



### CHAPTER clxxvii.

An Act to amend the Brecon Markets Act, 1862 ; and for other purposes. A.D. 1878.  
[22d July 1878.]

**W**HEREAS by the Brecon Markets Act, 1862, (herein-after in this Act called "the Act of 1862,") the Brecon Markets Company (herein-after called "the Company") were incorporated ; and the markets and fairs in the borough, and all the real, personal, and mixed estates and effects of the Corporation, were (except as by the Act of 1862 otherwise expressly provided, and subject to the provisions of the said Act) vested in the Company ; and the Company were required to pay to the Corporation from and after the commencement of the said Act of 1862 the yearly sum of two hundred and ten pounds at the times therein mentioned, which said yearly sum of two hundred and ten pounds was thereby directed to be a first charge on the scheduled tolls, markets, and market-places, subject as therein mentioned : 25 & 26 Vict.  
c. clxxxvi

And whereas the Company were empowered by section sixty-four of the Act of 1862 to make, provide, and maintain, upon any lands by or under the said Act vested in or acquired by them, a proper and sufficient place for holding the cattle market, and all such approaches and proper and convenient works and conveniences connected therewith and thereto as they might think fit ; and by section sixty-five, from time to time, if and when they might think fit, and with but not without the consent of the Corporation, testified by writing under the hand of the mayor or town clerk, to provide and maintain slaughter-houses proper and sufficient for the slaughtering of cattle for the supply of the borough and its neighbourhood, upon such sites as they might think expedient ; but it was by the same section enacted that if any slaughter-houses should be provided they should be provided as near as conveniently might be to the cattle market-place provided under the said Act of 1862, and that the slaughter-houses so provided should be deemed part of that market-place ; and by section eighty of the same Act

A.D. 1878. — the Company were forbidden to lower, raise, or alter any of the tolls, rents, stallages, and dues specified in the Third and Fourth Schedules to the Act of 1862, without in every case the consent of the Corporation, testified in writing under the hand of the mayor or the town clerk :

And whereas by section eighty-two of the Act of 1862 the Company were authorised from time to time to let the markets and fairs and the market-houses and market-places and places for fairs, and the shops, stalls, stages, and standings, places, and other conveniences therein, and the slaughter-houses, weighing-houses, weighing-places, weighing-machines, weights, scales, and measures, and the tolls, rents, and stallages, or any of them, or any part thereof respectively to any person for any period not exceeding three years, on such terms and conditions as might be from time to time agreed on between the Company and the lessee ; and by section eighty-three it was enacted that the Company, before making any such lease for any period exceeding one year, should, by advertisement or otherwise, as they might think fit, give not less than one month's public notice of their intention to make the same, and of their willingness to receive tenders in writing in that behalf, and that in case any such tender which they might deem satisfactory should be made, the person making the tender should have the option of requiring that the lease should be made to him, but that the Company might, if they should think fit, require that every person making any such tender should thereby undertake to accept the lease if his tender were accepted :

25 & 26 Vict.  
c. clxxxvi. And whereas on the application of the Company it was on the fourteenth day of May one thousand eight hundred and sixty-three resolved by the Corporation that the Corporation of Brecon consent to the removal of the Friday's cattle markets from the streets to a new market to be established on the authorised site Clawddygaer, and to the provision and maintenance by the Company of slaughter-houses proper and sufficient for the slaughtering of cattle for the supply of the borough and its neighbourhood, in pursuance of and in accordance with the sixty-fifth section of the Brecon Markets Act, 1862 :

And whereas in the exercise of the powers conferred upon them by the Act of 1862 the Company made and provided, and have since maintained, a proper and sufficient place for holding the cattle market in the said borough upon lands acquired by them under the provisions of the said Act, and the cattle markets have, in accordance with such consent, been removed from the streets of the borough, where they were theretofore held, to the said cattle market so provided as aforesaid, but cattle are frequently

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exposed for sale in the streets of the said borough on fair days and at other times, and it is expedient that such practice should be discontinued : A.D. 1878.

