ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. xcii.

An Act to authorize the Mayor, Aldermen, and Citizens of the City of *Coventry* in the County of *Warwick* to erect a Market House in the said City. [29th *June* 1863.]

WHEREAS the Mayor, Aldermen, and Citizens of the City of *Coventry* (herein-after called "the Corporation") are Owners of all the Markets in the said City, and also Owners of a large Portion of the Site of the proposed Market House to be erected under this Act: And whereas the Corporation are by the Council of the Corporation the Local Board of Health of the said City: And whereas by "The Local Government Supplemental Act, 1860," a Provisional Order was made absolute empowering the Local Board of Health to put in force "The Lands Clauses Consolidation Act, 1845," for the Purpose of providing a Market House within the City of *Coventry;* and the Local Board of Health have by Agreement purchased, for the Purposes of a Market House, several Messuages and Hereditaments, and to complete such Purchases the Corporation advanced to the Local Board of Health the Sum of Five thousand five hundred Pounds, which remains due to the Corporation: And whereas the Local Board of Health have been deterred from the Execution of "The Local Government Supplemental

23 & 24 Vict. c. 44.

Act, 1860," by reason of their being required by "The Public Health Act, 1848," to repay the Outlay within Thirty Years, which, in addition to the Repayments they are now required to make for Sewerage and other Works executed under the said last-mentioned Act, would be burdensome to the Ratepayers of the City of *Coventry*, and it is desired that "The Local Government Supplemental Act, 1860," so far as it relates to the said City, should be repealed, and the said Messuages and Hereditaments purchased by the Local Board of Health vested in the Corporation, and the said Debt due from the Local Board of Health to the Corporation extinguished: And whereas there is no Market House in the City of *Coventry*, and the Markets are held in the Streets and public Thoroughfares of the said City, to the great Injury of the Markets, and to the Inconvenience and Annoyance of the Inhabitants and Obstruction of Traffic: And whereas it would be advantageous to the Inhabitants of the said City if the Corporation were empowered to erect a Market House in the said City for the Sale of Meat, Fish, Poultry, Game, Butter, Eggs, Bacon, Vegetables, Fruit, and other agricultural and Garden Produce, and other marketable Commodities, and that the Sale of Articles in the Streets of the said City should be prohibited: And whereas it is expedient that the Corporation should be authorized to borrow Money for the above Purposes: 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 the present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Coventry* Market House Act, 1863."

Interpretation of Terms.

2. The Expression "the City" means the City of *Coventry*; the Expression "Tolls and Rents" means and includes Tolls, Rents, Stallages, Dues, and Charges whatever in respect of the Use or Occupation of the Market House, Weighing Machines, Buildings, Works, or Things erected or provided under or by virtue of this Act; the Expression "the Market House" means and includes Buildings and Land erected, provided, or appropriated to or for the Market House or Market Place under this Act, with Approaches, Weighing Machines, and Appurtenances.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," except the Sections relating to the Sale of superfluous Lands, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," save so far as the same are varied by this Act, are incorporated with this Act: Provided, that all Penalties and Forfeitures imposed by this Act, or any Act wholly or partially

partially incorporated with this Act, or by any Byelaw made in pursuance thereof respectively, shall be applied in the same Manner as the Tolls and Rents under this Act.

10 & 11 Vict. c. 14. incorporated.

4. "The Markets and Fairs Clauses Act, 1847," except with respect to Slaughter-houses, and to annual Accounts of the Receipts and Expenditure, and except also so far as the same is varied by this Act, is incorporated with this Act, and the Expression "the Undertakers" in that Act shall for the Purposes of this Act mean the Corporation, and the Expression "the Market or Fair" in that Act shall for the Purposes of this Act mean and include the Market authorized and the Market House provided under or by virtue of this Act.

Parts of 10 & 11 Vict. c. 16. incorporated.

5. The following Provisions of "The Commissioners Clauses Act, 1847," shall be incorporated with this Act; *videlicet:* with respect to the Appointment and Accountability of the Officers to the Commissioners; with respect to the Mortgages to be executed by the Commissioners; with respect to giving Notices and Orders; with respect to the Proof of Debts in Bankruptcy; with respect to the Tender of Amends; and the Expression "the Commissioners" in those Provisions shall for the Purposes of this Act mean the Corporation; and the Expression "the Clerk of the Commissioners" shall for the Purposes of this Act mean the Town Clerk of the said City for the Time being: Provided, that the Eighty-fourth Section of "The Commissioners Clauses Act, 1847," providing for the Discharge of the Principal Money borrowed within a limited Period, shall not apply to this Act.

