CHAP. I.

An Act for dissolving the Hailsham Cattle Market Company, Limited, and re-incorporating the proprietors therein for continuing and holding a cattle market in the parish of Hailsham in the county of Sussex; and for other purposes. A.D. 1871.

[16th June 1871.]

WHEREAS for many years past cattle have been sold in the town of Hailsham in the streets and public thoroughfares, and such sale has caused a great obstruction to the traffic, and danger and inconvenience to the public passing through the same:

And whereas a company has been incorporated under the Companies Act, 1862, for the purpose of providing, and they have provided, a new cattle and live stock market at Hailsham, by the name of The Hailsham Cattle Market Company, Limited, and that Company is willing, and it is expedient that they should be empowered, to continue and maintain the cattle market in the said parish of Hailsham, in this Act described, under proper regulations and management:

And whereas, in order to enable the said Company to effect their object, it is expedient that they should be dissolved and re-incorporated, and that such further powers as in this Act mentioned should be conferred upon them:

And whereas the authorised capital of the said Company is five thousand pounds, divided into five hundred shares of ten pounds each:

And whereas the said Company has not borrowed any money:

And whereas it is expedient that the cattle market held within the said parish should be subject to the provisions of this Act:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

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Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as The Hailsham Cattle Market Act, 1871.

Provisions of general Acts herein named incorporated.

2. The Companies Clauses Consolidation Act, 1845, (except sections 70, 72, and 109 thereof,) Part I. and Part III. of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, and the Markets and Fairs Clauses Act, 1847, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Company" shall mean the Hailsham Cattle Market Company incorporated by this Act:

The expression the "old Company" shall mean the Hailsham Cattle Market Company, Limited, as constituted prior to the passing of this Act:

The expression "the market" and "the undertaking" shall mean the market, market places, market houses, buildings, stables, sheds, approaches, works, and conveniences, place or places for depasturing and keeping cattle resorting to or using the market, and the lands and property from time to time belonging to the Company:

The expression "cattle" shall mean bulls, oxen, cows, heifers, and calves, rams, wethers, ewes, and lambs, and swine:

The expression "horses" shall mean horses, geldings, mares, foals, and fillies, and shall include asses and mules:

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.

Dissolution of old Company.

4. The old Company is by this Act dissolved, and their memorandum and articles of association are by this Act cancelled and annulled.

Re-incorporation of Company.

5. The several persons who immediately before the passing of this Act were shareholders in the old Company, and all other persons and corporations who from time to time become entitled to shares in the capital of the Company, and their executors, administrators, successors, and assigns respectively, are hereby united into

a company for the purpose of establishing and maintaining a market or markets in and for the district comprising the parish of Hailsham aforesaid for the sale of cattle and horses; and for erecting, providing, maintaining, and regulating market places and market houses, with proper conveniences belonging thereto, and for other the purposes of this Act, and shall be incorporated by the name of "The Hailsham Cattle Market Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase by agreement and to hold lands and other property for the purposes of this Act.

Market, &c. vested in Company.

6. Subject to the provisions of this Act, all the undertaking, market, lands, works, erections, buildings, rights, and easements, moneys, securities, credits, property, effects, choses in action, claims, and demands whatsoever which immediately before the passing of this Act the old Company, or any person in trust for them, were seised, possessed of, or in anywise entitled to at law or in equity, and the benefit of all contracts and engagements entered into with and on behalf of the old Company, and immediately before the passing of this Act in force, are by this Act vested in the Company as their undertaking, market, property, and effects for all the estate and interest which the old Company or such persons had therein, but subject to all debts, liabilities, and engagements of the old Company in respect thereof.

Company to represent the dissolved Company.

7. Except only as is by this Act otherwise expressly provided, the Company shall, with respect to their undertaking, market, property, and effects, and all matters connected with the same respectively, represent the old Company, as if that Company and the Company had originally been and had continued without intermission to be one and the same body corporate.

General saving of rights.

