



ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xix.

An Act for enabling the *Scarborough* Public Market Company to raise a further Sum of Money, and for amending and consolidating the Provisions of the Act relating to such Company. [12th May 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled *An Act for providing a covered Market in the Borough of Scarborough in the County of York, for improving the Approaches thereto, for removing the present Market, and for regulating the Markets and Fairs in such Borough*, whereby certain Persons were incorporated by the Name of "The *Scarborough* Public Market Company," and were empowered to erect and provide a Market House and Slaughter-houses within the Borough of *Scarborough*, and to make certain Improvements in the Approaches thereto and other Works connected therewith, and to purchase certain Market Tolls belonging to the Mayor, Aldermen, and Burgesses of the Borough of *Scarborough*: And whereas the said Company have proceeded in the Execution of the said Act, and have opened a Market House for the Use of the Public, and have

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purchased

15 & 16 Vict.
c. vi.

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purchased the Market Tolls from the said Mayor, Aldermen, and Burgesses, and have provided Slaughter-houses, and opened the same for general Use: And whereas by the said Act the said Company were authorized to raise the Sum of Twenty-one thousand Pounds by Subscription, and the Sum of Two thousand five hundred Pounds by Mortgage of the Undertaking for a Period of Seven Years only: And whereas the said Company have proceeded to carry the Powers of the said Act into execution, and have raised by Shares the Sum of Fourteen thousand Pounds or thereabouts, and the Sum of One thousand five hundred Pounds, Part of the said Sum of Two thousand five hundred Pounds, by Bond, and have expended the whole of the Money so raised as aforesaid for the Purposes of the recited Act: And whereas the Company are unable to raise any further Sum of Money by means of the ordinary Share Capital of the Company, or by borrowing for so limited a Period, and the said Company have incurred various Liabilities in consequence of the great Increase in Value of Property and the Cost of Materials and Labour, and require additional Lands and Buildings for increased Accommodation to Persons frequenting the Market, and for the Erection of Fasting Houses adjoining or near to the said Slaughter-houses, and it is expedient that further Powers should be granted to the Company of raising Money by means of Preferential Shares, and on Mortgage or Bond: And whereas some of the Provisions of the recited Act with respect to the Market Tolls and Exemptions therefrom, and with respect to the slaughtering of Cattle, are defective, and it is expedient that the same should be altered and amended: And whereas, in order to avoid Inconveniences from several Special Acts relating to the same Undertaking being in force at the same Time, it is expedient that the recited Act be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued in this Act; but the several Purposes 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,)

Recited Act
repealed.

I. From and after the passing of this Act the said recited Act shall be and is hereby repealed (but subject to the Provisions contained in this Act).

Short Title.

II. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "*The Scarborough Public Market Act, 1854.*"

III. The

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III. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Markets and Fairs Clauses Act, 1847," shall be incorporated with and form Part of this Act.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 14. incor-
porated with
this Act.

IV. The Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, and Twenty-third Sections of "The Railways Clauses Consolidation Act, 1845," (relating to the Alteration of Gas and Water Pipes,) and the Clauses of such Act "with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices," shall be incorporated with and form Part of this Act; and the Expression "the Railway" in the said "Railways Clauses Consolidation Act," shall be construed to mean the Market House, Slaughter-houses, and Approaches and Works by this Act authorized to be constructed or maintained.

Certain Sec-
tions of
8 & 9 Vict.
c. 20. incor-
porated with
this Act.

V. The Expression "Quarter Sessions" in this and the said incorporated Acts shall be construed to mean the Quarter Sessions for the Borough of *Scarborough*.

"Quarter
Sessions."

VI. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

Interpreta-
tion of
Terms.

The Expression "the Borough" shall mean the Municipal Borough of *Scarborough*:

The Expression "the Market House" shall mean and include the several Market Houses and Market Places, Buildings, and Conveniences provided for the holding of the Markets, or for other the Purposes of this Act, by the Company:

The Expression "the Company" shall mean the *Scarborough Public Market Company*.

VII. Notwithstanding the Repeal of the said recited Act, the Company shall for the Purposes of this Act, and as from the passing of the recited Act, and according to the Incorporation of the Company by the last-mentioned Act, remain incorporated by the Name of "The *Scarborough Public Market Company*," and by that Name shall continue to be and shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to maintain, erect, continue, and improve the Market House and Market Houses and Slaughter-houses, and Improvements in the Approaches, by the recited Act or this Act authorized to be constructed and maintained respectively, and to maintain and complete the Works authorized by the said recited Act, and to purchase, take, hold, and dispose of Lands and other

Company to
continue in-
corporated.

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other Property for the Purposes and within the Restrictions of this Act, and for otherwise carrying the Purposes of this Act and the incorporated Acts into execution, and shall be liable at Law and in Equity for all Acts, Matters, and Things done or omitted to be done by the Company constituted under the Act hereby repealed, in the same Manner and to the same Extent as the said last-mentioned Company would have been liable in case the said Act had not been repealed.

Works to remain vested in the Company.

