



CHAPTER ccxli.

An Act for the improvement of the Borough of Criccieth in A.D. 1873.
the county of Carnarvon. [5th August 1873.]

WHEREAS the borough of Criccieth in the county of Carnarvon is a very ancient borough, constituted by a charter granted by King Edward the First in the thirteenth year of his reign, and confirmed by a charter of King Henry the Seventh in the ninth year of his reign :

And whereas the population of the said borough has increased and is still increasing, and the town is much resorted to by visitors :

And whereas the mayor, bailiffs, and burgesses of the said borough (in this Act referred to as "the corporation") are or claim to be seised and possessed of certain estates and properties for the benefit of the said borough, but have not, for the purposes of the management of the said estates and properties, and for the application of the revenues arising from the same, and for the improvement of the said borough, any sufficient powers or authorities :

And whereas the constitution of the corporation is unsuited to the circumstances of the borough, and it is expedient that the corporation should cease to exist as such, and that provisions should be made, such as are in this Act contained, for the execution by a Local Board within the said borough of the Sanitary Acts as defined by "The Public Health Act, 1872," and for the transfer to and vesting in such Local Board of the said estates and properties of the corporation, and for empowering the Local Board to purchase, acquire, sell, exchange, dispose of, lease, or appropriate in a special manner for the benefit of the district lands and other property :

And whereas it is expedient that the said Local Board be authorised to raise moneys for the purposes of and in the manner authorised by this Act :

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

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 authority of the same, as follows ; (that is to say,)

Commence-
ment of Act.

1. This Act shall commence and have effect on and after the twenty-ninth day of September one thousand eight hundred and seventy-three.

Short title.

2. This Act may be cited for all purposes as "The Criccieth Improvement Act, 1873."

Interpreta-
tion of terms.

3. The term "Sanitary Acts" shall in this Act mean the Acts so defined in "The Public Health Act, 1872;" and the term "the Local Board" shall in this Act mean the Local Board constituted by this Act. The several words and expressions to which by the Sanitary Acts meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context or otherwise interpreted by this Act.

Limits of
Act.

4. The provisions of this Act shall be in force and have effect within the district contained within the limits of the borough of Criccieth as defined in the first schedule to the Boundary Act, 1868, which district is in this Act referred to as the district.

Corporation
of Criccieth
to cease to
exist.

5. On and after the commencement of this Act, the mayor, bailiff, and burgesses of the borough of Criccieth, under the said charters, shall cease to exist as such: Provided always, that all acts, matters, and things, and all sales, leases, conveyances, and assignments of lands or other property, and all contracts and agreements made, done, or executed, or entered into by or with the persons from time to time acting as mayor, bailiffs, and burgesses as aforesaid before the passing of this Act shall and the same are hereby declared to be good, binding, and effectual to all intents and purposes, and the same may be enforced against or by the Local Board acting under the authority of this Act within the district in like manner as if the said Local Board were the persons so acting as aforesaid and this Act had not been passed.

Local Go-
vernment
Acts to be in
force within
the district.

6. From and after the commencement of this Act the Sanitary Acts shall be in force and have effect within the district in the same manner in all respects, save as by this Act otherwise expressly provided, as if the Sanitary Acts had been adopted within the district in the manner provided by the said Acts for the adoption of the same in non-corporate districts ; and for the purposes of the said

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Acts, and in the construction of the same, the district shall be deemed to be a non-corporate district. A.D. 1873.

7. The Local Board shall be the urban sanitary authority for the district, and shall have all the powers, rights, duties, capacities, liabilities, and obligations attaching to or conferred upon an urban sanitary authority under the Sanitary Acts. Local Board to be urban sanitary authority.

8. The number of members of the Local Board shall be nine. Number of members of Local Board.

9. Hugh John Ellis Nanney of Gwynfryn, John Edward Parry of Glynn Hall, Griffith Humphreys Owen of Ymwlch, William Watkin of Murian, John Thomas of Criccieth, Robert Prichard

Thomas of Criccieth, and Robert Jones of Criccieth shall be the first members of the Local Board, and shall continue in office for the same time as if they were the first members of a Local Board elected in accordance with the provisions in that behalf of the Sanitary Acts; and upon their retirement by rotation, in accordance with the provisions of the said Acts, their successors in office shall be elected in the same manner, and shall make the same declaration, continue in office for the same time, and be liable to the same disqualification and penalties as the members of local boards appointed under the Sanitary Acts.

