



CHAP. xcii.

An Act for amending the Abergavenny Improvement Act, 1860; and for other purposes. A.D. 1871.
[29th June 1871.] —

WHEREAS the Abergavenny Improvement Act, 1854, was passed for paving, lighting, and improving the town of Abergavenny in the county of Monmouth, for maintaining the markets within such town, and for supplying the same with water, and commissioners were thereby incorporated under the name of the Abergavenny Improvement Commissioners for carrying into execution the said Act: 17 & 18 Vict. c. xlix.

And whereas the Abergavenny Improvement Act, 1860, was passed for the purpose of amending the Abergavenny Improvement Act, 1854, and for enabling the Commissioners to construct works and supply their district with water and gas, and for other purposes: 23 & 24 Vict. c. cxxxvii.

And whereas it is expedient to extend in various respects the powers of the Commissioners relative to matters comprised in those enactments and to other matters of local government:

And whereas it is expedient that the Commissioners should be empowered to improve certain streets in the town of Abergavenny, and for that purpose to take land by compulsion or agreement:

And whereas it is expedient that the Commissioners should be authorised to borrow further sums for the purposes of this Act:

And whereas plans showing the lands required for the purposes of the proposed improvements, and the book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerk of the peace for the county of Monmouth (which are in this Act referred to as the deposited plans and book of reference):

And whereas the objects aforesaid 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 the authority of the same, as follows; (that is to say,)

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Short title.

Acts of 1854 and 1860 and this Act to be construed together.

Limits of Act.

Interpretation of terms.

Repeal of parts of Acts as in schedules.

Provisions of Lands Clauses Acts herein named incorporated.

Commissioners elected to supply occasional vacancies.

1. This Act may be cited for all purposes as the Abergavenny Improvement Act, 1871.

2. The Abergavenny Improvement Act, 1854, and the Abergavenny Improvement Act, 1860, (in this Act referred to as the Improvement Acts,) so far as they are consistent with this Act, and this Act shall be construed and read together as one Act.

3. This Act shall apply to and be enforced within the area comprised within the limits of the Improvement Acts.

4. The term "local authority" in this Act shall mean and include any local board, commissioners, trustees, or other person empowered by any public or local Act to improve, cleanse, or pave a district, and any board of guardians or overseers of the poor having jurisdiction in any district. The term "district" in relation to a local authority shall mean the area within which such local authority may exercise the powers or has jurisdiction in manner aforesaid.

5. The several parts of Acts specified in Part I. of Schedule (B.) to this Act annexed shall be and the same are hereby repealed; and the several parts of Acts specified in Part II. of the same schedule shall cease to apply to the town: Provided always, that no repeal or nonapplication hereby enacted shall affect any act or thing duly done before the passing of this Act under or by virtue of any of the parts of Acts hereby repealed, or after the passing of this Act ceasing to apply to the town.

6. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except where the same are expressly altered or varied by this Act, shall be incorporated with this Act; and for the purposes of such incorporation the term "the promoters of the undertaking" in the said Acts shall be construed to mean the Commissioners acting in the execution of this Act: Provided always, that where any case of disputed compensation is determined by arbitration, the costs of and incidental to such arbitration and award shall be paid in such manner by the parties, or such of them as the arbitrators or umpire shall direct.

7. Every Commissioner elected by the Commissioners for the purpose of supplying any occasional vacancy shall continue in office until the annual election of Commissioners, when he shall cease to be a Commissioner, and every such person so ceasing to be a Commissioner shall be deemed to be a Commissioner going out of office by rotation, and such Commissioner shall go out of office, in addition to the Commissioners otherwise going out of office by rotation: Provided that the person elected a Commissioner in lieu of such additional Commissioner so going out of office by rotation shall, with

reference to going out by rotation in subsequent years, preserve the same place in the rotation list as was occupied by the Commissioner whose place he fills. All Commissioners going out of office by rotation shall go out of office in every year on the day on which in that year the annual meeting for election of Commissioners shall be held by virtue of this Act.

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8. Every male person shall be entitled to give one vote at the election of Commissioners in each year who in respect of any property within the town has been rated to any rate made under the authority of the Improvement Acts, and has paid all such rates that have become payable by him in respect of the said property previously to the first day of July in each year.

Qualification of electors.

9. For the purpose of electing Commissioners from time to time in the place of those who go out by rotation, a meeting of the persons entitled to vote at such election shall be held at the town hall or board room on some day in the month of September in each year to be appointed by the Commissioners before the fifteenth day of August in each year, or if no day be appointed in manner aforesaid, on the second Thursday in the month of September in each year. Public notice of the time and place of such meeting shall be given by the clerk by advertisement in some newspaper circulating within the town, and also by printed placards affixed to the principal door of the general market house, and posted in some conspicuous places in the town fourteen days at least before the day of election.

Annual meeting for election of Commissioners.

10. A person shall not be incapable of acting as a justice in the execution of the Improvement Acts, or this Act, by reason of his being a Commissioner or liable to be rated under the said Acts.

Commissioner not incapable of acting as a justice.

11. The Commissioners may from time to time appoint a person duly qualified to act as local surveyor of the paving, drainage, and other works authorised under the provisions of the Improvement Acts and of this Act.

Commissioners may appoint a surveyor.

12. The Commissioners may from time to time appoint some person, by the title of inspector of nuisances, to superintend and enforce the due execution of all duties to be performed by the scavengers appointed under the provisions of the Improvement Acts, and to report to the Commissioners any breach of the provisions of the Improvement Acts or of this Act, or of the byelaws, rules, and regulations of the Commissioners, and the existence of any nuisances within the town, and the Commissioners shall duly publish the name of any inspector of nuisances appointed by them, and they shall require him to provide and keep a book in which shall be entered all reasonable complaints made by any householder of the town of

Commissioners may appoint an inspector of nuisances.