VIII. Notwithstanding the Repeal of the recited Act, the Company shall remain and be seised and possessed of and entitled to the Market House and Slaughter-houses already provided by them; and all Lands, Tenements, Hereditaments, Buildings, Easements, Appurtenances, prospective and other Rights, Powers, and Privileges, Real and Personal Estates, and Rights and Interests therein or relating thereto whatsoever, of or to which the Company or any Person in trust for them were seised, possessed of, or entitled at Law or in Equity immediately before the passing of this Act, and all Rates, Rents, and Monies due or accruing due, and all Securities, Books, Accounts, Documents, Choses of Action, Effects, and Property immediately before the passing of this Act vested in the Company, and all other their Privileges, Rights, Titles, Estates, and Interests in the same respectively, shall from and after the passing of this Act remain and continue to be held and enjoyed accordingly for the absolute Use and Benefit of the Company for the Purposes of this Act, and for the same Estates, Terms, and other Interests as if the recited Act had not been repealed, subject, nevertheless, to the Charges, Interests, and Liabilities (if any) to which at the Time of the passing of this Act the same Premises are respectively subject.

Conveyances, &c. to remain in force.

IX. Notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Grants, Assurances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the passing of this Act done, entered into, executed, or instituted under or by virtue of the recited Act or with reference to the Purpose thereof, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as they would have been if the recited Act had not been repealed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

X. Notwithstanding the Repeal of the recited Act, no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company previously to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Company in the same Manner to all Intents and Purposes

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Purposes as if this Act had not passed; and Proceedings for all Offences against the Provisions of the said recited Act committed before the passing of this Act may be commenced and prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if the recited Act had not been repealed.

XI. Notwithstanding the Repeal of the recited Act, all Tolls, Rates, Rents, and Charges whatsoever made, charged, or imposed under the said recited Act, and which at the Time of the passing of this Act are due, or if this Act had not passed would have accrued due, shall continue in force and be due and payable to the Company, and may be collected, recovered, and enforced by such Means and under such Restrictions and Regulations as any Tolls, Rates, Rents, or Charges may be collected, recovered, or enforced under this Act.

Rates or Rents now payable to continue in force.

XII. Notwithstanding the Repeal of the recited Act, all Persons who immediately before the passing of this Act owe any Money to the Company, or to any Person on their Behalf, whether in respect of Calls or otherwise, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Company, and the same shall be recoverable by the Company, and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the Company, or for Payment of which the Company 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 Company, and all Securities for the same shall be and continue in force accordingly.

Debts due to and by the Company to be paid to and by them

XIII. Notwithstanding the Repeal of the recited Act, all Byelaws, Rules, Regulations, and Orders made under the recited Act shall continue in force until the same be repealed, altered, or varied under this Act, and such Byelaws, Rules, Regulations, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied in the same Manner in all respects as if the same had been made and imposed respectively under this Act.

Byelaws, &c. to remain in force.

XIV. Notwithstanding the Repeal of the recited Act, all Certificates, Sales, Transfers, and Dispositions before the passing of this Act, or executed under the recited Act, of or in respect of any Shares in the Company, shall remain in full force, and continue and be available in all respects.

Certificates and Transfer to remain in force.

XV. Notwithstanding the Repeal of the recited Act, all Officers and Persons appointed to or in Office or Employment under the re-

Present Officers continued.

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cited Act shall continue in their respective Offices and Employments according to their respective Appointments, until removed therefrom according to the Provisions of this Act, and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and all such Officers and Persons and their respective Sureties shall be liable to the same or the like Conditions, Penalties, Obligations, Restrictions, and Regulations, as if such Officers and Servants respectively had been appointed and such Sureties had become bound under this Act.

Books to be Evidence.

XVI. Notwithstanding the Repeal of the recited Act, all Books and other Documents by that Act directed or authorized to be kept, made, or executed, and which if this Act had not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Capital of the Company.

XVII. And whereas the Share Capital of the Company is Twenty-one thousand Pounds, but the Sums of Money actually subscribed for and paid up amount to the Sum of Fourteen thousand Pounds divided into Fourteen hundred Shares of Ten Pounds each, and the Company require a further Sum of Money in addition to such Sum of Twenty-one thousand Pounds: Be it enacted, That the Capital of the Company shall be Twenty-eight thousand Pounds, and such Sum of Fourteen thousand Pounds, for which Shares have been already taken, shall be distinguished as "the Original Capital," and the remaining Sum of Fourteen thousand Pounds to be raised after the passing of this Act shall be distinguished as "the Additional Capital of the Company."

Distribution of existing Shares.

XVIII. Every Person and Corporation who immediately before the passing of this Act was possessed of or entitled to One or more Share or Shares in the original Capital of the Company under the Act hereby repealed, shall continue to be possessed of or entitled to the same Shares in such Capital, and of the same nominal Value and marked by the same progressive Number or Numbers as such Person or Corporation was possessed of or entitled to immediately before the passing of this Act, and such Persons and Corporations shall continue to hold and stand possessed of such Shares respectively to and upon such and the same Trusts (if any), and for such and the same and under and subject to such and the same Disposition, and subject to such and the same Charges, Judgments, Liens, and Incumbrances (if any) to, upon, under, and subject to which they held and possessed the Shares respectively at the Time of the passing of this Act.

Power of raising additional Capital.