First members of Local Board.

10. The Local Board shall hold a first meeting at Criccieth at one of the clock in the afternoon of the day of the commencement of this Act, and may and shall thenceforth carry the Sanitary Acts and this Act into execution. First meeting of Local Board.

11. From and after the commencement of this Act, and subject to the provisions thereof, all lands and property of every description vested in the corporation, including all rentcharges, securities, and sums of money belonging to or held in trust for the corporation immediately before the commencement of this Act in any capacity for the benefit of the borough of Criccieth, shall vest in the Local Board for such estate and interest as the corporation have therein and for the benefit of the district; and the Local Board shall, subject to the provisions of this Act, have, hold, possess, enjoy, and exercise for the benefit of the district all the powers, rights, privileges, advantages, and immunities which immediately before the commencement of this Act are vested in the corporation for the benefit of the ancient borough of Criccieth, but subject to all debts, liabilities, and engagements affecting the same or affecting the Corporation in respect thereof. Property, &c. of corporation to vest in Local Board.

12. Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the corporation before the com- Actions, &c. not to abate.

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mencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue to take effect both in favour of and against the Local Board in like manner to all intents and purposes as if the Local Board were the corporation and this Act had not been passed.

Debts due to and by the corporation to be paid to and by the Local Board.

13. All persons who immediately before the commencement of this Act owe any sum of money to the corporation or to any person on their behalf shall pay the same, with all interest (if any) due or to accrue due for the same; and all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from the corporation, or for the payment whereof the corporation are liable, shall be paid, with all interest (if any) due or to accrue due thereon, by or be recoverable by the Local Board.

Power to purchase lands by agreement.

14. The Local Board may, subject to the approval of the Local Government Board, from time to time by agreement purchase or acquire, by way of exchange, partition, or otherwise, or take on lease, for the making of roads, promenades, or other improvements, or for any of the other purposes of the Sanitary Acts or of this Act, or for any purpose in their opinion beneficial for the district, the lands specified in the schedule to this Act, or any part thereof, and any other lands not exceeding in the whole forty acres.

Local Board may acquire easements, &c. by agreement.

15. Persons empowered by "The Lands Clauses Consolidation Acts, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and this Act, grant, surrender, or abandon to the Local Board, and the Local Board may take by agreement, any easement, right of pasturage, right of common, commonable right, or other right in the nature thereof, or any privilege in, over, or affecting any lands within the district; and the provisions of the said Acts with respect to lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid respectively; and the provisions of the said Acts with respect to the sale or purchase of lands by persons under any disability or incapacity shall extend to authorise such persons to exchange lands or to join in partition of lands.

Power for Local Board to surrender rights of pasturage.

16. The Local Board from time to time (with the approval of the Local Government Board), in the name and on behalf of all persons who for the time being are or who for the time being but for the passing of this Act would be or would be entitled to be burgesses of the ancient borough of Criccieth, and of all persons who for the time being are resident within the limits thereof, and of all

persons who for the time being are owners or occupiers of lands within those limits, and of all persons who for the time being have or claim to have any right of pasturage, right of common, commonable right, private rights of way, or right in the nature thereof, in, over, or affecting the lands specified in the schedule to this Act, or any part thereof, may, in relation to those lands or any part thereof, by deed under the common seal of the Local Board, grant, surrender, abandon, or extinguish any or every such right as aforesaid, or may in relation thereto enter into and carry into execution any agreement for the grant, surrender, abandonment, or extinguishment of any or every such right as aforesaid; and every deed or agreement made by the Local Board under or for the purposes of this section shall be binding and conclusive on and against all such persons as aforesaid, their heirs, executors, administrators, and assigns; and any such right by any such deed as aforesaid declared to be extinguished shall be by virtue thereof and of this Act absolutely extinguished accordingly.