And whereas the Company have erected slaughter-houses on a site selected by the Corporation for that purpose in and adjoining to the cattle market-place provided by the Company as aforesaid ; but the Corporation have not as yet testified their consent to the provision and maintenance of the said slaughter-houses ; and it is expedient that such provisions as are in this Act contained should be made with reference to such slaughter-houses :

And whereas it is expedient that the Company should be authorised to provide fasting accommodation or additional fasting accommodation in connexion with their slaughter-houses or adjacent thereto, and to levy and recover such tolls and to make such charges for the use thereof as are herein-after in this Act prescribed :

And whereas it is expedient that the Company and the Corporation should be authorised to enter into agreements for the sale and transfer by the Company to the Corporation of the whole or any portion or portions of the property and undertaking of the Company, upon such terms and conditions as may be mutually agreed upon, as also that the Corporation should be authorised (subject to the provisions herein-after contained) to acquire the whole or such part of the property and undertaking of the Company as is herein-after named compulsorily, upon such terms as may be mutually agreed upon, or, failing agreement, as may be determined by arbitration as in this Act is provided :

And whereas it is expedient that, in the event of any such sale and purchase being effected, the extinction or release wholly or in part of the annual payment of two hundred and ten pounds to the Corporation provided for by the Act of 1862 may be made part of the consideration for any such sale and purchase, and that the Corporation should be empowered to raise money for such purpose as herein-after provided :

And whereas it is also expedient that the Company should be authorised from time to time to lower their tolls, rates, stallages, and dues without the previous consent of the Corporation, and that section eighty-three of the Act of 1862 should be amended.

And whereas the objects of this Act 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,

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A.D. 1878. and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. 1. This Act may for all purposes be cited as Brecon Markets Amendment Act, 1878.

Slaughter-houses to be completed, &c. according to plans to be approved by Local Government Board.

2. The slaughter-houses shall be completed, altered, or constructed by the Company according to plans to be approved and in manner specified by an officer to be appointed by the Local Government Board on the application of either the Corporation or the Company, and on production to the Corporation of a certificate signed by such officer that such slaughter-houses have been constructed according to such plans, and are fit and sufficient for the accommodation of the public, the Corporation shall give their consent under the hand of the mayor or town clerk to such slaughter-houses being opened for public use, and such consent shall be final and conclusive for all purposes whatsoever, and no other certificate or other evidence shall be necessary, and the costs of such inquiry incurred by the officer of the Local Government Board, and of the preparation of such plans, shall be paid by the Company.

Power to Company to provide fasting accommodation.

3. The Company may provide and maintain upon any land acquired by them under the Act of 1862 such fasting sheds and fasting accommodation, or additional fasting sheds or fasting accommodation, as they may from time to time think necessary or advisable in connexion with their slaughter-houses, or adjacent thereto, but shall not have power to compel the use thereof.

Tolls for fasting accommodation.

4. The Company may from time to time demand and take from every person using any of the fasting sheds or fasting accommodation erected or provided by the Company such tolls as the Company may from time to time appoint, not exceeding the tolls in that behalf specified in the Schedule to this Act annexed.

Company may lower tolls.

5. Notwithstanding anything in the said Act of 1862 contained, the Company may from time to time, as and when they think fit, lower any of the tolls, rents, stallages, and dues authorised to be charged, demanded, and taken by them, notwithstanding that they may not have obtained the consent of the Corporation thereto as required by the eightieth section of the Act of 1862:

Amendment of 25 & 26 Vict. c. 186. s. 83.

6. The public notice required by section eighty-three of the Act of 1862 may specify the intention to let by public auction instead of by tender, and the Company shall have power to let by auction accordingly.

