



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xlix.

An Act for more effectually 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. [2d June 1854.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving and otherwise improving the Town of Abergavenny and the Limits thereof in the County of Monmouth*: And whereas an Act was passed in the Fifty-fifth Year of the Reign of His said Majesty, intituled *An Act to amend an Act of His present Majesty, for paving and otherwise improving the Town of Abergavenny in the County of Monmouth*: And whereas the Commissioners for executing the recited Acts (in this Act called the existing Commissioners) have proceeded to put such Acts into execution: And whereas, under the recited Acts or One of them, the existing Commissioners have erected a Town Hall and Market Place, and also a Lock-up House, and provided a Sheep Market within the Town, and the Tolls payable on Corn and other

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Matters and Things brought for Sale in the Town are vested in them, and they have likewise constructed a Reservoir for the Supply of Water within the Town: And whereas under the recited Acts there is owing on the Credit of certain Property vested in the existing Commissioners, and upon Rents, Tolls, Rates, and Assessments authorized to be levied and collected under the recited Acts or One of them, the Sum of Eight thousand three hundred and fifty Pounds, or thereabouts: And whereas the Powers and Provisions of the recited Acts are insufficient for the Purposes contemplated by such Acts, and it is expedient that further Provision should be made for the Appointment and Regulation of Commissioners, the paving, lighting, cleansing, watering, draining, regulating, and improving the Streets, the providing a Police Force within the Town, the providing a Market Place for the Sale of Cattle, Horses, and other Animals, and Slaughter-houses for the slaughtering of Animals: And whereas it is expedient, for the Purpose of giving a more effectual Supply of Water within and adjacent to the Town, to make and maintain within the Parish of *Abergavenny* a Reservoir, with all necessary Works and Conveniences connected therewith, and an Aqueduct or Main therefrom, and to take and divert into and impound in such Reservoir the Water of the Brook or Stream called the *Kibby*: And whereas, in order to avoid Inconveniences arising from several Local Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Acts be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas such several Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Abergavenny Improvement Act, 1854.*"

Commencement of Act.

II. This Act shall commence and have effect on and from the Third *Monday* next after the passing thereof.

Limits of Act.

III. The Limits of this Act comprise so much of the Parish of *Abergavenny* as is coloured Yellow on a Plan signed by the Honourable *Edward Playdell Bouverie*, Member of Parliament, and One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

IV. Within

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IV. Within Two Months after the Commencement of this Act, the other Part of that Plan shall be deposited with the Clerk of the Peace for the County of *Monmouth*, who shall receive and retain it, and permit all Persons interested to inspect it, and make Copies and Extracts of and from the same, in like Manner, upon like Terms, and under like Penalty for Default, as by the Act of the First Year of Her present Majesty, Chapter Eighty-three, is provided with respect to Documents therein specified.

Map to be deposited with Clerk of the Peace, and to be open to Inspection.

V. Unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the several Words and Expressions to which by the several Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings; and the following Words have in this Act the several Meanings hereby assigned to them respectively; (that is to say,)

Interpretation of Terms.

The Expression "the Commissioners" means the Commissioners for executing this Act:

The Expression "the Town" means all Places within the Limits of this Act.

VI. From the Commencement of this Act the recited Acts of the Thirty-fourth and Fifty-fifth Years of the Reign of His Majesty King *George* the Third are repealed.

Recited Acts repealed.

VII. From the Commencement of this Act, the Lands, Estates, Easements, Rents, Moneys, Credits, Choses in Action, Possibilities, Expectancies, Property, Effects, Rights, Claims, and Demands whatsoever of or to which the existing Commissioners are by virtue of the recited Acts or either of them, or by any other Means whatsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, are hereby effectually vested, according to the Nature, Tenure, and Quality thereof respectively, in the Commissioners.

Property of Commissioners under recited Acts reinvested.

VIII. Provided always, That the Repeal of the recited Acts, or such vesting in the Commissioners, shall not annul or in anywise prejudicially affect any Purchase, Sale, Conveyance, Grant, Lease, Mortgage, Bond, Annuity, Rent, Contract, Covenant, Agreement, Security, or other Act, Matter, or Thing whatsoever made, done, entered into, executed, or instituted under or by virtue or in pursuance of the recited Acts or either of them, or with reference to the Purposes of the same respectively, but, notwithstanding this Act or anything therein contained, all such Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes whatsoever,

Contracts, &c. to remain valid.

