



### CHAPTER cviii.

An Act to authorise the extension of the Borough of Carmarthen and to make further provision in regard to the water supply of the Borough and for other purposes. A.D. 1898.  
[25th July 1898.]

**W**HEREAS the county of the borough of Carmarthen is under the management and local government of the mayor aldermen and burgesses of the borough who acting by the council are the council of the urban district which comprises the borough :

And whereas the following Acts are in force in the borough :—

32 George III. cap. 104 ;

45 George III. cap. 103 ;

6 Vict. cap. 12 (herein called " the Carmarthen Market Act 1843 " ) ;

16 Vict. cap. 9 (herein called " the Carmarthen Cattle Market Act 1853 " ) :

And whereas the Corporation own the waterworks which supply water throughout the borough but such supply is defective in quality and inadequate to meet the present and growing demands of the inhabitants and it is expedient that the Corporation be empowered to make and maintain the additional works by this Act authorised :

And whereas it is expedient that the municipal boundary of the borough should be extended so as to include a piece of ground known as the parish of Saint Peter's Without containing three acres one rood and thirty-one perches more or less and almost wholly surrounded by the borough :

And whereas the Corporation are or claim to be entitled to the exclusive right of holding markets and fairs within the borough and it is expedient that better provision be made as in this Act mentioned in regard to their markets and fairs :

And whereas it is expedient that the Corporation should be empowered to purchase land for a recreation ground and use the same for agricultural and other shows :

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

And whereas estimates have been prepared by the Corporation showing that they require to borrow the following sums for the following purposes (namely) :—

	£
For the waterworks authorised by this Act - -	25,000
For the purchase of land for and the extension improvement and fitting up of the market and fair grounds and the repayment of the present mortgage debt - - - - -	10,550
For the purchase of land for and the laying out of a recreation ground - - - - -	4,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the seventh day of September one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Welshman* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting passed a resolution in favour of the promotion of a Bill for this Act :

And whereas such resolution was published twice in the *Journal* a local newspaper published and 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 in pursuance of a similar notice on the nineteenth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament and at such meeting it was further resolved that the expense of promoting the said Bill should be charged on the district fund and general district rate of the borough :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the works by this Act authorised and also plans showing the lands authorised by this Act to be purchased compulsorily together with

books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Carmarthen and are in this Act respectively referred to as the deposited sections and books of reference : A.D. 1898.

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) :—

PART I.—PRELIMINARY.

1. This Act may be cited as the Carmarthen Improvement Act 1898. Short title.

2. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Extension.

Part III.—Water.

Part IV.—Markets and fairs.

Part V.—Recreation ground.

Part VI.—Finance.

Part VII.—Miscellaneous.

Division  
of Act  
into parts.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :— Incorporation of Acts.

The Lands Clauses Acts :

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44 :

The Waterworks Clauses Act 1863 :

The Markets and Fairs Clauses Act 1847 (except sections 43 to 50 of that Act).

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction Interpretation.

A.D. 1898. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The Undertakers” or “the Company” means the Corporation :  
And in this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of  
the county of the borough of Carmarthen ;

“The Act of 1843” means the Carmarthen Market Act 1843 ;

“The Act of 1853” means the Carmarthen Cattle Market Act  
1853 ;

“The borough” means the county of the borough of Carmarthen ;

“The council” means the council of the borough ;

“The town clerk” “the borough fund” “the borough rate”  
“the district fund” and “the general district rate” mean  
respectively the town clerk borough fund borough rate  
district fund and general district rate of the borough.

Execution  
and limits  
of Act.

5. This Act shall be carried into execution by the Corporation acting by the council and shall apply only to the borough as extended by this Act.

#### PART II.—EXTENSION OF BOROUGH.

Extension of  
borough.

6.—(1) The boundary of the existing borough and urban district is hereby extended so as to comprise and the borough and urban district shall accordingly comprise in addition to the existing borough the added area described in the schedule to this Act.