XIX. It shall be lawful for the Company to raise, by Contribution amongst themselves or by the Admission of other Parties as Subscribers

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scribers to the said Undertaking, the said additional Capital of Fourteen thousand Pounds, or any Part thereof, and such additional Capital may be raised in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the Conversion of the borrowed Money into Capital, or by means of Preference Shares to be created in manner herein-after mentioned, or partly by one Mode and partly by the other.

XX. Such additional Capital shall be divided into One thousand four hundred Shares of Ten Pounds each, to be numbered in regular Order of arithmetical Progression, and every Share shall always be distinguished by the Number to be originally applied to the same.

Division of additional Capital into Shares.

XXI. All Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall hold, take, or purchase One or more Shares, whether created by virtue of the recited Act or of this Act, shall (unless a Preferential Rate of Dividend be attached to any such Shares under the Provisions herein-after contained) be entitled to and receive, upon the Sums of Money from Time to Time paid on such Share or Shares, Part of the Profits or Advantages that shall accrue from the said Undertaking proportionate to the Amount so paid on such Share or Shares, and the Shares created by virtue of the said recited Act and of this Act shall be consolidated and form One Joint Stock Capital, and be subject to the same Provisions, Regulations, Directions, and Management in all respects, except with respect to any fixed or Preferential Dividend attached thereto, and any Persons holding, taking, or purchasing any Shares created by virtue of this Act shall thenceforth be united to and incorporated with the Company.

Shareholders to be entitled to Dividends proportionate to Amount paid on their Shares.

XXII. It shall be lawful for the Company to raise or continue by Mortgage or Bond on the Credit of their Undertaking any Sum not exceeding in the whole, together with any Sum already borrowed by them under the Powers of the said recited Act, the Sum of Seven thousand Pounds, but no greater Amount shall at any one Time be due on Mortgage or Bond than One Third of the Share Capital of the Company from Time to Time actually subscribed for: Provided always, that all Mortgages or Securities for Money which may have been granted by the Company under the Provisions of the recited Act, and which shall be in force at the Time of the passing of this Act, shall, during the Subsistence thereof, have Priority over any Mortgage or Security for Money to be created or granted by the Company under the Powers of this Act.

Power to raise, &c. Money by Mortgage.

XXIII. On the Expiration of the Period of Thirty Years from the Time of raising any Sum of Money upon Mortgage or Bond under

Mortgage Money to be repaid after the Thirty Years.

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the Authority of this Act or the recited Act, the Principal Sum of Money secured by such Mortgage or Bond, and all Interest due thereon, shall be repaid by the Company, and the Power of the Company to reborrow such Principal Sum so repaid shall cease, and all Monies arising from the Sale of any superfluous Lands shall be first applicable to or towards the Discharge of the Mortgage or Bond Debt of the Company.

Company
may raise
Shares by
means of
Preferential
Dividends.

XXIV. It shall be lawful for the Company, for the Purpose of raising the said additional Capital of Fourteen thousand Pounds or any Part thereof, or instead of borrowing on Mortgage or Bond on the Credit of the Undertaking the whole Amount thereof herein-before authorized to be raised by those Means, or for the Purpose of paying off the whole or some Part of the Mortgage or Bond Debt at any Time due from the Company, from Time to Time (with the Approbation of Three Fifths at least of the Votes of the Proprietors present, in Person or by Proxy, at any Ordinary or Extraordinary Meeting of the Company, convened by a Notice which shall state the Object of such Meeting), to create new Shares in the Company in order to raise the Amount required, and such Shares may be created with such Privileges, of such Classes, of such Amounts, and with such fixed, fluctuating, contingent, guaranteed, preferential, perpetual, terminable, or other Interest or Dividend not exceeding the Sum of Six Pounds *per Centum per Annum*, and with or without Powers of Redemption by the Company at any future Period, and may be issued to such Persons and generally in such Manner as the Company with the like Approbation from Time to Time shall think fit; and the Company may, with such Consent as aforesaid, from Time to Time, for the Purpose of paying off any Preferential Shares which may have been issued subject to the Powers of Redemption by the Company, create and issue a new Class of Preferential Shares at a lower Rate of Interest or Dividend, or create a further Number of Shares in the Ordinary Share Capital of the Company; provided always, that all Shares of the same Class shall be of the like Amount, confer the like Privileges, and bear the like Interest or Dividend; but nothing herein contained shall be deemed to authorize the Company to raise, either by borrowing, or by the Creation of new Shares instead of borrowing, or partly by one and partly by the other Mode, including the original Capital of the Company, a greater Amount than Thirty-five thousand Pounds, nor shall the Company issue any Shares with a Preferential Dividend attached thereto at a less Price than the nominal Value thereof.

Power to
allot new
Shares to
Mortgagees
in discharge
of Debt.

XXV. The Company may from Time to Time, by Agreement with any Mortgagee or Bond Creditor of the Company, allot to him any of the new Shares to be created under the Provision lastly herein-before contained in satisfaction of all or such Part as is mutually agreed

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agreed on of his Mortgage or Bond Debt, and upon every such Allotment the new Shares so allotted shall be deemed fully paid up, and the Mortgage or Bond in respect whereof those Shares are so allotted shall thereupon be extinguished.

