



CHAPTER cxxxix.

An Act to empower the Pontypool Local Board to establish and maintain Markets and Fairs and to acquire existing Markets and Market Rights and for other purposes. A.D. 1891
[21st July 1891.]

WHEREAS markets and fairs (in this Act called the existing markets) have for many years past been held in the town of Pontypool on certain lands herein-after described and in this Act referred to as the existing market lands :

And whereas the agreement set forth in the First Schedule to this Act has been entered into between the parties thereto of the first six parts as owners of or interested in the existing markets and market lands and the Pontypool Local Board (in this Act called the Local Board) for the sale to and purchase by the Local Board of the existing markets and the existing market lands and the rights and franchises of holding markets and fairs upon the terms and conditions mentioned in such agreement and it is expedient that the said agreement should be varied to the extent and in the manner herein-after provided and that the Local Board should be empowered as herein-after provided to carry the said agreement as so varied into effect and to establish hold and maintain upon the said lands and upon the additional lands to be acquired for that purpose under the powers of this Act markets and fairs for horses cattle and other animals and goods in extension of or in addition to the existing markets and to exercise the other powers contained in this Act :

And whereas the Local Board require further moneys for the purposes of this Act :

And whereas an estimate has been prepared by the Local Board for the purchase of the existing market and the lands by this Act authorised to be acquired and for the other purposes of this Act and such estimate amounts to twenty thousand pounds :

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A.D. 1891.

And whereas the purposes included in such estimate are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Local Board at a meeting held on the nineteenth day of November one thousand eight hundred and ninety after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Pontypool Free Press a local newspaper published or circulating in the district of the Local Board such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said Pontypool Free Press Newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Local Board at a further special meeting held in pursuance of a similar notice on the thirty-first day of December being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the said district by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the Pontypool Local Board (Markets) Act 1891.

Incorporation of Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the entry upon purchase and taking of lands otherwise than by agreement) and the Markets and Fairs Clauses Act 1847 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

same respective meanings unless there be something in the subject or context repugnant to such construction : A.D. 1891.

The expression "the market owners" means the parties of the first six parts to the agreement scheduled to this Act :

The expression "cattle" means and includes bulls oxen steers cows heifers and calves rams wethers gimmers ewes and lambs goats kids and swine :

The expression "horses" means and includes horses ponies geldings mares foals colts fillies asses and mules :

And (for the purposes of this Act) in enactments incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

4. The limits within which this Act shall be in force shall be the district of the Local Board. Limits of Act.

5. The agreement set forth in the First Schedule to this Act is hereby varied as follows :— Scheduled agreement may be carried out by Local Board.

(1) The Local Board in purchasing from the market owners the existing market and market lands and the tolls rights and privileges connected therewith shall purchase only such and so many of the said tolls rights or privileges or portions thereof as relate to or are capable of being exercised within the district of the Local Board under the powers of this Act Provided always that within and for the purposes of the district of the Local Board but not beyond the same the purchase and transfer by this Act authorised shall be deemed to be as complete and absolute as if such purchase had been carried out in its entirety in manner originally contemplated by the said agreement :

(2) Nothing in the said agreement or in this Act shall be deemed to authorise confirm or establish or on the other hand to prejudice affect or extinguish any property tolls rights or privileges of the market owners which may not be purchased by the Local Board under the powers of this Act :

And the Local Board may carry into effect the said agreement as so varied.

6. On payment by the Local Board to the market owners or to such person or persons as they shall direct of the sum of twelve thousand five hundred pounds and such further sum or sums (if any) as provided for by the said agreement all the estate and interest of the market owners or any of them in the existing market and market undertaking and in the existing market lands Vesting existing markets and market lands in Local Board.

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A. D. 1891.

and the market house and buildings thereon (being the lands referred to in and forming part of the subject matter of the said agreement and delineated on the plan signed in duplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and thereon coloured pink) and in all the market rights attached to or held or enjoyed with the existing market within the limits of this Act and in all existing rights or franchises of holding markets and fairs and of taking tolls and dues and any other rights or privileges enjoyed therewith within the said limits shall subject to the provisions of this Act and of the said agreement be and they are hereby transferred to and vested in the Local Board as on and from the twenty-fourth day of June one thousand eight hundred and ninety-two or from the date of such payment whichever shall first happen subject to and with the benefit of any existing leases of the existing markets and market lands or any part thereof respectively Such transfer is herein-after referred to as the transfer of the existing market undertaking :

Provided always that any such purchase and acquisition as aforesaid shall be evidenced by a duly stamped deed of conveyance which shall within three months after the vesting of the hereditaments in the Local Board be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the Local Board with full costs of suit and all costs and charges attending the same.

Providing
for custody
of plan of
market lands.

7. One copy of the said plan signed as aforesaid shall within one month after the passing of this Act be deposited in the Parliament Office and the other copy with the clerk of the peace for the county of Monmouth who shall receive and retain the custody thereof and shall permit all persons interested to inspect and make extracts from or copies of the same in the manner on the terms and subject to the provisions of the Act passed in the first year of the reign of Her present Majesty chapter 83 as if the said plan had been required to be so deposited by the standing orders of one of the Houses of Parliament.