(2) The added area shall form part of the Eastern Ward of the borough and that ward shall accordingly be extended so as to include the area described in the schedule to this Act but nothing in this Act shall take away or affect the power to alter the number or boundaries of the wards of the borough under the provisions of the Municipal Corporations Act 1882 or any Act amending that Act.

Authority of  
Corporation  
extended.

7. All the powers rights privileges authorities and duties of the Corporation as a municipal body and of the Corporation acting by the council as the urban district council for the district of the existing borough and of the Corporation acting in the execution of the recited Acts or other local Act or Order confirmed by Parliament in force within the existing borough or otherwise and the powers rights privileges authorities and duties of the mayor of the borough coroner of the borough auditors and of the officers and servants of the Corporation in their respective official capacities shall extend to and throughout the extended borough and the powers rights privileges authorities and duties of the coroner for the western division of the county of Carmarthen of the Carmarthen Rural District Council and of the Carmarthenshire County Council

and their respective officers and servants in respect of the added area shall cease save so far as such powers rights privileges authorities and duties now exist and have effect within the borough. A.D. 1898.  
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8. The jurisdiction powers rights privileges and duties of the justices of the peace appointed for the borough and of the police constables and other police officers of the borough shall extend and apply throughout the extended borough and the jurisdiction powers rights privileges and duties of the justices of the peace appointed for the county of Carmarthen and of the police constables and other police officers of the county of Carmarthen in respect of the added area shall cease save so far as such jurisdiction powers rights privileges and duties now exist and have effect within the borough. Extension of jurisdiction of the justices and police constables.

9. The recited Acts and all other local and general Acts and Orders confirmed by Parliament and all charters and all byelaws and regulations made by the Corporation which at the commencement of this Act are in force within the existing borough shall extend and apply to the extended borough (subject as regards such byelaws and regulations to revocation or alteration by the Corporation in the manner in which the same can be made by the Corporation) and byelaws and regulations made by any sanitary authority or highway authority in force within the added area at the commencement of this Act shall cease to be in force or to have any effect therein. Provided that any person may be punished for any offence against the same committed before the commencement of this Act as if this Act had not been passed. Acts charters and byelaws to apply to extended borough.

10. The added area shall form and for all intents and purposes be part of the borough and all the rights privileges benefits and advantages enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough. Added area to be part of borough for all purposes.

11. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the existing borough shall continue vested in the Corporation for the benefit of the extended borough and the Corporation shall hold enjoy and exercise for the benefit of the extended borough all the property powers rights and privileges which at the commencement of this Act are vested in the Corporation for the benefit of the existing borough but subject to all debts liabilities and engagements affecting the same. Corporation property.

12. The town clerk treasurer and all other officers and servants of the Corporation shall continue to be the town clerk treasurer officers and servants of the Corporation respectively and shall Officers of Corporation continued.

A.D. 1898. hold their offices and situations by the same tenure as at the commencement of this Act.

Deposit of plan of extended borough.

**13.** A plan of the borough as extended by this Act signed in duplicate by James William Lowther Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (in this Act called "the borough plan") shall within two weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office and copies thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Board of Agriculture to the Local Government Board and to the clerk of the peace of the county of Carmarthen In case of any discrepancy between the description of the extended borough referred to and set forth in the schedule to this Act and in the borough plan the description referred to and set forth in the schedule shall prevail.

Copies of deposited plan of borough to be evidence.

**14.** Copies of the borough plan or any extract therefrom certified by the town clerk to be true shall be received in the Supreme Court and in all other courts and proceedings as *primâ facie* evidence of the contents of such plan and such plan shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any person shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract and all sums received under this section shall be carried to the credit of the borough fund.

Accounts to be adjusted by an arbitrator appointed by Local Government Board.

**15.** The Local Government Board are hereby empowered on the application of the Corporation or any sanitary or highway authority to appoint an arbitrator to apportion any debts and to adjust all accounts and apportion any rates leviable or in hand and any debts liabilities and obligations incurred and any contributions to be made and any property acquired by the Corporation or any sanitary or highway authority respectively which by reason of the provisions of this Act may be required to be adjusted or apportioned and the arbitrator so appointed may make such award as he may deem expedient for effecting the objects of this section.