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whatsoever, for, against, and with reference to the Commissioners, as if the same had been made, done, entered into, executed, or instituted by, to, or with reference to the Commissioners, instead of the existing Commissioners, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes whatsoever, as if the Commissioners, instead of the existing Commissioners, had been Party or privy thereto, and the Name of the Commissioners, instead of the existing Commissioners, had been used or referred to therein or with reference thereto.

Act not to alter an Agreement between the existing Commissioners and Thomas Davies.

IX. Provided always, That this Act or anything therein contained shall not take away, lessen, alter, or prejudice any Right, Privilege, or Authority, or give or create any new or other Right, Privilege, or Authority, than may be now existing under certain Articles of Agreement bearing Date the Thirteenth Day of *June* One thousand eight hundred and twenty-three, between certain Commissioners for executing the recited Acts of the one Part, and *Thomas Davies* of the Town of *Abergavenny* of the other Part, relating to the lighting of the Town.

Commissioners entitled to Credits, and liable to Debts of Commissioners.

X. All Persons who immediately before the Commencement of this Act owe any Rate, Rent, Debt, or Money to the existing Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Commissioners; and all Debts and Moneys which immediately before such Commencement are due, or owing by or recoverable from the existing Commissioners, or for the Payment of which they are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Commissioners.

Actions, &c. not to abate, and Penalties to be recoverable.

XI. Any Action, Suit, Prosecution, or other Proceeding commenced either by or against the existing Commissioners shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against the Commissioners, in like Manner in all respects as the same would if this Act had not passed have continued and taken effect in relation to the existing Commissioners; and all Offences committed against the Provisions of the recited Acts or either of them, prior to the Commencement of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not passed, the Commissioners being in reference to such Matters in all respects substituted for the existing Commissioners.

XII. All

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XII. All Books and other Documents by the recited Acts or either of them authorized or directed to be kept, and which would have been admissible in Evidence if this Act had not passed, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere, as fully and effectually as if this Act had not passed.

Books to remain Evidence.

XIII. Every Officer and Servant appointed by virtue of or acting under the Authority of the recited Acts or either of them shall hold and enjoy his Office and Employment, with the Salary or Emoluments thereunto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed by the Commissioners from such Office and Employment, and until so removed shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties, in all respects whatsoever, as if he had been appointed under the Authority of this Act.

Officers to continue until removed.

XIV. All Officers and Persons who have or shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the existing Commissioners, or to which those Commissioners are or but for this Act would be entitled, shall be liable to account for and to deliver up the same to the Commissioners, or to such Persons as they appoint to receive the same, in like Manner, and subject to like Process, Pains, and Penalties for Refusal or Neglect, as if such Officers and Persons had been appointed by or become possessed of such Money, Books, Documents, Papers, Writings, or other Effects for the Commissioners.

Officers to account.

XV. Provided always, That, notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, every thing before the Commencement of this Act done or suffered under the recited Acts or either of them shall be as valid as if the recited Acts were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to every thing so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Acts were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the existing Commissioners: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any special Provision contained in this Act.

Continuing Rights, Liabilities, &c. under former Acts.

[*Local.*]

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XVI. " The

Abergavenny Improvement Act, 1854.

10 & 11 Vict.
c. 16. incor-
porated with
this Act.

XVI. "The Commissioners Clauses Act, 1847," is incorporated with this Act.

First Com-
missioners.

XVII. There shall be Twelve Commissioners for putting this Act into execution; and *William Forster Batt, John Harris Conway, Charles Daniel, Charles Denton, Isaac Isaacs, Joseph Meredith, Thomas Vaughan Morgan, James Hiley Morgan, Elmes Yelverton Steele, Henry Thompson, William Joseph Vaughan, and Charles Yarnold*, shall be the First Commissioners; and such Commissioners and their Successors shall be called "The *Abergavenny* Improvement Commissioners," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, with Power to use the same, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to put this Act in all respects into execution; and such Commissioners shall continue in Office until other Commissioners shall be elected in their Place by the Ratepayers within the Town under the Provisions of this Act.

Qualification
of Commis-
sioners.