Power to
acquire
further lands.

8. Subject to the provisions of this Act and in addition to the existing market lands the Local Board may from time to time purchase and take by agreement any quantity of land within the limits of this Act not exceeding five acres (in this Act referred to as the additional lands) The Local Board shall not create or

permit any nuisance on any lands taken under the powers of this section and no buildings shall be erected by the Local Board on such lands except in connexion with their market undertaking. A.D. 1891.

9. Subject to the provisions of this Act and of the agreement set forth in the First Schedule hereto the Local Board may from and after the transfer to them of the existing market undertaking on the existing market lands and on the additional lands or on such part or parts thereof as they may think fit establish and maintain the markets and fairs and may exercise the other powers herein-after mentioned (that is to say) :—

Power to Local Board to establish and maintain markets and fairs.

They may either carry on the existing market and market undertaking or establish provide maintain and regulate a new market or markets for the sale of cattle and horses hay straw fodder and roots farm and dairy produce meat vegetables and other provisions and marketable commodities :

They may hold cattle fairs and horse fairs and such other fairs upon the said lands or such part or parts thereof as they may think fit :

They may make and maintain all requisite and convenient market-houses and buildings slaughter-houses weighing-houses shops stalls pens sheds yards stables sewers drains buildings works approaches and conveniences connected with such markets and fairs respectively and may provide standing places for shows and exhibitions.

10. The Local Board may take by agreement for the extraordinary purposes mentioned in the Markets and Fairs Clauses Act 1847 any quantity of land not exceeding two acres but nothing in that Act or in this Act shall exempt the Local Board from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Lands for extraordinary purposes.

11. The Local Board shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A.D. 1891. of their own family and persons (other than domestic servants) whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for completion of new markets.

12. If the cattle and other markets by this Act authorised to be established on the additional lands are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Local Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to hold markets and fairs.

13. It shall be lawful for the Local Board after the transfer to them of the existing market undertaking to hold upon the existing market lands and on the additional lands an open market for the sale of horses cattle hay straw fodder and roots once at least in every month and in like manner to hold an open market for the sale of farm and dairy produce poultry meat vegetables and other provisions and goods twice at least in every week namely on Wednesdays and Saturdays or on such other days as the Local Board may from time to time by byelaw appoint and it shall be lawful for the Local Board to hold and keep a fair or fairs for the sale of cattle horses hay straw fodder and roots or for such other purposes as they think proper on the additional lands four times at least in each year namely on the second and twenty-second days of April the fifth day of July and the tenth day of October or on such other days as the Local Board may from time to time by byelaw appoint and when the Local Board shall have opened for public use a market or markets for the sale of cattle horses hay straw fodder and roots farm and dairy produce poultry meat vegetables and other provisions and goods no market or fair of any description for the sale of cattle horses hay straw fodder or roots farm and dairy produce poultry meat vegetables and other provisions and goods shall thenceforth be held within the limits of this Act other than and except the markets and fairs of the Local Board.

Provision in the event of market or fair falling on Christmas Day &c.

14. If any market day or fair day fall on a Sunday Christmas Day or Good Friday or on any bank holiday or on any day appointed for a public fast or thanksgiving the market or fair shall be held on such other day as the Local Board shall from time to time appoint.

Penalty on sales of cattle &c. elsewhere than in markets.

15. Every person who after the markets of the Local Board shall have been opened for public use shall sell or expose for sale without the license and consent in writing of the Local Board first obtained on any street or highway or at any place within the limits of this

Act not being a market or fair of the Local Board any horses cattle hay straw fodder or roots or farm or dairy produce meat vegetables or other marketable commodities in respect of which tolls are authorised to be taken by the Local Board shall for every such offence forfeit a sum not exceeding forty shillings Provided always that nothing herein contained shall prevent any farmer from selling on his farm any horses cattle hay straw fodder or roots or farm or dairy produce or any person from selling or exposing for sale by retail in his own dwelling-house shop warehouse or premises any of the articles aforesaid such articles being his own property Provided also that nothing herein contained shall prevent the owner of any horse or any licensed horse dealer on behalf of such owner from selling or exposing the same for sale otherwise than by auction on his own premises or from showing or trying any horse preliminary to any such sale or intended sale thereof or interfere with the lawful exercise of their calling by hawkers or pedlars duly licensed or certificated under any Act relating to such calling. A.D. 1891.

16. The Local Board may from time to time grant licenses for the holding of markets and fairs of and for selling horses cattle and other marketable commodities elsewhere within the limits of this Act than in the markets and fairs of the Local Board. Power to grant licenses for holding markets &c.