XXVI. The Capital to be raised and the Money to be borrowed under or by virtue of this Act shall be applied only to the Objects and Purposes by this Act authorized. Application of Money raised.

XXVII. The Ordinary Meetings of the Company shall be held half-yearly, in the Months of *February* and *August*, and the First of such Ordinary Meetings shall be held in *August* One thousand eight hundred and fifty-four; and such Meetings, whether ordinary or extraordinary, shall be held in the Borough of *Scarborough*. First and other Meetings.

XXVIII. The Scale according to which Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) Scale of voting.

For Five Shares or more but not exceeding Ten Shares, One Vote;

For Ten Shares but not exceeding Twenty Shares, Two Votes;

For Twenty Shares Three Votes, and for every additional Ten Shares One additional Vote; but no Shareholder to have more than Ten Votes.

XXIX. Subject to the Provisions herein contained for reducing the Number of Directors, the Number of Directors shall be Twelve; and the several Persons who at the Time of the passing of this Act are the Directors, shall continue in Office as Directors, and shall retire therefrom in the Rotation, at the Times, and in the Manner at or in which they would have retired from Office if this Act had not been passed. Directors.

XXX. No Person shall be capable of being a Director unless he be a Shareholder possessed of Five Shares at the least. Qualification of Directors.

XXXI. It shall be lawful for the Company from Time to Time to reduce the Number of Directors of the Company, but the whole Number of Directors, after such Reduction, as aforesaid, shall not be less than Six. Power to reduce the Number of Directors.

XXXII. The Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Six, and the Quorum of such Committee shall be Two. Committee of Directors.

XXXIII. It shall be lawful for the Directors for the Time being from Time to Time to remove the present Treasurer and Secretary, Power to Directors to appoint and
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remove
Officers.

and Managers, Market Keepers, Collectors, and other Officers, and appoint others in their Stead, when and as such Directors shall think fit, and to allow to such Officers, or any of them for the Time being, such Salary or Remuneration as such Directors may think sufficient, and from Time to Time to remove any future Officers, or any of them, from their Offices respectively, and, if such Directors shall see fit, to appoint other Officers in the Place of those so removed, or of any Officer who shall die or resign his Office.

Limits of Act.

XXXIV. The Limits within which this Act shall be put in force shall be the Limits of the Municipal Borough of *Scarborough*.

Newspapers
for Adver-
tisements.

XXXV. The Newspapers in which Advertisements may be published under the Provisions of this Act or any Act incorporated herewith, shall be some Newspaper published in the Borough; and if there be no Newspaper published therein, then in some Newspaper published in the County of *York*.

Power to
maintain and
erect Market
House, &c.,
on Lands
described in
Plans.

XXXVI. And whereas Plans describing the Situation of an intended Market House, and the Slaughter-houses, Ways, and Passages connected therewith, the intended Alterations, Diversions, and Improvements in the Streets leading thereto, and the Lands and Houses to be taken for the Purposes thereof respectively, and also a Book of Reference to such Plans describing such Lands and Houses, and containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of such Lands and Houses, were deposited with the Clerk of the Peace for the North Riding of the County of *York*, in or about the Month of *November* One thousand eight hundred and fifty-one, and such Works are incomplete: Therefore it shall be lawful for the Company, subject to the Provisions and Restrictions in this and the incorporated Acts contained, to continue, maintain, complete, and erect a Market House and Market Houses, or Market Place and Market Places, and all necessary Buildings, Stalls, Shops, Sheds, open Areas or Space, Slaughter-houses, Fasting Houses, Courts, Passages, Weighing Machines, and other Works and Conveniences, upon any of the Lands delineated on the said Plans or described in the said Book of Reference, and to enter upon, take, and use such of the Lands mentioned in the said Plan and Book of Reference as shall be necessary for those Purposes or other the Purposes of this Act, and to hold any Lands already purchased by them for such Purposes.

Power to im-
prove Streets
as herein
mentioned.

XXXVII. It shall be lawful for the Company to make and complete the Improvements in the Streets and Thoroughfares near to the said intended Market House, as delineated upon the Plans herein-
before

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before referred to, so far as the same shall not already have been made and completed ; (that is to say,)

To divert and alter the Line or Course of the Streets called *Leading Post Street, Saint Sepulchre Street, and Dumble Street*, and also the Streets called *Saint Helen's Square* and *Cross Street*, in manner described upon the said Plans, and to appropriate for the Purposes of the said Market House a Part of the present Line of the Streets so to be altered or diverted :

To stop up and appropriate, for the Purposes of the Market House and Buildings, the Passages or Thoroughfares called the *Shambles* and *Bennett's Yard*, and all other Courts and Passages on the intended Site of the said Market House :

To open and make a new Passage or Thoroughfare between *Dumble Street* and *Cross Street* :

To remove the present public Conduit situate at the Junction of *Saint Sepulchre Street* with *Leading Post Street* and *Dumble Street*, and the public Fountain and Weighing House in *Saint Helen's Square*, and, if required by the Mayor, Aldermen, and Burgesses of the Borough, to erect in lieu thereof other public Conduits or Fountains, equally suitable and convenient, in such Situation as shall be approved by the said Mayor, Aldermen, and Burgesses ; and a Supply of Water equal to the Supply to the present Conduits shall be afforded to such new Conduits by the Means and from the Sources by or from which the present Conduits are supplied :

To stop up, alter, divert, or remove any Gas or Water Pipes, Sewers, or Drains, which it may be necessary to stop up, alter, divert, or remove, by reason of the Works by this Act authorized : Provided always, that before the Company interfere with any Gas or Water Pipes, Sewer, or Drain, they shall give Seven Days previous Notice to the Clerk or Secretary of the Company to whom such Gas or Water Pipe shall belong, or to the Clerk to the Improvement Commissioners at *Scarborough*, in respect of the Interference with any Sewer or Drain.

