ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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Cap. lxvii.

An Act to authorize the Corporation of *Chichester* to remove the present Cattle Market, and to provide a new Cattle Market; and for other Purposes. [25th *June* 1868.]

WHEREAS by an Act (Local) of the Forty-seventh Year of *George* the Third, Chapter 84, intituled *An Act to regulate and improve the Cattle Market, to provide a Market House, and establish a Market for the Sale of Butchers Meat and other Articles, and to make other Improvements, within the City of* Chichester *in the County of* Sussex, it was enacted (Section 1) that it should and might be lawful for the Mayor, Aldermen, and Citizens of the City of *Chichester* (in this Act called the Corporation) to hold an open and public Market for the Sale of Live Cattle and Swine in the *East* and *North* Streets of the City, where the same had theretofore been usually holden, and on the same Day as the same had been usually holden; and (by Section 2) that on the next Market Day after the passing of the now-reciting Act, and for ever thereafter, it should and might be lawful for the Corporation to receive and take by themselves, their Servants and Farmers, for and in respect of Live Cattle and Swine brought to the Market Place for Sale the several Tolls which had been theretofore

47 G. 3. Sess. 2. c. lxxxiv.

usually received and taken by the Corporation, their Servants and Farmers, in respect thereof: And whereas the Corporation by the recited Act were empowered to establish a Market for the Sale of Flesh, Meat, and other raw Victuals, Fish, Poultry, Rabbits, Sucking Pigs, Eggs, Butter, Herbs, Roots, or other Vegetables, Fruit, China, Glass, and Earthenware, and such other Things as were usually sold in public Markets, and to levy Tolls in respect thereof, and in pursuance of the recited Act the Corporation have established and provided such a Market in *North Street* in the City: And whereas the Market in the City for the Sale of Live Cattle, Horses, Sheep, and Swine is now held fortnightly on every alternate *Wednesday* in the Streets, public Thoroughfares, and vacant Spaces of the City, and the Market has of late largely increased, and the holding thereof in those Streets, public Thoroughfares, and vacant Spaces occasions great Obstruction and Inconvenience to the Inhabitants of the City, and it is expedient that Provision be made for the Discontinuance and Removal of such Market, and that the Corporation be authorized to provide a New Cattle Market, and to purchase and acquire Lands for that Purpose: And whereas it is expedient that the Corporation be authorized to hold and regulate Markets for the Sale of Cattle in the New Cattle Market to be provided under this Act, and to fix the Days on which the same shall be holden, and to demand and take the several Tolls, Stallages, and other Payments by this Act authorized: And whereas it is expedient that the Corporation be authorized to make, in connexion with the New Cattle Market, the new Road and Drain respectively by this Act authorized, and to divert the *Lavant* Course into the new Drain: And whereas Plans and Sections of the intended new Road and Drain respectively showing the Situation and Levels thereof respectively, and the Lands which are intended to be purchased and taken for the New Cattle Market, Road, and Drain respectively, and for the other Purposes of this Act, with a Book of Reference to those Plans containing the Names of the Owners or the reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands respectively, have been deposited with the Clerk of the Peace for the County of *Sussex*, and are herein-after referred to as the deposited Plans, Sections, and Book of Reference: And whereas it is expedient that the Corporation be authorized to borrow Monies for the above Purposes; but the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

1. This

The Chichester Cattle Market Act, 1868.

1. This Act may for all Purposes be cited as "The *Chichester* Cattle Market Act, 1868." Short Title.

2. "The Lands Clauses Consolidation Act, 1845," except the Provisions thereof with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of that Act or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, and the "Lands Clauses Consolidation Acts Amendment Act, 1860," and the "Markets and Fairs Clauses Act, 1847," shall (except where varied by this Act) be incorporated with and form Part of this Act. 8 & 9 Vict. c. 18., 10 & 11 Vict. c. 14., and 23 & 24 Vict. c. 106. incorporated.

3. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and in this Act the Expression "the City" shall mean "the City of *Chichester*" as defined by the Act of 5th & 6th *Wm.* IV. c. 76, and the Expression "the Corporation" shall mean "the Mayor, Aldermen, and Citizens of the City of *Chichester*," and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute. Interpretation of Terms.

4. This Act shall be executed by the Corporation acting by the Council of the City pursuant to the Powers and Provisions of the Act of the 5 & 6 *Wm.* IV. Chap. 76, for the Regulation of Municipal Corporations, and the other Statutes and Laws from Time to Time in force affecting the Municipal Corporation of the City; and for the Execution of this Act the Corporation from Time to Time may appoint out of their own Body a Committee, or such and so many Committees as they shall think fit, and may fix the Quorum of such Committee or Committees respectively: Provided always, that if the Corporation so direct, but not otherwise, the Acts of every such Committee shall be submitted to the Council for Approval. Execution of Act by Corporation.