Representation of the extended wards to continue the same.

**16.** The eastern ward of the borough shall continue to be represented by nine councillors notwithstanding the extension of the boundary of that ward and the existing councillors of that ward shall represent the increased ward and for the same periods respectively for which they would have held office if this Act had not been passed.

Parish burgess lists and burgess roll.

**17.** For the purpose of the parish burgess list the ward rolls and the burgess roll to be made after the passing of this Act under

the Municipal Corporations Act 1882 and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added area shall be deemed to have always been part of the borough and ward respectively Provided that no such parish burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act if such list roll or notice or notices be made given or published so soon after the passing of this Act as may be practicable and if any difficulty arises in making out revising or otherwise dealing with such lists and rolls or the lists of county electors and the county register the Local Government Board may make such order as may appear to them to be necessary to give effect to the provisions of this Act.

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18. All acts done in the year one thousand eight hundred and ninety-eight and before the passing of this Act in relation to the lists of county electors for the added area shall be deemed to have been done in relation to the burgess lists for the same area so far as may be necessary to the validity of the burgess roll coming in force next after the passing of this Act Provided that nothing in this section shall entitle any person to be placed upon the burgess roll who would not have been qualified to be so placed had the added area always formed part of the borough.

Transitory provisions as to burgess lists.

19. Subject to the provisions of this Act all elections vacations of office and rotations shall be governed by the Municipal Corporations Act 1882 and any Act amending the same.

Provisions of Municipal Corporations Acts to apply to elections.

### PART III.—WATER.

20. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited books of reference and according to the levels shown on the deposited sections the waterworks following (that is to say):—

Power to make waterworks.

(1) A storage reservoir situate wholly in the parish of Newchurch in the dingle known as the Nant Cwm Tawel dingle in the county of Carmarthen;

The reservoir to be formed by an embankment extending across the said dingle and impounding the whole of the water flowing down the Nant Cwm Tawel stream which stream discharges itself into the river Gwili thence into the river Towy and so to the sea:

(2) A conduit or line of pipes in the parishes of Newchurch in the county of Carmarthen and Saint Peter's in the county of

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the borough of Carmarthen leading from the reservoir herein-before described to a junction with the existing main in Priory Street in the county of the borough of Carmarthen :

- (3) A storm water byewash situate wholly in the parish of Newchurch commencing at the point herein-before described as the commencement of the storage reservoir and terminating by a junction with the Nant Cwm Tawel stream at a point immediately below the embankment to be formed across such stream :

Together with all proper embankments dams sluices weirs outlets overflows washouts bridges roads approaches wells pumps engines tanks basins gauges filter-beds pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones houses buildings and conveniences connected with or ancillary to the said works or any of them or necessary for inspecting maintaining repairing cleansing managing working and using the same Provided that any telegraphs or telephones constructed and maintained under the authority of this Act shall not be used in contravention of the privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to deviate.

**21.** In constructing the waterworks by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards Provided that the Corporation shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided also that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground except so far as is shown on the deposited sections.

Power to take lands and waters.

**22.** Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as they may require for the purposes of this part of this Act and may for the purpose of their waterworks take collect use and appropriate all such streams springs and waters as can be taken or collected by the waterworks authorised by this Act and all waters found in on or under any of the lands acquired by the Corporation.



23. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

24. If the waterworks by this Act authorised and delineated on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

Period for completion of works.

25. The Corporation on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation of water rights &c. on sale.

26. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the protection of their waterworks against nuisances encroachment or injury not exceeding in the whole fifty acres and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to hold lands for protection of works.

27. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that to be afforded by gravitation from their existing service reservoirs nor need the water supplied by the Corporation be constantly laid on under pressure.

Limit of pressure.

28. The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the following rates (that is to say):—

Rates for supply of water for domestic purposes.

- (1) Where the rateable value of the premises supplied does not exceed five pounds per annum the sum of two pence per week;

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- (2) Where the rateable value of the premises supplied exceeds five pounds per annum the sum of ten pounds per centum per annum upon such rateable value :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there be no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

Rates for water-closets and baths.