Same Meanings to incorporated Acts as in this Act.

6. Except as is by this Act expressly provided, the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power conferred by Provisional Order not to be exercised after passing of Act.

7. The Power conferred on the said Local Board of Health by the said Provisional Order shall not be exercised after the passing of this Act.

Vesting Property of Local Board of Health in Corporation.

8. From and immediately after the passing of this Act the several Messuages situate in and near the *Cross Cheaping* and *West Orchard* respectively, and all other Real Property in or near the said Streets purchased and conveyed to the Local Board of Health for the Purposes of a Market House, shall be and the same are hereby vested in the Corporation for all the Estate of the Local Board of Health therein, and the Debt of Five thousand five hundred Pounds now due from the Local Board of Health to the Corporation in respect thereof shall be deemed to be thereby satisfied, and the same is hereby extinguished.

9. The

Limits of Act.

9. The Limits within which this Act shall be put in force shall be all Places within the Boundary of the City of *Coventry*, as defined by the Act Fifth and Sixth *Victoria*, Chapter One hundred and ten, or as altered from Time to Time by any future Act of Parliament.

Corporation, by Council, to carry Act into execution.

10. The Corporation shall by the Council be and they are hereby empowered to carry this Act into execution, and in so doing shall proceed in the same Manner as is required by Law in respect of the ordinary municipal Affairs of the City, except as otherwise specially provided by this Act.

Accounts of Market House to be kept distinct from Borough Fund.

11. The Receipts and Expenditure of the Council on account of the Market House shall not form a Part of the Borough Fund Account of the City, but shall be kept as separate and distinct Accounts by the Treasurer of the City, and be called "the *Coventry* Market House Account."

Mode of keeping the Accounts.

12. The Treasurer of the City shall keep the Market House Accounts, so that therein shall be made to appear full and true Accounts of all Sums of Money borrowed or received, paid or expended, and of all Monies due and owing on account of the same, distinguishing in such Accounts the ordinary annual Receipts and Expenditure on account of the Market House from the extraordinary Receipts and Expenditure temporarily occasioned by this Act and carrying the same into execution; and the whole of the Sums received for Tolls and Rents shall in such Accounts be deemed Part and Parcel of the said ordinary annual Receipts; and the said Accounts shall be so kept as to show yearly the separate Balances of each of such ordinary and of such extraordinary Receipts and Expenditure, and of the Monies then due and owing on account of any Loan for executing this Act.

Application of Receipts from Market House.

13. The Monies received by the Corporation in respect of the Market House shall be applied, in the first place, in defraying the Charges and Expenses of the Corporation preparatory and incident to this Act; secondly, in paying the Amount of Interest due upon the Monies borrowed for the Purposes of this Act, including Interest on all Sums already or hereafter to be advanced by the Corporation for the Purpose of the Market House; thirdly, in setting apart by way of Sinking Fund, by equal annual Instalments, after the Expiration of Ten Years from the borrowing of any Principal Sum borrowed under the Authority of this Act, such a Sum as, together with the Interest thereon, will in the Period of Forty Years amount to a Sum sufficient to pay the Money so borrowed; fourthly, in regulating, maintaining, and defraying the ordinary annual Expenditure of the Corporation in respect of the Market House; but if the same should in any Year be insufficient for such Purposes, then

then the Deficiency shall be made good out of the Borough Fund; and fifthly, the Residue (if any) to be paid into the Borough Fund.

Application of Sinking Fund.

14. The Sums so set apart by way of Sinking Fund shall be from Time to Time applied as soon as can be to the Discharge of any Money borrowed for the Purposes of this Act, and until such Sums shall be so applied the same shall be and continue to be invested in Government Securities in the Name of the Corporation.

Power to borrow on Mortgage.

15. For the Purpose of carrying this Act into execution it shall be lawful for the Corporation from Time to Time to apply any Monies belonging to them they in their Discretion may think proper, or for the Council to borrow on Mortgage such Sums of Money as may be necessary for carrying this Act into execution, not exceeding in the whole Fifteen thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage their Market House and the Tolls and Rents: Provided always, that if any Money shall be borrowed under or by virtue of this Act the same shall be applied and expended to and for the Purposes of this Act, and not otherwise.

As to re-borrowing.