17. The Local Board may demand and take from any person whomsoever occupying or using any stall pen shed or stand for the sale of cattle or horses in any market or fair of the Local Board or bringing therein any cattle or horses for sale or occupying or using the market or any market-house market-place building or convenience by this Act authorised or any part thereof or any stand stall shed pen station place or space therein respectively or bringing into the market anything specified in the Second Schedule to this Act whether on a fair day or market day or on any other day any stallages rents tolls or other payments in respect thereof not exceeding the several amounts specified in the said schedule. Power to take market and fair tolls as in schedule.

18. The several tolls in the markets of the Local Board payable with respect to the occupation of any house shop stall pen bench compartment or space of ground shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time. Tolls to be payable by successive occupiers of stalls &c.

19. The Local Board may demand and take in respect of weighing and measuring anything from any person bringing or requiring such thing to be weighed or measured any tolls not exceeding the tolls specified in the Third Schedule to this Act. Tolls for weighing and measuring.

[Ch. cxxxix.] *Pontypool Local Board (Markets) [54 & 55 VICT.] Act, 1891.*

A.D. 1891.

Mode of payment of tolls for weighing.

20. Any person for the time being appointed to attend the machines belonging to the Local Board for weighing or measuring anything mentioned in the Third Schedule to this Act may demand from the person desiring the same to be weighed or measured such tolls or other payments as the Local Board may from time to time appoint and such tolls or other payments not exceeding those specified in the Third Schedule to this Act shall be paid before anything in respect of which the same are payable shall be weighed or measured.

Power to regulate the leading and driving of cattle through the district.

21. The Local Board may from time to time by byelaws direct and prescribe the route within their district by which and the manner according to which the leading or driving of horses and cattle for the purpose of sale in the markets shall be permitted in the streets roads or thoroughfares leading to the markets or fairs and no person shall thereafter lead or drive or cause to be led or driven for such purpose any horses or cattle in such streets roads or thoroughfares otherwise than in conformity with such byelaws and every person so offending shall for every such offence forfeit a sum not exceeding ten pounds Provided always that the directions contained in such byelaws shall only operate between the hours of seven in the morning and nine in the evening and shall not prevent the owner of any horses or cattle driving the same to his own premises and that nothing in this enactment contained shall authorise the Local Board to interfere with the driving of any cattle to any slaughter-house in the district of the Local Board so long as the slaughtering of cattle therein is lawful.

For keeping order in the markets.

22. It shall be lawful for any inspector and officers appointed by the Local Board to keep order in their markets and the approaches thereto and any person causing or creating any nuisance or obstruction in the said markets or approaches shall be liable to a penalty not exceeding forty shillings Provided that nothing herein contained shall affect abridge or interfere with the rights of the police of the county of Monmouth to enter into and exercise their powers upon any lands in the county of Monmouth to be from time to time used as the site of the said markets and fairs as fully and effectually as they could have done if this Act had not been passed.

General provisions as to byelaws.

23. All byelaws from time to time made by the Local Board under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections 167 and 182 to 186 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority.

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

24. Every penalty imposed by this Act shall be recoverable in a summary manner and section two hundred and fifty-one of the Public Health Act 1875 shall extend and apply to the recovery thereof and such penalty shall belong to the Local Board and shall be paid to the treasurer of the Local Board and shall be carried by him to the credit of the district fund.

A.D. 1891.
 Application of penalties.

25. The Local Board from time to time may demise and let their market market-houses market-places places for fairs slaughter-houses weighing-houses weighing-places and weighing-machines or any of them and the tolls or any of them and any of the shops stalls stands benches grounds spaces and other conveniences in any market-house or market-place from time to time belonging to or under the management of the Local Board for any period not exceeding three years upon such terms and conditions as shall be agreed on.

Leases of markets slaughter-houses tolls &c.

26. The Local Board may from time to time independently of any other borrowing power borrow at interest for the following purposes the sums herein-after mentioned (that is to say) :—

Power to borrow.

For the purchase of lands for and other the purposes of their market undertaking or incidental thereto such sums as they shall think fit not exceeding in the whole the sum of twenty thousand pounds and with the consent of the Local Government Board such further sum or sums as the Local Board may find necessary :

For the payment of the costs charges and expenses provided for by the section of this Act the marginal note of which is "Expenses of Act" the amount of such costs charges and expenses :

And the Local Board may mortgage the district fund and general district rate and the revenue of their market undertaking to secure the repayment of the moneys borrowed with interest.

27. Sections 236 to 239 (both inclusive) of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

28. The Local Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries or proceedings under this Act including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Local Board to pay expenses of Local Government Board under Act.

29. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers

Power to borrow under Local Loans Act 1875.

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A.D. 1891. — and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

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

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

Period for discharge of borrowed moneys.

31. The Local Board shall pay off all moneys borrowed by them under this Act for the expenses of this Act within ten years from the time of borrowing the same and all other moneys borrowed by them under this Act without the consent of the Local Government Board within fifty years from the time or respective times of borrowing the same and all other moneys borrowed by them under this Act with the consent of the Local Government Board within such period from the time or respective times of borrowing the same as the Local Government Board may prescribe.

Payment off of money borrowed.

32. The Local Board shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act shall apply accordingly.

Power to reborrow.

