

**CHAPTER ccviii.**

An Act for appointing Commissioners and vesting in them certain lands in the parish of Llandisilio; and enabling them to form a Public Recreation Ground and Reading Room; and for other purposes. A.D. 1879.
[11th August 1879.]

WHEREAS by an Act of the fifty-fourth year of the reign of King George the Third, intituled "An Act for enclosing lands in the parishes of Llandisilio and Llaneilian, in the county of Anglesey," a commissioner was appointed for setting out, dividing, allotting, and enclosing certain commonable lands and waste grounds in the said parishes, and by section 23 of the said Act it was enacted that the said commissioner should reserve and set apart a piece or plot of land in such situation as to the said commissioner should appear most fit, proper, and convenient, and of such dimensions as the said commissioner should deem necessary and expedient, which said piece or plot of land should for ever thereafter be used and enjoyed for the purpose of holding the several fairs which had theretofore been accustomed to be holden within the said parish of Llandisilio: 54 G. 3.
c. clxi.

And whereas the said commissioner duly made his award whereby he reserved and set apart the piece of land described in the First Schedule to this Act for the purpose of such fairs as aforesaid, and he divided and allotted the remainder of the said commonable lands and waste grounds, except certain parts thereof which by section 22 of the before-mentioned Act the said commissioner was restricted from allotting, enclosing, or selling, and which included with others the lands described in the Second Schedule to this Act:

And whereas the lands described in the said First Schedule have in part been used for such fairs as aforesaid, but are more than sufficient for that purpose, and the remainder thereof are not at present available for any useful purpose, and there is no authority able to efficiently regulate and manage the same lands:

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And whereas it is expedient that Commissioners be appointed in whom the lands described in the said First Schedule may be vested, and that such Commissioners be empowered to set apart a sufficient portion of those lands for the purposes of such fairs as aforesaid, and to appropriate and lay out the remainder, or such part thereof as they shall deem fit, for a public exercise or recreation ground and reading or concert room, for the use and benefit of the inhabitants of the parish of Llandisilio, with all necessary powers for the control and regulation of such exercise or recreation ground and reading or concert room :

And whereas it is expedient that the said Commissioners be empowered, subject to the provisions of this Act, to purchase the lands described in the said Second Schedule, and to sell, lease, or otherwise dispose of part of the lands to be vested in or purchased by them, and to apply the proceeds arising therefrom for the purposes of this Act :

And whereas it is expedient to authorise the levying of rates in the parish of Llandisilio and the borrowing of money for carrying into effect the aforesaid purposes :

And whereas it is expedient that in case a local board shall hereafter be constituted for the parish of Llandisilio the powers and property of the said Commissioners be transferred to such local board :

And whereas an estimate has been prepared whereby the expense of the purchase and laying out of lands and the building of a reading or concert room under the provisions of this Act has been estimated at the sum of two thousand five hundred pounds, and such works are permanent works within the meaning of section 234 of the Public Health Act, 1875 :

38 & 39 Vict.
c. 55.

And whereas plans showing the lands to be vested in and which may be purchased by the Commissioners under this Act, and a book of reference to those plans, containing the names of the owners or reputed owners, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Anglesey, and those plans and book of reference respectively are herein-after referred to as the deposited plans and book of reference :

And whereas the objects aforesaid cannot be effected 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 the authority of the same, as follows : A.D. 1879.

1. This Act may be cited as the Llandisilio Commissioners Act, 1879. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (except section 127 of the first-named Act), and the Commissioners Clauses Act, 1847 (as far as those Acts are applicable for the purposes of and are not varied by or inconsistent with this Act), are incorporated with this Act; and in the construction of those Acts for the purposes of this Act the terms the promoters of the undertaking and the undertakers shall respectively mean the Commissioners. Incorporation of general Acts.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 16.

3. In this Act "the parish" means the parish of Llandisilio, and "the Commissioners" means the Commissioners constituted by this Act. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; provided that in this Act or any Act wholly or partially incorporated with this Act the expression "superior court" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. Interpretation of terms.