**29.** In addition to the foregoing charges the Corporation may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as water rates.

Byelaws for preventing waste &c. of water.

**30.** For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say) :—

- (1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :
- (2) Such byelaws shall apply only in such parts of the borough to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply :
- (3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by

and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :

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- (4) The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Corporation under this section.

**31.** The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes Provided that the Corporation shall not be entitled to charge for water supplied by measure under this section a higher price than two shillings per thousand gallons.

Supply of water for other than domestic purposes and by measure.

**32.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Injuring meters &c.

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Power to Corporation to supply materials.

**33.** The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans water-closets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Corporation not bound to supply several houses by one pipe.

**34.** The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

**35.** A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be delivered or sent by post to the town clerk.

Where several houses supplied by one pipe each to pay.

**36.** Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe Provided that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Misuser where supply to several houses by a pipe common to all.

**37.** Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Corporation to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Supply of water in bulk.

**38.** The Corporation may enter into and carry into effect agreements with any urban or rural district council or parish council of any district or parish within or beyond the water limits or any company authorised to supply water under Parliamentary authority within any such district or parish for the supply by the Corporation to such council or company respectively of water in bulk Provided that it shall not be lawful for the Corporation to supply or continue to supply water under any such agreement as aforesaid within the limits of supply of any local authority or

company except with the consent of such authority or company nor shall the Corporation supply water under any such agreement as aforesaid beyond the water limits if and so long as such supply shall interfere with the continuing of the supply of water for domestic purposes within those limits.

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PART IV.—MARKETS AND FAIRS.

**39.** Subject to the provisions of this Act the Corporation may enter upon take and use the lands delineated on the deposited plans and described in the book of reference under the heading "Markets" or such part thereof as they may require for that purpose namely:—

Power to purchase land compulsorily.

A field and garden situate behind the Butcher's Arms Inn and on the east side of the lane known as Slaughter-house Lane containing two roods one perch more or less and also the said lane known as Slaughter-house Lane;

Also a part containing twenty-four perches more or less of a field adjoining the field last above-mentioned on the north side thereof the property or reputed property of Magdalene Mary Anna Reid and others;

Also a strip of ground containing one thousand square yards more or less on the west side of the Carmarthen Cattle Market and between the said cattle market and the mill-pond and premises occupied by George Morgan the property or reputed property of the same Magdalene Mary Anna Reid and others.

**40.** The Corporation may on lands acquired under the powers in this Act contained or for the time being belonging to them extend enlarge and improve their cattle market place and fit up furnish and equip the same and the Corporation may appropriate the same for market and fair purposes and may set out and adapt the same for those purposes and construct and maintain thereon such stalls sheds pens slaughter-houses buildings roads works and conveniences as they may think necessary.

Extension of market place and construction of new market.

**41.** The Corporation may at any time after the passing of this Act by resolution of the Council declare that the cattle market place with or without the extension referred to in the last preceding section shall thereafter be used for cattle fairs and the Corporation shall give public notice of such resolution by advertisement in some newspaper circulating in the borough and from and after a day to be fixed by such resolution being not less than one calendar month after the publication of such advertisement notwithstanding the provisions contained in the eightieth section of the Act of 1843 and the thirty-sixth section of the Act of 1853 the sale or exposure for sale in any streets or places within the borough other than the said cattle market place on the days on which the fairs are held within

Sale of cattle in streets prohibited.

A.D. 1898. — the borough of any live cattle or other live beasts or stock other than horses shall be prohibited and the provisions of the thirty-fifth section of the Act of 1853 shall apply to such sale or exposure for sale. Provided that nothing in this section contained shall be deemed to prohibit any person selling or exposing for sale any live cattle or other live beasts or stock belonging to him in his own dwelling-house shop building or yard.

Byelaws as to markets and fairs.

42. The Corporation may make byelaws specifying and defining the places within the cattle market place in which the markets and fairs of the Corporation shall be held and specifying and defining the goods animals and things which may be brought or delivered upon or into any market or fair of the Corporation and any part thereof and specifying and defining the places fields or streets or parts thereof within the borough in which horse fairs may be held.