XXXVIII. It shall be lawful for the said Company to maintain and provide such Slaughter-houses and Fasting Houses as shall from Time to Time be sufficient for those Purposes for the Supply of the Borough and the Neighbourhood thereof ; and for that Purpose to purchase and take or hold the Lands described on the Plan hereinbefore referred to.

Power to provide Slaughter-houses.

XXXIX. For better defining Slaughter-houses in use before the Commencement of this Act within the Provisions of "The Markets and Fairs Clauses Act, 1847," all Slaughter-houses which have been in use weekly for One Year previous to the Commencement of the said

Defining Slaughter-houses in use before passing of Act.

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said recited Act shall be deemed to be Slaughter-houses in use as such within the Meaning of the said "Markets and Fairs Clauses Act, 1847," but nothing in this Act contained shall extend to authorize any other Person to use any such Slaughter-house, or to have any Cattle slaughtered therein for Hire or otherwise, except the Person who was the Occupier thereof at the Time of the passing of the said recited Act, or any Person who for the Time being shall carry on the Trade of a Butcher in the Place of Business with which such Slaughter-house was used, provided that such Place of Business shall have been continuously held as a Butcher's Shop.

Cattle may be slaughtered in private Slaughter-houses.

XL. Notwithstanding anything herein contained, it shall be lawful for any Person to slaughter, skin, open, or dress, or cause to be slaughtered, skinned, opened, or dressed, upon any Part of his own Premises, wheresoever situate, not being a Shop or Place open to or exposed to View from any Highway, Street, Passage, or public Place, any Cattle for Consumption by his own Family or Household only, and not for Sale; and that it shall be lawful for any Butcher or other Dealer in Meat to slaughter, skin open, or dress any Cattle in his own Slaughter-house where the same is immediately adjoining his Shop, and above Nine hundred Yards by the nearest Street or Way from the said Market House, such Slaughter-house not being a Shop or Place opened to or exposed to View from any Highway, Street, Passage, or public Place, and that such Cattle shall be skinned, opened, and dressed in such Slaughter-house, and sold by Retail in the said Shop or Market House, and not elsewhere within the said Borough.

No Cattle to be slaughtered in Shops adjoining public Roads.

XLI. Notwithstanding the Provision aforesaid, any Person who shall after the passing of this Act, except in the public Slaughter-house, slaughter, skin, open, or dress any Cattle in any Shop or Slaughter-house adjoining any public Street or Place within the said Borough after the Hour of Seven o'Clock in the Morning, or who shall, previous to the Hour of Seven o'Clock in the Morning, slaughter, skin, open, or dress any Cattle in any open Shop or open Slaughter-house adjoining any public Street or Place within the said Borough, shall be liable to a Penalty not exceeding Five Pounds for each Offence.

Lands for extraordinary Purposes.

XLII. Any additional Lands which may be required by the Company for enlarging the Market House or Slaughter-houses, or for erecting or making an additional Market House or other Market Houses and Slaughter-houses, or for the general Purposes of this Act, may be purchased by the Company by Agreement, and shall not exceed Six Acres.

XLIII. The

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XLIII. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Third Day of *May* One thousand eight hundred and fifty-seven.

Limiting Time for compulsory Purchase of Lands.

XLIV. The Market Houses, Deviations of Streets, and other Works before mentioned, shall be completed on or before the Third Day of *May* One thousand eight hundred and fifty-eight; and on the Expiration of such Period the Powers by this Act and the said Acts incorporated herewith given to the said Company for erecting the Market Houses and altering and diverting the Streets aforesaid, shall cease to be exercised, except as to so much of the Market House, and Alterations and Diversions, as shall then be completed, and except as to any Enlargement of or Alteration in the Market Houses which may hereafter be deemed desirable.

Period for Completion of Works.

XLV. It shall be lawful for the Company to hold, within the Market House and Market Place already erected or provided by virtue of the recited Act hereby repealed, or within any other Market House or Market Place to be erected and provided under this Act, an open Market for the Sale of Butchers Meat, Poultry, Fish, Butter, Cheese, Vegetables, Fruit, Corn, and Hay, and other Provisions, or of any of such marketable Commodities mentioned in Schedule A. to this Act annexed, daily in every Week (except *Sundays*); and all Markets and Fairs within the Borough, whether held by Prescription, Charter, or otherwise, shall be held in the said Market House and Market Place, except as herein-after mentioned with respect to such Fairs: Provided always, that in case at the Fairs on *Holy Thursday* and *Old Martinmas Day* and on the *Thursdays* previous to and succeeding *St. Swithin's Day* and *Old Martinmas Day* in any Year the Market House shall be fully occupied, such Fairs may be held in the usual or accustomed Place or Places where the Fairs have heretofore been held in the said Borough.