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7. From and after the passing of this Act no person shall expose for sale or shall sell any cattle (except horses), sheep, or pigs in any public place within the borough, except at the market-houses and market-places belonging to the Company, and provided by the Company for that purpose; and if any person shall, on any market day or any other day after the passing of this Act, sell or expose for sale any cattle (except horses), sheep, or pigs in any public place within the borough, except at the market-houses and market-places of the Company as aforesaid, every person so offending shall for every such offence forfeit and pay any sum not exceeding forty shillings, and such penalties may be enforced in the manner prescribed for the recovery of damages and penalties by the Railways Clauses Consolidation Act, 1845, for which purpose so much of the said last-mentioned Act as relates to the recovery of damages and penalties shall, so far as applicable, be deemed to be incorporated with and form part of this Act: Provided always, that no penalty shall be sued for or recoverable under this section until the Company have enlarged their cattle markets place to the satisfaction of Thomas Duckham, of Baysham Court, Herefordshire, or of such other person as may be named for the purpose by the Breconshire Chamber of Agriculture.

A.D. 1878.  
Prohibition  
against ex-  
posing and  
selling cattle,  
&c. except  
in market-  
houses and  
market-  
places of  
Company.

8 & 9 Vict.  
c. 20.

8. The Company may at any time or times sell and transfer to the Corporation, and the Corporation may by agreement purchase and accept, the whole or any part of the Company's markets, market-houses, property, rights, and undertaking, for such consideration and upon such terms and conditions as may be mutually agreed upon; or the Corporation may at any time require the Company to sell to them the whole of their undertaking, or the whole with the exception of the cattle markets, slaughter-houses, and fasting sheds and accommodation, for such considerations and upon such terms and conditions as may be mutually agreed upon, or, in default of agreement, may be determined by arbitration as hereinafter provided, upon giving six calendar months notice in writing under the hand of the town clerk of their desire to purchase, therein stating whether the Corporation propose to take the whole or such limited portion of the said property and undertaking; and thereupon the Company shall sell and transfer the same to the Corporation: Provided always, that upon any sale and transfer under this Act, the extinction or release wholly or in part of the annual payment of two hundred and ten pounds to the Corporation provided for by the Act of 1862 may form part of the consideration for such sale and transfer, in which case the obligations of the

Power to  
Company to  
sell under-  
taking or  
parts thereof  
to the Cor-  
poration.

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A.D. 1878. — Company as to the whole of such payment, or such part thereof as may form such part consideration, shall cease and determine.

How arbitration to be conducted.

22 & 23 Vict. c. 59.

9. If the Corporation shall exercise their powers of compulsory purchase as provided in the last preceding section of this Act, and any difference or dispute shall arise between the Company and the Corporation as to the terms and conditions of the sale and transfer, or the considerations to be paid or satisfied to the Company by the Corporation in respect thereof, or as to any other matter or thing connected with or incidental to such sale and transfer, the same shall, as and when it arises, be referred to and determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859, and all the clauses and provisions of that Act shall, so far as applicable, extend and apply to every reference and award to be had and made under the provisions of this Act, and for that purpose shall (so far as applicable) be deemed to be incorporated with and to form part of this Act.

Form and effect of conveyance.

10. Every such sale and purchase shall be carried into effect by a conveyance under the common seal of the Company and the corporate seal of the Corporation, in which the consideration for the same shall be fully stated and set forth, and which shall be duly stamped with the ad valorem stamp duty in respect of such consideration, and such conveyance shall be effectual to vest the property and rights so conveyed in the Corporation, subject to all contracts, obligations, debts, and liabilities affecting the same, and to authorise them to demand and collect such tolls and charges, and exercise rights and powers in respect of the premises so sold and transferred, in the same manner and as effectually as the Company might have done but for such sale and transfer; and all expenses of or incident to any such sale or purchase shall be paid by the Corporation.

Effect of transfer.

11. No such transfer under this Act shall take away, alter, or in any way affect any of the duties, obligations, restrictions, or liabilities to which the transferred premises but for such transfer might by any law or statute be subject, but all persons and corporations other than the Corporation shall have the same rights, privileges, powers, and remedies against the Corporation after and notwithstanding the transfer as they might have had if such transfer had not been made.

