ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. vi.

An Act for establishing new Markets and Market Places in the City of *Durham*, for abolishing the Corn Tolls and for regulating the Markets and Fairs within the said City and the Suburbs thereof, and for other Purposes. [20th *May* 1851.]

WHEREAS by an Indenture of Lease dated the 12th Day of *December* 1848, and made between the Right Reverend Father in God *Edward*, by the Grace of God, Lord Bishop of *Durham*, of the One Part, and the Mayor, Aldermen, and Citizens of the City of *Durham*, by their former Name of the Mayor, Aldermen, and Commonalty of the City of *Durham* and *Framwellgate*, of the other Part, the said Reverend Father, in consideration of the Surrender of a former Lease, and for other Considerations, demised, granted, and to farm let unto the said Mayor, Aldermen, and Commonalty, and their Successors, amongst other things therein mentioned, all that House and Building within the said City called the *Toll Booth*, with all Shops, Houses, and Buildings under the same and to the same belonging, and likewise all and every the Markets to be kept weekly on every *Saturday* within the said City and Borough, and all and every

Fair and Fairs to be kept yearly from Time to Time upon the Days accustomed within the said City and Borough, with full and free Liberty, Power, and Authority, by themselves, their Bailiffs or Assigns, from Time to Time to take, collect, and receive to their and every of their Use and Uses all and every the Profits and Commodities, Perquisites, Pickages, Stallages, Scaveltyre, Scavel Corn or Scavage Corn, Tolls, Tollages, Customs, Duties, and Usages incident and belonging to the said Markets and Fairs and every of them, and then belonging to the said Reverend Father, within the said City and Borough, to hold the said Liberties, Privileges, and Premises, with their Appurtenances, unto the said Mayor, Aldermen, and Commonalty, and their Successors, from the making of the said Lease for and during the natural Lives of *John Burrell*, *Thomas Wilkinson*, and *John Tiplady*, therein respectively described, and the Life of the longest Liver of them, yielding and paying therefore yearly during the said Term of Three Lives and the Life of the longest Liver of them, unto the said Reverend Father and his Successors, or to his or their Receiver General or Assigns for the Time being, at or in the Exchequer at *Durham*, the Rent or Sum of Twenty Pounds, by equal quarterly Payments as therein mentioned: And whereas under or by virtue of the said Lease the Mayor, Aldermen, and Citizens of the said City demand and receive Tolls in Kind in respect of all Wheat, Rye, Barley, Oats, Peas, Beans, Tares, and all other Grain brought into the said City or the Suburbs thereof, to be sold or delivered on Sale: And whereas the levying of the said Tolls on such Corn and Grain is very prejudicial to the said City and the Markets thereof, and it is expedient that the said Tolls should be extinguished and abolished, and for this Purpose the said Mayor, Aldermen, and Citizens are willing to give up and relinquish all their Estate and Interest therein: And whereas it is expedient that further Provision should be made with respect to the other Tolls, Tollages, and Duties payable to the said Mayor, Aldermen, and Citizens under the said Lease, and for the Collection thereof: And whereas the Market now usually held within the said City on *Saturday* in each Week for the Sale of Butchers Meat, Poultry, Fish, Butter, Cheese, Vegetables, Fruit, Corn, and Hay, and other Provisions, is insufficient for the Wants of the Inhabitants of the said City, and it is expedient that another Market for the Sale of such Articles or some of them should be established, to be held within the said City or Suburbs on some other convenient Day in each Week: And whereas the Place where the said existing *Saturday* Market is now held is inadequate and unfit for the Wants of the said City and the Suburbs thereof, and is prejudicial to the Health of the Persons attending the same, and it would be of great Benefit and Advantage to the Inhabitants of the said City and Suburbs, and Persons resorting to the Markets thereof, if a covered Market House or Market Place, with proper Buildings and open Spaces and Conveniences thereto,

were

were provided within the said City, for the Sale of Butchers Meat, Poultry, Fish, Butter, Cheese, Vegetables, Fruit, Corn, and Hay, and other Provisions, and if the existing Market were removed or improved, and if the said existing Market, and the Fairs usually held within the said City and Suburbs, and also the proposed new Market, were placed upon a permanent Footing, and subjected to proper Rules and Regulations as to the Times and Places for holding the same, and as to the Conduct and Management thereof: And whereas the several Persons herein-after named, with others, have formed themselves into a Company, for the Purpose of erecting the said new Market House or Market Place, and of establishing the said new Market, and of carrying the several other Objects and Purposes aforesaid into execution; but the same 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,

Certain Parts of 8 & 9 Vict. cc. 16. & 18. incorporated with this Act.

I. That the Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, except so far as the same Acts or either of them are expressly altered or varied by this Act; and the Word "Lands" in the said "Lands Clauses Consolidation Act" shall include the Tolls of Corn and Grain by this Act authorized to be purchased, and all Interests in such Tolls.

Certain Provisions of 10 & 11 Vict. c. 14. incorporated with this Act.

II. That "The Markets and Fairs Clauses Act, 1847," shall be incorporated with this Act; and the Expression "the Market or Fair" used in the said Act shall mean the Markets and Fairs now held within the said City and Suburbs, and to be established under this Act, and every of them; and all the Provisions of the said Act shall apply to the said Markets and Fairs, except so far as the same Provisions or any of them are expressly altered or varied by this Act.