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17. Subject to the provisions of this Act, the Local Board may sell, exchange, lease, and dispose of the lands specified in Parts I. and VI. of the schedule to this Act annexed, or may exchange the same or any part thereof for other lands.

Local Board to sell, lease, or exchange lands in Parts I. and VI. of schedule.

18. Before disposing of any lands and before demising any lands which the Local Board are by this Act directed or authorised to sell, they shall first offer to sell the same to the person or to the several persons whose lands immediately adjoin the said lands, such persons being capable of entering into a contract for the purchase of the same; and where more than one person is entitled to such right of pre-emption such offer shall be made to such persons in succession one after another in such order as the Local Board may think fit.

Where lands sold, right of pre-emption to be given to adjoining owners.

19. If any such persons be desirous of purchasing such lands, then within three months after such offer of sale they shall signify in writing their desire in that behalf to the Local Board, or if they decline such offer, or if for three months they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease, and a declaration in writing made before a justice of the peace by some person not interested in the matter in question, stating that such offer was made and was refused or was not accepted within three months from the time of making the same, or that the person or all persons entitled to the right of pre-emption under the provisions of this Act were out of the country or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such

Right of pre-emption to be claimed within three months after offer of sale.

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Differences as to price to be settled by arbitration.

20. If any person entitled to any such pre-emption be desirous of purchasing any such lands, and such person and the Local Board do not agree as to the price thereof, then such price shall be ascertained by arbitration in the manner prescribed by "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," for the settlement of questions of disputed compensation, and the costs of such arbitration shall be in the discretion of the arbitrators.

Sale to be by public auction.

21. All sales made under the provisions of this Act, except in cases of sales to persons having right of pre-emption, shall be by public auction.

Sale to be advertised.

22. The Local Board shall, previous to any such sale by auction, cause notice thereof to be published once at least in each of three consecutive weeks in some newspaper circulating within the borough.

Members of the Local Board may purchase.

23. No sale made bonâ fide under this Act shall be invalid by reason of its being made to a member of the Local Board.

Local Board to keep lands in Part III. of schedule as a place of public recreation, but may hold fairs and build market-house, &c. thereon.

24. Subject to the provisions of this Act, the Local Board shall maintain and keep the lands specified in Part III. of the schedule to this Act annexed as a place of public recreation for the inhabitants of the district: Provided always, that they may hold or authorise the holding of markets and fairs thereon, and may thereon make and provide and maintain a market-house, with such rooms for public and other purposes therein, and such buildings, erections, and conveniences for the purposes of the markets and fairs in the district, as they think fit, but save as aforesaid the said lands shall not be built on.

Local Board to keep lands in Parts II. and IV. of the schedule for public recreation.

25. Subject to the provisions of this Act, the Local Board shall maintain and keep the lands specified in Parts II. and IV. of the schedule to this Act annexed as open places of public recreation for the inhabitants of the district, and shall not build on the same or suffer the same to be built on.

Power to grant leases of lands specified in Part V. of schedule, subject to right of way.

26. There shall be reserved to the purchaser or purchasers, lessee or lessees, of the lands described in Part VI. of the schedule to this Act annexed a right of way of not less than thirty feet from the said lands described in Part VI. of the schedule across the said lands described in Part V. of the said schedule to the road leading from Criccieth to the seashore; and subject to such right of way the Local Board may from time to time, subject to the provisions of this Act, grant leases of any of the lands specified in Part V. of the schedule to this Act annexed and of any lands which

they may hereafter acquire to any person capable to accept such lease : A.D. 1873.

Every such lease shall take effect in possession and not in reversion, and there shall be reserved thereby the best yearly rent that can reasonably be gotten, without taking anything in the nature of a fine, premium, or foregift :

Every such lease may be made for such term not exceeding three lives, or seventy-five years, with and subject to such exceptions, reservations, yearly or other rents or payments, covenants, conditions, powers, and provisions whatsoever as the parties thereto mutually agree on : Provided always, that by every such lease due provision shall be made for securing the payment, performance, and observance by the lessees thereunder of the rent (if any), covenants, and provisions in and by the same respectively reserved and contained and on their part to be respectively paid, performed, and observed : Provided also, that a duplicate or counterpart of every such lease shall be executed by the lessees therein named and be delivered to the Local Board.