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

Annual return to Local Government

34. The clerk to the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

be paid 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 thereof 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 which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof 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 and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

A.D. 1891.
Board with
respect to
sinking fund.

35. All moneys borrowed by the Local Board under this Act shall be applied only to purposes for which they are by this Act respectively authorised to be raised and to which capital is properly applicable.

Application
of money
borrowed.

36. The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the

Application
of moneys
from sale &c.
of land.

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A.D. 1891. — sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Protection
of lenders
from inquiry.

37. A person lending money to the Local Board shall not be bound to see to the application or be responsible for the non-application or misapplication of the money lent or any part thereof.

Local Board
not to regard
trusts.

38. The Local Board shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person or of any one of the persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for a loan stands in the books of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Local Board have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their books and the Local Board shall not be bound to see to the application of the money paid on any such receipt or be answerable and accountable for any loss misapplication or non-application thereof.

Saving for
existing
charges.

39. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the Local Board subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed.

Application
of market
revenue of
Local Board.

40. The Local Board shall keep accounts in respect of their market undertaking separate from all their other accounts distinguishing therein capital from income and shall apply all money from time to time received by them in respect of their market undertaking except borrowed money and money properly applicable on capital account as follows:—

In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the market buildings and property and otherwise carrying on the market undertaking of the Local Board :

In payment of the interest upon money borrowed under this Act :
In providing the requisite instalments appropriations annual repayments or sinking fund in respect of money borrowed by

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

the Local Board under this Act and shall carry to the district fund any balance remaining in any year after deducting therefrom such reasonable sum as the Local Board may think fit for carrying on their market undertaking.

A.D. 1891.

41. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under the preceding section of this Act and to the audit of such accounts.

Audit of accounts.

42. If in any year the amount standing to the credit of the market account be insufficient for the payment of the charges thereon the deficiency shall be made up out of the general district rate by carrying an adequate sum therefrom to the credit of the market account and the Local Board from time to time in preparing the estimates of the amount required in their judgment to be raised by means of a general district rate for the purposes of the district may include therein such sums respectively (if any) as in the judgment of the Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the market account and shall collect the same as part of such general district rate.

Deficiency in market account to be made good out of district rate.

43. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1890 or of any Act amending the same or of any order license or act of the Board of Agriculture made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or exempt the markets or fairs or slaughter-houses to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

Saving for Acts relating to animals &c.

44. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto shall when taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons be paid by the Local Board in the first instance out of the district fund and general district rate but ultimately out of money borrowed under this Act.

Expenses of Act.

A.D. 1891.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made the twenty-seventh day of June one thousand eight hundred and ninety-one between JAMES SEAGER WHEELLEY of The Pentre in the parish of Abergavenny in the county of Monmouth Esquire of the first part WILLIAM HENRY WHEELLEY of the same place Esquire of the second part JOHN GRIFFITHS WHEELLEY of the same place Esquire of the third part the said WILLIAM HENRY WHEELLEY and FERDINAND PAKINGTON JOHN HANBURY-WILLIAMS of Nantoer in the said parish and county Esquire of the fourth part CHARLES MORGAN of Brooklands in the said parish and county aforesaid late a major in Her Majesty's 23rd Regiment and EMMA MATILDA his wife of the fifth part and JAMES MURRAY BANNERMAN of Wyaston Leys in the county of Monmouth Esquire and LOUISA MARY his wife of the sixth part and THE PONTYPOOL LOCAL BOARD of the seventh part.

1. The subject matter of this agreement consists of the market and fair tolls of the town of Pontypool which are of freehold tenure and the market and other buildings lands and hereditaments herein-after particularised which are of copyhold or customary tenure and are parcel of the manor of Wentsland and Bryngwyn in the county of Monmouth and including a small portion of Market Street marked freehold on the plan The subject matter of this agreement is held in equal undivided fifths the parties hereto of the first four parts being interested therein in the following manner (that is to say):—

The said James Seager Wheelley and William Henry Wheelley are each entitled to one fifth part beneficially the said William Henry Wheelley and Ferdinand Pakington John Hanbury-Williams are the trustees of a settlement of another fifth part with power to sell the same the said John Griffiths Wheelley is the sole trustee of a settlement of another fifth part upon trust to sell the same with the consent of the said Charles Morgan and Emma Matilda his wife and the said John Griffiths Wheelley is also the sole trustee of a settlement of the remaining fifth part upon trust to sell the same with the consent of the said James Murray Bannerman and Louisa Mary his wife.

The said parties hereto of the first six parts are herein-after collectively called the vendors but they respectively enter into this contract for the purpose of selling only the respective fifth parts in which they are interested as aforesaid and on the footing of the purchase money being divided into equal fifth parts and distributed accordingly.

The said Pontypool Local Board are herein-after called the purchasers.

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

A.D. 1891.

2. Notwithstanding anything contained in the last preceding clause hereof the property hereby contracted to be sold shall not under this agreement be sold or bought save in its entirety.