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any breach of the provisions of the Improvement Acts or of this Act, or of the byelaws, rules, and regulations made by the Commissioners for the preservation of due order and cleanliness, or for the suppression of nuisances, and the inspector of nuisances shall forthwith inquire into the truth of such complaints, and report upon the same to the Commissioners at their next meeting, and such report and the order of the Commissioners thereon shall be entered in the said book, and shall be open at all reasonable times to the inspection of any inhabitant of the town or other person interested; and it shall be the duty of such inspector of nuisances, subject to the direction of the Commissioners, to make complaints before justices, and take legal proceedings for the punishment of any person who has committed any offence under the provisions of the Improvement Acts or of this Act, or under any byelaws made by virtue thereof.

Surveyor and inspector of nuisances, appointment and salaries.

13. The surveyor and inspector of nuisances appointed under the authority of this Act shall respectively hold their offices during the pleasure of the Commissioners; there shall be paid to such surveyor and such inspector of nuisances such salaries respectively as the Commissioners shall appoint, and such salaries shall be paid out of the rates which the Commissioners are authorised to levy under the Improvement Acts.

Power to take lands for improving streets.

14. For the purposes of improving and widening certain streets and lanes, and for improving a certain yard called Price's Yard, within the town, the Commissioners may, subject to the provisions of this Act, enter on, take, and use such of the lands shown on the deposited plans and described in the deposited book of reference, as they require for that purpose, and may pull down and remove all buildings upon such lands, or any of them.

Corrections of errors, omissions, &c.

15. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands described or intended to be described in the deposited plans or book of reference, the Commissioners may apply to two justices, not being Commissioners, for the correction thereof after giving ten days notice to the owners of the lands affected by the proposed correction; and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for the county of Monmouth, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other docu-

ments, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, hold, and use those lands accordingly.

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16. The Commissioners shall, not less than eight weeks before they take fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and they shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same.

Houses of labouring classes.

17. The powers of the Commissioners for the compulsory purchase of lands for the purposes of the improvements aforesaid by this Act authorised shall not be exercised after the expiration of five years from the passing of this Act.

Powers for compulsory purchases limited.

18. The Commissioners may agree with the owner of and persons interested in any building or lands within the town for the absolute purchase thereof, or of any part thereof, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, or interests in or affecting the same, and after such purchase may cause the building or the part thereof purchased to be taken down and removed, and the site thereof, and the lands purchased, or any part thereof, to be laid into any street for widening, enlarging, or making more commodious the same, or to be disposed of for making new streets, or otherwise for the improvement of the town, as the Commissioners think fit, and the Commissioners and any person to be benefited thereby may contribute towards those purposes on such terms and to such extent as the Commissioners and he agree.

Power to purchase buildings or lands for effecting street improvements.

19. The Commissioners may from time to time by order stop up wholly or partially any highway which in their opinion is unnecessary, on such terms as to the vesting of the soil and other matters as may be agreed on between the Commissioners and the owners and lessees of buildings and lands abutting on the highway, and on any highway being so stopped up all public and other rights of way, and other rights in, over, or on the same, shall be absolutely extinguished; but no such order shall be executed until after the expiration of one month from the time when it has been publicly posted at each end of the highway to which it relates.

Power to stop up highways where unnecessary.

20. Where a building in a street any part of which projects beyond the regular line of the street, or beyond the front of the building on either side thereof, is burnt or taken down to or below

Projecting buildings when taken down to be set back.

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half the front elevation thereof, the same shall be set back to or towards the line of the street or the line of the adjoining building in such manner as the Commissioners direct for the improvement of such street, the Commissioners making compensation to the owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Prohibiting projections over highways.

21. Any pilaster, plinth, cornice, or other part of a new building, or of a new front or addition to an existing building, shall not project or encroach over a footway or highway unless allowed by the Commissioners, or beyond the distance (if any) allowed by the Commissioners.

Projections, &c. to be removed on notice.

22. The Commissioners may serve notice on the occupier of any building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, teagle, crane, windlass, sign, sign post, sign-iron, showboard, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed against or in front of any building within the town, and such occupier shall, within fourteen days after the service of such notice on him, remove such obstruction or projection or alter the same in the manner required by the notice, and in default thereof he shall be liable to a penalty not exceeding forty shillings, and the Commissioners may remove or alter such obstruction or projection, as they think fit, and the expense of such removal shall be paid by him, and shall be recoverable as damages; but except where such obstruction or projection was made or put up by the occupier, the occupier shall be entitled to deduct the expense of his removing or altering the same, as required by the notice, from the rent payable by him to the owner of the building: Provided that if such obstruction or projection has been lawfully made the Commissioners shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Chimneys and flues.

23. The chimneys and flues of every building which is erected after the passing of this Act shall be constructed in such mode and of such materials and dimensions as shall be approved by the Commissioners. All hearths and slabs shall be properly buried in incombustible materials. No timber or woodwork shall be placed within nine inches of the inside face of any chimney or flue unless the brickwork or stonework of such chimney or flue shall be properly rendered. No wooden plugs shall be driven nearer than six inches to the inside of any chimney or flue.

Restrictions as to pipes and funnels for conveying smoke.