4. This Act shall be carried into execution by means of eight Commissioners, to be called the Llandisilio Commissioners, and the Commissioners shall be qualified and elected as herein-after mentioned, and shall be incorporated by the name of the Llandisilio Commissioners, and shall have perpetual succession, a common seal, powers to sue and be sued, and such other powers as are by this Act and the Acts incorporated with this Act conferred upon them. Act to be carried into execution by Commissioners.

5. John Morgan, George Cunningham Monteith Murdoch, the Reverend William Christopher Edwards, Pennant Athelwold Lloyd, Thomas Jones, Robert Algeo, Richard Griffith Thomas, and Richard Parry shall be the first Commissioners under this Act, and shall continue in office until the first election of Commissioners after the passing of this Act, and at such election the Commissioners appointed by this Act shall (if qualified) be eligible for re-election. First Commissioners.

6. The qualification of a Commissioner to be elected under this Act shall be as follows: he shall be resident within the parish of Llandisilio or within two miles therefrom, and be seised or possessed in his own right or in the right of his wife for any estate of freehold Qualification of Commissioner.

A.D. 1879. — in lands, tenements, and hereditaments within the parish which shall be rated for the relief of the poor in the annual sum of five pounds at the least, or he shall be an occupier of a house or land within the parish which shall be rated for the relief of the poor in the annual sum of sixteen pounds at the least.

Qualification
of electors
for election
of Commis-
sioners.

7. Every person who shall at the time of the first or any subsequent election of the Commissioners be rated to the rate for the relief of the poor in respect of any property within the parish which shall have been liable to such rate for the space of twelve months at least prior thereto, and who shall on or before the day previous to the day of any election of the Commissioners have paid all the rates for the relief of the poor which shall have become payable by him in respect of any property within the said parish at any time previous to the commencement of the sixth month next before such election, and every person being owner of the same property shall be entitled to vote at such election of Commissioners according to the scale prescribed in section 24 of the Commissioners Clauses Act, 1847, and if the same person be both owner and occupier he shall be entitled to vote both as owner and occupier.

Placards to
be affixed to
doors of
churches,
chapels, &c.

8. The placards required by section 21 of the Commissioners Clauses Act, 1847, to be affixed on the principal doors of the parish churches shall also be affixed on the principal doors of chapels or meeting-houses of Roman Catholic and Protestant Dissenters of every denomination properly registered according to law.

First election
of Commis-
sioners.

9. The first election of Commissioners after the passing of this Act shall take place at a meeting of the persons entitled to vote for such Commissioners, to be held on the first Thursday of September in the year next after the passing of this Act, at the hour of ten o'clock in the forenoon, at the room commonly used for meetings of the justices of the peace of the first sessional division of the county of Anglesey, and the persons present at such meeting being so entitled to vote shall elect one of their own body to be chairman of such meeting, who shall be the returning or presiding officer at such first election.

Presiding
officer at all
elections
after the
first.

10. At all elections of Commissioners after the first the chairman for the time being of the Commissioners shall be the returning or presiding officer: Provided always, that when such chairman shall go out of office by rotation, or when from any other cause there shall be no chairman of the Commissioners for the time being, one of the Commissioners who shall have been longest in office without going out of office by rotation, and who shall not then be going out by rotation, to be nominated by the other Commissioners not then going out by rotation, shall be the returning or presiding

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officer at that election; and for the purpose of nominating such returning or presiding officer when from any cause he shall not have been nominated at the last monthly or adjourned meeting of the Commissioners before the election, a meeting of the Commissioners shall be convened by the clerk, to be held at the usual place of meeting, of which meeting seven days or the longest practicable notice the circumstances admit of shall be given to the Commissioners.

11. Every corporation and company shall for the purpose of voting at elections of Commissioners be respectively considered as one owner or ratepayer, as the case may be, and shall vote by proxy.

Corporations
and com-
panies to vote
by proxy.

12. The quorum of a meeting of the Commissioners shall be four.

Quorum of
Commis-
sioners.

13. The piece of land described in the First Schedule to this Act is by virtue of this Act vested in the Commissioners and their successors, and shall be held by them for the purposes and subject to the provisions in this Act declared and contained.

Vesting in
Commis-
sioners a
certain piece
of land.