"Quarter Sessions."

III. That the Expression "Quarter Sessions" in this and the said incorporated Acts shall be construed to mean the Quarter Sessions for the County of *Durham* holden at the City of *Durham* in and for the said County.

Short Title.

IV. That in citing this Act in other Acts of Parliament, and in legal Instruments or Proceedings, and in Notices, Advertisements, or other like Documents, it shall be sufficient to use the Expressions "The *Durham* Markets Company's Act, 1851."

V. That

Limits of the Act.

V. That the Limits within which this and the said incorporated Acts shall be put in force shall be the City of *Durham* and the Suburbs thereof within the Limits of the said City, as enlarged and extended or defined and settled by the Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

Subscribers incorporated.

VI. That *William Lloyd Wharton*, *John Fogg Elliot*, *Anthony Wilkinson*, *John Henderson*, *Ralph Dixon*, *Alan William Hutchinson*, *William Henderson*, *John Robson*, *John Shields*, *John Ward*, and *Robert Cooke*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns, shall be united into a Company for building the said new Market House or Market Place, and for other the Purposes authorized by this Act and the Acts incorporated herewith, and for such Purposes shall be incorporated by the Name of "The *Durham* Markets Company," and by that Name shall be a Body Corporate with perpetual Succession, and shall have Power to purchase and hold Lands, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Capital of Company.

VII. That the Share Capital of the Company shall be Twelve thousand Pounds.

Number and Amount of Shares.

VIII. That the Number of Shares into which the Capital shall be divided shall be Two thousand four hundred, and the Amount of each Share shall be Five Pounds.

Calls.

IX. That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and that Two Pounds Ten Shillings of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that Two Months at the least shall intervene between successive Calls.

Power to borrow Money on Mortgage.

X. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum of Money not exceeding in the whole the Sum of Four thousand Pounds; but no Part of such Sum shall be raised until the whole of the said Capital or Sum of Twelve thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up; and for securing the Repayment of the Monies so to be borrowed on Mortgage, with Interest, the Company may assign the whole or any Part or Parts, as they shall think fit, of the several Stallages, Rents, and Tolls by this Act granted, and of the Market House or Market Place, or other Buildings, Hereditaments, Premises, and Property whatsoever, vested in or belonging

to

to them, to the Person or Persons who shall advance or lend such Money, or his or their Trustees, as a Security for the Repayment of the Money so borrowed on Mortgage, together with Interest for the same.

Application of Monies raised under this Act.

XI. That the whole of the Monies to be raised under and by virtue of this Act, either by Shares or by Mortgage or Bond, shall be applied only to the Purposes and Objects authorized by this Act.

Arrears may be enforced by Appointment of a a Receiver.

XII. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than One thousand Pounds in the whole.

First and other Meetings.

XIII. That the First Ordinary Meeting of the Company shall be held within Forty Days next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *April* and *October*, and the first of such Ordinary Meetings shall be held in the Month of *October* next; and such Meetings, whether ordinary or extraordinary, shall be held in the City of *Durham* at such Place as the Directors shall from Time to Time appoint.

Quorum of General Meetings.

XIV. That the Quorum for any General Meeting of the Company shall be Twenty Shareholders holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

As to Shareholders convening Extraordinary Meetings.

XV. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Ten Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Scale of voting.

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

For One Share or more, but not exceeding Five Shares, One Vote:

For more than Five Shares, but not exceeding Ten Shares, Two Votes:

For more than Ten Shares, but not exceeding Twenty Shares, Three Votes:

For Thirty Shares and upwards, Four Votes.

Number and Qualification of Directors.

XVII. That (subject to the Provisions herein contained for reducing the Numbers of Directors) the Number of Directors shall

shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

XVIII. That 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 Ten.

First Directors.

XIX. That *William Lloyd Wharton*, *John Fogg Elliot*, *Anthony Wilkinson*, *John Henderson*, *Alan William Hutchinson*, *Ralph Dixon*, *John Henry Forster*, *William Henderson*, *John Shields*, *John Robson*, *John Ward*, *Robert Cooke*, *George Caldcleugh*, *William Robson*, and *Samuel Monkhouse* shall be the First Directors of the Company.

Rotation of Directors.

XX. That the Directors shall go out of Office in the following Proportions; (that is to say,)

At the End of the First Year, One Fifth;

At the End of the Second Year, One Fourth of the Remainder of those first appointed;

At the End of the Third Year, One Third of the Remainder of those first appointed;

At the End of the Fourth Year, One Half of the Remainder of those first appointed;

At the End of the Fifth Year, the Remainder of those first appointed;

And in every subsequent Year, One Fifth of the Directors shall go out of Office.

Quorum of Meeting of Directors.

XXI. That the Quorum of a Meeting of Directors shall be Five, until the Number of Directors shall be reduced to Ten, and after such Reduction the Quorum shall be Four.

Committees of Directors.

XXII. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, and the Quorum of such Committees shall be Three.

Power to appoint a Managing Director.

XXIII. That it shall be lawful for the Directors for the Time being, from Time to Time, if they shall think fit, to appoint One of their Number to be a Managing Director of the Company, and to allow to such Managing Director for the Time being such Salary or Remuneration as they may think sufficient, and from Time to Time to remove such Managing Director from his Office of Managing Director, and (if they shall see fit) to appoint another in the Place of the Managing Director so removed, or of any Managing Director who shall die, resign, or cease to be a Director, provided that no Person shall be capable of holding the Office of Managing Director after he shall have ceased to be a Director of the Company.