24. From and after the passing of this Act, no pipe or funnel for conveying smoke or steam shall at any time be newly fixed against any building next to any street, or on the inside of any building

nearer than nine inches to any timber or other combustible material, nor shall any funnel built or made of brick or stone or both be newly placed on the outside of any building next to any street, so as to extend beyond the general line of the outbuildings in the street; and if any pipe or funnel is fixed or placed contrary to this Act, the occupier, or in case of there being no occupier, then the owner of the building to which the same belongs, shall within fourteen days next after receiving notice from the Commissioners cause the same to be removed, and on default shall be liable to a penalty not exceeding ten shillings a day for every day during which such default continues after the expiration of the time specified in such notice.

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25. The surveyor may at any reasonable time inspect any building in progress of construction, or any work connected therewith, but the owner or his agent or the builder shall give forty-eight hours notice in writing to the surveyor before the commencement of the building, and before any foundation of a new building or any sewer or drain is covered up, and the like notice after any work required by the Commissioners to be done in amendment of any irregularity has been completed, and before the same is covered up.

Inspection of buildings.

26. Within fourteen days after a building has been completed the owner shall give notice thereof to the surveyor, and the surveyor shall forthwith proceed to survey it, and shall report to the Commissioners thereon.

Survey on completion of works.

27. If in the erecting of a building, or the execution of any work connected therewith, anything is done in contravention of this Act or the Improvement Acts, or anything required by this Act or the Improvement Acts is omitted, the surveyor may within forty-eight hours after obtaining knowledge thereof give to the owner of the building, or his agent, or the builder, notice in writing requiring him within a time specified in the notice to amend what has been so done in contravention, or to do what is so required; and if any such owner or builder fails to comply in any respect with the requirements of such notice he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such failure continues after the expiration of a time to be specified in that behalf in the notice.

Notice in case of irregularity.

28. The Commissioners may require the owner of every house within the town to which no sufficient watercloset and ashpit is attached to provide such watercloset and ashpit in such situation, not disturbing any building already erected, as the Commissioners deem necessary for the use of the inmates and occupiers thereof, and every such watercloset and ashpit shall be constructed to the

Water-closets.

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Closing of
privies.

29. When in respect to any house the provisions of this Act as to waterclosets have been complied with, the owner of such house shall close up all privies and earth closets theretofore used by the occupiers of such house, or constructed for such use, and the occupier of any such house shall cease to use, or suffer to be used, any such privy or earth closet; and any owner or occupier who makes default in complying with the provisions of this section shall be liable to a penalty not exceeding ten shillings a day for every day during which such default continues.

Power to
divert the
stream called
the Kibby.

30. The Commissioners may, if and when they think fit, divert into the main stream the upper course of the brook or stream called the Kibby, at and from a point in the field belonging or reputed to belong to Charles William Latham, Esquire, and others, called King David Field, to the place where the said brook rejoins the main stream in the garden belonging or reputed to belong to Mr. Samuel Henry Facey, and may shut up the now existing portion of the said brook or stream when the same is diverted, and thereupon all easements, rights, and privileges enjoyed or exercised in or upon such portion of the said brook or stream shall cease to be enjoyed or exercised and shall be extinguished, and the bed or site of such brook shall vest freed and discharged from the same in the person or persons entitled to the same.

Power to
cleanse
water-
courses, &c.

31. The Commissioners may from time to time, if and when and to such extent only as they think fit (but not so as to create any

obligation on the Commissioners), cleanse and conserve all waters, watercourses, brooks, ponds, and pools within the town, and may prevent the pollution of water therein, and such waters shall be deemed to be and taken to be streams authorised to be taken by the Commissioners, and to be the water of the Commissioners within the meaning of the fourteenth and sixty-first sections respectively of the Waterworks Clauses Act, 1847, and for such purposes the Commissioners may enter upon any lands, making compensation to the owner or occupier thereof for any damage which may be occasioned by them.

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32. The Commissioners from time to time may make, alter, and remove in and from such places as they think fit any public water-closets or urinals, and may maintain and cleanse the same.

Public waterclosets.

33. If any nuisance or annoyance to the inhabitants of the town arises or exists in or upon any building or the curtilage thereof situated partly within and partly without the town, the Commissioners shall have in respect of such building and curtilage, and the owner and occupier thereof, such and the like powers as they would have had if the whole of such building and curtilage had been within the town.

Power to deal with nuisance on premises partly within and partly without town.

34. In any case where it is certified to the Commissioners by the surveyor, or by the inspector of nuisances, or by any two registered medical practitioners, that any building or part of a building in the town is unfit for human habitation, the Commissioners may by their order, affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and shall not after a date therein specified be inhabited; and no person after the date or time mentioned in such order shall let or occupy or continue to let or occupy, or knowingly suffer or permit to be occupied, such building or part of a building; and if any person acts in any respect in contravention of this provision, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during which such offence continues: Provided that if at any time after such order is made the Commissioners are satisfied that such building has become or been rendered fit for human habitation, they may revoke their order, and the same shall thenceforward cease to operate, and so toties quoties.

Buildings unfit for habitation.

35. The Commissioners may, with the consent of the local authority of the parish of Abergavenny, do or execute in that parish any work or thing which the Commissioners may do or execute within the town, and such local authority may do or execute in their district, on such terms as to payment and other things as

Power for Commissioners to execute works in adjoining places.