3. The vendors shall sell and the purchasers shall purchase for the sum of twelve thousand five hundred pounds first the market and fair tolls as now held by the vendors under a Royal Charter granted in the first year of the reign of William and Mary and all the rights and privileges held by the vendors under or by virtue of the said charter and the full benefit of the said charter and also all market and fair tolls (if any) leviable by the vendors as owners thereof or in right of the manor of Wentsland and Bryngwyn Provided that the subject matter of this sale shall comprise only such and so many of the said tolls rights or privileges or portions thereof as relate to or are capable of being exercised within the district of the purchasers And secondly all the site of the market (except only the pieces of land coloured respectively blue and yellow on the plan hereunto annexed and marked respectively A and B) and such sale and purchase to include all the erections and premises standing on the site of the said market all which said site (with the exceptions aforesaid) is delineated on the said plan and is therein coloured pink.

4. The said tolls rights and privileges and the said site of the said market and buildings and premises are sold subject to and with the benefit of a lease thereof to C. H. Portnell dated the twenty-eighth of July one thousand eight hundred and eighty-eight a copy of which has been inspected by the purchasers' solicitor.

As to the premises forming part of the said site and marked on the said plan as "Mr. Fowler's present room" the same are sold subject to the lease whereby the same together with the shop in Commercial Street in the said Mr. Fowler's occupation were leased to the said Mr. Fowler (a copy of which lease has been produced to the purchasers' solicitor) but the purchasers shall not during the continuance of the said lease be entitled to any of the rent reserved under such lease.

5. Such parts of the land contracted to be sold as consist of pavements are sold subject to the rights of the vendors' tenants and all other persons thereover or in respect thereof and in the case of any separate arrangements for the use of the pavements having been made with any of the vendors' tenants then with the benefit of all payments to be made under such arrangements The said pavements and also the open piece of land marked on the plan as "Market Street" are sold subject to their being dedicated to the use of the public by the purchasers immediately after they shall have acquired the same and without any charge or expense to the vendors or their tenants and such pavements and street shall for ever thereafter be maintained as public pavements and a public street and the purchasers shall at no time allow any standing or stall to be placed therein which may in any way act or tend to the detriment of any of the messuages or premises adjoining any part of the site of the said market and now the property of the vendors.

6. In addition to the said sum of twelve thousand five hundred pounds the purchasers shall at the time of the completion of the purchase pay to the vendors the sum of five hundred pounds on their undertaking to build on the said piece of land marked A on the said plan a room of a character similar to that of the said room called "Mr. Fowler's present room" and the room to be so built

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A.D. 1891. (herein-after called the new room) shall be built at or about the present level of the entrance A and shall be of the following dimensions namely the length shall be from forty-eight feet to fifty feet the width shall be seventeen feet and the height from floor to ceiling shall be twelve feet The new room shall be built with all convenient despatch and the vendors shall use their best endeavours to complete it within three months after the completion of the purchase and if not completed within six months from completion of the purchase the purchasers shall be entitled to erect the said room and recover the cost of so doing from the vendors And the purchasers shall give to the vendors every facility of access and otherwise for the purpose of building the said room The said Mr. Fowler shall be entitled on giving up his said present room to the purchasers to take use and occupy the new room in its stead without paying any rent beyond that now reserved by his said lease provided he shall take over the said new room on the same terms as to repair and otherwise on which he now holds his said present room the arrangement intended to be hereby made being carried out by a deed to be indorsed on the said Mr. Fowler's lease and to be in such form as the vendors shall reasonably require and Mr. Fowler shall surrender the lease of his present room and release his right to use the present door from his premises opening on to the market.

7. With respect to the said piece of land marked B the purchasers shall have the following rights thereover that is to say a free right of way for foot passengers and a right to use let and occupy the same for stalls or such other purposes connected with the market as the purchasers shall desire The purchasers shall also have a right to alter the level or gradient of the said piece of land marked B subject to the approval of the vendors and so that they shall cause no damage to any of the adjoining premises provided that such consent shall not be unreasonably withheld.

8. The property is sold subject to rights of way in favour of the George Inn marked on this said plan similar to those now used or enjoyed in connexion therewith but this provision shall not create any right of entrance or exit into or out of the entrance marked C on the said plan.

9. All payments or acknowledgements now made to or received by the vendors from any person other than their own tenants for any right of light projection or other privilege over any of the lands hereby contracted to be sold shall be included in the sale so as to pass the right to all further payments thereof to the purchasers.

10. The property is sold subject to all chief quit and other rents and outgoings and to all manorial rights and incidents of tenure rights of way drainage and other easements and to rights and easements of all kinds in favour of the vendors and their successors in title and their tenants and occupiers of any adjoining premises in all respects equal to the advantages rights and easements or rights in the nature of easements now actually enjoyed by them or any of them over the property sold or any part thereof but so that no right of way into the market shall be reserved to any person and that the door now used by Messrs. Hughes and the door from Mr. Fowler's premises opening into the market shall be closed and the rights of way through those doors relinquished.