5. Subject to the Provisions of this Act, the Corporation from Time to Time may purchase, acquire, take, and use such of the Lands delineated on the deposited Plans, and specified in the deposited Book of Reference, as they think requisite for any of the Purposes of this Act; and the Lands which they may purchase, acquire, take, and use for the Purposes of the Cattle Market are all or any Part of certain Lands bounded on the East by *Whyke Lane*, on the South Power to take Lands for Purposes of this Act.

South by Land belonging to the Company incorporated as the *London, Brighton, and South Coast* Railway, on the West by *Snag Lane*, and on the North by *Eastgate Square*.

Powers for compulsory Purchases limited.

6. The Powers of the Corporation for the compulsory Purchase of Land for any of the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Power to make new Road and Drain according to deposited Plans.

7. Subject to the Provisions of this Act, the Corporation may make and maintain the new Road and Drain respectively shown on the deposited Plans and Sections in the Situation, upon the Levels, and within the Limits of Deviation shown on those Plans and Sections, and upon the Lands delineated on the deposited Plans and specified in the deposited Book of Reference, with Power to divert the *Lavant* Course into the intended new Drain, and after such Diversion to fill up so much of the *Lavant* Course within the Limits of Deviation shown on the deposited Plans as in the Opinion of the Corporation will, by such Diversion, be rendered unnecessary, and with Power to stop up and divert to the intended new Road any public Footpath or Roadway within the said Limits of Deviation for which the new Road can, in the Opinion of the Corporation, be conveniently substituted.

Site of diverted Lavant Course and Footpath vested in the Corporation.

8. So much of the Site of the *Lavant* Course within the said Limits of Deviation as will be rendered unnecessary by the Diversion into the new Drain, and the Part of any public Footpath or Roadway within the said Limits of Deviation for which the new Road will be substituted, shall, from and after such Diversion and Substitution respectively, be and is hereby vested in the Corporation, free from the public Use thereof, but subject to the Corporation making Compensation to *George Hodgskin* and all other Owners (if any) for so much of the said Site belonging to him or them as shall be so vested in the Corporation, such Compensation to be ascertained and paid in manner prescribed by "The Lands Clauses Consolidation Act, 1845."

Errors and Omissions in Plans to be corrected by Justices, who shall certify the same.

9. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described or purporting to be described, or purporting to be described on the deposited Plans or in the deposited Book of Reference, the Corporation may, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, apply to Two Justices acting in and for the City for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly,

dingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description; and such Certificate shall be deposited in the Office of the Clerk of the Peace for the County of *Sussex*, and shall be kept by him along with the other Documents to which they relate, and thereupon such Plans and Books of Reference shall be deemed to be corrected according to such Certificate, and the Corporation may make the Works in accordance with such Certificate.

Certificate to be deposited.

10. Copies of any such Alterations or Correction thereof, or Extracts therefrom, certified by such Clerk of the Peace (which Certificate such Clerk shall give to all Parties interested when required), shall be received in all Courts of Justice and elsewhere as Evidence of the Contents thereof.

Copies of Alterations, &c. to be Evidence.

11. The new Road by this Act authorized shall, when made and completed by the Corporation, be opened for public Traffic, and be declared by the Corporation to be a public Highway, and shall on such Declaration become a Highway, and be thereafter repairable as a Highway.

New Road to become a Highway.

12. All Lands from Time to Time purchased or otherwise acquired by the Corporation under this Act shall be vested in them as Part of their Corporate Estates and Borough Fund.

Lands acquired by Corporation under Act to be Part of their Estates.

13. The Corporation from Time to Time shall sell any Lands purchased or acquired by them under this Act, and in their Judgment not required for the Purposes of this Act, in such Manner and on such Terms and Conditions as the Corporation may think fit.

Power to sell Lands not required.

14. The yearly Rents payable under Leases of Lands purchased or acquired under this Act shall be Part of the Borough Fund of the City, and the Fines received for the Leases and the Purchase Monies produced by Sales of Lands or Reversions under this Act shall be paid to the Treasurer of the City, and be applied in the first instance in paying off the Mortgage Debt of the Corporation under this Act, and subject thereto shall be Part of the Borough Fund: Provided always, that all or any Part of the Fines and Purchase Monies may be applied for any of the Purposes of this Act for which borrowed Monies are made applicable, but to the Extent of the Monies so applied the Power of the Corporation to borrow under this Act shall be extinguished.