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(namely,)

- (1.) Any money agreed to be paid by a local authority under this section shall be payable out of the rates leviable by that authority for the expenses of executing the Nuisances Removal Act, 1855, or any other rates leviable by them :
- (2.) The consent of any such district to any work or thing proposed to be done under this section shall be signified in the manner in which the consent of that district to its incorporation with the town for the purposes of the Local Government Act, 1858, would under that Act be properly signified :
- (3.) Where the expenses of any such work or thing would, if it had been executed in the district of a local board under the powers of the Local Government Act, 1858, have been recoverable from owners or occupiers, the same shall be recoverable by the local authority of the district from such owners or occupiers :
- (4.) The local authority shall make all such compensation to owners, occupiers, and others injuriously affected by any work or thing done or executed under this section as a local board is liable to make in case of works executed under the powers of the Local Government Act, 1858, the amount thereof to be determined in manner provided by that Act.

If objection be made by any party interested, the work not to be proceeded with without sanction of Secretary of State.

36. In case any of such owners or occupiers aforesaid, or any other owner or occupier who would be affected by the proposed work, object to such work, and serve notice in writing of such objection on the local authority at any time within three months after the consent of the district has been signified in manner aforesaid, the proposed work shall not be made or commenced without the sanction of one of Her Majesty's Principal Secretaries of State, after such inquiry and report as herein-after mentioned (unless such objection be withdrawn).

An inspector to be appointed to make inquiry on the spot and report to the Secretary of State.

37. It shall be lawful for the Secretary of State, upon application of the Commissioners, to appoint an inspector to make inquiry on the spot into the propriety of any such work as aforesaid and into the objections thereto, and to hold one or more meeting or meetings for the purpose of hearing all persons desirous of being heard before him on the subject of such inquiry, and to report to such Secretary of State upon the matters with respect to which such inquiry was directed, and such Secretary may make an order as to the costs of such inquiry and the parties by whom such costs are to be borne as he shall think fit, and every such order may be made a rule of one

of the superior courts of law on the application of any party named therein. A.D. 1871.

38. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on the Commissioners by Act of Parliament, law, or custom, and the Commissioners may exercise such other powers as if this Act had not been passed. Powers of Act cumulative.

39. Except with respect to lands shown on the deposited plans and described in the deposited book of reference, the regulations contained in section seventy-five of the Local Government Act, 1858, shall be observed with respect to the purchase of lands by the Commissioners for the purposes of this Act, and shall apply and have effect as if the Commissioners were a local board acting under that Act for the town as their district, and as if the purposes of this Act were purposes of that Act; and the costs, charges, and expenses in that section provided for shall become a charge on the rates which the Commissioners are authorised to make by the Improvement Acts. As to purchase of lands.

40. The Commissioners may take by agreement for any of the purposes of the Improvement Acts or of this Act, and any person by the Lands Clauses Consolidation Act, 1845, or otherwise, enabled to sell lands may grant to them, any term, estate, easement, interest, right, or privilege (except an easement or privilege of water) in, over, affecting, or belonging to lands for a consideration in money, or at a yearly rent, or otherwise; but in the case of a person not enabled otherwise than by the Lands Clauses Consolidation Act, 1845, to sell lands, then subject and according to the provisions relative to the taking of lands by agreement contained in that Act and the Lands Clauses Consolidation Acts Amendment Act, 1860, for which purpose any such term, estate, easement, interest, right, or privilege shall be deemed lands within the meaning of those Acts. Power to agree for easements, &c.

41. Subject to the provisions of this Act and of the Lands Clauses Consolidation Act, 1845, with reference to superfluous lands, the Commissioners may from time to time sell, lease, exchange, or otherwise dispose of any buildings or lands, or any parts thereof, vested in them at the time of the passing of this Act, or acquired by them under this Act or the Improvement Acts, and not wanted for the purposes for which the same were acquired, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition. Power to sell, &c. lands not wanted

42. All purchase money received on any sale of land, and all money received for equality of exchange by the Commissioners, shall Application of purchase money and

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rent of lands
not wanted.

be distinguished as capital in the accounts of the Commissioners, and shall be applied exclusively for purposes for which money borrowed is applicable, or in discharge of money so borrowed, and to the extent of any money so applied the borrowing powers of the Commissioners shall be extinguished. All money received by the Commissioners by way of rent reserved upon any lease of lands not wanted for the purposes for which the same were acquired made by them shall be applied by them to all or any of the purposes for which they are authorised under the Improvement Acts or this Act to apply rates levied by them.

Commis-
sioners may
provide
slaughter-
houses.

43. The Commissioners from time to time may provide or license such slaughter-houses in the town as they think fit, and so soon as the same shall be ready for public use the Commissioners shall give notice to that effect by the publication thereof in some newspaper circulating within the town, and also by printed placards affixed to the principal door of the general market house, and posted in some conspicuous places in the town: Provided that nothing in this section shall protect the Commissioners from an indictment for nuisance, or from any other legal proceedings in respect of any such slaughter-house as aforesaid: Provided also, that it shall not be lawful for the Commissioners to refuse to license any properly constituted slaughter-house which was in use and occupation at the time of the passing of the *Abergavenny Improvement Act*, 1854, and has so continued ever since.

Penalty for
slaughtering
elsewhere
than in an
authorised
slaughter-
house.

44. After the expiration of ten days from the publication and posting of such notice in respect of slaughter-houses, no person shall slaughter any cattle or dress any carcase for sale as human food or food for man in any place within the town other than a slaughter-house provided or licensed in pursuance of this Act; and every person who shall, after such notice as aforesaid, slaughter any such cattle or dress for sale any such carcase within the town in any place other than one of such slaughter-houses shall be liable to a penalty not exceeding five pounds for every such offence.

Power to
Commis-
sioners to
let shops,
&c.