XVIII. The Qualification of a Commissioner shall be his being a Male Person of full Age, and who for the Time being shall be rated in respect of Land within the Town to the Rates for the Relief of the Poor of the Parish of *Abergavenny* on the annual Sum of Twenty Pounds or upwards, or who shall be possessed in his own Right of a Freehold Estate or of a Leasehold Estate within the Town originally granted for a Term of not less than Twenty-one Years of the clear yearly Value of not less than Twenty Pounds, over and above all Rentcharge and other Incumbrances affecting the same.

Qualification
of Electors.

XIX. Every Male Person who shall for the Period of Six Months immediately preceding the Day of tendering his Vote be rated in respect of any Property within the Town to any Rate made under this Act, and shall have paid all such Rates, shall be entitled to vote in the Election of Commissioners; and every such Person shall be entitled to give One Vote at such Election.

First Meet-
ing of Com-
missioners.

XX. The Commissioners shall hold their First Meeting at the Town Hall or at some other convenient Place within the Town on the *Thursday* next after the Commencement of this Act, at Twelve of the Clock at Noon, or as soon after as conveniently may be.

Auditor.

XXI. The Commissioners from Time to Time may appoint a permanent Auditor for the Purposes of this Act.

XXII. "The

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- XXII. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act: Provided always, that such Incorporation shall not enable the Commissioners to take any Land otherwise than by Agreement (except such Land as is described on the Plan and referred to in the Book of Reference in this Act mentioned and referred to). 8 & 9 Vict. c. 18. incorporated with this Act.
- XXIII. "The Towns Improvement Clauses Act, 1847," except the Clauses 7 and 9 thereof, and except with respect to the Supply of Water, is incorporated with this Act. 10 & 11 Vict. c. 34. incorporated with this Act.
- XXIV. "The Town Police Clauses Act, 1847," (except Clause 27,) is incorporated with this Act. 10 & 11 Vict. c. 89. incorporated with this Act.
- XXV. Every Person who causes any Waggon or other Carriage with Wheels constructed for passing upon a Railway or Tramroad to pass upon any Street in the Town shall be liable to a Penalty not exceeding Forty Shillings. Penalty on Railway Carriages being used upon Streets.
- XXVI. The "Markets and Fairs Clauses Act, 1847," (except the 31st Section thereof, directing that Stallages, Rents, or Tolls are not to be demanded until the Market or Fair is completed, and except the 50th Section thereof, with respect to the Receipts and Expenditure of the Undertakers,) is incorporated with this Act; and such Act, except as aforesaid, and the several Provisions of the same, extend and apply to the existing Market Place as the same would extend and apply to any Market Place opened after the Commencement of this Act: Provided always, that the Expression "the Undertaking" in that Act means, for the Purposes of this Act, the existing Market, as well as any Market to be constituted or regulated by virtue of this Act; and the Expression "the Undertakers" in that Act means, for the Purposes of this Act, the Commissioners. 10 & 11 Vict. c. 14. incorporated with this Act.
- XXVII. Whereas under Provisions of the recited Acts or One of them the existing Commissioners have erected within the Town the following Buildings; (that is to say,) a Market Place for the Sale of Corn and other Grain, Meal, Flour, Butchers Meat, Fish, Poultry, Butter, Cheese, Vegetables, and other Matters and Things usually exposed to Sale in such Market, with Shops, Store-rooms, and other Buildings adjoining the same, a Town Hall over a Part of such Market, and a Lock-up House for securing Persons in prior to their being taken before a Justice for Examination: Therefore the Commissioners may continue to hold such Market on *Tuesday, Friday, and Saturday* in every Week, or on such other Days as the Commissioners may appoint, and collect for Articles sold in or brought Commissioners may continue to hold existing Market, and maintain the same and other Buildings.

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brought for Sale to such Market, and for Articles weighed or measured in such Market, such Tolls as they may from Time to Time think proper, but not exceeding the Tolls in respect thereof specified in the Schedule to this Act annexed, and such Rent as they can obtain for such Shops, Store-rooms, and other Buildings, and they may maintain, uphold, add to, and improve all such Buildings.

Com-
missioners may
form and
construct
Cattle Mar-
ket and
Slaughter-
houses.