11. The property is sold subject to the reservation of rights to the vendors and their successors in title and their tenants or occupiers of any of the houses or buildings abutting on the property to enter on the property for the purpose of repairing the outsides of such houses or buildings at all reasonable times on

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

notice having been given to the purchasers and on the vendors repairing any damage done thereby. A.D. 1891.

12. The purchasers shall at all times hereafter keep and hold the market on the present site save only that the market of cattle horses sheep and pigs may be removed elsewhere.

13. The assurance or assurances to the purchasers shall contain all proper provisions covenants reservations and clauses necessary for carrying out the terms of this contract and if any dispute shall arise concerning the proper form or contents of the assurance or assurances the same shall be referred to the Junior conveyancing counsel for the time being of the Chancery Division of the High Court and his decision shall be absolutely binding and if he shall advise the execution of any instrument in addition to the assurance or assurances such instrument shall be prepared and executed according to his instructions or advice and the parties respectively shall bear their own costs in connexion therewith And this submission and any arrangement thereon may be made a rule of the said Chancery Division on the application of either of the parties.

14. The title shall commence with an indenture of settlement by the late John Griffiths dated the fourteenth of March one thousand eight hundred and forty-three and the purchasers shall make no objection or requisition on the ground that such settlement was voluntary The purchasers shall assume that the said John Griffiths was at the date of the said settlement (as appears by a recital therein) seized in fee simple of the said market and fair tolls and an office copy of the said charter having been produced to the purchasers' solicitor the purchasers shall purchase with a full notice of the contents of the charter and make no objection or requisition in respect of such charter.

15. With respect to the lands hereby contracted to be sold and which as herein-before stated are of copyhold tenure the said John Griffiths Wheeley James Seager Wheeley and William Henry Wheeley were admitted tenants thereof on the twenty-fifth of November one thousand eight hundred and eighty-five The admittance shows by recital that the said John Griffiths was admitted tenant of two undivided third parts of the said premises previously to the date of the said settlement of March one thousand eight hundred and forty-three and that previously to the same date a person was admitted tenant of the other third part as a trustee of the said John Griffiths The admittance states that such trustee had been dead for many years and that his customary heir could not be found and so far as relates to the last-mentioned one-third part the said John Griffiths Wheeley James Seager Wheeley and William Henry Wheeley are admitted on their equitable title The purchasers shall make no requisition or objection as to the validity or propriety of the admittance so made.

16. No objection or requisition shall be made on account of any document executed prior to the seventeenth May one thousand eight hundred and eighty-eight being unstamped or insufficiently stamped.

17. The purchasers shall pay the purchase-money together with the said additional sum of five hundred pounds to the vendors as they shall direct on the twenty-fourth day of June one thousand eight hundred and ninety-two or at such earlier day as the purchasers shall fix by giving to the vendors' solicitors three calendar months' notice in writing of their intention so to do at the office of the solicitors of the vendors Messrs. Gabb and Walford at Abergavenny at which time and place the purchase shall be completed.

[Ch. cxxxix.] *Pontypool Local Board (Markets)* [54 & 55 VICT.]
Act, 1891.

A.D. 1891.

18. The rents and profits or possession will be received or retained and the outgoings discharged by the vendors up to the twenty-fourth day of June one thousand eight hundred and ninety-two or such earlier day fixed for completion as aforesaid as from which time all outgoings shall be discharged by and the rents and profits shall belong to the purchasers and the rents profits and outgoings shall (if necessary) be apportioned for the purpose of this provision but the purchasers shall not be let into actual possession or receipt of the rents and profits until the completion of the purchase. If from any cause whatever other than the wilful default of the vendors the purchase shall not be completed on the twenty-fourth day of June one thousand eight hundred and ninety-two or such earlier day as aforesaid the purchasers shall pay to the vendors interest on the purchase money at the rate of four pounds per centum per annum as from the said twenty-fourth day of June one thousand eight hundred and ninety-two or such earlier day as aforesaid and shall not be entitled to any compensation for the vendors' delay or otherwise but this stipulation is without prejudice to the vendors' rights under any other of these conditions.

19. The vendors shall not be required to furnish any evidence of the identity of the parcels with any former description of the property beyond what may be afforded by the muniments themselves nor to reconcile differing descriptions.

20. Within twenty-eight days after the delivery of the abstract the purchasers shall furnish to the solicitors of the vendors a statement in writing of their requisitions and objections arising on the abstract or this agreement and within fourteen days after the delivery of the vendors' replies to the purchasers' requisitions and objections (if any) the purchasers shall furnish the solicitors of the vendors a statement in writing of their further requisitions or objections (if any) arising on such replies and every requisition or objection not so stated shall be considered as waived and for the purpose of any objection or requisition an abstract shall be deemed perfect if it supply the information suggesting the same although otherwise defective and if no requisition or objection is so stated the title shall be considered as accepted and in these respects time shall be deemed of the essence of the contract and if the purchasers shall make and insist on any objection or requisition either as to title conveyance or any matter appearing on the abstract or this agreement or otherwise which the vendors shall be unable or on the ground of difficulty delay or expense or any other reasonable ground unwilling to remove or comply with the vendors shall notwithstanding any previous negotiation or litigation be at liberty on giving to the purchasers not less than ten days' notice in writing to annul the sale in which case unless the objection or requisition shall have been in the meantime withdrawn the sale shall at the expiration of the notice be annulled the purchasers in that event making no claim for interest costs or compensation.

