CHAPTER xxviii.

An Act for establishing a Cattle Market at Lewes in Sussex. A.D. 1879.

[23d May 1879.]

WHEREAS a cattle market is now held in the streets of the town of Lewes, in the county of Sussex, which causes obstruction, danger, and inconvenience:

And whereas certain persons have formed themselves into a company under the Companies Acts, 1862 and 1867, with the object, amongst others, of providing a piece of land on which a cattle market might be held, instead of in the said streets, and have purchased a piece of land accordingly, and it is expedient that such Company should be dissolved and re-incorporated with the powers and subject to the provisions herein-after contained: 25 & 26 Vict. c. 89. 30 & 31 Vict. c. 131.

And whereas the capital of the said Company is four thousand pounds, divided into four hundred shares of ten pounds each, and the said Company has not borrowed any money on mortgage:

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

1. This Act may for all purposes be cited as the Lewes Cattle Market Act, 1879. Short title.

2. The Companies Clauses Consolidation Act, 1845, 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 or inconsistent with this Act) incorporated with and form part of this Act. Provisions of general Acts incorporated. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 10 & 11 Vict. c. 14.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective meanings, unless there be Interpretation of terms.

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something in the subject or context repugnant to such construction:

The expression "the Company" means the Company incorporated by this Act;

The expression "the old company" means the Lewes Cattle Market Company (Limited);

And the expression "superior court or court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act mean and include so much of the following parishes and places, videlicet, the parishes of Saint Peter and Saint Mary Westout, otherwise Saint Ann, Saint Michael, Saint John under the Castle, and All Saints, Lewes, the precincts of the Castle of Lewes, and the parishes of Saint Thomas à Becket, Cliffe, near Lewes, South Malling, Saint John the Baptist, Southover, Kingston, and Hamsey, all in the county of Sussex, as is within a radius of two miles from the County Hall at Lewes.

Dissolution and re-incorporation of Company.

5. From and after the passing of this Act the old company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of the old company, and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns, respectively, shall be and they are hereby united into a company for the purpose herein-after mentioned, and shall be incorporated by the name of "The Lewes Cattle Market Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

General powers of the Company.

6. The Company shall be formed for the purpose of establishing and maintaining a market or markets for the district within the limits of this Act, upon the piece of land so purchased as aforesaid, and elsewhere, with market places and houses and all proper conveniences in connexion therewith, and generally for carrying on the business usually carried on by a market company or which is or may become incident thereto.

Present property of old company vested in the Company.

7. Subject to the provisions of this Act, all the lands, works, buildings, rights, and property which immediately before the passing of this Act belonged to the old company or to any trustee on their behalf, and the benefit of all contracts and engagements

entered into by or on behalf of that Company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the old company or any trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, dealt with, and disposed of by the Company as they think fit.

Deeds of settlement to be void, without prejudice to remedies for antecedent breaches thereof.

8. Subject to the provisions of this Act, and as from the date of the passing thereof, the memorandum and articles of association of the Company shall, as to any prospective operation thereof, be cancelled and void; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the said articles incurred before the passing of this Act, but the liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the old company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

9. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old company, or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said articles had not been avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if this Act were not passed would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Company and its shareholders and property shall to all intents and purposes represent the old company and the members thereof as such, and the property of the old company, as the case may be, and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts prior to Act to be binding.

10. Except as by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the old company, or any trustees or persons acting on behalf of the old company, or by, to, or with any person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as

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fully and effectually, as if the Company had been a party thereto instead of the old company or the trustees or persons acting on behalf of the old company.

Actions, &c. not to abate.

11. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding in any court of justice which was pending by or against the old company, or any member thereof in relation to the affairs of the old company, or to which the old company, or any member thereof in relation to such affairs, were parties immediately before the passing of this Act, but such action, suit, or other proceedings may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the old company or any member thereof if this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the old company and its members respectively.

Trustees of old company to be indemnified.

12. Every trustee or other person in whom or in whose name any land, works, buildings, rights, property, or effects belonging to the old company were vested immediately before the passing of this Act, and who (being 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 out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company to satisfy liabilities of old company.

13. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the old company immediately before the passing of this Act were subject, and shall indemnify the shareholders, directors, officers, and servants of the old company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

As to payment of debts owing before passing of Act.

14. All persons who immediately before the passing of this Act owed any money in respect of calls upon shares or otherwise to the old company shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the old company, or for the payment of which the old company were or but for this Act would be liable, shall be

paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates and transfers to remain in force.

15. Notwithstanding the avoidance of the said articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore properly made or executed for and with respect to any shares in the old company shall remain in full force and continue and be available in all respects as if such articles had not been avoided.

Books and writings continued evidence.

16. All documents, books, and writings which, if the said dissolution and avoidance had not been made, would have been receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Officers to continue until removed.

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, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations, in all respects whatsoever as if they had been appointed under this Act, and the Company may from time to time appoint, suspend, and remove such officers as they think necessary, at such salaries and allowances and upon such terms and conditions as the Company think fit.

Present register of members to be continued.

18. The books kept by the old company for entering the names and designations of the members thereof, with the number of their shares and the proper distinguishing numbers of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Capital.

19. Subject to the provisions of this Act, the capital of the Company shall be four thousand pounds, divided into four hundred shares of ten pounds each.

Vesting new shares in present shareholders.

20. Every person 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 such persons accordingly, and every share so vested shall be subject and liable to the same trusts, powers, pro-

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visions, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affected the share or shares in the old company for which it is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.