XXVIII. The Commissioners may from Time to Time construct, form, and erect a Market within the Town for the Sale of Horses, Cattle, Sheep, Pigs, and other live Animals, and likewise Slaughter-houses for the slaughtering of Cattle and other Animals, with the necessary Approaches to such Market and Slaughter Houses, and for such Purpose they may purchase or rent by Agreement any Land not exceeding Four Acres; and on any such Market being completed they may remove thereto the present Sheep Market now held within the Town, and they may collect in respect of Sheep sold or brought for Sale into the existing Sheep Market, and in respect of Horses, Cattle, Sheep, Pigs, and other live Animals sold or brought for Sale into such newly-constructed Market, and in respect of Cattle and other Animals slaughtered in such Slaughter-houses, such Tolls as they may from Time to Time think proper, but not exceeding the Tolls in respect thereof specified in the Schedule to this Act annexed: Provided always, that until the present Sheep Market is removed as aforesaid the Commissioners may maintain the same.

Sheep, &c.
to be sold
only in Mar-
kets.

XXIX. If any Person shall, until the Market for Horses, Cattle, and other live Stock by this Act authorized to be constructed is completed and opened for the Sale of live Stock, sell or expose for Sale any Horse, Cattle, Sheep (except Sheep in the present Sheep Market), Pig, or other live Animal, in any Street or public Place within the Town, except in such Place as shall be allowed by the Commissioners, or if any Person shall, after the Market by this Act authorized to be constructed is completed, and opened for the Sale of Horses, Cattle, Sheep, Pigs, and other live Animals, sell or expose for Sale any Horse, Cattle, Sheep, Pig, or other live Animal in any Street or public Place within the Town, except within such Market, and as to Sheep, except in the present Sheep Market, whilst it shall be maintained, or such other Place as shall be allowed by the Commissioners, he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

As to weigh-
ing Goods
and Carts.

XXX. The Commissioners shall not, except under the Circumstances herein-after mentioned, be bound to provide Weighing Houses or Places for weighing or measuring Commodities, or Weights, Scales
or

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or Measures, or to appoint Persons to attend to the weighing or measuring of Commodities; but the Commissioners may, by Notice to that Effect by the Publication thereof in some Newspaper circulating within the Town, declare that the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to weighing Goods and Carts, are adopted in the Town; and thenceforth, but not otherwise, the Sections of such Act with respect to weighing Goods and Carts shall be deemed and construed to be incorporated with this Act.

XXXI. "The Waterworks Clauses Act, 1847," except the Clauses with respect to the Amount of Profit to be received by the Undertakers when the Works are carried on for their Benefit, is incorporated with this Act: Provided always, that the Expression "the Undertakers" in that Act means, for the Purposes of this Act, the Commissioners; the Expression "the Undertaking," and the Expression "the Waterworks," in that Act, shall respectively apply to the existing Waterworks by this Act vested in the Commissioners, as well as to the Waterworks by this Act authorized to be constructed, formed, and maintained; but so nevertheless that it shall not be obligatory on the Commissioners to afford a Supply of Water under any of the Provisions of such Act or of this Act, until the Waterworks by this Act authorized to be constructed are completed.

10 & 11 Vict.
c. 17. incor-
porated with
this Act.

XXXII. And whereas Plans and Sections showing the Lines, Situation, and Levels of the intended Works, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in or through which the same are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Monmouth*: Therefore the Commissioners may, subject to the Provisions and Restrictions in this Act and in the Acts incorporated therewith contained, make and maintain the Works requisite for such Supply in the Lines or Situation, on the Levels, and upon the Lands delineated on such Plans and Sections and described in such Book of Reference, and enter upon, take, and use such of the Lands mentioned in such Plans and Book of Reference as shall be necessary for that Purpose, and also divert, impound, and take the Waters of the Brook or Stream called the *Kibby*: Provided always, that the Commissioners shall not enter upon, take, or use any Part of the Lands described on such Plans and referred to by the Numbers 1, 3, 4, 6, 10, and 11 respectively, without the Consent in Writing of the Owners and Occupiers thereof first had and obtained.

Power to
make Water-
works ac-
cording to
deposited
Plans.

XXXIII. The Commissioners in constructing such Works may deviate from the Line of such Works as laid down on such Plans to

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Power to
deviate to
a certain
Extent.

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any Extent not exceeding the Limits of Deviation shown on such Plans, and they may deviate from the Levels shown on such Sections to any Extent not exceeding Three Feet.

Power to purchase or lease Lands.