16. If after having borrowed any Part of the Money so authorized to be borrowed on Mortgage the Corporation pay off the same, it shall be lawful for them again to borrow on Mortgage the Amount so paid off, and so from Time to Time.

Expenses of Mortgages.

17. The Expenses of every Mortgage shall from Time to Time be defrayed by the Corporation out of the Monies raised by the same, or out of Tolls and Rents or Borough Fund.

Arrears may be enforced by Appointment of a Receiver.

18. The Mortgagees under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize the Appointment of a Receiver shall not be less than Three thousand Pounds.

Power to take Lands for Market House according to deposited Plans.

19. Whereas a Plan showing the Lands and Premises which may be required for the Purposes of the Market House, and a Book of Reference thereto containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of such Lands and Premises, have been deposited with the Clerk of the Peace for the County of *Warwick*: Therefore, subject to the Provisions of this Act, the Corporation may enter upon, take, and appropriate such of those Lands and Premises as they think requisite, and may make, construct, provide, and establish thereon a Market House and Market for the Sale of Meat, Fish, Poultry, Game, Butter, Eggs, Bacon, Vegetables, Fruit, and all other agricultural and Garden Produce, Goods, Wares, Merchandise, and other marketable Commodities, and may erect and maintain thereon and therein

all suitable Shops, Stalls, Sheds, Weighing Machines, Fountains, Water Tanks, and all other Buildings, Works, and Conveniences necessary for public Convenience, and for securing complete Cleanliness and Ventilation.

Errors and Omissions in Plan and Book of Reference may be corrected by Justices who shall certify the same.

20. 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 on the said Plan or in the said 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, 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 *Warwick*, and shall be kept by him along with the other Documents to which they relate, and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and the Corporation may make and construct the Market House and Market in accordance with such Certificate.

Certificate to be deposited.

Copies of Alterations to be Evidence.

21. Copies of any such Alteration 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.

Powers for compulsory Purchases limited.

22. The Powers of the Corporation for the compulsory Purchase of Lands and Premises for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Power to purchase, lease, and rent other Lands by Agreement.

23. The Corporation from Time to Time may, but only by Agreement, purchase or take on Lease or otherwise rent any Lands within the Limits of this Act, not exceeding Five Acres, and may purchase any Interest, Easement, Right of User, Power, or Privilege in, over, or affecting any such Lands which they may think expedient for any of the Purposes of the Market, and may purchase and acquire the same upon such Terms and Conditions as they think fit.

Lands acquired by Corporation vested in them.

24. All Lands, Easements, Powers, and Interests from Time to Time purchased, taken on Lease, or otherwise acquired by the Corporation by or under this Act shall be vested in the Corporation.

Corporation authorized to sell, &c.

25. In any Case in which the Corporation shall have purchased or taken by or under the Authority of this Act any Lands or Premises which

which shall not in the Opinion of the Corporation be necessary for the Purposes of this Act, it shall be lawful for the Corporation to sell, dispose of, lease, or surrender the same or any Part thereof to any Person at such Time and in such Manner as the Corporation shall think fit. surplus Land and Premises.

26. If at any Time after the passing of this Act any Market House or Market Place now vested in the Corporation, or to be erected or vested in the Corporation by or under the Provisions of this Act, shall be found not to be sufficiently commodious or capacious, it shall be lawful for the Corporation from Time to Time to enlarge, improve, regulate, and maintain the same respectively, with all such Approaches, Works, and Conveniences as the Corporation may from Time to Time think fit; and all the Powers and Provisions of this Act and the incorporated Acts, except the Powers for the Purchase of Land otherwise than by Agreement, shall be applicable for the Purposes of enlarging and improving the said Market or Market Places, and of regulating and maintaining the same when enlarged and improved. Power to enlarge Market Place from Time to Time.

27. So soon as the Market House shall be constructed and shall be completed and opened for public Use it shall be lawful for the Corporation to remove all the present Markets and Market Places to the Market House, and thereupon all the several Markets or Market Places within the Limits of this Act shall cease, be discontinued, and extinguished: Provided always, that until the Market House to be provided under this Act shall be opened for public Use the Corporation shall have full Power and Authority and they are hereby authorized to continue to demand, take, and receive all such Market Tolls, Customs, and Dues as they are at present legally entitled to. Present Markets to be removed when new Market completed.