XXIV. That

Period for balancing of Books, and for Inspection.

XXIV. That the Period to which the Books of the Accounts of the Company shall be balanced shall be the Fourteenth Day of *February* and the Thirteenth Day of *August* in each Year, and the Period at which the Shareholders and Loan Creditors of the Company shall be entitled to the Inspection of such Books shall be Seven Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Fees to be taken by Company.

XXV. That the Fees to be demanded by the Company for the following Matters shall not exceed the Sums following; (that is to say,)

For a Share Certificate, One Shilling:

For the Renewal of a Warrant or destroyed Certificate, One Shilling:

For the Entry of a Declaration of Proprietorship, Two Shillings:

For an Entry of an Endorsement of the Transfer of Shares, One Shilling:

For an Entry of the Transfer of a Mortgage or Bond, One Shilling.

Newspaper for Insertion of Advertisements.

XXVI. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the City of *Durham*, or in case there shall be no Newspaper published in such City, then in some Newspaper published in the County of *Durham*.

Power to construct new Market Place.

XXVII. That, subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company, upon the Lands and Houses described in Schedule (A.) to this Act annexed, and upon any other Lands and Houses adjoining thereto which the Company may purchase by Agreement with the Owners, Lessees, and Occupiers thereof, to construct a new Market House or Market Place, with all necessary Buildings, open Areas or Spaces, Works, Approaches, and Conveniences thereto, for the Exposure and Sale of such marketable Commodities as are in Schedule (B.) to this Act mentioned or referred to, and to enter upon, purchase, take, and use such of the said Lands and Houses and other Premises described in the said Schedule (A.) as shall be deemed necessary for such Purposes, and for other the Purposes of this Act: Provided always, that in the event of the Company requiring to purchase any Lands or Houses adjoining the Lands and Houses described in the said Schedule (A.), it shall not be lawful for them to purchase any such adjoining Lands or Houses for any of the Purposes of this Act unless by Agreement, and with the Consent of the Owners, Lessees, and Occupiers thereof.

Lands for extraordinary Purposes.

XXVIII. That the Lands and Houses to be taken or appropriated by the Company for extraordinary Purposes shall not exceed Half an Acre.

XXIX. That

Period for Completion of Works.

XXIX. That the Market House and Market Place and other Works shall be completed within Five Years after the passing of this Act, and on the Expiration of such Period the Powers by this Act, and the said Acts incorporated herewith, granted to the Company for the Erection and Construction of the said Market House and Market Place and other Works, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to hold Markets.

XXX. That it shall be lawful for the Company to hold within the said Market House, Market Place, and Buildings, and Grounds connected therewith, 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 (B.) to this Act annexed, on *Saturday* in every Week, and on such other Day or Days in the Week as the Company shall think most beneficial and convenient for the Inhabitants of the said City and Suburbs, and shall from Time to Time, with the previous Consent and Concurrence of the Mayor, Aldermen, and Citizens of the City of *Durham* for that Purpose first had and obtained, fix and appoint for that Purpose, under "The Markets and Fairs Clauses Act, 1847," incorporated herewith.

Power to lease Stands, &c. in Markets.

XXXI. That it shall be lawful for the Company to let any of the Stalls, Standing Places, or other Conveniences in the said new Market House or Market Place, or any Rooms, Offices, Shops, Buildings, or Grounds belonging thereto, to any Person or Persons, for any Term not exceeding Three Years of any such Stalls, Standing Places, or other Conveniences in the Market House or Market Place, or Grounds belonging thereto, and not exceeding Nine Years of any such Rooms, Offices, Shops, or Buildings belonging to the Company, and at such yearly or other Rent as the Company shall think fit.

Lessee not to assign Standings without Consent of Company.

XXXII. That 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.

Tolls to be taken for Markets.

XXXIII. That it shall be lawful for the Company from Time to Time to demand and receive, from any Persons occupying or using any Stand, 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 (B.) to this Act annexed, such Stallages, Rents, and Tolls as the Company shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule (B.):

Provided always, that the Stallages, Rents, and Tolls hereby authorized to be demanded and received by the Company shall include and discharge all and every Tolls, Stallages, and Dues whatever which the Mayor, Aldermen, and Citizens of the City of *Durham*, or their Lessees or Tenants, may for the Time being be entitled to demand or receive, under or by virtue of the herein-before recited Indenture of Lease, or any other Grant or Demise or Authority from the Bishop of *Durham*, or which the Company may for the Time being be entitled to demand or receive under any Grant or Demise or Authority from the Bishop of *Durham*, or the said Mayor, Aldermen, and Citizens; provided also, that it shall be lawful for any Freeman of the City of *Durham* who shall be liable to pay for any marketable Commodities any of the said several Stallages, Rents, or Tolls specified in the said Schedule (B.), to deduct and retain thereout the Amount of the Tolls or Dues particularly mentioned in the Schedule (E.) to this Act annexed, in respect of the same marketable Commodities, and from the Payment of which last-mentioned Tolls or Dues such Freemen would be exempt if the same marketable Commodities were exposed for Sale in the existing Market Place of the said City of *Durham*.

Power to permit Market Place to be used at Fairs.