8. Notwithstanding the dissolution of the old Company and the cancelling and annulling of their said memorandum and articles of association, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed by or under the said articles shall be as valid as if such dissolution, cancellation, and annulling had not happened, and such dissolution, cancellation, annulling, and the operation of this Act, shall accordingly be subject and without prejudice to anything so done, suffered, or confirmed, and to all rights, liabilities, claims, and demands, both present and future, which if the dissolution, cancellation, and annulling had not happened would be incident to or consequent on any and every thing so done, suffered, and confirmed, and with respect to anything so done, suffered, and confirmed, and all such rights, liabilities, claims, and demands, the Company

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shall to all intents and purposes represent the old Company: Provided always, that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts, &c. preserved.

9. All purchases, sales, conveyances, leases, mortgages, bonds, securities, and contracts entered into or made before the passing of this Act by, to, or with the old Company, or any person on their behalf, shall continue and be as effectual to all intents for, against, and with respect to the old Company as if the same had been made or executed by, to, or with respect to the Company instead of the old Company, and may be proceeded on and enforced by and against the Company accordingly.

Actions, &c. not to abate.

10. Nothing in this Act contained shall release, discharge, or suspend any action, suit, prosecution, or other proceeding commenced by or against the old Company before the passing of this Act, but, on the contrary, the same shall continue and take effect both in favour of and against the Company in like manner to all intents and purposes as the same might continue and take effect both in favour of and against the old Company, save only that when necessary the Company shall be substituted therein for the old Company.

Judgment in respect of existing liabilities may be enforced against individual shareholders.

11. If any judgment, decree, or order be at any time after the commencement of this Act obtained against the old Company in respect of any debt or liability owing or incurred, or in respect of any contract made or tort committed, by the old Company before the commencement of this Act, and be not fully satisfied out of the property of the old Company, then and in every such case the judgment, decree, or order may be enforced and execution thereon issued against the property and effects of any person who was a member of the old Company immediately before the commencement of this Act, or at the time when the contract was made or the tort was committed in respect of which the debt or liability accrued or was incurred, and legally responsible in respect of such debt or liability to the same extent as if this Act had not been passed.

Reimbursement of shareholders in such case.

12. Every person against whom or against whose property or effects any such judgment, decree, or order is enforced shall be entitled to recover against the Company all loss, damage, costs, and charges which he incurs by reason of the execution, and shall be entitled to contribution for so much thereof as remains unsatisfied from the several other persons against whom execution on the judgment, decree, or order might in accordance with this Act have been issued, and the contribution may be recovered in like manner as contribution in ordinary cases of copartnership.

Debts to be paid.

13. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all persons who immediately before the passing of this Act owed any money to the old Company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing for the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or owing or recoverable from the old Company, or for the payment of which they were or but for this Act would be liable, shall be paid, with all interest (if any) due or payable or accruing for the same, by or be recoverable from the Company.

Certificates of shares, &c. to continue in force.

14. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all certificates of shares (until cancelled under the powers of this Act), and all sales, transfers, and dispositions heretofore made or executed of or with respect to any shares in the old Company, shall remain in full force, and continue and be available in all respects as if this Act had not been passed.

Books, &c. continued evidence.

15. Notwithstanding the dissolution, cancellation, and annulling aforesaid, all documents, books, and writings which if the dissolution, cancellation, and annulling had not happened would be receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere accordingly.

Officers, &c. of existing Company to account.

16. All officers and persons who at the passing of this Act have in their possession or under their control any money, books, documents, papers, writings, or effects belonging to the old Company shall account for and deliver up the same to the Company, or to such persons as they appoint to receive the same, in like manner, and subject to like regulations, pains, and penalties, as if the officers or persons were appointed and became possessed of the same under this Act.

Officers, &c. to continue.

17. All officers and servants of the old Company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employments, and be deemed to be the officers of or persons employed by the Company, at the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom, and they and their respective sureties shall be liable in all respects as if they respectively had been appointed and had become bound under this Act.

Trustees of existing Company to be indemnified.

18. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects belonging to the old Company were vested immediately before the passing of this Act, and who (being duly authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same, or otherwise, on behalf of the old Company, shall be indemnified

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and saved harmless out of the funds or property of the Company from and against all liability, loss, costs, charges, and expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such bond, covenant, contract, or engagement.

Capital.

19. The capital of the Company shall be the sum of five thousand pounds, and shall consist of five hundred shares of ten pounds each.

Shares not to be issued till one fifth paid up.

20. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Appropriation of existing shares.

21. Every person and corporation who immediately before the passing of this Act was entitled to one or more shares in the capital of the old Company shall for each such share be entitled to a share in the capital of the Company created under this Act, and such shares are hereby vested in the same persons and corporations accordingly, and every share so vested shall be subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the then existing share in the capital of the old Company for which it is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting such share.

Cancellation of existing certificates and issue of new ones.

22. The Company may call in and cancel any certificates of shares issued by the old Company before the passing of this Act, and issue in lieu thereof certificates of shares in the Company in the form and under the conditions prescribed by the Companies Clauses Consolidation Act, 1845, but the holders of any existing certificates shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the Company to be cancelled the existing certificates of shares, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Receipt of guardians, &c.

23. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Company for the same.

Power to borrow.

24. The Company may at any time after the passing of this Act, and from time to time, borrow on mortgage any sum or sums not exceeding two hundred and fifty pounds in respect of every one thousand pounds of their capital by this Act authorised, but no part of any such sum of two hundred and fifty pounds shall be borrowed until the whole of the respective one thousand pounds of capital in

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respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845 (before he so certifies), that the whole of the respective one thousand pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share or portion of stock in such one thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective one thousand pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of a receiver.

25. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less in the whole than two hundred and fifty pounds.

Debenture stock.

26. The Company may create and issue debenture stock.

Application of moneys.

27. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

Ordinary meetings.

28. The first ordinary general meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held once in each year, at such time as the Company may from time to time determine.

Number of directors.

29. The number of directors, until reduced under the power herein-after contained, shall be seven.

Qualification of directors.

30. The qualification of a director shall be the possession in his own right of five shares in the undertaking at the least for three months previous to his election as a director.

Power to reduce number of directors.

31. The Company may from time to time by vote of any general meeting reduce the number of directors, provided that the number when so reduced be not less than three.

Quorum of directors.

32. The quorum of a meeting of directors shall, unless and until the number of directors is reduced to three, be three, and if the number of directors be reduced to three the quorum shall be two.

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First directors.

33. Thomas Brown, William Mannington, John Gosden, John Gorringe, Frederick Tuppen, Luther Marten, and Richard Brown shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the ordinary meeting in each subsequent year the shareholders present in person or by proxy shall, subject to the powers herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office in accordance with the provisions in the Companies Clauses Consolidation Act, 1845, contained; and the several persons elected at such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in the manner provided by that Act.

Directors to summon extraordinary meeting on requisition.

34. The directors of the Company shall, upon a requisition made to them in writing by any number of shareholders holding in the aggregate not less than fifty shares, convene an extraordinary general meeting of the Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the Company, and if for twenty-one days after such notice the directors fail to call such meeting, the requisitionists, or any other shareholders holding the requisite number of shares, may call such meeting by giving ten days notice thereof.

Notice of meeting.

35. Instead of the fourteen days public notice by advertisement required by the Companies Clauses Consolidation Act, 1845, ten days notice at the least to the like effect shall be forwarded by post to each shareholder at the address stated in the shareholders address book.

Quorum for meeting.

36. If within one hour from the time appointed for any meeting (whether ordinary or extraordinary) seven shareholders at least shall not be present, no business shall be transacted thereat, except the appointment of a chairman, and the meeting, if convened upon the requisition of the shareholders, shall be dissolved; in any other case it shall stand adjourned to such time and place as the chairman of the meeting shall fix, and if at such adjourned meeting the required number of shareholders are not present, such meeting shall not be deemed incompetent to transact business thereat.

Election of auditor.

37. The Company shall at the first ordinary meeting after the passing of this Act, and at the general meeting in each year, elect

one or more auditor or auditors, and if not more than one auditor be appointed all the provisions relating to auditors in the Companies Clauses Consolidation Act, 1845, contained shall relate to him.

Auditor need not be shareholder.

38. The auditor or auditors need not be a shareholder or shareholders in the Company.

Limits of Act.

39. The limits within which this Act may be put in force shall be co-extensive with the parish of Hailsham, except that portion of the parish which is within the liberty of Pevensey.

Power to continue, establish, and maintain market, &c.