21. On payment of the purchase money and the said sum of five hundred pounds at the time and place aforesaid the purchasers shall be entitled to a proper assurance of the property from the vendors and all other necessary parties (if any) such assurance and every other instrument which shall be required by the purchasers for getting in or releasing any outstanding estate right or interest or for completing the vendors title or for any other purpose to be prepared by and at the expense of the purchasers such of the vendors or assuring parties as are trustees shall not be required to enter into any covenant except the usual express or implied statutory covenant that they respectively have not encumbered nor shall they in respect of any muniments retained by them be required to under-

[54 & 55-VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

take or covenant for their safe custody And any person joining in the assurance as a necessary consenting party shall not be required to enter into any covenant except that he has done nothing to prevent his so consenting. A.D. 1891.

22. All fees fines and other moneys payable by either side to the lords of the said manor or their steward in respect of the sale surrender or admittance shall be paid by the purchasers.

23. If the purchasers shall so require and shall give written notice to the vendors or their solicitors at least three calendar months before the said twenty-fourth day of June one thousand eight hundred and ninety-two or such earlier day as aforesaid the vendors will at the expense in all respects of the purchasers proceed to enfranchise the property and shall then convey the same to the purchasers as freehold subject nevertheless as in this agreement is provided.

24. This agreement is subject to the approval of Parliament and the same shall with all proper clauses be embodied in the Bill now before the House of Commons and all costs incurred as from the nineteenth of February one thousand eight hundred and ninety-one by the vendors in inserting clauses in such Bill and otherwise in connexion with the said Bill shall be paid by the purchasers.

25. This agreement is made subject to such alterations as Parliament may think fit to make therein but if the committee on the said Bill make any material alteration in this agreement it shall be competent to any party hereto to withdraw from the same.

In witness whereof the parties hereto of the first six parts have hereunto set their hands and the said Local Board have set their seal the day and year first above written.

Signed by the above-named James Seager
Wheele William Henry Wheeley John
Griffiths Wheeley Ferdinand Pakington
John Hanbury-Williams Charles Morgan
Emma Matilda Morgan James Murray
Bannerman and Louise Mary Bannerman
in the presence of

FRED. BAKER GABB
Abergavenny
Solicitor.

J. S. WHEELEY.
W. H. WHEELEY.
J. G. WHEELEY.
F. P. J. HANBURY-WILLIAMS.
CHARLES MORGAN.
EMMA M. MORGAN.
J. MURRAY BANNERMAN.
LOUISE M. BANNERMAN.

The Common Seal of the Pontypool Local Board was at a meeting held on the 24th day of June 1891 hereto affixed in the presence of



WM. SANDBROOK Chairman.
E. JONES Clerk.
LEWIS E. WEBB Solicitor
Pontypool.

A.D. 1891.

SECOND SCHEDULE.

	£	s.	d.
HORSES—			
For every stallion	0	1	0
For every horse gelding mare colt filly mule or ass	0	0	6
For every mare and suckling colt	0	0	8
CATTLE—			
For every bull	0	0	6
For every ox steer bullock cow or heifer	0	0	3
For every calf	0	0	2
SHEEP &c.—			
For every sheep or lamb goat or kid	0	0	1
PIGS—			
For each pig	0	0	1
CORN SEEDS &c.—			
For every imperial bushel or quantity less than an imperial bushel of wheat barley oats peas beans vetches flour meal or malt rye-grass or grass-seed of any kind respectively	0	0	1
For every fourteen pounds or quantity less than fourteen pounds of clover trefoil turnip or other seeds not herein-before enumerated respectively	0	0	1
HAY STRAW CLOVER VETCHES—			
For every ton (avoirdupois) of hay straw clover vetches or fodder of any kind respectively	0	1	0
For half a ton or any less quantity	0	0	6
POULTRY AND GAME—			
For every turkey under twelve pounds in weight	0	0	1½
For every turkey over twelve pounds in weight	0	0	2
For every hare every couple of rabbits or wild fowls or brace of partridges	0	0	1
For every gooso and every couple of ducks or fowls	0	0	1
For every pea fowl every couple of guinea fowls or woodcocks or every brace of pheasants	0	0	2
For every couple of pigeons or snipes	0	0	1½
FISH—			
For any quantity not exceeding fourteen pounds	0	0	1
For any quantity exceeding fourteen pounds for each fourteen pounds or part thereof	0	0	0½
For every hand truck wheelbarrow or hand cart of fish	0	0	6
WHOLESALE CARCASSES—			
For every sheep	0	0	4
For every calf	0	0	8

[54 & 55 VICT.] *Pontypool Local Board (Markets)* [Ch. cxxxix.]
Act, 1891.