27. Nothing in this Act shall empower the Local Board to sell, exchange, lease, or dispose of any lands other than such lands (if any) as, having been by this Act transferred to the Local Board from the corporation, or having been under this Act purchased or otherwise acquired by the Local Board, are for the time being held by them in fee simple in possession discharged from all rights of pasturage, rights of common, commonable rights, and rights in the nature thereof, nor shall anything in this Act empower the Local Board to maintain or keep any lands for purposes of public recreation, or of markets or fairs, other than lands so held by them as aforesaid, or lands taken by them on lease under this Act. Limitation of Local Board's powers over lands.

28. Any sale, exchange, lease, or disposition by the Local Board of any part of the lands specified in the schedule to this Act which are comprised in an indenture dated the twenty-eighth day of August one thousand eight hundred and fifty-eight, and made between the Honourable James Kenneth Howard, a Commissioner of Her Majesty's Woods, of the first part, William Ormsby Gore of the second part, and William Watkin Edward Wynne and Charles Kynaston Mainwaring of the third part, and all the other provisions of this Act with respect to any lands comprised in the said indenture, shall be subject and without prejudice to the exceptions and reservations which are contained in the same indenture. Reservations under indenture of 28th August 1858 not to be affected.

29. Saving always to the Queen's most Excellent Majesty, her heirs and successors, all such estate, right, title, interest, claim, and Saving for Crown.

A.D. 1873. demand whatsoever of, in, to, or out of the lands comprised in the schedule to this Act, and every part thereof, as Her Majesty, her heirs or successors, had therein before the passing of this Act, or could or might at any time have had or enjoyed therein if this Act had not been passed.

Saving rights of the Crown.

30. Nothing contained in this Act shall authorise the Local Board to take, use, or in any manner interfere with any hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Application of moneys arising from sale or exchange of lands.

31. All moneys produced by the sale or exchange of the lands specified in the schedule to this Act annexed, and sold or exchanged under the authority of this Act, shall be applied towards the payment of all expenses incurred by the Local Board in such sale or exchange, or incidental thereto; and the remainder (if any) of such moneys, after the payment of such expenses as aforesaid, and all moneys standing to the credit of the Local Board, and the income arising from all lands and premises belonging to them, may be applied by the Local Board to defray any expenses incurred by the Local Board in the improvement of their lands and property, or in laying out and making and maintaining roads or any of the recreation grounds by this Act authorised, or in the building of retaining walls along the seashore for the protection of any of the lands of the Local Board, or for providing seats and resting places, or in erecting any market-house or other public building, or in improving the sewerage, drainage, and sanitary condition of the district, or otherwise improving the condition of the district with a view to render the same an agreeable and pleasant place of resort.

In case the Local Board shall not apply any of the said moneys remaining in their hands after payment of such expenses as aforesaid to any of the purposes in this section specified, they shall invest the same in the purchase of Exchequer bills or other Government securities, or of such other real securities as the Local Board may think fit, and they may from time to time alter and vary such securities or realise such securities, and apply the proceeds to any of

the purposes aforesaid. So long as any of the said moneys shall be invested in manner aforesaid all interest from time to time accruing due in respect thereof shall be applied by the Local Board for the purpose of defraying the expenses incurred by them in the execution of this Act; and unless and until such income shall in any year be insufficient for the purposes aforesaid, the Local Board shall not in such year make or levy any general district rate under the authority of the Sanitary Acts and this Act, nor shall they in any one year raise by means of any such rate an amount greater than that which shall be required to make up, together with the amount of the interest which shall accrue due in such year, the sum necessary to defray the expenses incurred by the Local Board in such year in carrying the purposes of this Act into execution.

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32. The purposes for which the Local Board may, under the authority of the Sanitary Acts, borrow money on mortgage shall be deemed to include all or any of the purposes of this Act.

Power to borrow money for purposes of this Act.

33. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Local Board out of the first moneys which shall come to their hands under the provisions of this Act.

Expenses of Act.

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The SCHEDULE to which the foregoing Act refers.

PART I.