XXXIV. That it shall be lawful for the Company to permit the said Market House, Market Place, and Buildings and Grounds connected therewith, or any Part thereof, to be used for holding therein any of the Markets or Fairs now usually holden within the said City of *Durham* and the Suburbs thereof, and either for general Purposes, or only for the Sale or Exposure for Sale of such marketable Commodities or for such other Purposes as the Company may from Time to Time think proper.

Tolls for Use of Market Place during Fairs.

XXXV. That it shall be lawful for the Company from Time to Time to demand and take from any Person who, at any Fair holden within the said City or the Suburbs thereof, shall occupy or use any Stall or Stand in the said Market House or Market Place, or the Buildings or Grounds belonging thereto, or shall bring therein any Provisions, Articles, Matters, or Things specified in the Schedule (B.) to this Act annexed, such Stallages, Rents, and Tolls as the Company shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule, or Stallages, Rents, and Tolls after the same Rate *per* Day, where such Stallages, Rents, and Tolls are in the said Schedule calculated and charged for the Week.

Tolls for weighing Carts, &c.

XXXVI. That it shall be lawful for any Person from Time to Time appointed to attend any Weighing-house, or Place for weighing or measuring any Article sold or exhibited in the Market House or Market Place, or any Buildings or Grounds belonging thereto, 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 (C.) to this Act annexed.

Tolls for weighing and measuring.

XXXVII. That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggons, Carts, and Carriages within the said City of *Durham*, and belonging to the Company, 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 (D.) 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.

Sales elsewhere than in Markets prohibited under Penalty of Forty Shillings.

XXXVIII. That Clause Thirteen of the Markets and Fairs Clauses Act shall not extend to this Act, but that after the said new Market House or Market Place, and the Buildings and Grounds connected therewith, shall be open for public Use, every Person (except the Freemen for the Time being of the City of *Durham*, or an Auctioneer selling by Auction in any public Street, or a licensed Hawker,) who shall sell or expose for Sale on any Stand, Stall, or Shed, except in or immediately in front of his own Dwelling House, Shop, Building, or Yard, any Articles in respect of which Tolls are authorized to be taken by this Act, in any Place within the City of *Durham* other than the said new Market House, Market Place, Buildings or Grounds belonging thereto, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, to be recovered in the same Manner as Penalties are recoverable under the Provisions of this Act, and of "The Railways Clauses Consolidation Act, 1845," incorporated herewith.

Power for Corporation to convey their Interest in Corn Tolls to the Company.

XXXIX. That it shall be lawful for the Mayor, Aldermen, and Citizens to release and convey all their Interests under the said recited Lease, and all Benefit or other Right of Renewal thereof, of and in the said Tolls in respect of Wheat, Rye, Barley, Oats, Peas, Beans, Tares, and all other Grain brought into the said City of *Durham* or the Suburbs thereof, to be sold or delivered on Sale, and also any Rights or Privileges of holding Markets under such Lease or otherwise, and now vested in the said Mayor, Aldermen, and Citizens, unto the said Company, upon such Terms and Conditions, and under and subject to such Stipulations, as have been or may be agreed upon between the said Mayor, Aldermen, and Citizens, and the said Company or the Directors thereof.

The Company may collect or

XL. That for the more convenient Collection of all or any of the other Tolls, Stallages, and Duties by the said recited Indenture of

take a Lease of the other Market Tolls payable to the Corporation.

Lease demised and made payable to the said Mayor, Aldermen, and Citizens, it shall be lawful for the Mayor, Aldermen, and Citizens to grant, and for the Company to accept and take, any Under-lease thereof, or to enter into such Agreement as to the Collection or Receipt thereof, for the Benefit of the Mayor, Aldermen, and Citizens, or for the Payment to them of any Compensation or annual Payment in lieu of such Tolls, Stallages, and Duties, as the Mayor, Aldermen, and Citizens, and the Company, may think reasonable and proper: Provided always, that in case no such Under-lease shall be granted or accepted and taken, or in case no such Agreement shall be entered into, nothing in this Act contained shall take away, lessen, or prejudice the Rights, Powers, or Privileges of the Mayor, Aldermen, and Citizens to enter into and upon the Market or Market House or Market Place, or Buildings or Grounds connected therewith, and to demand and receive, under or by virtue of the herein-before recited Indenture of Lease, or any other Grant or Demise or Authority from the Bishop of *Durham*, from any Persons, other than the Freemen of the said City of *Durham*, occupying or using any Stall, Shed, Pen, or Place in the same Market or Market House or Market Place, or Buildings or Grounds, the several Tolls, Stallages, and Dues particularly mentioned in the Schedule (E.) to this Act annexed; and it shall be lawful for all and every the Persons who shall pay or render such Tolls, Stallages, or Dues to the Mayor, Aldermen, and Citizens to deduct or retain the Amount or Value thereof from and out of the Stallages, Rents, and Tolls specified in the Schedule (B.) to this Act annexed which the Company are by this Act authorized to demand and receive from Persons occupying or using such Market or Market House or Market Place, or Buildings or Grounds connected therewith, or any Stand, Stall, Shed, Pen, or Place therein or thereon.

Power to purchase Reversion of Corn Tolls, or to take a Lease thereof.