	£	s.	d.	A.D. 1891.
For every pig - - - - -	0	0	8	—
For every beast - - - - -	0	1	6	
FRUIT AND VEGETABLES—				
For every bag of five imperial bushels of apples pears plums or any other kind of fruit - - - - -	0	0	3	
For every quantity less than a bag but exceeding a bushel - - -	0	0	2	
For every quantity not exceeding a bushel - - - - -	0	0	1½	
For every hand basket containing any of the above - - - - -	0	0	1	
For every bag of five imperial bushels of potatoes turnips carrots or other vegetables - - - - -	0	0	2	
For every quantity less than a bag but exceeding a bushel - - -	0	0	1½	
For every quantity not exceeding a bushel - - - - -	0	0	1	
ROOTS SHRUBS PLANTS AND FLOWERS—				
For every dozen or number less than a dozen of shrubs or small trees - - - - -	0	0	6	
For every one hundred or number less than one hundred of quick -	0	0	3	
For every hand basket or parcel of cut or plucked flowers- - -	0	0	1	
For every dozen or number less than a dozen pots of growing flowers or plants in pots - - - - -	0	0	3	
For plants not otherwise enumerated for every one hundred or number less than one hundred - - - - -	0	0	0½	
CHEESE—				
For every single cheese weighing above two pounds and not more than fourteen pounds - - - - -	0	0	1	
For every half-dozen or less number of cheese each weighing not more than two pounds - - - - -	0	0	2	
And so in proportion for any greater number.				
For every cheese exceeding fourteen pounds and not exceeding twenty-eight pounds - - - - -	0	0	2	
Above twenty-eight pounds for each fourteen pounds - - - - -	0	0	¼	
BUTTER—				
For any quantity not exceeding six pounds weight of fresh butter - - - - -	0	0	1	
For each additional three pounds or any less quantity than three pounds - - - - -	0	0	0½	
For any quantity of salt butter not exceeding twenty-eight pounds - - - - -	0	0	2	
For any quantity of salt butter not exceeding fifty-six pounds -	0	0	3	
For any quantity not exceeding one hundredweight - - - - -	0	0	4	
And the like scale for any greater quantity.				
EGGS—				
For every twenty or less quantity - - - - -	0	0	0½	
STALLS AND SPACES—				
For every stall according to position and size at such prices per day as may be fixed by the Board each from 1s. 6d. to - - - - -	0	3	6	

[Ch. cxxxix.] *Pontypool Local Board (Markets) [54 & 55 VICT.] Act, 1891.*

A.D. 1891.

	£	s.	d.
For every stall standing bench or space of ground within any market building which by consent of the Local Board 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	2
For every superficial square yard of ground not within any market building used for selling or exposing for sale goods wares or merchandise or any other article and not otherwise charged for as a stall standing or place for sale every day - - - - -	0	0	3
Articles not mentioned to be paid for by space.			
SONDRIES—			
For every sucking pig - - - - -	0	0	1½
For every gallon of barm - - - - -	0	0	1
For every single joint of meat of any kind sold or exposed for sale elsewhere than at a butcher's stall - - - - -	0	0	2
For every raw hide or skin - - - - -	0	0	2
For every fifty-six pounds of wool or any less quantity - - - - -	0	0	3
For every hide of leather - - - - -	0	0	6
WAGGONS CARTS AND AGRICULTURAL IMPLEMENTS—			
For every steam engine steam thrashing machine or elevator per day - - - - -	0	2	6
For every other machine taking up a space of ten square feet or more per day - - - - -	0	1	0
For every other machine taking up a space of less than ten square feet per day - - - - -	0	0	6
For every waggon cart carriage or vehicle used by any person for exposing or in which shall be exposed for sale any article commodity or thing whatsoever for which no specific toll is hereby imposed per day - - - - -	0	2	0
GENERAL TOLLS—			
For every superficial square foot in the open market or place for fairs used for any other purpose or for exposing an article or thing not in the Schedule otherwise provided for such reasonable sum as the Local Board shall determine.			
For vaults cellarage and for any other purpose whatever for which the covered market or any part thereof may be required or used such reasonable sum as the Local Board shall determine.			
For warehouses and warehousing such reasonable sum as the Local Board shall determine.			
For every space of ground covered or uncovered let to auctioneers for the purposes of their trade such sum as the Local Board shall determine.			

THIRD SCHEDULE.

A.D. 1891.

	£	s.	d.
WEIGHING AND MEASURING TOLLS—			
For weighing in sack any article or sack per sack - - -	0	0	1
For weighing any article or thing not in sack for every 28 pounds or fraction of 28 pounds up to 112 pounds - - -	0	0	1
And for every additional 112 pounds - - -	0	0	4
For weighing any waggon whether loaded or unloaded - -	0	1	0
For weighing any cart whether loaded or unloaded - -	0	0	6
For measuring goods or things sold by measure per bushel - -	0	0	1

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.