14. The Commissioners shall reserve and set apart such portion of the piece of land described in the said First Schedule (not being less than a quarter of an acre) as they shall think fit, for the purpose of holding the several public fairs which have heretofore been accustomed to be held within the parish.

Part of land
to be reserved
for public
fairs.

15. The Commissioners may form, lay out, and maintain as a public exercise or recreation ground (in this Act referred to as the recreation ground), for the use and benefit of the inhabitants of the parish and the public, the whole or so much as the Commissioners shall think fit of the piece of land described in the said First Schedule (except the portion thereof reserved by the Commissioners for public fairs), and the Commissioners may from time to time lay out, drain, fence, level, plant, and improve the same, and may prepare and appropriate parts of the recreation ground for athletic and other sports and games, and may do all such other things as they shall think necessary for the proper forming, maintaining, and improving the recreation ground.

Commis-
sioners may
lay out and
maintain a
public recrea-
tion ground.

16. The Commissioners may erect and maintain upon such part of the recreation ground as they shall think fit a public reading or concert room, with all necessary and usual offices and conveniences attached thereto, but it shall not be lawful for the Commissioners to erect any other building whatsoever upon the recreation ground.

Power to
erect and
maintain a
public
reading or
concert
room.

17. The Commissioners may from time to time appoint and dismiss officers, keepers, and servants for the recreation ground and reading or concert room, and pay, fix, and regulate their respective salaries, duties, and conduct.

Power to
appoint
keepers, &c.

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power to
accept
donations
towards
expense of
erecting
reading or
concert room.

Commis-
sioners may
make and
alter bye-
laws.

18. The Commissioners may accept from any donor any sum of money for or towards the expense of erecting the reading or concert room, upon such terms as may be agreed upon between the Commissioners and such donor with respect to the mode of expending such sum of money and regulating the use of such reading or concert room, but not so as to give any person or persons any exclusive right to the use of such room.

19. The Commissioners may from time to time make and alter byelaws for all or any of the following purposes relating to the recreation ground and reading or concert room; (that is to say,)

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

For fixing the payments to be made for admission thereto or for the use of a cricket ground or gymnasium in the recreation ground :

For regulating the conduct of persons frequenting the same :

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

For regulating the days on and hours at which games and gymnastics are to be permitted in the recreation ground, 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 in the recreation ground :

For regulating the sale of refreshments therein, and for determining the nature and prices of the articles to be sold therein :

For preventing or for regulating the smoking of tobacco therein :

For preventing or regulating the admission therein of dogs :

For preventing males from intruding on or using the playground or other places in the recreation ground set apart for the use of females, and vice versâ :

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

For protecting from injury the reading or concert room, offices and buildings, and the walks, seats, fences, and other parts of or things belonging to the recreation ground :

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

38 & 39 Vict.
c. 55.
to apply to
byelaws.

20. The provisions of the Public Health Act, 1875, with respect to byelaws shall apply to all byelaws made by the Commissioners under the authority of this Act, and the Commissioners shall be

deemed to be a local authority within the meaning and for the purposes of those provisions. A.D. 1879.

21. A printed copy or a sufficient abstract of the byelaws which may be made by the Commissioners shall be put up at the entrance to the reading or concert room and at such other convenient places at or near to the same as the Commissioners think fit. Copy of byelaws to be posted up.

22. Subject to the provisions of this Act, the Commissioners may enter upon, take, hold, and use the pieces of land specified in the Second Schedule to this Act which are delineated on the deposited plans and described in the deposited book of reference. Power to purchase lands specified in Second Schedule.

23. The powers of the Commissioners for the compulsory purchase of the last-mentioned pieces of land shall not be exercised after the expiration of five years from the passing of this Act. Limit of time for compulsory purchase of lands.

24. The Commissioners may upon and with reference to the lands respectively known as Bone-y-Packet otherwise Bone Mostyn and Dan-y-Bont, being the lands described in the said Second Schedule, exercise all such and the same powers to lay out, fence, drain, level, plant, and improve, and make byelaws as are by this Act granted to the Commissioners for the purposes of the piece of land described in the First Schedule to this Act. Powers of Commissioners as to lands described in Second Schedule.