Application of Rents, Fines, and Sale Monies in respect of Lands acquired under Act.

15. The Corporation in and upon all or any Part of the Lands purchased by them under this Act for the Purposes of the Cattle Market may make and maintain a Market for the Sale of Horses, Cattle,

Power to erect New Cattle Market.

Cattle, Sheep, Swine, and other Beasts or Animals in respect of which Tolls are by this Act authorized to be taken, with all Buildings, Sheds, Pens, Drains, Approaches, Works, and Conveniences in connexion with the Market as they think requisite, and which Market is herein-after called the New Cattle Market, and may erect and provide such Slaughter-houses, Weighing Houses, and Weighing Machines, with the necessary Works and Conveniences thereto, as they think fit.

Access to Land of William Duke over New Market Road.

16. The Corporation shall, in the Construction of the New Cattle Market, set out and make a Road for the Purposes of the said Market not less than Thirty Feet in Width, commencing at the Junction of the new Road by this Act authorized to be made with *Snag Lane*, proceeding thence in a South-eastward Direction, and terminating at the Boundary between the Land now belonging or reputed to belong to *William Duke* to be taken for the said Market and the remaining Land belonging or reputed to belong to the said *William Duke*, and shall permit all Persons, with or without Horses, Cattle, Carts, and Carriages, to have the free and uninterrupted Use of such Road Thirty Feet in Width to go to and from such remaining Land at all Times and for all Purposes whatsoever.

Removal of existing Cattle Market.

17. So soon as the Corporation have provided the New Cattle Market, and the same is opened for public Use, the Corporation shall discontinue the holding in the Streets, Thoroughfares, or vacant Spaces in the City Markets for the Sale of Live Cattle, Horses, Sheep, and Swine, and shall hold the same in the New Cattle Market.

Public Notice of Removal of Cattle Market.

18. Provided always, that before the Corporation open for public Use the New Cattle Market, or discontinue the existing Market for the Sale of Live Cattle, Horses, Sheep, and Swine, they shall give at least One Month's public Notice thereof by Advertisement in not less than Two Newspapers published in the County of *Sussex*, and by Placards affixed to conspicuous Places in the City.

Penalty for selling Cattle in Streets after opening of New Cattle Market.

19. After the opening for public Use of the New Cattle Market it shall not be lawful to hold in any of the Streets, Thoroughfares, or vacant Spaces of the City any Market for the Sale of any Cattle, Beasts, or Animals in respect of which Tolls are by this Act authorized to be taken; and every Person who after such opening shall sell or expose or offer for Sale in any Street, Thoroughfare, or vacant Space in the City any Cattle, Beast, or Animal in respect of which Tolls are by this Act authorized to be taken shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

20. The

Power for Corporation to fix Cattle Market Days.

20. The Markets held by the Corporation for the Sale of Cattle shall be held only on such Days, not being *Sunday*, *Christmas Day*, or *Good Friday*, and within such Hours as the Corporation from Time to Time appoint: Provided always, that, unless and until the Corporation otherwise appoint, the Markets for the Sale of Cattle shall be held on the several Days on which the same respectively are now held.

Public Notice of Alteration of Market Days.

21. Provided always, that before the Corporation alter any Day for holding the Markets for the Time being appointed by or under this Act for the Sale of Cattle, they shall give at least One Month's public Notice thereof by Advertisement in not less than Two Newspapers published in the County of *Sussex*, and by Placards affixed to conspicuous Places in the City.

Byelaws.

22. In addition to the Byelaws authorized by the "Markets and Fairs Clauses Act, 1847," the Corporation from Time to Time may make, alter, and repeal such Byelaws as they think fit for all or any of the following Purposes; (that is to say,)

For regulating the Carts, Waggons, and other Carriages resorting to the New Cattle Market, or any Weighing House or Machine provided under this Act, and the several Provisions of the "Markets and Fairs Clauses Act, 1847," with respect to the Byelaws to be made by the Undertakers, shall extend and apply to such Byelaws.

Appointment of Officers.

23. The Corporation may from Time to Time appoint and remove such Weighers, Meters, Agents, Officers, Workmen, and Servants as the Corporation deem requisite for the Execution of the several Purposes of this Act, and may determine their respective Remuneration, Duties, and Regulations.

Cattle Market Tolls as in Sched. A.

24. From and after the opening for public Use of the New Cattle Market the Corporation and their Lessees under this Act from Time to Time may demand and take from any Person bringing for Sale or for Show into the New Cattle Market any Cattle or other Animal, or having Charge of the same in such Market, any Tolls not exceeding the several Tolls specified in the Schedule A. to this Act annexed.