45. The Commissioners may from time to time let any shop or shops, stall or stalls, constructed, erected, or fitted up by them in the general market house or elsewhere under the authority of the Improvement Acts or this Act, for such terms, at such rents, and subject to such conditions as they shall think proper.

Power to
take tolls,
&c.

46. The Commissioners or their lessee may demand and take, in respect of the several articles, places, and things mentioned in the Schedule (A.) to this Act annexed, tolls, rents, and charges not exceeding the several tolls, rents, and charges respectively specified in the said schedule.

47. If any person shall sell or expose for sale in any place within the town, except in or upon any premises in the occupation of such person, and in respect of which he is or is liable to be rated under the authority of the Improvement Acts, and except with respect to licensed horse dealers, who are or are liable to be rated as aforesaid, in or upon any premises in the occupation of any other person, any articles in respect of which tolls, rents, or charges are by this Act authorised to be taken in any market, the Commissioners may levy and take the same tolls, rents, and charges on all such articles as they might have levied and taken if the same had been sold or exposed for sale in such market.

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Tolls may be taken on articles sold out of market.

48. If any person liable to the payment of any toll, rent, or charge payable to the Commissioners do not pay the same when demanded, the Commissioners or their lessee, or any person authorised by the Commissioners or their lessee to collect the same, may (without the warrant of any justice) seize and detain all or any of the cattle, animals, goods, or other articles in respect of which such toll, rent, or charge is payable, or on any other cattle, animals, goods, or other articles in the town belonging to the person liable to pay such toll, rent, or charge, or under his care; and if the toll, rent, or charge, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the article seized, are not paid in case of perishable articles seized forthwith, and in case of other articles seized within four days from the time of seizure, the Commissioners or their lessee may forthwith, or on expiration of those four days (as the case may be), sell the article seized, and out of the money arising thereby may pay and retain the toll, rent, or charge and the charges aforesaid, and those of the sale, returning the overplus (if any) to the owner of the article seized, or such toll, rent, or charge may be recovered in any court having competent jurisdiction.

Recovery of tolls by distress.

49. The Commissioners may from time to time by public auction let for any term not exceeding one year the whole or any part of the tolls, rents, and charges receivable by them. The Commissioners before making any such letting shall give notice of their intention so to do in some newspaper circulating within the town once at least in each of three consecutive weeks previous to their doing so, and shall in such notice state where and when the auction will be held.

Power to let tolls of markets, &c.

The Commissioners shall let such tolls, rents, and charges to the person making the highest bidding at such auction, if deemed by the Commissioners to be a sufficient bidding, and producing sureties for the payment of the rent reserved upon such letting, which sureties shall in the opinion of the Commissioners be sufficient :

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No person shall be entitled to bid at such auction unless previous thereto he shall have satisfied the Commissioners of the sufficiency of his sureties. Every such auction shall be held at a meeting of the Commissioners for that purpose, and shall be conducted by the clerk, who is hereby empowered to conduct the same without procuring any license to act as an auctioneer.

Licences for exhibitions and sales.

50. The Commissioners from time to time may grant licenses to any person to use during fairs any public grounds or any private grounds which such person may be authorised to use other than premises in the occupation of such person, and in respect of which he is or is liable to be rated under the authority of the Improvement Acts for any of the purposes following :

- (1.) For exhibitions or shows :
- (2.) For public sales, whether by auction or otherwise.

Any such person who shall use any public or private grounds during a fair for any of the purposes aforesaid, without such license, shall for every such offence be liable to a penalty not exceeding five pounds. For every such license there shall be paid to the clerk or person appointed by the Commissioners any sum they direct, not exceeding the several rates and charges respectively specified in the said Schedule A.

Power to Commissioners to license porters, &c.

51. The Commissioners from time to time may license for not exceeding one year any number of porters, basket men, and basket women they think proper to ply for hire, and to be employed in and about the market houses and market places of the Commissioners, or in any street or public place within the town, and no person shall ply for hire there, or in any such street or public place, as porter, basket man, or basket woman, without the license, under a penalty not exceeding twenty shillings for every such offence, and the porters, basket men, and basket women shall be subject to all bye-laws for their regulation and government from time to time made by the Commissioners. For every such license there shall be paid to the clerk or person appointed by the Commissioners any sum they direct not exceeding two shillings.

Commissioners to have the control of buildings.

52. The Commissioners shall have the sole and entire control, repair, management, and use of all buildings and premises vested in or acquired by them under the authority of the Improvement Acts or this Act, and it shall be lawful for them to use or permit the use of any such buildings and premises for any lawful purposes at such times, in such manner, upon such conditions, and for such consideration as they may think proper, but so as not to interfere with the use of such buildings and premises for the purposes primarily contemplated by such Acts, and such buildings and premises shall not be used for any purposes whatsoever save as aforesaid.

53. In addition to the byelaws which the Commissioners are authorised to make under the provisions of the Improvement Acts, they may make byelaws for all or any of the following purposes :

A.D. 1871.
Byelaws.

For regulating the use of and proceedings in the Town Hall and Corn Exchange, and for preventing nuisances or obstructions therein and in the immediate approaches thereto :

For regulating and governing the porters, basket men, and basket women licensed by the Commissioners :

For preventing street music :

For preventing exhibitions in public streets and places of the town by itinerant showmen of wild beasts or other animals :

For regulating the use of any public waterclosets and urinals within the town, and preventing disorderly conduct by persons resorting thereto :

For preventing obstructions, nuisances, and offences in the public streets and places of the town :

For preventing the defacing of walls and fences within the town by placards or writings upon such walls or fences.

