corporation gasworks and workhouse, which common or commonable land is known by the name of Morfa Seiont Common, and the estimated quantity whereof is 37 acres 0 roods 16 perches, or thereabouts.

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