Power to hold Markets.

XLVI. It shall be lawful for the Company to let any of the Stalls, Standing-places, or other Conveniences in the said Market House, or any Rooms, Offices, Shops, Buildings, or Grounds belonging thereto, to any Person or Persons, for any Term not exceeding Three Years.

Power to lease Stalls, &c., in Market.

XLVII. It shall not be lawful for the Lessee of any such Stall, Standing-place, Rooms, Offices, Shops, or Buildings, or other Convenience, his Executors or Administrators, to assign the same without the Consent of the Company first had and obtained.

Lessee not to assign Lease without Consent.

XLVIII. It shall be lawful for the Company from Time to Time to demand and receive from any Persons occupying or using any Stand,
[Local.] 3 N Stall,
Tolls to be taken for Market.

The Scarborough Public Market Act, 1854.

Stall, Shed, Pen, or Place in the Market or Market House or Market Place, or Buildings or Grounds connected therewith, or bringing into such Market, Market House, or Market Place, or Buildings or Grounds as aforesaid, any marketable Commodities specified in Schedule A. to this Act annexed, or bringing into such Market any Cart or Carriage on which Goods are or may be exposed for Sale, such Tolls, Stallages, and Rents as the Company shall from Time to Time appoint, not exceeding the several Tolls, Stallages, and Rents specified in Schedule A.

Tolls to include the Market Dues to be purchased from the Corporation.

XLIX. The Tolls, Stallages, and Rents hereby authorized to be demanded and received by the Company shall include and discharge all and every Market Tolls, Stallages, and Market Rents whatever which the Mayor, Aldermen, and Burgesses of the Borough of *Scarborough*, or any other Corporation or Persons whose Right or Interest shall have been purchased under the Provisions of the recited Act, may for the Time being be entitled to demand or receive by Prescription, Charter, or otherwise within the Borough.

Tolls in Fairs.

L. It shall be lawful for the Company from Time to Time to demand and take from any Person occupying or using any Stall, Shed, or Stand, or erecting any Booth in any Fair to be held in the Market House, or in such usual or accustomed Place or Places where the Fairs have heretofore been held as the said Company shall direct, or bringing therein any Caravan or Vehicle, or any Cattle, Provisions, Articles, or Things specified in Schedule A. to this Act annexed, such Tolls, Stallages, and Rents as the Company shall from Time to Time appoint, not exceeding the several Tolls, Stallages, and Rents specified in the said Schedule.

Tolls for weighing and measuring.

LI. It shall be lawful for any Person from Time to Time appointed to attend any Weighing House or Place provided by the Company for weighing or measuring any Article sold or exhibited by Weight or Measure from Time to Time to demand such Tolls as the Company shall appoint, not exceeding in any Case the Amount set forth in the Schedule B. to this Act annexed.

Tolls for weighing Carts, &c.

LII. It shall be lawful for the Person for the Time being appointed to attend the Machines belonging to the Company for weighing Waggons, Carts, and Carriages, to demand from the Person requiring the same to be weighed such Tolls as the Company may from Time to Time appoint, not exceeding in any Case the Amount set forth in the Schedule C. to this Act annexed; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

LIII. It

The Scarborough Public Market Act, 1854.

LIII. It shall be lawful for the Company to demand from any Person slaughtering Cattle in any Slaughter-house belonging to them, or keeping Cattle previous thereto in any Fasting House, such Tolls as the Company may from Time to Time appoint, not exceeding in any Case the Amount set forth in Schedule D. to this Act annexed.

Tolls for Slaughter-houses.

LIV. Notwithstanding anything contained in the Thirteenth Section of "The Markets and Fairs Clauses Act," a licensed Hawker shall not be exempt from the Penalty imposed by such Section for selling or exposing for Sale within the Borough any marketable Commodities for which Tolls are authorized to be taken in the Market by this Act, except in respect of such Articles for the Sale of which by him as a Hawker a Licence is required under the Acts relating to Hawkers Licences; and every licensed Hawker after the passing of this Act shall be liable to the same Penalty for selling or exposing for Sale within the Borough any Articles for which a Licence is not required under such Acts, and mentioned in Schedule A., as any Person not being a licensed Hawker would be liable to under the Provisions of this Act and "The Markets and Fairs Clauses Act, 1847."

As to Exemption of licensed Hawkers.

LV. All the Rights and Privileges of the Mayor, Aldermen, and Burgesses of the Borough of *Scarborough* and of any other Corporation and Person with reference to the Market Tolls, Stallages, or Market Dues purchased by the Company under the Provisions of the recited Act shall vest in and belong to the Company, and such Market Tolls, Stallages, and Market Dues so purchased shall merge in the Tolls, Stallages, and Rents by this Act authorized to be levied.

Rights to Market Tolls purchased from Corporation of Scarborough to remain in Company.