XLI. That it shall be lawful for the Company to purchase and take compulsorily from the Right Reverend the Bishop of *Durham*, and all other Corporations and Persons entitled to or interested in the Tolls in respect of Wheat, Rye, Barley, Oats, Peas, Beans, Tares, and all other Grain brought into the said City of *Durham* or the Suburbs thereof, to be sold or delivered on Sale, and herein-before described and comprised in the said recited Indenture of Lease, all the Reversion and Inheritance and other Estate and Interest of such Bishop, Corporations, and Persons in such Tolls, subject only to such Lease, or to any renewed Lease to be granted on the Surrender or other Determination thereof, or of any future Lease; and in the meantime, and until the said Tolls shall be so purchased, it shall be lawful for the Company to accept and take, and for the Bishop and his Successors, and other Corporations and Persons interested therein, to grant any Lease or Leases thereof, either separately, or together with any other Tolls,

Rights,

Rights, and Privileges comprised in the said recited Indenture of Lease unto the said Company, for the Purposes of this Act.

When Corn Tolls vested in the Company, the same to be abolished.

XLII. That when and so soon as the Fee Simple and Inheritance in possession of the said Tolls of Corn and Grain shall have become absolutely vested in the Company under the Provisions of this Act, then such Tolls shall immediately thereupon cease to be collected, and shall be for ever extinguished and abolished.

Corporation to give up vacant Ground at the West Side of the Town Hall.

XLIII. That it shall be lawful for the Mayor, Aldermen, and Citizens to release and convey all their Term, Estate, and Interest in the Yard or Plot or Parcel of vacant Ground situate and being at the back or West Side of the Guild or Town Hall Buildings in the City of *Durham*, and to grant a free and uninterrupted Right of Way and Passage to and from the said Yard or Plot or Parcel of Ground, in and through the present Approach thereto, from the existing Market Place, unto the Company, with full Power for the Company to alter and improve such Approach, in such Way and Manner, and upon such Terms and Conditions, as have been or may be agreed upon between the said Mayor, Aldermen, and Citizens, and the Company or the Directors thereof.

Corporation to remove Piazza on North Side of Market Place, and give the Site to the Company.

XLIV. That it shall be lawful for the Mayor, Aldermen, and Citizens to pull down, remove, and take away the Piazza or Building now standing and being at the lower Part or North Side of the present Market Place in the said City of *Durham*, and near to the Church there called *Saint Nicholas* Church, or to grant to the said Company Power to pull down, remove, and take away such Piazza or Building, and in either Case to permit such Site to be taken and used by them for any of the Purposes of this Act: Provided always, that it shall not be lawful for the Mayor, Aldermen, and Citizens, or the said Company, or any other Persons whomsoever, to erect, construct, or make, in or upon the said Site, any Building or Erection whatever; but that the same Site shall be and remain open and unoccupied, in order to afford a more convenient Approach and Access to and from the Market or Market House or Market Place by this Act authorized to be constructed, and the Buildings and Grounds connected therewith.

Corporation not to sell Lands, &c. without Consent of Treasury.

XLV. That nothing in this Act contained shall enable the Mayor, Aldermen, and Citizens to sell or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, any Lands, Tenements, or Hereditaments which they could not have sold or demised without such Approbation before the passing of this Act, anything in this Act to the contrary notwithstanding.

XLVI. That

Company may, with Consent of Corporation and Local Board of Health, stop up Courts, &c.

XLVI. That it shall be lawful for the Company, with the Consent of the Mayor, Aldermen, and Citizens, and of the *Durham* Local Board of Health, to stop up, alter, or divert, whether temporarily or permanently, the whole or any Part of any Court, Alley, Way, or Passage which the Company shall from Time to Time deem necessary to be stopped up, altered, or diverted for the Purposes of this Act, and to use the Ground and Site thereof or of any Part thereof for such Purposes.

Proceedings previously to altering or stopping up Courts.

XLVII. Provided always, That before any Court, Alley, Way, or Passage, or any Part thereof respectively, shall be altered, diverted, stopped up, or inclosed by the Company, the Company shall cause to be affixed at each End of such Court, Alley, Way, or Passage so proposed to be altered, diverted, stopped up, or inclosed, a Notice to the Effect that the same is intended to be altered, diverted, stopped up, or inclosed, (as the Case may be,) and the Company shall cause the same Notice to be given by Advertisement for Four successive Weeks in some Newspaper circulating within the City, and also upon the principal Door of the Parish Church of each of the Parishes through or into which such Court, Alley, Way, or Passage shall run, upon the Four *Sundays* of the said successive Weeks, and after the said several Notices shall have been given such Court, Alley, Way, or Passage shall be and be deemed to be altered, diverted, stopped up, or inclosed, (as the Case may be,) subject, however, to such Appeal as herein-after mentioned.

Persons aggrieved by stopping up Courts, &c. may appeal.

XLVIII. Provided also, That it shall be lawful for any Person who may think that he would be aggrieved by the altering, diverting, stopping up, or inclosing of any such Court, Alley, Way, or Passage as aforesaid, within Four Months after the making of the said Order, to appeal against the same to the Court of Quarter Sessions, upon giving Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof, to the Company; but it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether Court, &c. shall be altered or stopped up, &c.