54. The Commissioners may from time to time repeal, alter, or vary any byelaws made by them under the authority of the Improvement Acts or this Act, and may from time to time make new byelaws for the like purposes, and when such new byelaws are made they may repeal, alter, or vary the same in such manner as they shall think fit.

Power to repeal, alter, or vary byelaws.

55. The Commissioners may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted. Penalties under byelaws shall be recoverable as penalties under the Improvement Acts are recoverable.

Power to impose penalties.

56. No byelaw made by the Commissioners under the authority of the Improvement Acts or of this Act, except such as relate to the Commissioners or their officers or servants, shall be of any force or effect unless and until the same be submitted to and confirmed by one of Her Majesty's Principal Secretaries of State, who is hereby empowered to allow or disallow the same as he may think proper ; Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in some newspaper usually circulated within the town one month at least before the making of such application, and for one month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Commissioners, and be open during office hours thereat to the inspection of the ratepayers of the

Confirmation of byelaws.

A.D. 1871. — town without fee or reward, and the clerk shall furnish every such ratepayer who shall apply for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words contained in such copy.

Publication. **57.** All byelaws when allowed shall be printed, with the date at which they are made, and the clerk of the Commissioners shall keep a printed copy thereof at the office of the Commissioners, and all persons may at all reasonable times inspect such copy without payment, and the Commissioners shall cause to be delivered a printed copy, signed by the clerk of the Commissioners, of all byelaws for the time being in force to every person applying for the same, on payment by him of any sum not exceeding one shilling and sixpence for every such copy; and a printed copy, signed by the clerk of the Commissioners, of the byelaws for the time being in force relative to any particular subject, to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy. Proper extracts from the byelaws painted or placed on boards shall be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Commissioners think fit.

Byelaws to be binding on all parties. **58.** All byelaws made shall, when confirmed, after publication in manner by this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same.

Evidence of byelaws. **59.** A printed copy of byelaws dated and purporting to be allowed as aforesaid, and to be signed by the clerk of the Commissioners, shall be primâ facie evidence of the existence and of the due making, allowance, and publication of such byelaws, without proof of the signature of the clerk of the Commissioners.

Meters, &c. not liable to distress for rent, &c. **60.** Where the Commissioners have let for hire any gas or water meters, pipes, or fittings, or where they have sold any such meters, pipes, or fittings, and the purchase money or any part thereof remains unpaid, such meters, pipes, or fittings shall not be sold or assigned, nor shall the same be subject to any distress for rent of the premises where the same may be used, nor be taken in execution under any process of a court of law or equity, nor by virtue of any adjudication in bankruptcy against the person in whose possession the same may be, and the Commissioners may, after giving twenty-four hours notice in writing under the hand of the clerk to the occupier, or if unoccupied, then to the owner and lessee of any land, house, or building in which such meters, pipes, or fittings are laid or fixed, enter such land, house, or building, between the hours of nine in the morning and four in the afternoon, for the purpose of

removing and may remove and carry away such meters, pipes, or fittings, and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if such person or his address be not known to the Commissioners after due inquiry, then by being affixed on some conspicuous part of such land, house, or building.

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61. Where under the provisions of the Improvement Acts the Commissioners direct complaint of any nuisance to be made before two justices, notwithstanding anything in the said Acts to the contrary, it shall not be lawful for such two justices to suspend their final determination upon condition that the person so complained against shall undertake to adopt means for mitigating or preventing the injurious effects of the business carried on by such person, but the said justices shall by an order in writing under their hands direct such person to discontinue or remedy the nuisance within such time as to them may seem fit, not exceeding three calendar months: Provided always, that where any such order is made in reference to any nuisance existing before the commencement of the Abergavenny Improvement Act, 1854, the Commissioners shall make compensation to the person in reference to whom such order has been made, and in case of dispute as to the amount of such compensation the same shall, if the amount claimed exceeds fifty pounds, be ascertained by arbitrators or an umpire to be appointed in the manner provided by the Lands Clauses Consolidation Act, 1845, and subject to the provisions of the said Act as amended by this Act.

Justices may order nuisances to be abated.

62. Any householder personally, or by his servant, or by any constable, may require any street musician or singer to depart from the neighbourhood of the house of such householder; and every person who sounds or plays upon any musical instrument or sings in any street near or within hearing of such householder, after being so required to depart, shall be liable to a penalty not exceeding forty shillings.

Street musicians to depart when desired to do so.

63. Every person who shall stand, loiter, or remain on any carriage or foot way in the streets or in public places within the town, without some reasonable or good and sufficient cause, and after notice from any constable, peace officer, officer of the Commissioners, or other person having authority, so as in any manner to incommode the free passage along any such carriage or foot way, or the use of such places, shall be liable to a penalty of not more than forty shillings, besides costs.

Penalty on persons loitering.

64. If any person keeps or acts or assists in the management of a brothel or other disorderly house, room, or other place within the

Penalties on brothel keepers, &c.

A.D. 1871. — town, he shall be liable to a penalty not exceeding ten pounds, or in the discretion of a justice before whom he is convicted, to be imprisoned, with or without hard labour, for any term not exceeding one month.

Ascertaining compensation in certain cases.

65. Where in any case of disputed compensation payable by the Commissioners in respect of any lands authorised to be purchased or taken, or in respect of any nuisance ordered to be abated under this Act, the amount claimed shall not exceed fifty pounds, or where any compensation is by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, and there is a dispute in reference to the amount payable, the amount of such compensation shall be ascertained and determined by the judge of the county court of Monmouthshire, holden at Abergavenny, upon the application of either party, and such judge, after hearing the parties, or *ex parte* in default of any of them to appear after due notice, shall hear and determine the matter, and award such sum and make such order as the costs of and incidental to the proceedings before him as to him shall seem just.