21. The Company shall call in and cancel the existing certificates of the shares in the old company, but the holders of such existing certificates of shares shall not be entitled to any certificates of stock instead thereof until they shall have delivered up to the Company to be cancelled the certificates of their share or shares in the old company, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Receipt clause in case of persons not sui juris.

22. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardians or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow in respect of additional capital.

23. The Company may from time to time, subject to the provisions of this Act, borrow on mortgage any sum or sums not exceeding in the whole one thousand pounds, but no part thereof shall be borrowed until the whole capital of four thousand pounds by this Act authorised is 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 such capital has been 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 in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or 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 certificate shall be sufficient evidence thereof.

Appointment of receiver.

24. 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. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one hundred pounds in the whole.

Debenture stock.

25. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Priority of mortgages and debenture stock over other debts.

26. All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act.

Application of moneys.

27. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company to which capital is properly applicable.

Place for meetings.

28. All meetings of the Company shall be held at the Company's office in Lewes, or at such other place as the directors may from time to time appoint.

First ordinary meeting.

29. The first ordinary meeting of the Company shall be held in the month of August next after the passing of this Act.

Quorum for general meetings of Company.

30. The quorum of all general meetings, whether ordinary or extraordinary, shall be four shareholders present in person or by proxy holding not less in the aggregate than five hundred pounds in ordinary shares or stock of the Company.

Number of directors.

31. The number of directors shall on the passing of this Act be nine, but shall be afterwards reduced to seven, and for that purpose the two next vacancies in the office of director occurring by death or resignation or by the retirement of a director not offering himself for re-election shall not be filled up.

Qualification of directors.

32. The qualification of a director shall be the possession in his own right of not less than ten shares in the capital of the Company.

Quorum of directors.

33. The quorum of a meeting of directors shall be four.

First directors.

34. Henry Card Wynne, Edwin Baxter, Robert Crosskey, William Mannington, Charles Ellis, Richard Lambe, James Broad, Harry Willett, 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.

Election of directors.

35. 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 a

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new director or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the power hereinbefore contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Auditors need not hold shares.

36. The auditors need not hold shares in the Company.

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

37. The Company may establish, provide, maintain, and regulate a market or markets within the limits of this Act for the sale of cattle, with market places and market houses, and all requisite buildings, stables, sheds, slaughter-houses, approaches, and other works and conveniences, and they may for the purposes aforesaid hold and use any lands vested in them by this Act, and may from time to time purchase, but by agreement only, and hold any other lands, not exceeding in the whole seven acres, which they may require for any of the purposes aforesaid.

Provision of place for depasturing cattle.

38. The Company may also provide upon any part of the lands acquired by them a place or places for depasturing and keeping cattle, or may for that purpose purchase or take on lease and hold any lands not exceeding ten acres in addition to the lands hereinbefore authorised to be held by them.

Restriction as to sale of cattle.

39. After the Company shall have opened their market place it shall not be lawful for any person within the limits of this Act to sell or let, or exhibit for sale or letting, or permit to be sold or let or to be offered or exhibited for sale, any cattle except in such market place; but this section shall not prevent any person from selling or letting on any land or premises belonging to him or in his own occupation cattle which are in good faith his own property, and have been in his possession within the said limits for seven days before such sale or exhibition; and every person offending against this enactment shall be liable to a penalty not exceeding five pounds, to be recoverable by the Company: Provided that nothing herein contained shall prevent the owner of any horse, or any licensed horse dealer on behalf of such owner, from selling or exposing the same for sale otherwise than by auction on his own premises, or from showing or trying any horse preliminary to any sale or intended sale thereof.

As to market days.

40. A market shall be held by the Company for the sale of cattle on such days and within such hours as the Company may from time to time appoint: Provided that a market shall be held on twenty-six days at least in each year with an interval of not less than seven days between each; provided also, that before the Company alter the days for holding the market for the time being appointed 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 Lewes.

Cattle market tolls.—Schedule A.

41. The Company may from time to time demand and take from any person bringing cattle for sale or exhibition into the market, 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.

42. The Company may from time to time demand and take from any person using for cattle any market house, buildings, stables, or sheds of the Company 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, and they may for the use of any place or places provided by them for depasturing or keeping cattle, or for any other convenience provided or service performed by the Company as owners of the market, make such charge as the Company may from time to time appoint.

Recovery of tolls.

43. 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 any person authorised by the Company to collect the same, may seize and detain the cattle in respect of which the same is payable, or any goods or other cattle 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 seized, be 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 may sell the goods or cattle 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 seized, or such rent, toll, or charges may be recovered in any court of competent jurisdiction.

Exempting two Lewes sheep fairs.

44. Nothing in this Act shall be construed to relate to the two sheep fairs annually held in or near the town of Lewes in or about the month of September, or shall authorise the Company to levy

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any toll in respect of cattle sold or exhibited for sale at either of the said fairs.

Power to sell and dispose of land.

45. The Company may from time to time sell, demise, exchange, or otherwise dispose of any land purchased or taken on lease by them and not required for the purpose of their undertaking, and that either in fee or for such term or terms of years, and generally upon such conditions as they may think proper, and the proceeds of any such sale while any money is owing by the Company upon mortgage shall be set aside and invested to form with the accumulations thereof a fund for the repayment of any such money as it becomes due, and while no money is owing as aforesaid may be expended for the general purposes of the Company, or may, if the Company so resolve, be returned to and distributed among the shareholders in proportion to the amount of capital paid up on the shares held by them respectively.

Expenses of Act.

46. 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. 1879.

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 twenty-four hours without paying an additional toll, and so for each twenty-four hours or part thereof.

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