XLIX. That in case of such Appeal the Court of Quarter Sessions shall, for the Purpose of determining whether such Court, Alley, Way, or Passage shall be altered, diverted, stopped up, or inclosed, or whether the Party appealing would be thereby injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Ver-

a Verdict that such Court, Alley, Way, or Passage may, without Detriment to the Public, be altered, diverted, stopped up, or inclosed, and that the Party appealing would not be seriously injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall, if it think fit, award the Costs of resisting the said Appeal to be paid by the Appellant to the Company, and the same shall be recoverable in the Manner by this Act provided for the Recovery of Penalties and Forfeitures; but if the said Jury shall return a Verdict that such Court, Alley, Way, or Passage could not without Detriment to the Public be so altered, diverted, stopped up, or inclosed, or that the Party appealing would be seriously injured or aggrieved thereby, the said Court shall allow such Appeal, and the said Court, Alley, Way, or Passage shall not be altered, diverted, stopped up, or inclosed, or in case the same shall have been altered, diverted, stopped up, or inclosed, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Company.

Penalties how to be applied.

L. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act before any Justices acting for or exercising the Jurisdiction of Justices of the Peace within the City of *Durham*, the Application of which is not herein otherwise expressly provided for, be it enacted, That the Justices acting for or exercising the Jurisdiction of Justices of the Peace within the said City, by whom any such Penalty or Forfeiture shall be imposed, may award not more than One Half thereof to be paid to the Informer, and shall order the Remainder thereof to be paid to the Treasurer of the said City, to the Credit and on account of the City Fund, anything in the Provisions of the "Railways Clauses Consolidation Act, 1845," incorporated with "The Markets and Fairs Clauses Act, 1847," incorporated herewith, to the contrary thereof notwithstanding.

Saving the Rights of the Corporation to Tolls not granted to the Company.

LI. That nothing in this Act contained shall take away, prejudice, or lessen the Rights of the Mayor, Aldermen, and Citizens to collect, receive, and recover any of the Tolls, Stallages, and Duties, or to exercise any of the Rights and Privileges, now vested in them, which shall not be leased or released or conveyed by them to the Company, under the Powers of this Act; but that, subject to any such Conveyance, Release, or Lease, or any other Arrangement between the Mayor, Aldermen, and Citizens, and the Company, in relation thereto, the Powers, Rights, and Privileges of the said Mayor, Aldermen, and Citizens in relation to such Tolls, Stallages, Duties, Rights, and Privileges, under the said recited Lease, or under any renewed Lease which may be granted to them upon the Surrender or other Determination

mination thereof, or of any future Lease, shall remain in full force and effect, anything in this Act to the contrary notwithstanding.

Saving the Rights of the Bishop of Durham.

LII. That nothing in this Act contained shall take away, prejudice, or lessen any of the existing Rights, Powers, or Jurisdictions of the Bishop of *Durham* or his Successors, otherwise than is expressly provided by this Act.

Nothing to affect Right of Council of Durham to make Byelaws.

LIII. That nothing in this Act contained shall prejudice or affect the Power of the Council of the City of *Durham* to make Byelaws under the "Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*," or any Act amending the same.

Nothing to lessen Right of the Mayor as Clerk of the Markets.

LIV. That nothing in this Act contained shall take away, prejudice, or lessen the Rights, Powers, or Jurisdictions of the Mayor of the City as Clerk of the Markets of the said City and Suburbs.

Saving the Rights of the Freemen of Durham.

LV. That nothing in this Act contained shall prejudice or take away any Privilege or Exemption from the Payment of any of the Tolls or Dues particularly mentioned in the Schedule (E.) to this Act annexed to which the Freemen of the City of *Durham* are now by the Laws or Customs of the said City entitled, and from the Payment of which Tolls or Dues the said Freemen shall be exempt at the Time of the passing of this Act, or hinder or prevent the said Freemen using their Stands or Stalls in the open Market Place, as heretofore enjoyed by them.

Expenses of Act.

LVI. That 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 or the Directors thereof out of any Monies which shall be in their Hands at the passing of this Act, or out of the Monies that shall come to their Hands in pursuance of this Act.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Containing the Property proposed to be taken for the Purposes of this Act.

Parish of SAINT NICHOLAS.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
	Back Lane.		
Public Carriage Road or Way leading from and out of Street called Clay Path to and from the Back Lane and other Places.	The Durham Local Board of Health.		
Public Road or Way leading from and out of Silver Street to and from the Back Lane and other Places.	The Durham Local Board of Health.		
Public Foot Road or Passage leading from and out of the Durham Market Place to and from the Back Lane and other Places.	The Durham Local Board of Health.		
Plot of Ground -	The Most Honourable the Marquis of Londonderry, the Lord Bishop of Durham, the Reverend Edward Davison, and the Churchwardens of Saint Nicholas Parish.		
Workshops - -	The Trustees of Henry Smith's Charities; viz., John Bramwell, James Brooksbank, William Darling, Robert Hoggett, Alan William Hutchinson, Henry John Marshall, William Shields, John Shields, Henry John Spearman, John Tiplady, John Trotter, and William Lloyd Wharton.	John Henderson, William Henderson, and Thomas Bagley.	John Henderson, William Henderson, and Thomas Bagley.