XXXIV. The Commissioners may agree with the Owners of any Lands which they may require for the Purposes of the Waterworks, either for the absolute Purchase of such Lands or any of them, or of any Easement, Power, or Authority in or over the same, for a Consideration in Money, on such Terms as may be agreed on, as they shall think proper; and any of the Parties who by "The Lands Clauses Consolidation Act, 1845," are empowered to sell and convey or release any Lands, may agree for and execute any Grant of such Easement, Power, or Authority.

Limitation of Time for completing Works.

XXXV. After the Expiration of Five Years from the Commencement of this Act, all the Powers by this Act granted for completing the Works for supplying the Town with Water shall cease to be exercised, except as to so much of the same as shall then be completed; provided that nothing in this Act contained shall be construed so as to restrain the Commissioners from extending and enlarging their Mains and Pipes from Time to Time, whenever it shall be necessary, for the Purpose of supplying the Inhabitants of such Town with Water.

Power to Justices to order repair of Reservoirs, and in certain Cases to direct the Water therein to be lowered.

XXXVI. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir constructed under the Provisions of this Act, be it enacted, That whenever it shall be represented to Two Justices by the Owners or Occupiers of any Dwelling House, Mill, Factory, Works, or Land situate below any such Reservoir, so as to be in Danger of being destroyed or injured by the Water of such Reservoir in case it should escape therefrom, that such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of such Representation, and if they shall be satisfied that such Reservoir is in a dangerous State they shall, by Writing under their Hands, order and require the Commissioners, within a Time to be specified in such Writing, to put such Reservoir into a proper State of Repair, or construct such Works as may be necessary to remove the Danger; and in case the Commissioners shall not within the Time so limited, and to the Satisfaction of the Justices who shall have made such Order, or of any Two Justices, have repaired such Reservoir, or constructed such Works, or in case, upon receiving such Representation as aforesaid, the Justices shall consider the Danger to be so imminent as not to admit of Delay, they may, if they shall think fit, by Writing under their Hands order and direct the Officer in charge of such Reservoir, or any other Person whom they may think proper, to enter upon the Premises of the

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Order shall be borne by the Commissioners, unless the Justices making the Order shall direct such Costs, Charges, and Expenses, or a proportionate Part of them, to be borne by the Parties applying for such Order, which they are hereby authorized to do; and the Costs of any such Appeal as aforesaid shall be in the Discretion of such Court of Quarter Sessions.

Rate at which Water is to be supplied for domestic Purposes.

XXXVII. The Commissioners shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Pipe of the Commissioners shall be laid, or of any Person who, under the Provisions of this Act or any Act incorporated therewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Uses at the Rates herein-after specified; (that is to say,)

Where no Watercloset or Bath.

If there be no Watercloset or Bath in or appurtenant to the Dwelling House or Part of the Dwelling House to be supplied with Water, then at the following Rates:

Where the annual Value of such Dwelling House shall not amount to Seven Pounds, at a Rate not exceeding Eight Shillings *per Annum*:

Where the annual Value of such Dwelling House shall be Seven Pounds and under Twenty Pounds, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings:

Where the annual Value of such Dwelling House shall be Twenty Pounds and upwards, at a Rate *per Centum per Annum* not exceeding Seven Pounds:

If there be a Watercloset or Bath.

If there be a Watercloset or Waterclosets, or Bath or Baths, in any Dwelling House or Part of a Dwelling House where the annual Value of such Dwelling House or Part of a Dwelling House shall amount to Seven Pounds *per Annum* and upwards, then, in addition to the Rates above specified, the following Rates shall be payable; (that is to say,)

Where the annual Value of such Dwelling House or Part of a Dwelling House shall be under Twenty Pounds, not exceeding the Sum of Eight Shillings for any Number of Waterclosets, and the further Sum of Eight Shillings for any Number of Baths:

Where the annual Value of such Dwelling House shall be Twenty Pounds and upwards, not exceeding the Sum of Twelve Shillings for any Number of Waterclosets, and the further Sum of Twelve Shillings for any Number of Baths.

Waterclosets and Baths to be so con-

XXXVIII. Provided always, That the Commissioners shall not be compelled to supply any Watercloset or Bath, or the Apparatus or Pipes

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Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste or undue Consumption of the Water of the Commissioners, and the Return of foul Air and other noisome or impure Matter into the Mains or other Pipes belonging to or connected with the Mains or Pipes of the Commissioners, nor any private Bath which shall be so constructed as to contain when filled for Use more than Fifty Gallons of Water.

structed as to prevent Waste of Water.