LVI. It shall be lawful for the said Company, when and so soon as they shall have provided any other convenient Place or Places, to be approved of by the said Mayor, Aldermen, and Burgesses, to remove the present Cattle, Sheep, and Pig Market from the Place or Places where they are now held to such other Place or Places, and so from Time to Time as often as Occasion shall require.

Removal of Cattle and Pig Markets.

LVII. The Approval of the said Mayor, Aldermen, and Burgesses to the Removal of the said Cattle and Pig Markets to other Place or Places shall be deemed to have been given by a Resolution of the Council for that Purpose, or in case Notice in Writing under the Hand of Three of the Directors of the said Company shall have been sent to the said Mayor, Aldermen, and Burgesses, by Delivery thereof at the Office of the Town Clerk, Fourteen clear Days at least before any Quarterly Meeting of the Council of the said Borough, and

Mode of signifying Approval of Mayor, Aldermen, and Burgesses.

no

The Scarborough Public Market Act, 1854.

no Resolution of Dissent shall have been passed thereon at such Quarterly Meeting, or, such Resolution having been passed, a Copy thereof shall not be sent to the Company by Delivery thereof at the Office of the Clerk or Secretary of the said Company within One Week next after such Quarterly Meeting, the said Mayor, Aldermen, and Burgesses shall be deemed to have approved of the Place or Places designated in such Notice.

Company may collect same Market Tolls for Cattle as Corporation now have.

LVIII. It shall be lawful for the Company to demand and receive in respect of Cattle and Animals the same Tolls as now are or heretofore have been received and taken by the said Mayor, Aldermen, and Burgesses; and when and so soon as the said Company shall, with the Consent of the said Mayor, Aldermen, and Burgesses, have provided another and more convenient Place for holding the Fairs and Markets within the said Borough, so that the Cattle shall be removed from the public Streets, then and from thenceforth it shall be lawful for the Company to demand and receive in respect of Cattle and other Animals specified in Schedule (E.) to this Act annexed, such Tolls as the Company shall from Time to Time appoint, not exceeding the Tolls which are set forth in such Schedule (E).

Saving Rights of Corporation to Harbour Dues.

LIX. Nothing in this Act contained shall interfere with or prevent the said Mayor, Aldermen, and Burgesses from levying and receiving all Tolls, Imposts, and Dues of every Description on Ships entering the Harbour of *Scarborough*, and on Cargoes, either imported or exported, payable to the said Mayor, Aldermen, and Burgesses, either as Owners of the Soil of the Harbour or otherwise, in the same Manner as if this Act had not been passed.

Nothing to prevent the hawking of Fish and Milk.

LX. Nothing in this Act or the Acts incorporated therewith shall prevent the hawking of Fish or Milk in any of the public Streets or Places of the said Borough, or the vending of Fish upon the Sands, as heretofore.

Expenses of Act.

LXI. All the Costs, Charges, and Expenses of and attending the applying for, obtaining, and passing of this Act or incident thereto, shall be paid by the Company.

The Scarborough Public Market Act, 1854.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

Schedule of Tolls and Stallage referred to and authorized to be taken in the Market by the foregoing Act.

CORN MARKET.

£ s. d.

For every Office or Box for the Transaction of Business within the Market, any Sum not exceeding, per Week - - -	0	2	0
For every Stand or Standing-place occupying a Space not more than Nine Feet Superficial Measure on the Ground, for selling or exposing to Sale any Malt, Seeds, Hops, or other Agricultural Produce, any Sum not exceeding, for each Market Day -	0	1	0
If occupying a larger Space, then for every additional Superficial Foot, for each Market Day, not exceeding - - -	0	0	2

MEAT MARKET.

For every Butcher's Shop, if taken by the Year, any Sum not exceeding, per Year - - - - -	20	0	0
If taken by the Week, not exceeding, per Week - - -	0	10	0
For every moveable Butcher's Stall, if taken by the Year, any Sum not exceeding, per Year - - - - -	12	0	0
If taken by the Week, not exceeding, per Week - - -	0	6	0
If taken by the Day, not exceeding, per Day - - -	0	2	0
If any Shop shall exceed in Size 140 Superficial Feet, to be estimated as Two Shops.			

POULTRY MARKET.

For every Space for exposing to Sale any Poultry, Butter, Eggs or other Articles commonly sold in Poultry Markets, per Foot Superficial Measure, each Day not exceeding - - -	0	0	0½
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[Local.]

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FISH,

The Scarborough Public Market Act, 1854.

FISH, FRUIT, AND VEGETABLE MARKET.

	£	s.	d.
For every Fishmonger's, Fruitseller's, Greengrocer's, or other than Butcher's Shop, if taken by the Year, any Sum not exceeding, per Year - - - - -	20	0	0
If taken by the Week, not exceeding, per Week - - - - -	0	10	0
For every Stand or Standing-place for selling or exposing for Sale any Fish, Fruit, or Vegetables, not exceeding, each Day, per Foot Superficial Measure - - - - -	0	0	1
And if occupying any larger Space, then for every additional Superficial Foot, not exceeding - - - - -	0	0	1
For every Waggon laden with Fruit, Vegetables, or Agricultural Produce sold or exposed for Sale by Wholesale in the said Markets, or in any of the public Streets or Places, not exceeding, per Day - - - - -	0	1	0
For every Cart laden with Fruit, Vegetables, or Agricultural Produce, sold or exposed for Sale by Wholesale as aforesaid, not exceeding, per Day - - - - -	0	0	6
If any Shop shall exceed in Size 140 Superficial Feet, to be estimated as Two Shops.			