Tolls for horse fairs.

43. If and when the Corporation shall have provided a field or place for the holding of horse fairs the Corporation may charge in respect thereof tolls not exceeding the tolls set out in the schedule to the Act of 1853.

Additional tolls &c. may be sanctioned.

44. The Corporation may demand and take such tolls in respect of articles and things sold in their markets or fairs other than the articles and things specified in the schedules to the Act of 1843 and the Act of 1853 as the Local Government Board may upon the application of the Corporation sanction.

Tolls &c. for market stalls shall if so required be paid in advance.

45. The Corporation may require that any toll rent stallage standage or charge payable to them in respect of any stall booth or stand in any market or fair of the Corporation shall be paid in advance.

Corporation may sell animals or goods left in market.

46. Every animal or article brought into any market of the Corporation and left therein after the hour of closing the same (except such as may be left in charge of the market keeper) may be taken possession of by the market keeper and if the same be of a perishable nature and not claimed within two hours after the closing of the market or not being of a perishable nature be not claimed within seven days thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid tolls and charges due in respect thereof and the expenses of detention and sale to the owner on demand if such demand be made within one month after the sale but if it be not so made the proceeds of the sale shall be forfeited to the Corporation.

Power to let tolls.

47. Section 43 of the Act of 1853 is hereby amended by the substitution of the words "three years" for "two years" as the

period for which it shall be lawful for the Corporation to lease the rents stallages and other market and slaughter-house tolls. A.D. 1898.

48. The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Corporation under this part of this Act and under the provisions of the Markets and Fairs Clauses Act 1847 incorporated with this Act. As to bye-laws.

49. Save as herein otherwise provided the provisions of the Act of 1843 (except section 121 which is hereby repealed) and the provisions of the Act of 1853 shall extend and apply to the Carmarthen cattle market place so extended as is herein-before mentioned. Provisions of Acts of 1843 and 1853 to apply to extended market place.

#### PART V.—RECREATION GROUND.

50. Subject to the provisions of this Act the Corporation may enter upon take and use the lands delineated on the deposited plans and described in the book of reference under the heading "Recreation Ground" or such part thereof as they may require for that purpose namely:— Power to purchase land compulsorily.

Four fields containing together sixteen acres one rood and thirty-eight perches more or less and numbered 953 952 946 and 947 and 944 on the  $\frac{1}{2500}$  scale Ordnance Survey map (published in 1890) bounded on the north by certain houses and yards in the street known as Magazine Row the grounds of the parsonage and the road known as Picton Terrace on the east by the lane known as Morfa Lane on the south by the lane known as Brickworks Lane and on the west by the property or reputed property of the Ecclesiastical Commissioners:

And the Corporation shall hold and permit the said lands to be used as a public recreation ground and they may set apart and lay out and adapt any portion of the same for cricket football lawn tennis cycling or other similar games or for open-air concerts or any special purpose tending to promote the health amusement or enjoyment of the inhabitants of the borough.

51.—(1) The Corporation may on such days (not exceeding in the whole twenty days in any one year nor six consecutive days on any one occasion) and on such terms and conditions as they think fit let the whole or any part of the said lands to any person and close the same to the use of the public during the days on which the letting continues. Power to let and close recreation grounds at certain times.

(2) The admission to the said lands or the part thereof so let during the days on which the letting continues shall be either with or without payment as directed by the Corporation

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or with the consent of the Corporation by the person to whom the said lands or part thereof are or is let.

Power to make byelaws as to recreation grounds.

**52.** The Corporation may make and enforce byelaws for all or any of the following purposes:—

For regulating the opening and closing of the recreation ground or any portion of the recreation ground which may for the time being be used let or set apart as aforesaid the admission of persons animals and vehicles thereto the sale of refreshments therein and the use thereof for the purposes for which the same are or is used set apart or let and generally for the preservation of good conduct and order and prevention of nuisance therein: Such byelaws shall be made under and in accordance with the provisions contained in sections 164 and 182 to 185 of the Public Health Act 1875 so far as those provisions relate to byelaws made by an urban authority.