Power to borrow on mortgage.

66. For the purpose of completing the works authorised by the Improvement Acts, and of carrying the purposes of this Act into effect, the Commissioners from time to time under the authority of this Act may borrow at interest on the security of the lands from time to time vested in them under the Improvement Acts or this Act, and the rates, tolls, and income granted by the said Acts, and their property and effects, and any other money coming to them under the provisions of the said Acts, all such sums as they may from time to time think necessary, not exceeding in the whole the sum of fifty thousand pounds, in which sum is included the sum of thirty thousand pounds which under the Improvement Acts the Commissioners were authorised to borrow, and after having paid off, otherwise than by the sinking fund, any money so borrowed they may re-borrow the amount paid off, and so *toties quoties*.

Saving priority of existing mortgages.

67. All mortgages granted under the authority of the Improvement Acts, and subsisting at the time of the passing of this Act, shall, according to their respective priorities under the said Acts, have priority over all mortgages which may be granted under the authority of this Act.

Arrears may be enforced by appointment of a receiver.

68. The persons entitled to mortgages granted under this Act or the Improvement Acts may enforce the payment of the arrears of principal and interest due to them by the appointment of a receiver, and the amount in arrear to authorise a requisition for a receiver shall be one fourth of the total mortgage debt for the time being.

69. The amount which shall be set apart by the Commissioners yearly out of the rates, tolls, and income of the Commissioners under the Improvement Acts or this Act (other than the rates for private improvement expenses) as a sinking fund to be applied in manner directed by the eighty-fourth section of the Commissioners Clauses Act, 1847, for payment of the moneys which have been borrowed by the Commissioners under the Improvement Acts, or which shall be borrowed by them under this Act, shall be a sum equal to one fiftieth part of the respective moneys which have been or shall be so borrowed: Provided always, that it shall not be incumbent on the Commissioners to appropriate or set apart any money as such sinking fund until five years from the passing of this Act.

A.D. 1871.
Sinking fund.

70. In executing any works under the powers of this Act or of the Improvement Acts, in any way affecting the London and North-western Railway or the works thereof, the same shall be executed and done only according to plans to be submitted to and approved by the engineer for the time being of the London and North-western Railway Company, to the satisfaction of such engineer and under his superintendence.

For protection of London and North-western Railway Company.

71. All the costs, charges, and expenses of and incident to the passing of this Act and preparatory thereto shall be paid by the Commissioners out of moneys in their hands, or out of the first moneys which shall come to their hands under the authority of the Improvement Acts or of this Act.

Expenses of Act.

A.D. 1871.

SCHEDULES.

SCHEDULE (A.)

PART I.

TOLLS in respect of ARTICLES sold or exposed for sale in or brought for sale to the GENERAL MARKET, and RENTS and STALLAGE within the said Market.

SECTION 1.

CORN AND SEEDS.

	£	s.	d.
For every imperial bushel or quantity less than an imperial bushel of wheat, peas, beans, vetches, flour, meal, or malt respectively - - - - - per day	0	0	3
For every imperial bushel or quantity less than an imperial bushel of barley, oats, or rye grass, or grass seed of any kind respectively - - - - - „	0	0	2
For every fourteen pounds or quantity less than fourteen pounds of clover, trefoil, turnip, or other seeds not herein-before enumerated respectively - - - - - „	0	0	2

SECTION 2.

HAY, STRAW, CLOVER, VETCHES.

For every ton or quantity less than a ton avoirdupois of hay, straw, clover, vetches, or fodder of any kind respectively - - - - - „	0	1	0
For every additional ton or quantity less than a ton loaded upon the same vehicle - - - - - „	0	0	6

SECTION 3.

CHEESE.

For every single cheese weighing more than two pounds and not more than twenty-eight pounds - - - - - „	0	0	2
For every half dozen or number less than half a dozen of cheeses, each weighing not more than two pounds - - - - - „	0	0	3
For cheese not herein-before described or enumerated, for every twenty-eight pounds or quantity less than twenty-eight pounds - - - - - „	0	0	2

SECTION 4.

BUTTER.

For every 56 pounds or quantity less than 56 pounds of salt butter - - - - - „	0	0	4
For every 10 pounds or quantity less than 10 pounds of fresh butter - - - - - „	0	0	3

SECTION 5.

EGGS.

	£	s.	d.
For every 100 or number less than 100 - - - per day	0	0	3

SECTION 6.

POULTRY AND GAME.

For every turkey or goose respectively - - - - -	0	0	1½
For every couple of ducks or every couple of fowls respectively - - - - -	0	0	1½
For every pea fowl or every couple of guinea fowls, or every hare, or every couple of wild fowls, or every brace or couple of pheasants, partridges, or woodcocks respectively - - - - -	0	0	2
For every couple of rabbits, pigeons, or snipes respectively	0	0	1
For every single duck, fowl, guinea fowl, wild fowl, pheasant, partridge, woodcock, rabbit, pigeon, or snipe -	0	0	1
For every bird not herein-before mentioned - - -	0	0	1

SECTION 7.

FISH AND FISH STALLS.

For every stall for the sale of fish - - - per fair day	0	3	0
" " " - - - per other day	0	2	0
For every hand tray or dish of fish - - - per day	0	0	1
For every hand truck, wheelbarrow, or hand cart of fish	0	0	6
For every 10 lbs. or quantity less than 10 lbs. of fish sold or exposed or brought for sale in any manner or vehicle not herein-before described - - - - -	0	0	6

SECTION 8.