XXXIX. The Commissioners may supply any Person with Water for other than domestic Purposes at such Rate and upon such Terms and Conditions as shall be agreed upon between the Commissioners and the Person desirous of having such Supply of Water.

Water for other than domestic Purposes to be supplied by Agreement.

XL. A Supply of Water for domestic Purposes shall not include a Supply of Water for public Baths, or for Cattle, or for Horses, or washing Carriages, where such Horses or Carriages are kept for Hire, or for any Trade or Business whatsoever, or for watering Gardens, or for Fountains, or for any ornamental Purpose whatsoever.

What shall be deemed domestic Purposes.

XLI. The Commissioners may, if they think proper, supply any Person with Water beyond the Town, on such Terms and Conditions as are mutually agreed upon, and for such Purpose they may, with the Consent of the Owner and Occupier of any private Land, and with the Consent of the Party having Jurisdiction over any Street, break up such Land or Street respectively, for the Purpose of laying down a Pipe to enable them to give such Supply, and they may lay down such Pipe accordingly.

Water may be supplied beyond the Town, and with Consent Pipes may be laid down for the Purpose.

XLII. A Coffin containing a Corpse shall not be buried in any Grave within the Town, not being a Vault or Catacomb, without at least Four Feet of Soil between the ordinary Surface of the Burial Ground and the upper Side of the Coffin being immediately after the Burial of such Coffin placed in a permanent Manner in the Grave so as effectually to close the same; and if any Person having the Preparation or the immediate Charge of the Preparation of any Grave to receive any such Coffin permit the Coffin to be buried in such Grave in which there is not so placed immediately after the Burial of the Coffin, Four Feet at least of Soil measuring from the ordinary Surface of the Burial Ground to the upper Surface of the Coffin, every such Person having such Preparation or immediate Charge of the Preparation of any Grave shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Depth of Soil over Coffins.

XLIII. If any Person having the Preparation of any Grave within the Town, not being a Vault or Catacomb, in the course of the Preparation thereof knowingly or wilfully displace or disturb any

Penalty for disturbing Corpses.

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undecomposed or only partly decomposed Corpse or Part of a Corpse, or any undecomposed or only partly decomposed Coffin or Part of a Coffin, every such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power to borrow on Mortgage.

XLIV. The Commissioners from Time to Time may borrow on Mortgage, on the Security of the Lands from Time to Time vested in them under this Act, and the Tolls and Rates granted by this Act, and their Property and Effects, and any other Money coming to them under the Provisions of this Act, any Sums not exceeding in the whole, but including the said Sum of Eight thousand three hundred and fifty Pounds or thereabouts now owing as before stated, Twenty thousand Pounds; and after having paid off (otherwise than by the Sinking Fund) any Money so borrowed they may reborrow the Amount so paid off, and so *toties quoties*.

Arrears may be enforced by Appointment of a Receiver.

XLV. The Persons entitled to Mortgages continued or granted under this Act 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 authorize a Requisition for a Receiver shall be Five thousand Pounds, or One Fourth Part of the total Mortgage Debt for the Time being, whichever shall be the smaller Amount.

Rights and Priority of existing Mortgagees.

XLVI. Such of the Creditors of the existing Commissioners as immediately before the Commencement of this Act are Mortgagees under the recited Acts or either of them shall after the Commencement of this Act be entitled by virtue of their respective Mortgages and this Act, and according to their respective Priority under the recited Acts or either of them, to the like Security, Rights, and Remedies as if their respective Mortgages had been granted under this Act, and their respective Mortgages, according to such Priority, shall have Priority over all Mortgages actually granted under this Act.

Amount to be yearly set apart out of Rates for a Sinking Fund.

XLVII. The Amount which shall be set apart by the Commissioners yearly out of the Tolls, Rates, and Income of the Commissioners levied under this Act (other than the Rates for Private Improvement Expenses) as a Sinking Fund; to be applied in manner directed by Section 84. of "The Commissioners Clauses Act, 1847," shall be a Sum equal to One Thirtieth Part of the Moneys borrowed by or for which the existing Commissioners immediately before the Commencement of this Act were liable under the recited Acts or either of them, and of the Moneys which shall be borrowed by the Commissioners under this Act: Provided always, that it shall not be incumbent on the Commissioners to appropriate or set apart any
Money

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Money as a Sinking Fund until the Expiration of Five Years from the Commencement of this Act.