The Durham Markets Company's Act, 1851.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
	Market Place.		
Shop, Workshop, Rooms, Cellars, and Yard, Part of the New Place Property.	The Trustees of Henry Smith's Charities; viz., John Bramwell, James Brooksbank, William Darling, Robert Hoggett, Alan William Hutchinson, Henry John Marshall, William Shields, John Shields, Henry John Spearman, John Tiplady, John Trotter, and William Lloyd Wharton.	The Mayor, Aldermen, and Citizens of the City of Durham.	William Houston, Richard Lindsey, and George Hodgson.
Rooms and Yard, Part of the New Place Property.	The Trustees of Henry Smith's Charities; viz., John Bramwell, James Brooksbank, William Darling, Robert Hoggett, Alan William Hutchinson, Henry John Marshall, William Shields, John Shields, Henry John Spearman, John Tiplady, John Trotter, and William Lloyd Wharton.	The Mayor, Aldermen, and Citizens of the City of Durham.	Henry Ashworth.
Rooms, Cellar, Slaughter-house, Out-offices, and Yard, Part of the New Place Property.	The said Trustees of Henry Smith's Charities.	The Mayor, Aldermen, and Citizens of the City of Durham.	Margaret Dixon.
Rooms, Attic, Out-offices, and Yard, Part of the New Place Property.	The said Trustees of Henry Smith's Charities.	The Mayor, Aldermen, and Citizens of the City of Durham.	Silas Emanuel Kelsey.
Shop, Rooms, Warehouse, Cellar, Out-offices, and Yard, Part of the New Place Property.	The said Trustees of Henry Smith's Charities.	The Mayor, Aldermen, and Citizens of the City of Durham.	Matthew Coward Emerson.
Ground under and near to the New Hall recently erected on Part of the New Place Property.	The said Trustees of Henry Smith's Charities.	The Mayor, Aldermen, and Citizens of the City of Durham.	The Mayor, Aldermen, and Citizens of the City of Durham.
Plot or Parcel of Ground occupied and used as a Yard for Deposit of Butchers and other Stalls, and Road or Passage out of Market Place to and from such Plot or Parcel of Ground.	The Lord Bishop of Durham.	The Mayor, Aldermen, and Citizens of the City of Durham, and John Pickersgill, Thomas Skelton, and Francis Pickersgill.	The Mayor, Aldermen, and Citizens of the City of Durham, and John Pickersgill, Thomas Skelton, and Francis Pickersgill.

The Durham Markets Company's Act, 1851.

Description of Property.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Plot of uninclosed Ground covered with flagged Pavement, and formerly Part of Burial Ground belonging to Saint Nicholas Church.	The Mayor, Aldermen, and Citizens of the City of Durham.	- - -	The Mayor, Aldermen, and Citizens of the City of Durham.
Plot of uninclosed Ground, and Piazza or open Building erected thereon.	The Lord Bishop of Durham.	The Mayor, Aldermen, and Citizens of the City of Durham.	The Mayor, Aldermen, and Citizens of the City of Durham.
House, Shop, Workshops, Warehouses, Cellars, Out-offices, and Yard.	William Darling -	- - -	William Darling and Henry James Darling.
House - - -	William Darling - -	- - -	Charles McIntyre.
House - -	William Darling - -	- - -	William Liddell, Ann White, Robert Brown, and William Minshall.
Public House - -	Thomas Fenwick, Henry Fenwick, and Abraham Story the younger.	- - -	Hornby Hamilton.
House, Shop, and Offices,	Thomas Harling - -	- - -	John Edwin Marshall, Robert Oliver, and George Irvin.
Public House, Stable, Offices, and Yard.	Ann Moore - -	- - -	Elizabeth Cummings, Robert Todd, and Thomas Gray.
House - - -	Ann Moore - -	- - -	Ann Moore and Thomas Hall.
House, Stable, Slaughterhouse, and Yard.	Ann Dixon and Charles Dixon.	- - -	Ann Dixon and Mary Phillips.
Houses, Shops, Warehouses, Cellars, Out-offices, and Yards.	Francis Stone - -	- - -	William Jackson, Edward Maddison, John Borrodaile, Andrew Rutherford, William Dunn, Mary Oliver, William Reay, and Thomas Pickles.
Public House - -	Francis Stone - -	- - -	Mary Beckwith and William Dunn.
House - - -	Francis Stone - -	- - -	William Summers.
House - -	Francis Stone - -	- - -	John Blenkinsop.

SCHEDULE (B.)

Stallages, Rents, and Tolls to be taken at Markets.

For every Stall, Compartment, or Space on the Surface of the Ground within the covered Market used by any Person for the Purpose of exposing to Sale or on which shall be exposed to Sale Butchers Meat or Fish, any Sum not exceeding Three Shillings per Week.

For every Stall, Compartment, or Space on the Surface of the Ground within the covered Market used by any Person for the Purpose of exposing to Sale or on which shall be exposed to Sale any Cheese, Vegetables, Fruit, or any other marketable Article, Commodity, or Thing whatsoever for which no specific Toll is hereby imposed, the Tolls following; that is to say,

For each Stall, Compartment, or Space containing Forty Superficial Square Feet, any Sum not exceeding Two Shillings and Twopence per Week:

For each Stall, Compartment, or Space containing Thirty-six Superficial Square Feet, any Sum not exceeding Two Shillings per Week:

For each Stall, Compartment, or Space containing Twenty-four Superficial Square Feet, any Sum not exceeding One Shilling and Ninepence per Week.