Corporation may grant rentcharge for purposes

12. A rentcharge or annual sum may by agreement form the whole or part of the consideration; and the Corporation are hereby authorised to create and grant any such charge (not exceeding the

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sum of three hundred pounds per annum) accordingly; and the same when granted shall be payable half-yearly, and shall be charged on the undertaking or portion of the undertaking transferred; any such charge may be redeemed at any time by the Corporation by agreement with the owner of such charge.

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of purchase  
and may  
redeem the  
same.

13. The Corporation, with the consent of the Local Government Board, may after any such transfer borrow and re-borrow for the purposes of the undertaking any moneys on the security of the undertaking and of the rates leviable by the Corporation as an urban sanitary authority, or on either of such securities.

Power to  
Corporation  
to borrow.

14. The powers conferred by the two preceding sections shall be deemed to be distinct from and in addition to the general borrowing powers enjoyed by the Corporation as an urban sanitary authority.

Such powers  
to be in  
addition to  
existing  
powers.

15. All moneys borrowed or re-borrowed by the Corporation by mortgage under the authority of this Act may be borrowed and re-borrowed for any term not exceeding sixty years, and shall be repaid by yearly or half-yearly instalments, or by means of a sinking fund: Provided, that when the payment shall not be made by equal instalments, the instalment or instalments payable in each year, together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part, shall in every year amount to the same sum.

Money bor-  
rowed may  
be paid by  
instalments  
or sinking  
fund.

16. For the purpose of redeeming any charge created as aforesaid and repaying any moneys borrowed under this Act, and repayable by means of a sinking fund, the Corporation shall, within twelve months after the creation of such charge or the borrowing of such money, and thenceforth annually on the same day, set apart as a sinking fund such a sum as will be sufficient to redeem such charge, or, as the case may be, to repay such moneys within a period not exceeding sixty years, and for the purpose of such sinking fund any such charge as aforesaid shall be capitalised at twenty-five years purchase. All sums paid into the sinking fund shall be accumulated in the way of compound interest, by investing the same in Exchequer bills or government securities, and the Corporation shall from time to time apply the sinking fund in the redemption of such charge or in repayment of such moneys, until thereby or otherwise the whole of such charge or moneys has been redeemed and paid off: Provided always, that whenever any portion of such charge shall have been redeemed, or any portion of such moneys

Sinking fund  
for payment  
of money  
borrowed.

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shall have been paid off, the Corporation shall thenceforward, until the whole of such charge has been redeemed and the whole of such moneys have been paid off, pay into the sinking fund every year and accumulate in addition to the other sums herein-before required to be set aside and appropriated, a sum equal to the annual charge redeemed, or, as the case may be, the annual interest of the money paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the said annual charge and the interest on the moneys then due and outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such charge or such interest, and may, during such periods, discontinue the payment into the sinking fund of the yearly sums herein-before required to be paid thereto.

Annual  
return to  
Local  
Government  
Board with  
respect to  
sinking fund.

17. The town clerk shall within twenty-one days after the first day of January of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment in respect of moneys borrowed on mortgage under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment, or to set aside the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Corporation  
may apply  
other moneys

18. The Corporation may apply any moneys raised by them under the authority of this Act in or towards the purchase of the



property and premises authorised to be purchased or acquired by them under this Act.

**19.** All the costs, charges, and expenses of and incident to the preparation, applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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 —  
 towards  
 purchase.  
 Expenses of  
 Act.

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SCHEDULE.

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Table of Tolls, Rents, and Stallages to be taken for the use of fasting or standing accommodation for every day or portion of a day, reckoning from noon to noon :

	<i>s.</i>	<i>d.</i>
For the housing or standing of every bull, ox, bullock, cow, steer, or heifer, if killed on the premises after the expiration of the first night - - - - -	0	3
For the housing or standing of every bull, ox, bullock, cow, steer, or heifer, if removed without being killed on the premises, for the first day and every subsequent day or part thereof - - -	0	4
For the housing or standing of every hog or pig, sheep or lamb, if killed on the premises after the expiration of the first night, per night - - - - -	0	1
For the housing or standing of every hog or pig, sheep or lamb, if removed without being killed on the premises, for every day or part thereof - - - - -	0	2

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