Slaughter-house Tolls as in Sched. B.

25. The Corporation and their Lessees under this Act from Time to Time may demand and take from any Person slaughtering Cattle in any Slaughter-house belonging to the Corporation any Tolls not exceeding the several Tolls specified in Schedule B. to this Act annexed.

26. The

Weighing Tolls as in Sched. C.

26. The Corporation and their Lessees under this Act from Time to Time may demand and take for Weighing Tolls, for the Use of the Weighing Houses or Machines provided by the Corporation under this Act, any Tolls not exceeding the several Tolls specified in Schedule C. to this Act annexed.

Leases and Assignments of Leases of Tolls, &c.

27. The Corporation from Time to Time may demise and let all or any Part of the New Cattle Market, Slaughter-houses, Weighing Houses, and Weighing Machines of the Corporation under this Act all or any of the Tolls, Stallages, and other Payments under this Act, and all or any of the Sheds, Pens, Standings, and other Conveniences in the New Cattle Market, for any Period not exceeding Three Years, upon such Terms and Conditions as the Corporation think fit, and any such Lessee or Tenant, unless it shall be otherwise provided by the Lease, may, but not without the Consent of the Corporation, assign his Lease or the Benefit of his Tenancy for the unexpired Residue thereof.

Receipt of Tolls by Officers.

28. The Tolls, Stallages, and other Payments authorized to be received by the Corporation under this Act may be demanded and taken by any Officer appointed in that Behalf by the Corporation or their Lessees.

Tolls vested in Corporation.

29. The several Tolls, Stallages, and other Payments to be received by the Corporation under this Act are by this Act vested in the Corporation as Part of their Corporate Estates and Borough Funds.

Recited Act not to apply to New Cattle Market, and saving of existing Cattle Market Rights until New Cattle Market opened.

30. None of the Provisions of the recited Act shall apply to the New Cattle Market and other Works by this Act authorized, or to the holding or Regulation after the opening for public Use of the New Cattle Market of the Markets therein for the Sale of Cattle, or to the levying, Collection, or Recovery of Tolls, Stallages, and other Payments under this Act in respect of the New Cattle Market, or the Slaughter-houses, Weighing-houses, and Weighing Machines by this Act authorized; and, except as is by this Act otherwise expressly provided, this Act or anything therein shall not take away, lessen, or prejudice any of the Rights, Powers, and Franchises of the Corporation or their Lessee with respect to the holding of Markets for the Sale of Cattle, or the levying, Collection, and Recovery of Tolls and other Payments in respect of the same.

Power to borrow on Security of Tolls, &c.

31. The Corporation from Time to Time, under the Authority of this Act, and for any of the Purposes of this Act, may borrow at Interest, on Security of their Tolls and other Income under this Act, and also of the Corporate Estates, Borough Rate, and Borough Fund

Fund of the City, or on any of those Securities, all such Sums as they think requisite, not exceeding in the whole the Sum of Fifteen thousand Pounds.

Power to reborrow.

32. The Corporation may from Time to Time reborrow any Amount from Time to Time repaid by them respectively, unless it be repaid by means of a Sinking Fund, in which Case, and to the Extent of the Amount paid off by means of the Sinking Fund, their Power of borrowing and reborrowing under this Act shall cease.

Priority of existing Mortgages on Borough Fund.

33. Provided always, that all Mortgages before the passing of this Act granted by the Corporation on the Security of their Borough Fund, and now in force, shall, during the Continuance thereof, have, as regards the Borough Fund, Priority over all Mortgages granted under this Act.

10 & 11 Vict. c. 16. incorporated.

34. The Provisions of the Commissioners Clauses Act, 1847, "with respect to Mortgages to be executed by the Commissioners," shall be incorporated with and form Part of this Act, and shall extend and apply to the Purposes of this Act with respect to borrowing on Mortgage; and the Expression "the Commissioners" shall mean "the Corporation," and the Expression "the Clerk to the Commissioners" shall mean "the Town Clerk:" Provided always, that the Sum to be set apart yearly by the Corporation as a Sinking Fund shall be a Sum equal to One Fortieth Part of the Monies borrowed by them under this Act.

Arrears may be enforced by Appointment of a Receiver.

35. The Mortgagees under this Act may enforce the Payment of the Arrears of Interest or of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize a Requisition for a Receiver shall be One thousand five hundred Pounds.

Expenditure of Corporation under this Act to be charged on Borough Fund, and to be deemed Expenditure under Municipal Act.