For Poultry and Geese, including Fowls, Turkeys, Chickens, and Ducks, Wild Fowls, Pigeons, Rabbits, Hares, Pheasants, Partridges, and other Game brought for or exposed to Sale, according to the Number thereof, not exceeding the Sums following; that is to say,

Not exceeding Six, per Day, Three Halfpence:

For each additional Six, per Day, Three Halfpence.

For every Basket, Parcel, or Quantity of Butter brought for or exposed to Sale, not exceeding the Sums following; that is to say,

For every Basket, Parcel, or Quantity of Butter containing not exceeding Twenty Pounds Weight, per Day, Three Halfpence:

For each additional Twenty Pounds Weight, per Day, Three Halfpence.

For every Basket, Parcel, or Quantity of Eggs brought for or exposed to Sale, not exceeding the Sums following; that is to say,

If containing under Six Dozen, per Day, Three Halfpence:

For each additional Six Dozen, per Day, Three Halfpence:

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodities, Article, or Thing exposed or offered for Sale in the covered Markets, not before specifically charged or enumerated,

enumerated, or falling within any of the preceding Heads, per Day, Three Halfpence.

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.

SCHEDULE (C.)

Tolls to be taken for weighing and measuring.

For weighing every Piece of Meat or Thing weighing not more than Twenty-eight Pounds Avoirdupois, One Halfpenny.

For weighing every Piece of Meat or Thing weighing more than Twenty-eight Pounds Avoirdupois, and not exceeding One hundred and twelve Pounds Avoirdupois, One Penny;

And so in proportion for any greater or smaller Quantity than One hundred and twelve Pounds Weight over and above One hundred and twelve Pounds Weight.

For measuring every Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny.

For measuring every Quantity more than One Bushel and not exceeding Two Bushels, One Penny;

And for every Bushel beyond Two Bushels, One Halfpenny.

SCHEDULE (D.)

Tolls to be taken for weighing Carts, &c.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton, Sixpence;

And for any Cart, Waggon, or other Carriage exceeding One Ton at the Rate for every Ton over the first of Threepence.

All Weights under a Ton to be paid for as a Ton.

SCHE-

SCHEDULE (E.)

SCHEDULE of TOLLS from the Payment of which the FREEMEN of the CITY are to be exempted.

Corn Toll.

Wheat, Rye, Barley, Oats, Peas, Beans, Tares, and all other Grain, One Pint for each Bushel.

Stallage and Standage.

Stalls for Butchers, Hardware, Clothiers, Hatters, Ropers, Potters, Booksellers, Coopers, Tinmen, Glovers, Worsted Dealers, Shoemakers, Bacon and Cheese Factors, Basket Makers, Gardeners, Quack Medicine Vendors, Confectioners, Blacking Makers, and all other Trades whatsoever, except Fishmongers, for each Stall Eight Feet by Four Feet, Eightpence;

And so in proportion for One Foot by Four Feet, per Foot, One Penny.

Fishmongers, each, Threepence.

All other Standage, with or without Stalls or Benches, per Foot, One Penny.

Each Person using a Stall, Chair, or Bench for the Sale of Butter, One Halfpenny.

Each Person using a Stall, Chair, or Bench for the Sale of Poultry, One Halfpenny.

Each Basket of Eggs, One Egg.

Hawkers carrying a Basket or Box, each, Twopence.

Baskets containing Garden Produce, each, One Penny.

Carts laden with Fruit, Potatoes, Garden Produce, or other marketable Goods, except Corn, each, Fourpence.

Baskets outside the Shafts of Carts, each, One Halfpenny.

Waggons similarly laden, each, Sixpence.

Barrows with Nuts, Gingerbread, &c., each, Twopence.

Carts with Hay, each, Fourpence.

Waggons with Hay, each, Sixpence.

Caravans, Shows, &c., each, One Shilling.

Booths and Tents at Fairs, each, One Shilling.

Agricultural Implements exposed for Sale, each, Twopence.

Persons selling by Auction, each, One Shilling.

Animals.

Horses, Mules, and Asses when sold, each, Fourpence.
Bulls, Cows, Heifers, and other Cattle (except Calves), each, Twopence.
Calves, each, One Penny.
Tups, Rams, and Goats, each, One Penny.
Sheep and Lambs, per Score, Sixpence.
each, One Penny.

Pound Fees.

Horses, Mules, Asses, Bulls, Cows, Swine, and other Cattle, each, Fourpence.
Tups, Rams, Sheep, and Goats, each, One Penny.

Serjeant of Mace's Fees.

Stalls kept by Butchers, Clothiers, Hatters, Ropers, Potters, Booksellers, Coopers, Tinmen, Shoemakers, Bacon and Cheese Factors, Glovers, Worsted Dealers, Basket Makers, Gardeners, Quack Medicine Vendors, Confectioners, Blacking Makers, and all other Stalls (except Hardware), each, One Halfpenny.
Hardware Stalls or Packs, each, One Penny.
Fruit and Potato Carts, each, One Penny.
Carts of Salmon, Herrings, Cockles, Muscles, and other Merchants Goods, per Load, One Penny.
Baskets containing Roots and other Garden Produce, each, One Halfpenny.
Implements of Husbandry, each, One Halfpenny.
Booths and Tents, each, One Penny.
Caravans and Shows, each, Sixpence.
Wool weighed, per Cwt., One Penny.
Sheep Skins bought, per Pack, One Penny.

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