Power to erect maintain and let conservatories refreshment rooms &c.

**53.** The Corporation may erect maintain furnish and equip and may remove conservatories stands shelters refreshment rooms and other temporary or permanent buildings and erections and may provide and supply with or without payment chairs benches seats plant and apparatus for sports and games and all such other conveniences in the recreation ground as may be required or convenient for the purpose thereof and for the public resorting thereto and may let any refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times and under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

Expenses and application of moneys received from admission to recreation grounds &c.

**54.** All expenses incurred by the Corporation in the exercise of the powers of this part of this Act shall be paid out of the district fund and the moneys (if any) received by the Corporation from the admission of any persons to or the occupation of any recreation ground or part thereof respectively or from the letting thereof or of any chairs refreshment rooms or other buildings or from the sale of programmes of any performance or concert shall (after providing in the case of such performance or concert for the expenses thereof) be carried to the credit of the district fund.

Recreation ground to be deemed a street for certain purposes.

**55.** The recreation ground shall for the purposes of the Vagrancy Act 1824 and the Licensing Act 1872 and any Acts amending the same be deemed to be a public place and shall be deemed to be a street for the purposes of sections 28 and 29 of the Towns Police Clauses Act 1847 save and except the subsection of section 28 of that Act relating to flying a kite or using a slide upon ice or snow



and the powers and duties of all police constables under the said Acts in relation to public safety and preservation of order and protection of property shall extend thereto. A.D. 1898.  
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**56.** The Corporation may appoint employ and pay keepers or other officers gardeners labourers and workmen for procuring the observance of the provisions of this part of this Act and of the byelaws made thereunder and generally for preserving order and keeping the recreation ground in proper condition and may from time to time provide trees shrubs plants seeds tools implements and all other things which may be required for maintaining or improving the recreation ground. Keepers and officers may be appointed and trees &c. provided.

#### PART VI.—FINANCE.

**57.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest money for any of the following purposes (that is to say):— Power to borrow.

- (A) For the waterworks authorised by this Act and generally for the improvement of the waterworks undertaking of the Corporation the sum of twenty-five thousand pounds;
- (B) For the purchase of land for the extension improvement and fitting up of the market and fair ground the sum of four thousand five hundred and fifty pounds;
- (C) For the repayment of the present mortgage debt on the market undertaking the sum of six thousand pounds;
- (D) For the purchase of land for and the laying out of a recreation ground the sum of four thousand pounds;
- (E) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

And the Corporation may with the approval of the Local Government Board borrow such further moneys as the Corporation may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards the purposes (A) (D) and (E) the district fund and the general district rate and as to the purpose (A) the revenue of their water undertaking and as regards the purposes (B) and (C) the borough fund and the borough rate.

**58.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Mode of raising money.

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Certain regulations of Public Health Act as to borrowing not to apply.

Provisions of Public Health Act as to mortgages to apply.

Periods for repayment of money borrowed.

**59.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

**60.** Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

**61.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within the limit there prescribed within sixty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purposes (B) and (D) mentioned in the said section within the limit there prescribed within fifty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (C) mentioned in the said section within the limit there prescribed within thirty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (E) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as the Board may think fit to sanction.

Mode of payment off of money borrowed.

**62.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of these methods and partly by another of them and the payment of the first instalment shall be made not later than twelve months after the time of borrowing the sum in respect of which the payment is made.

Protection of lender from inquiry.

**63.** A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

**64.** The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan

[61 & 62 Vict.] *Carmarthen Improvement Act*, 1898. [Ch. cviii.]

stands in the register of mortgages of the Corporation shall from time to time be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. A.D. 1898.

**65.**—(1) The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest due on their mortgages by the appointment of a receiver. The amount of arrears of principal to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole. Appoint-  
ment of  
receiver.

(2) The application for the appointment of a receiver shall be made to the High Court and the court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

**66.** If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing. Power to  
re-borrow.

**67.** The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the Annual  
return to  
Local  
Government  
Board.

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sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply *mutatis mutandis* to appropriations and annual repayments.