40. Subject to the provisions of this Act the Company may continue, establish, and maintain a market for the sale of cattle and horses, with all market places and market houses, with all requisite buildings, stables, sheds, approaches, and other works and conveniences, and they may provide one or more place or places for depasturing and keeping cattle resorting to or using such market or markets.

Power to take lands by agreement.

41. The Company may from time to time purchase or take on lease or otherwise acquire, but only by agreement, or may hold, any lands, not exceeding in the whole six acres, which they may require for any of the purposes of their undertaking.

Restriction as to sale of marketable commodities.

42. Every person who shall on the days hereby appointed or to be appointed for holding markets within the limits of this Act sell, let, or expose for sale or letting, at any place within the limits of this Act, except on any land or in any building belonging to him or in his occupation, any horses, cattle, sheep, pigs, or other live stock in respect of which tolls are by this Act authorised to be taken, shall forfeit and pay to the Market Company any sum not exceeding forty shillings, unless he or they shall pay or have paid the tolls by this Act authorised to be taken.

Power to fix market days.

43. A market shall be held by the Company for the sale of cattle on such days, not being Sunday, Christmas Day, or Good Friday, and within such hours as the Company from time to time appoint: Provided that, unless and until the Company otherwise appoint, the market shall be held on the day on which the same is now held.

Public notice of alteration of market day.

44. Provided always, that before the Company alter the day for holding the market for the time being appointed by or under this Act, 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 town of Hailsham.

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Cattle market tolls, Schedule A.

45. The Company may from time to time demand and take from any person bringing for sale or exhibition into the cattle market any cattle or horse, or having charge of the same in such market, any tolls not exceeding the tolls specified in the Schedule A. to this Act annexed.

Rents and tolls for conveniences and depasturing cattle, &c., Schedule B.

46. The Company may from time to time demand and take from any person using any market house, buildings, stables, or sheds, or other conveniences, or any place or places for depasturing and keeping cattle resorting to or using the market provided under this Act, any rents, tolls, and charges not exceeding the rents, tolls, and charges specified in the Schedule B. to this Act annexed.

Recovery of tolls.

47. If any person liable to the payment of any rent, toll, or charge payable to the Company under this Act does not pay the same when demanded, the Company or their lessee, or any person authorised by the Company or their lessee to collect the same, may seize and detain the cattle or horses in respect of which the same is payable, or any goods or other cattle or horses belonging to the person liable to pay the same or under his charge, and if the rent, toll, or charge, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the goods or cattle or horses seized, is not paid within four days from the time of seizure, or in case of perishable articles within six hours from the time of seizure, the Company or their lessee may sell the goods or cattle or horses seized, and out of the money arising therefrom may pay and retain the rent or toll and the charges aforesaid, and those of the sale, returning the overplus (if any) to the owner of the goods or cattle or horses seized, or such rent, toll, or charge may be recovered in any court of competent jurisdiction.

Byelaws.

48. In addition to the byelaws authorised by the Markets and Fairs Clauses Act, 1847, the Company may from time to time make, alter, and repeal such byelaws as they think fit for all or any of the purposes following; (that is to say,) for regulating the mode of or prohibiting the showing, driving, or leading, or conveyance of cattle or horses in or through any of the streets, roads, or thoroughfares leading to the said market.

Expenses of Act.

49. The costs and charges of and incident to the passing of this Act, and preparatory thereto, shall be paid by the Company.

SCHEDULES referred to in the foregoing Act. A.D. 1871.

SCHEDULE A.

	£	s.	d.
For every stallion	0	2	0
For every gelding or mare	0	1	0
For every yearling, colt, or filly, foal, mule, or ass	0	0	6
For every bull	0	0	6
For every ox, cow, bullock, steer, heifer, or calf	0	0	3
For every sheep or lamb	0	0	1
For every head of swine (except sucking pig)	0	0	2
For every sucking pig	0	0	0½
For every other animal whatever	0	0	6

And the above tolls to be payable for each 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.

SCHEDULE B.

	£	s.	d.
For every bull, ox, cow, or bullock	0	1	0
For every calf	0	0	4
For every sheep or lamb	0	0	2
For every hog or pig	0	0	4
For every other animal	0	1	0

No animal to remain longer than 24 hours without paying an additional toll, and so for each 24 hours or part thereof.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1871.