25. Subject to the provisions of this Act, the Commissioners may from time to time sell or lease and dispose of any part or parts of the pieces of land described in the First and Second Schedules to this Act (except such part thereof as shall be reserved by the Commissioners for public fairs), and the Commissioners shall apply the proceeds of any such sale or lease in paying off money borrowed by them, or (if no such money shall be owing) in carrying into effect any of the objects of this Act to which capital is properly applicable. Power to sell or lease certain lands.

26. The Commissioners may, for the purpose of paying the expenses of executing this Act, from time to time issue their precept to the overseers of the parish requiring them to make, assess, and levy a separate rate on the occupiers of all property in the said parish which shall be liable according to the laws now or hereafter in force to be rated and assessed for the relief of the poor, and the said overseers shall make, assess, and levy such rate accordingly, and shall pay the amount thereof to the Commissioners or otherwise as directed in such precept. Power to raise money by a rate.

27. Every rate under this Act shall be made, assessed, and levied in the same manner as if it were a rate made, assessed, and levied as a poor rate under the laws now or hereafter in force for the relief Rate to be levied in same manner as a poor rate.

A.D. 1879. of the poor, and in relation to the making, assessing, and levying of any rate under this Act, and as respects appeals against the same, and all other incidents thereof, except the purposes to which it is applicable, the overseers shall have the same powers as if it were a rate levied under the laws for the time being in force for the relief of the poor; and the word overseers in this Act shall include any person or body of persons authorised or required to levy rates for the relief of the poor or for any other parochial purpose in the parish; provided that the owners and occupiers respectively of certain descriptions of property specified in section 211 (1) (B) of the Public Health Act, 1875, shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof.

Penalty on nonpayment of rate by overseers.

28. In case the amount ordered by any precept under this Act to be paid by the overseers of the parish be not paid in manner directed in such precept, and within the time specified for that purpose, such amount shall be a debt due from the said overseers to the Commissioners, and (without prejudice to any other remedy) it shall be lawful for any justice of the peace, upon complaint by the Commissioners, or by any person authorised by the Commissioners, to issue his warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers, and in case the goods taken be not sufficient to pay the amount included in the warrant, together with the costs of the distress and sale, the deficiency shall be added to the amount of the next levy to be made in the parish for the purpose of this Act, and shall be collected by the like methods.

Limiting amount of rate.

29. Notwithstanding anything in this Act it shall not be lawful for the Commissioners to issue a precept to the overseers of the said parish for making, assessing, or levying any rate or rates on the property in the parish exceeding in any one year the sum of sixpence in the pound on the net annual value thereof.

Power to Commissioners to borrow.

30. The Commissioners from time to time may borrow at interest on security of the rates to be raised under this Act such money as they think requisite for the purposes of this Act, to an amount not exceeding in the whole the sum of two thousand five hundred pounds, and may also from time to time borrow for the same purposes any further sums of money with the previous approval of the Local Government Board, and may mortgage the said rates to secure repayment of the money so borrowed with interest.

Mode of borrowing.

31. The Commissioners may raise all money which they are by this Act authorised to borrow by mortgage or by debentures, debenture stock, or annuity certificates, under and subject to the pro-

visions of the Local Loans Act, 1875, and may reborrow, subject to the provisions as to reborrowing contained in that Act, and may charge the rates authorised to be levied under the provisions of this Act as security for the repayment of the moneys so borrowed or reborrowed with interest.

A.D. 1879.
38 & 39 Vict.
c. 83.

32. The Commissioners shall pay off all money borrowed by them under this Act by such one or more of the methods (including a sinking fund) prescribed by the Local Loans Act, 1875, as the Commissioners shall think fit, and within fifty years after such moneys respectively are borrowed.

Payment of
borrowed
money.

33. All money borrowed under this Act shall be applied for purposes thereof to which capital is properly applicable, and not otherwise, but a lender of money to the Commissioners shall not be bound to see to the application, or be answerable for any loss or nonapplication of the money lent by him or of any part thereof.

Application
of borrowed
money.