XLVIII. The Commissioners may from Time to Time pay off and discharge all or any Part of the said Sum of Eight thousand three hundred and fifty Pounds or thereabouts, owing as aforesaid, and Clauses Eighty, Eighty-three, and Eighty-five of "The Commissioners Clauses Act, 1847," shall apply to the Sum so to be paid off. Commissioners may pay off existing Debt.

XLIX. The Commissioners may once in every Year, or oftener if they think it necessary, make One or more equal Rate or Rates under their Seal and the Hands of Five at least of the Commissioners, upon the Occupiers of all Houses, Lands, Tenements, and Hereditaments within the Town, according to the yearly Value of the same, so as such Rates do not, except as by this Act, or by any Act incorporated therewith, otherwise provided, exceed in any One such Year the Sum of Three Shillings in the Pound on such yearly Value: Provided always, that the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, or Market Gardens, or Nursery Grounds, or of Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, or of any House which shall not at the Time of such Rate being made have a public Lamp lighted under the Authority of this Act within One hundred and fifty Yards of such House; shall be assessed in respect of the same to such Rate in the Proportion of One Fourth Part only of the yearly Value thereof. Rates may be made.

L. If and whenever it appears that such Sum of Three Shillings in the Pound is not sufficient for the Purposes to which, under this Act, the Moneys raised by such Rate are applicable, the Commissioners, with the Consent of the Majority of the Ratepayers assembled at a Public Meeting called by the Commissioners for that Purpose, may increase such Rate for the current Year, so as it do not in any One Year exceed the Sum of Five Shillings in the Pound on such yearly Value: Provided always, that One Month's public Notice of the Intention of the Commissioners to make any such Increase, and of the Time and Place for holding such Public Meeting, shall be given by them by Placards posted in some public Places, and circulated within the Town. Rate may be increased with Consent of Ratepayers.

LI. All Moneys which shall come to the Hands of the Commissioners by virtue of this Act (except any Money which shall come to their Application of Moneys.

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their Hands for any other Purpose, or be directed to be otherwise applied,) shall be applied as follows :

First, in defraying the Charges and Expenses of or incident to the obtaining and passing of this Act :

Secondly, in paying, but not out of any Money to be borrowed, the Interest on such of the Mortgages granted under the recited Acts or either of them as from Time to Time are in force :

Thirdly, in paying, but not out of any Money to be borrowed, the Interest of all Monies borrowed under this Act :

Fourthly, in maintaining, but not out of any Money to be borrowed, the Sinking Fund, by the Eighty-fourth Clause of "The Commissioners Clauses Act, 1847," directed to be formed :

Fifthly, in carrying the several Purposes of this Act into execution :

Sixthly, in paying off any Money that may be owing by the Commissioners.

Commis-
sioners may
sell certain
Property if
it becomes
useless.

LII. If the existing Lock-up House, Sheep Market, and Reservoir, respectively erected, provided, and constructed by the existing Commissioners, or any of them, shall become useless or unnecessary, the Commissioners may sell and convey such of them, or such Part thereof respectively as may so become useless or unnecessary, with the Land on which the same and the Appurtenances thereto stand, in the same Manner and under the same Regulations as they may sell any Lands acquired by them under the Provisions of this Act, but which shall not be required for the Purposes thereof.

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The SCHEDULE to which the foregoing Act refers.

Tolls in respect of Articles sold in or brought for Sale to and in respect of Rents and Stallage in the existing Market.

CORN AND SEEDS :	s.	d.
For every Bushel of Wheat, Peas, Beans, Vetches, Flour, Meal, or Malt	-	3
For every Bushel of Barley, Oats, or Rye Grass	-	2
For every Fourteen Pounds Weight of Clover, Trefoil, Turnip, or other Seeds	-	2
And so in proportion for a greater or less Quantity.		

CHEESE :	s.	d.
For every single Cheese weighing above Two Pounds and not more than Twenty-eight Pounds	-	1
For every Half Dozen or less Number of Cheeses, each weighing not more than Two Pounds	-	2
For every additional Half Dozen or less Number	-	2
For every Quantity of other Cheese—		
Not exceeding One Quarter of a Hundredweight	-	1½
Exceeding One Quarter and not exceeding Half a Hundredweight	-	3
Exceeding Half and not exceeding Three Quarters of a Hundredweight	-	4½
Exceeding Three Quarters of and not exceeding One Hundredweight	-	6
And so in proportion for any greater Weight.		