28. After the Market House hereby authorized shall be opened for public Use it shall be lawful for the Corporation, by their Officers and Servants, to keep Order in such Market House or the Market Places under their Control, and for any Constable or Policeman to remove to any Place to be appointed for that Purpose by the Corporation within the City any Cart, Booth, Stall, Stand, Bulk, Block, Tressel, or other Obstruction erected, placed, or used in any Street, Square, Road, Lane, Passage, or other public Place within the City for the Sale or Display of any of the Stock, Goods, Provisions, Articles, or Commodities mentioned in the Schedules to this Act annexed. When Market House opened, Corporation may remove Stalls, &c. from public Places.

29. After the said Market House is opened for public Use every Person (except an Auctioneer selling by Auction in any Place other than the public Street, or a licensed Hawker) who shall sell or expose for Sale in any Place within the Limits of this Act, except in his own Dwelling House, or Shop, Warehouse, Yard, or Store, any Article in respect of which After general Market is opened, no Persons except an Auctioneer, &c. to sell

Articles in Streets within Limits of Act.

which Rents or Tolls are by this Act authorized to be taken in the said Market House, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Power to take Tolls as in Schedules (A.) and (B.)

30. It shall be lawful for the Corporation to demand and take from any Person occupying or using any Shop, Stall, Stand, Shed, Station, or Place in the Market House to be provided under the Provisions of this Act, or bringing into any such Market House any Articles mentioned in Schedules (A.) and (B.) to this Act annexed, any Tolls and Rents not exceeding the Rents and Tolls specified in such Schedules.

Tolls for weighing and measuring, as in Schedule (C.)

31. The Corporation from Time to Time may demand and take for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in the Market House, from any Person having any such Article weighed or measured at the Weighing Houses or Places to be provided by the Corporation, any Tolls not exceeding the Tolls specified in Schedule (C.) to this Act annexed.

Tolls vested in Corporation.

32. The several Tolls and Rents by this Act authorized and hereby vested in the Corporation may be demanded and taken by any Person appointed or authorized by the Corporation.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

TOLLS AND RENTS.

Shops.

	s.	*d.*
From the Occupier of every enclosed Shop or Stall, whether for Sale of Butchers Meat, Game, Poultry, Fish, Vegetables, Fruit, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of such Shop or Stall; namely, for each Lineal Foot of the Frontage thereof, if let by the Week, any weekly Sum not exceeding - -	2	0

Butchers Stalls.

From every Person occupying or using any Butcher's Stall or Standing, or any Ground Space for the Sale of Meat, according to the Size and Dimensions of the same; namely, for each Lineal Foot of Frontage of every such Stall, Standing, or Ground Space occupied or used by him, if let by the Week, any weekly Sum not exceeding - - - - - - - - -	1	0
If let by the Day, any daily Sum not exceeding - -	0	6

SCHEDULE (B.)

PROVISION, VEGETABLE, AND OTHER STALLS, STAND, AND GROUND SPACE.

	s.	*d.*
From every Person occupying or using any Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel, for the Sale of Vegetables, Provisions, Fruit, Fish, Game, Poultry, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of the same; namely, for each Superficial Square Foot, and fractional Part of a Superficial Square Foot, of the Ground Space covered or occupied by any such Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel, any Sum not exceeding for every Day - - - - - -	0	1

Ground Space.

	s.	*d.*
From every Person occupying or using any Space on the Surface of the Ground, according to the Size and Dimensions of the same; namely, for each Superficial Square Foot, and the fractional Part of a Superficial Square Foot, of the Ground Space occupied or used by him, any daily Sum not exceeding - - - - -	0	1

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 20 lbs. Avoirdupois -	0	0½
If weighing more than 20 lbs. and not exceeding 240 lbs. - -	0	1
If exceeding 240 lbs., then for every additional 240 lbs. or fractional Part of 240 lbs., not exceeding - - -	0	1
For measuring every Quantity of Goods and Things sold by Measure not exceeding 1 Bushel - - - - - -	0	0½
If exceeding 1 Bushel and not exceeding 2 Bushels - - -	0	1
And for every Bushel and fractional Part of a Bushel beyond 2 Bushels - - - - - - -	0	0½
For weighing every Cart or other Carriage not weighing more than 1 Ton, not exceeding - - - - -	0	6
For weighing every Cart or other Carriage weighing more than 1 Ton, not exceeding - - - - - - -	1	0
For weighing every Load of agricultural Produce or other Article not weighing more than 1 Ton, not exceeding - - -	0	6
For every additional Ton or Part of a Ton, not exceeding - -	0	6

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