34. The clerk to the Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in a form prescribed by that Board, and verified by statutory declaration, if required by them, showing the amount which has been invested for the purpose of that sinking fund during the year preceding the making of the return, and the description of the securities upon which it has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund, and all interest thereon, have been applied during the same period, and the total amount remaining invested at the end of the year, and if at any time the said clerk, without lawful excuse, proof whereof shall lie on him, fail to make the return required by this section, he shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised, the Local Government Board may, if they think fit, after hearing the Commissioners, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested as part of the sinking fund, and their order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice, and the provisions of this section shall be deemed applicable and shall be applied as far as may be to half-yearly or yearly instalments in lieu of a sinking fund.

Annual
return to
Local
Govern-
ment Board
with respect
to sinking
fund.

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Powers, &c.
of Com-
missioners
to be trans-
ferred to
local board
for parish
when con-
stituted.

Provisions
in case of
such
transfer.

35. In case at any time after the passing of this Act a local government district with a local board shall be constituted under the provisions of the Public Health Act, 1875, for the parish, all the powers, rights, and duties of the Commissioners, and all lands and property vested in them under this Act, shall by virtue thereof be transferred from the Commissioners to and vested in such local board when and as soon as the same shall be so constituted, and thereupon the Commissioners shall be dissolved.

36. If a transfer from the Commissioners to such local board as by this Act provided shall take place, the following provisions shall have effect; (that is to say,)

(1.) All conveyances, leases, deeds, appointments, contracts, mortgages, orders, resolutions, and proceedings made or entered into before such transfer to, with, in favour of, or by, for, or on behalf of the Commissioners, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the local board, and may be proceeded on and enforced in like manner to all intents and purposes, as if the local board instead of the Commissioners had been party or privy thereto :

(2.) Any action, suit, prosecution, or other proceeding whatsoever commenced either by or against the Commissioners before such transfer shall not abate or be prejudicially affected by such transfer, but may be maintained, prosecuted, or continued by, in favour of, or against the local board in like manner to all intents and purposes as if the local board instead of the Commissioners were party to such action, suit, prosecution, or proceeding :

(3.) All rates which immediately before such transfer shall be due and payable to the Commissioners shall from and after such transfer be payable to and may be collected and recovered by the local board, in like manner as any rates under this Act may be collected and recovered by the Commissioners :

(4.) All persons who immediately before such transfer shall owe any sum of money to the Commissioners, or to any person on their behalf, shall pay the same with all interest (if any) due or to accrue due for the same to the local board, and all debts and moneys which immediately before such transfer shall be due or owing by or recoverable from the Commissioners shall be paid with all interest (if any) due or to accrue due thereon by or be recoverable from the local board :

(5.) All rules, regulations, byelaws, and notices made or given by the Commissioners under this Act, and in force at the time of such transfer, shall continue in full force until the same be duly repealed, altered, or varied by the local board, and such regulations, rules, byelaws, and notices, and all penalties and forfeitures thereby respectively imposed, may be enforced, recovered, and applied by the local board in like manner in all respects as the same respectively might be enforced, recovered, and applied by the Commissioners.

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37. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any land or 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 the said 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.

Saving
rights of
Crown.

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

Expenses
of Act.

A.D. 1879. The SCHEDULES referred to in the foregoing Act.

The FIRST SCHEDULE.

A piece of land in the parish of Llandisilio, in the county of Anglesey, which under the provisions of an Act of Parliament, 54 Geo. 3rd c. 161., entitled An Act for enclosing lands in the parishes of Llandisilio and Llaneilian, in the county of Anglesey, has been reserved and set apart by the commissioner appointed by that Act for the purpose of holding the several fairs which had theretofore been accustomed to be holden within the said parish of Llandisilio, and which is commonly known by the name of Bonc-y-Sir, and is estimated to contain the quantity of about 3 acres and 31 perches.

The SECOND SCHEDULE.

Certain pieces of commonable lands and waste grounds situated in the said parish of Llandisilio, and called or known by the names of Bonc-y-Packet otherwise Bonc-Mostyn and Dan-y-Bont respectively, which lands are estimated to contain 1 acre and 8 perches or thereabouts, and are part of the lands by section 22 of the said Act 54 Geo. 3rd c. 161. excluded from the enclosure authorised by that Act.