BUTTER AND EGGS :	s.	d.
For every Tub, Cask, or Jar of Salt Butter, or any less Quantity	-	4
For every single Basket of fresh Butter or Eggs	-	3
For every double Basket of the same	-	4½

FISH :	s.	d.
For every Stall for the Sale of Fish:—		
For each Market Day	1	6
For each Fair Day	3	-
For each other Day	1	-
If by the Week	3	-
For any Fish, if in a Cart	1	6
If in smaller Vehicles or in Pots	-	6

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SUNDRIES :	s.	d.
For every Sucking Pig - - - - -	-	2
For every Couple of Fowls or Ducks - - - - -	-	1½
For every Goose or Turkey - - - - -	-	1½
For every Pea Fowl, Couple of Guinea Fowls, Hare, Couple of Wild Fowl, Brace or Couple of Pheasants, Partridges, or Woodcocks - - - - -	-	2
For every Couple of Rabbits, Pigeons, or Snipes - - - - -	-	1
For every Pocket or a less Quantity of Hops - - - - -	1	6
For every Hide of Leather - - - - -	-	6
For every Pail or a less Quantity of Barm - - - - -	-	1½
For every Bag or Pot of Apples, Pears, Plums, or any other kind of Fruit, or of Potatoes, Turnips, or other Vegetables - - - - -	-	4
For any Quantity less than a Bag but exceeding a Bushel - - - - -	-	2
For any Quantity not exceeding a Bushel - - - - -	-	1
For every Pack of Wool of 240 Pounds per Pack - - - - -	1	-

And so in proportion for a greater or less Quantity.

STALLS :

For every Butcher's Stall, per Week - - - - -	4	-
For every such Stall for Market Days - - - - -	2	6
For every such Stall for every other Day - - - - -	1	-
For every Stall, Standing, or Place for the Sale of manu- factured Goods, Wares, or Merchandise, Provisions, or any other Article not herein-before enumerated or otherwise charged, per Week - - - - -	5	-
For every such Stall, Standing, or Place, for every Market Day - - - - -	2	6
For every such Stall, Standing, or Place, for every Fair Day -	3	-
For every such Stall, Standing, or Place, for every other Day	1	-
For every Superficial Square Foot of Ground used for the selling or exposing to Sale Goods, Wares, or Merchandise, or any other Article not herein-before enumerated, and not otherwise charged for as a Stall, Standing, or Place for Sale, for every Fair Day - - - - -	-	3
For every other Day - - - - -	-	2

The several Tolls, Rents, and Stallage before mentioned and specified shall be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

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Tolls in respect of Articles weighed or measured in the Market.

For every Quantity of Meat, Article, or Thing weighing not exceeding One Quarter of a Hundredweight	s.	d.
	-	1
Above One Quarter of and not exceeding Half a Hundredweight	-	1½
Above Half and not exceeding One Hundredweight	-	3
And so in proportion for any greater Quantity than One Hundredweight over and above One Hundredweight.		
For every Quantity of Goods, Articles, or Things sold by Measure, per Bushel or any less Quantity	-	-½

Tolls in respect of Weighing Machines.

For every Waggon or other Four-wheeled Carriage, including the Loading thereof	1	-
For every Cart or other Two-wheeled Carriage, including the Loading thereof	-	6

Tolls in respect of Sheep sold or brought for Sale into the existing Sheep Market, or Live Stock sold or brought for Sale into the Cattle Market.

	s.	d.
For every Horse, Gelding, or Mare	1	-
For every Colt, Filly, Mule, or Ass	-	6
For every Bull, Ox, Cow, Steer, or Heifer	-	6
For every Calf	-	2
For every Score of Sheep or Lambs	1	8
And so in proportion for any greater or less Number.		
For every Pig	-	2

Tolls in respect of Animals slaughtered in Slaughter-houses.

For every Bull, Ox, Cow, Bullock, or Heifer	2	6
For every Calf	1	-
For every Sheep or Lamb	-	6
For every Pig	1	-
For every other Beast	2	-

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