BUTCHERS' MEAT AND BUTCHERS' STALLS.

For every butcher's stall - - - per market day	0	2	6
For every butcher's stall - - - per other day	0	2	6
For every joint of meat of any kind sold or exposed or brought for sale elsewhere than at a butcher's stall - per day	0	0	3

SECTION 9.

FRUIT, VEGETABLES, SHRUBS, PLANTS, ROOTS, AND FLOWERS.

For every bag of five imperial bushels of potatoes, apples, pears, turnips, cabbage, or any other kind of vegetables whatever, not otherwise enumerated respectively -	0	0	4
For every quantity of such vegetables exceeding an imperial bushel, but less than a bag respectively - -	0	0	2
For one imperial bushel or less quantity of such vegetables respectively - - - - -	0	0	1
For every cartload of any such vegetables - - -	0	2	6
For every waggon load of any such vegetables - - -	0	5	0
For every bag or pocket or less quantity of hops - - -	0	1	6
For every dozen or number less than a dozen of shrubs or small trees - - - - -	0	0	6
For every hand basket or parcel of cut or plucked flowers	0	0	3

[Ch. xcii.] *Abergavenny Improvement Act, 1871.* [34 & 35 VICT.]

A.D. 1871.	For every dozen or number less than a dozen pots of growing flowers, or plants in pots - - - - per day	£ s. d. 0 0 6
	For plants not otherwise enumerated, for every 1,000 or number less than 1,000 - - - - - „	0 0 6

SECTION 10.

SUNDRIES.

For every sucking pig - - - - - „	0 0 2
For every other dead pig - - - - - „	0 0 3
For every raw hide or skin - - - - - „	0 0 2
For every hide of leather - - - - - „	0 0 6
For any quantity of barm not exceeding 4 gallons - „	0 0 2
For any quantity of barm exceeding 4 gallons - „	0 0 3
For every 240 lbs. or quantity less than 240 lbs. of wool - „	0 1 0

SECTION 11.

GENERAL TOLLS.

For raw or manufactured goods, wares, merchandise, articles of consumption, provisions, apparel, ornaments, furniture, or any other commodities, articles, or things of any kind whatsoever (on which no specific toll is hereinbefore imposed) sold or exposed or brought for sale elsewhere than at or on such stalls, standings, or ground space as are mentioned in section 12.

For every 50 or number less than 50 of such articles - „	0 1 0
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SECTION 12.

STALLS AND SPACES.

For every arched stall on the northern side of the market „	0 2 6
For every enclosed stall or shop situated under the Corn Exchange - - - - - „	0 5 0
For every other enclosed stall in the market - „	0 4 0
For every open or unenclosed stall, standing, or bench which by consent of the Commissioners shall be used for exposing for sale any raw or manufactured goods, wares, merchandise, articles of consumption, provisions, apparel, ornaments, furniture, or any other commodities, articles, or things of any kind whatsoever.	
For every superficial foot - - - - - „	0 0 4
For every square foot of ground space, which by consent of the Commissioners shall be used for exposing for sale any article enumerated or referred to in this section - „	0 0 3

PART II.

RENT or TOLLS in respect of the CORN EXCHANGE.

For the use of the Corn Exchange - - - - -	{	Such sums as the Commissioners shall from time to time appoint.
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A.D. 1871.

PART VII.

RATES or TOLLS in respect of SHOWS, EXHIBITIONS, &c., and
LICENSED SALES by AUCTION or otherwise.

	£	s.	d.
For every superficial yard of ground occupied by a show, caravan, theatre, or exhibition not otherwise described herein - - - - - per day	0	1	0
For every circus show - - - - - „	3	0	0
For every exhibition of wild beasts - - - - - „	3	0	0
For every sale by auction - - - - - „	1	0	0
For every sale by private contract - - - - - „	1	0	0

PART VIII.

TOLLS in respect of WEIGHING MACHINES provided by the
COMMISSIONERS.

	£	s.	d.
For weighing every four-wheeled waggon or other four-wheeled carriage, whether empty or laden - - - - -	0	1	0
For weighing every cart or other carriage with not more than two wheels, whether empty or laden - - - - -	0	0	6
For weighing every package, parcel, or other article not herein described - - - - -	0	0	2

PART IX.

SUCCESSIVE TOLLS.

The several tolls, rents, and stallage before mentioned or specified in sections 1 to 11 of Part I. and in Part V. for and in respect of articles and live stock not only by the original seller thereof, but also by every subsequent seller or person exposing or bringing for sale the same articles or stock.

The several tolls, rents, and stallage before mentioned or specified in sections 7, 8, and 12 of Part I. for and in respect of the occupation or use of any stall, standing, bench, compartment, or ground space, not only by the original taker or occupier thereof, but also by every subsequent taker or occupier of the same for the residue of or any part or portion of the same day.

SCHEDULE (B.)

PART 1.—ENACTMENTS REPEALED.

Abergavenny Improvement Act, 1854, sec. 19 and 47.

Abergavenny Improvement Act, 1860, sec. 49 and 62.

PART 2.—ENACTMENTS TO CEASE TO APPLY TO TOWN.

10 and 11 Vic. cap. 14, sec. 44—49 inclusive. .

10 and 11 Vic. cap. 16, sec. 21.

10 and 11 Vic. cap. 34, sec. 42, 43, 125—127 inclusive, and 202—207 inclusive.