All those pieces of common lands, being portions of the lands called Maes, situate in the said borough of Criccieth, adjoining each side of the high road leading from Criccieth to Dolbenmaen, and extending from the northern boundary of the said common, where it adjoins the lands or reputed lands of Mrs. Priestley, to a straight line drawn from the south side of the soda-water works now belonging or reputed to belong to John Rowlands, to a dwelling-house called Penygamdda, being the property or reputed property of Mr. William Ellis, on the west side of the said common, which said pieces of common lands adjoin on the east side thereof the lands or reputed lands of Hugh John Ellis Nanney, William Williams, Miss Jones, and the Reverend Thomas Morgan, clerk, and on the west side thereof the lands or reputed lands of John Ralph Ormsby Gore, John Jones, and the said William Ellis.

Also all that common land, being portion of the said lands called Maes, bounded by the Cambrian Railway on the north, by a certain dwelling-house called Glanrafon on the south, the public road leading to the town on the east, and lands called Cwrtymaes, belonging or reputed to belong to the said Hugh John Ellis Nanney, on the west.

PART II.

A certain common land situate in the said borough of Criccieth and called or known by the name of Maes Aberistedd, bounded on the north by lands or reputed lands of George Augustus Huddart, John Jones, William Watkin, the heir of the late Thomas Owen Jones, Mrs. Williams, and Mrs. Evans, on the south by Cardigan Bay, on the east by the Castle grounds, and on the west by lands belonging or reputed to belong to George Augustus Huddart and the heir of the late Thomas Owen Jones.

PART III.

All those pieces of common lands situate in the said borough of Criccieth, being portion of the said lands called Maes, bounded on the north by the straight line mentioned in Part I. of this schedule, on the south by a certain stream of water called Ffrwdybrain, and the lands described in Part V. of this schedule and called Maes Tynygelyst, on the east by lands belonging or reputed to belong to the Reverend Erasmus Parry, Reverend Thomas Morgan, and Reverend Thomas Jones, and certain lands formerly called Cae Bailiaid, and the buildings erected thereon, and on the west by lands belonging or reputed to belong to the said John Ralph Ormsby Gore, Hugh John Ellis Nanney, and John Jones.

PART IV.

A certain enclosed common called Dinas, situate in the said borough of Criccieth, and bounded on the east by lands belonging or reputed to belong to

the Reverend Parry Morgan and William Watkin, on the west by lands belonging or reputed to belong to William Watkin and Mrs. Williams, on the south by lands belonging or reputed to belong to T. Ll. Jones Parry, the said William Watkin, William Ellis, and Owen Evans, and on the north by lands belonging to the said Hugh John Ellis Nanney and William Watkin. A.D. 1873.

PART V.

Certain lands situate in the said borough of Criccieth and called Maes Tynygelyst and Cae Bailiaid, bounded on the north by the lands described in Part III. of this schedule and the said stream called Ffrwdybrain, lands belonging or reputed to belong to the said Hugh John Ellis Nanney, and the field called Cae Bailiaid, and on the south by Cardigan Bay and lands belonging or reputed to belong to the said William Watkin, on the east by lands belonging or reputed to belong to the said Hugh John Ellis Nanney and certain lands called Maes-y-Merllyn described in Part VI. of this schedule, and on the west by lands belonging or reputed to belong to the said John Ralph Ormsby Gore.

PART VI.

Certain common lands situate in the said borough of Criccieth and called Maes-y-Merllyn (now being intersected by the Cambrian Railway), bounded on the east by lands belonging or reputed to belong to Owen Evans, on the north-west by lands or reputed lands of the said Hugh John Ellis Nanney, on the west by lands of the said Hugh John Ellis Nanney and the said lands called Maes Tynygelyst described in the fifth part of this schedule, and on the south by Cardigan Bay.

PART VII.

Certain lands forming the site of the Castle of Criccieth and the grounds surrounding the same, containing together five acres three roods and nine perches or thereabouts, projecting into Cardigan Bay, and bounded on the north and north-west sides thereof by lands belonging or reputed to belong to John Jones and William Watkin, on the west by the road leading to Abereistedd, and on all the other sides thereof by the said Cardigan Bay.