Application  
of money  
borrowed.

**68.** All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application  
of revenue  
from under-  
takings.

**69.** The Corporation shall apply all money from time to time received by them in respect of their water and market undertakings respectively except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First.—In payment of the working and establishment expenses and cost of maintenance of the said undertakings respectively :

Secondly.—In payment of the interest on moneys borrowed by the Corporation under the Acts of 1843 and 1853 and under this Act or otherwise for the purposes of those undertakings respectively :

Thirdly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of those undertakings respectively :

Fourthly.—In extending improving or constructing (if the Corporation think fit) any works for the purposes of those undertakings respectively :

And the Corporation shall carry to the district fund so much of any balance remaining in any year of the revenue of their water undertaking as may in the opinion of the Corporation not be required for carrying on that undertaking and for paying the current expenses connected therewith and to the borough fund so much of any balance

remaining in any year of the revenues of their market undertakings as may in the opinion of the Corporation not be required for carrying on those undertakings and for paying the current expenses connected therewith And sections 26 (Sinking fund) 27 (Mode of paying off mortgages) and 28 (Application of moneys) of the Act of 1843 and sections 27 (Sum to be set apart as a sinking fund for payment of mortgages) and 42 (Application of moneys) of the Act of 1853 are hereby repealed but nothing in this section contained shall prejudice or affect the rights of any person interested in any mortgage or security created by the Corporation under the Acts of 1843 and 1853 or either of them.

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70. Any deficiency in the revenue of the Corporation on account of their water undertaking shall be from time to time made good out of the district fund and any deficiency in the revenue of the Corporation on account of their market undertakings shall be from time to time made good out of the borough fund Provided always that in respect of any such deficiency which may occur in the revenue of the market undertakings of the Corporation no railway company shall be rated in respect of their railways at more than one-fourth part of the net annual value thereof.

Deficiency in revenue.

71. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and the borough rate or the district fund and the general district rate as the Corporation may in their discretion having regard to the objects of the expenditure deem just.

Expenses of execution of Act.

72. The proceeds of the sale of any lands of the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act but shall not be applied to the payments of instalments except to such extent and upon such terms as may be approved by the Local Government Board.

Proceeds of sale of surplus lands.

#### PART VII.—MISCELLANEOUS.

73. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands 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

Persons under disability may grant easements &c.

A.D. 1898. — and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Purchase of additional lands by agreement.

74. The Corporation in addition to any lands which they are otherwise by this Act authorised to acquire may by agreement purchase take on lease and acquire and hold for the purposes of this Act or for the purpose of providing a ground for the holding of horse fairs any lands not exceeding in the whole twenty acres but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

Restriction on taking houses of labouring class.

75. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to sell lands.

76. The Corporation may sell lease and dispose of any lands acquired by or vested in them under this Act and for the time being not required for the purposes thereof.

Inquiries by Local Government Board.

77.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Powers of Act cumulative.

78. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other

powers conferred on them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. A.D. 1898.  
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**79.** Where any notice summons or other document (except a conveyance contract or security) under this Act requires authentication by the Corporation the signature thereof by the town clerk shall be a sufficient authentication and any notices summonses and other documents required or authorised to be served under this Act may be served in manner prescribed by section 267 of the Public Health Act 1875. Authentica-  
tion and  
service of  
notices.

**80.** Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Recovery of  
penalties &c.

**81.** All the costs charges and expenses preliminary to and of and incidental to the preparing and applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act. Costs of Act.

A.D. 1898.      The SCHEDULE referred to in the foregoing Act.

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EXTENSION OF BOROUGH.

DESCRIPTION OF ADDED AREA.

A piece of ground containing three acres one rood thirty-one perches more or less formerly a detached part of the parish of Newchurch in the county of Carmarthen but now for some purposes constituted a separate parish under the name of St. Peter's (Without) bounded on the south side by the river Towy and on all other sides by the county of the borough of Carmarthen and comprising Her Majesty's Carmarthen prison as well as several messuages or tenements or parts of messuages or tenements adjoining or near to the said prison.

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