36. All the Costs, Charges, and Expenses of and incident to the Execution of this Act, and all Monies from Time to Time borrowed by the Corporation under this Act, and the Interest thereon, and all other the Expenses and Liabilities of the Corporation under and with respect to this Act, and the Purposes and Execution thereof, are by this Act charged on and shall be paid out of the Borough Fund and Borough Rates of the City as if the same were Expenses necessarily incurred in executing, with respect to the City, the Provisions of the Act 5 and 6 *William* 4th, c. 76, for the Regulation of Municipal Corporations, and of the other Acts relating thereto.

Income of Corporation under Act to be paid to

37. All Monies from Time to Time borrowed by the Corporation under this Act, and all the Tolls, Stallages, Penalties, and other Monies

Credit of Borough Fund.

Monies whatsoever from Time to Time received by or for the Use of the Corporation under this Act, or in carrying this Act into execution, shall from Time to Time after the Receipt thereof be paid to the Credit of the Borough Fund of the City.

Recovery of Sums by Action.

38. Whenever any Person neglects to pay any Toll, Stallage, or Sum payable to the Corporation under this Act, they may recover the same, with full Cost of Suit, in any Court of competent Jurisdiction for the Recovery of Debts for the like Amount, and the Remedy of the Corporation under this Enactment shall be in addition to their other Remedies for the Recovery of such Toll, Stallage, or Sum.

Application of Penalties.

39. Every Penalty imposed by this Act, or any Byelaw made thereunder, shall (except when the Corporation shall be the Party by whom the Penalty has to be paid) be paid to the Corporation.

Saving Rights of Corporation.

40. Except as is by this Act otherwise expressly provided, this Act or anything therein shall not take away any of the Rights or Franchises of the Corporation under the recited Act or otherwise with respect to Markets or Fairs, or any of the other Rights or Franchises of the Corporation, or any of the Estates, Powers, Privileges, or Authorities of the Corporation.

Expenses of Act.

41. All the Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Corporation out of their Borough Fund, or out of Monies borrowed under this Act, and shall be deemed Part of the Expenses of executing this Act.

The

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

CATTLE MARKET TOLLS.

	£	s.	d.
For each Horse, Mare, or Pony, not exceeding - - -	0	0	6
For each Mare with a Foal, including the Foal, not exceeding -	0	0	9
For each Foal, not exceeding - - - - -	0	0	4
For each Ass or Mule, not exceeding - - - -	0	0	3
For each Bull, not exceeding - - - - -	0	1	0
For each Bullock, Cow, Steer, or Heifer, whether tied or not, and if tied including Use of Tie, not exceeding - - -	0	0	4
For each Calf, not exceeding - - - - -	0	0	2
For each Sheep, Ram, Lamb, Pig, or Goat, not exceeding - -	0	0	1
For every Stallion or entire Horse, and for every other Animal not before named in this Schedule, brought into the Market for Sale or for Show, not exceeding - - - -	0	1	0

And the above Tolls to be payable for each Beast or Animal for each Day or Part of a Day in which the same is placed in the Market, whether for Sale or not, and whether sold or not.

AUCTION TOLLS.

For each Horse, Mare, Pony, Bull, Bullock, Cow, or other Beast or Animal offered for Sale by Auction, and whether sold or not, (and in addition to the Toll above mentioned,) not exceeding -	0	1	0

SCHEDULE B.

SLAUGHTER-HOUSE TOLLS.

For every Bull, Bullock, Cow, Steer, or Heifer, not exceeding -	0	2	0
For every Calf, not exceeding - - - - -	0	1	0
For every Sheep or Lamb, not exceeding - - - -	0	0	6
For every Pig, not exceeding - - - - -	0	0	8
For any other Beast, not exceeding - - - -	0	2	0

SCHEDULE C.

WEIGHING AND MEASURING TOLLS.

	£	s.	d.
For weighing every Piece of Meat, or any Article or Thing, not being a Cart or Waggon, weighing not exceeding Twenty Pounds Avoirdupois - - - - - - - -	0	0	0½
If weighing more than Twenty Pounds and not exceeding Two hundred and forty Pounds - - - - - -	0	0	1
If exceeding Two hundred and forty Pounds, then for every additional Two hundred and forty Pounds, or fractional Part of Two hundred and forty Pounds, not exceeding - -	0	0	1
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel - - - - -	0	0	0½
If exceeding One Bushel and not exceeding Two Bushels -	0	0	1
And for every Bushel and fractional Part of a Bushel beyond Two Bushels, not exceeding - - - - - -	0	0	0½

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