MISCELLANEOUS ARTICLES.

For every Stand or Standing-place of not more than Twenty-four Feet Superficial Measure, for selling or exposing for Sale any Cloth, Furniture, Agricultural Implements, Shoes, or other Articles not herein-before particularly mentioned, in the said Markets, or in any of the public Streets or Places, not exceeding, for each Day - - - - -	0	2	0
And if occupying a larger Space, then for every additional Superficial Foot, for each Day, not exceeding - - - - -	0	0	1
For every Show, Caravan, Carriage, Vehicle, Apparatus, or other Article used for an Exhibition or Amusement, not exceeding, per Day, for each separate Carriage or Article - - - - -	0	2	0

The Stallage and the several Tolls and Rents before mentioned and specified to be payable and paid for and in respect of the Occupation and 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 Week or Day for which the same Stall, Standing-place, Bench, Compartment, or Space of Ground shall be taken or hired, in case he shall not occupy or use the same for and during the whole of such Week or Day respectively, as also by any subsequent Taker or Occupier of the same Stall, Standing-place, Bench, Compartment, or Space of Ground for the Residue of any Part or Portion of the same Week or Day respectively.

The Scarborough Public Market Act, 1854.

SCHEDULE B.

Schedule of Tolls to be taken for weighing and measuring.

	£	s.	d.
For every Load of Hay, Straw, or other Agricultural Produce, not exceeding the Sum of - - - - -	0	0	6
One Hide, not exceeding - - - - -	0	0	2
One Lot of Tallow, not exceeding the Produce of One Beast, not exceeding - - - - -	0	0	1
One Flitch of Bacon, not exceeding - - - - -	0	0	1
One Sheep, Lamb, Calf, or Pig, not exceeding - - - - -	0	0	3
One Beast, not exceeding - - - - -	0	0	4
One Quarter of a Beast, not exceeding - - - - -	0	0	1
One Half of a Beast, not exceeding - - - - -	0	0	2
Three Quarters of a Beast, not exceeding - - - - -	0	0	3
Every weighing of other Articles not exceeding One Hundred- weight, not exceeding - - - - -	0	0	1
And if more than One Hundredweight and less than Two Hun- dredweight, not exceeding - - - - -	0	0	2
And so in proportion for any greater Quantity.			
For every Quantity of Goods and Articles sold by Measure, for every Bushel, not exceeding - - - - -	0	0	0½

SCHEDULE C.

Schedule of Tolls to be taken for Weighing Machines.

	£	s.	d.
For every Waggon or other Four-wheeled Carriage, with the Loading thereof, any Sum not exceeding - - - - -	0	0	6
For every Cart or other Two-wheeled Carriage, with the Loading thereof, any Sum not exceeding - - - - -	0	0	3

SCHEDULE D.

Slaughter-houses.

	£	s.	d.
For every Slaughter-house or Fasting House, if taken by the Year, any Sum not exceeding, per Year - - - - -	10	0	0
If taken by the Week, any Sum not exceeding, per Week - - - - -	0	5	0
			<i>Tolls,</i>

*The Scarborough Public Market Act, 1854.**Tolls to be taken for the Use of Slaughter-houses.*

	£	s.	d.
For every Bull, Ox, Cow, or Bullock, any Sum not exceeding	-	0	1 6
For every Calf, any Sum not exceeding	-	0	0 6
For every Sheep or Lamb, any Sum not exceeding	-	0	0 3
For any Hog or Pig, any Sum not exceeding	-	0	0 6
For any other Beast, any Sum not exceeding	-	0	1 6

The whole of the several Stallages, Rents, and Tolls before specified to be payable and paid in advance, if required.

Tolls to be taken for the Use of Fasting Houses.

For every Bull, Ox, Cow, or Bullock, not exceeding	-	0	1 0
For every Calf, not exceeding	-	0	0 4
For every Sheep or Lamb, any Sum not exceeding	-	0	0 2
For any Hog or Pig, any Sum not exceeding	-	0	0 4
For any other Beast, any Sum not exceeding	-	0	1 0

No Animal to remain longer than Thirty-six Hours without paying an additional Toll, and so for each Thirty-six Hours.

SCHEDULE E.

Cattle Market.

For the Exposure to Sale of Horses, Cattle, or Live Stock, not exceeding as follows; (that is to say,)

	£	s.	d.
For every Horse, Mare, or Gelding, Colt or Filly	-	0	0 6
Mule or Ass	-	0	0 2
Bull, Ox, Cow, Heifer, or Steer	-	0	0 4
Calf	-	0	0 2
Pig	-	0	0 1
Half Score of Sheep or Lambs	-	0	0 6

And so in proportion for any greater or smaller Number of Sheep or Lambs; One or more, not exceeding Five, to be paid for as a Quarter of a Score.

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