CHAP. xxvii.

An Act for empowering the Local Board of Melton Mowbray, in the county of Leicester, to provide a Cattle Market; and for conferring other powers on the Local Board; and for other purposes. [24th June 1869.]

A.D. 1869.

WHEREAS "The Local Government Act, 1858," has been adopted in and for the parish of Melton Mowbray, in the county of Leicester, the same constituting the district under that Act: 21 & 22 Vict. c. 98. (*Pub.*)

And whereas the manor of Melton Mowbray, with the hundreds, markets, fairs, and appurtenances belonging thereto, is or is claimed to be vested in the trustees of the town estate of Melton Mowbray aforesaid, in trust for the inhabitants thereof:

And whereas it is expedient that better provision be made respecting markets for the sale of cattle, horses, and other animals, carts, waggons, agricultural implements, wood, hay, and straw, within the district:

And whereas it is expedient that further powers in divers respects be conferred on the local board for the district (in this Act referred to as the local board):

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

And whereas plans describing the lands intended to be taken compulsorily for the purposes of this Act, and a book of reference thereto, containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers of those lands, and describing those lands, have been deposited with the clerk of the peace for the county of Leicester (which are in this Act referred to as the deposited plans and book of reference): 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

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this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Melton Mowbray Cattle Market, &c. Act, 1869."

8 & 9 Vict. c. 18., 10 & 11 Vict. c. 14., and 23 & 24 Vict. c. 106. incorporated.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with this Act, namely, "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Markets and Fairs Clauses Act, 1847" (except the provisions of the last-mentioned Act with respect to weighing goods and carts).

Interpretation of Terms.

3. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect: (namely,)

Terms to which meanings are assigned in the Acts incorporated wholly or in part with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there is something in the subject or context repugnant to such construction:

In this Act, and for the purposes of this Act, in any Act incorporated wholly or in part with this Act, the term "superior court" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute:

In this Act, unless there be something in the subject or context repugnant to such construction, the term "the Public Health Acts" includes "The Public Health Act, 1848," "The Local Government Act, 1858," and the Acts amending them; the term "cattle" means bulls, oxen, cows, heifers, and calves, rams, wethers, ewes, and lambs, goats and kids, and swine; the term "horses" means horses, geldings, mares, foals, and fillies, and includes asses and mules; the term "hay" includes hay and straw; and the term "implements" includes all kinds of carts, waggons, carriages, vehicles, and machines, engines, and implements of agriculture.

Application of Public Health Acts.

4. This Act shall (subject to the express provisions thereof) be executed by the local board, with the powers and indemnities and according to the provisions of the Public Health Acts, and those Acts shall, in relation to the local board and the purposes of this Act, be read and have effect as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts.

Power to provide place for cattle and horse markets and fairs, and to take lands.

5. Subject and according to the provisions of this Act and of the Acts incorporated wholly or in part with this Act, the local board may provide, construct, maintain, and regulate a place for cattle, horses, hay, wood, and implements markets and for fairs, for their district, and may enter on, take, hold, and use the lands described in the deposited plans and book of reference, or such parts thereof as they require for that purpose, which place (with the sheds and other buildings, conveniences, erections, and fixtures for the time being erected and provided thereon by the local board) is in this Act referred to as the cattle market.

Sewerage and drainage of market.

6. The local board shall cause the cattle market to be sufficiently sewered and drained, and may execute the works necessary for the sewerage and drainage thereof, and may connect the sewers and drains made for that purpose with any main or other sewers within their district, and may maintain and from time to time repair, alter, and remove such sewers, drains, and connexions.

Power to provide slaughter-houses.

7. The local board may provide slaughter-houses.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the local board by agreement for the extraordinary purposes mentioned in "The Markets and Fairs Clauses Act, 1847," shall not exceed two acres.

Diversion of footpaths.

9. Subject and according to the provisions of this Act and of the Acts incorporated wholly or in part with this Act, the local board may make and maintain a new footpath in the parish of Melton Mowbray, commencing out of the Scalford Road, at or near a gate at the north-east corner of a close of land belonging to the feoffees of the Melton Mowbray Town Estate, and in the occupation of John Sturgess, and thence proceeding along the north of the said close, and terminating at the stile situate at the north-west corner of the said close, and may enter on, take, hold, and use such of the lands described on the deposited plans and book of reference as they require for that purpose; and when and as soon as such new footpath is made and opened for use, all rights of way in, over, or affecting the two following footpaths, situate in Melton Mowbray aforesaid, existing at the passing of this Act, shall cease and be extinguished; (that is to say,)

First. A footpath commencing out of the Scalford Road, at a stile on the west side thereof, sixty-eight yards north of a house belonging to Richard Hack, and thence proceeding westward to and terminating in the Nottingham Road, at a V gate adjoining the north-west corner of a garden belonging to and in the occupation of Joseph Bishop; and

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Secondly. A footpath commencing out of the footpath last mentioned, and thence leading northwards to or towards Holwell, and terminating at the said stile situate at the herein-before described point of termination of the said new footpath.

Powers for compulsory purchases limited.

10. The powers of the local board for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Provision as to rent-charge for site.

11. For the purposes of the Act the expression "the parties beneficially interested in such lands" in section four of "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall mean the persons who are the trustees of the town estate of Melton Mowbray for the time being.

Power to agree for easements, &c.

12. The local board may take by agreement, and any person by "The Lands Clauses Consolidation Act, 1845," or otherwise, enabled to sell lands, may grant to them any easement, right, or privilege in, over, affecting, or belonging to lands at a yearly rent or otherwise; but in the case of a person not enabled otherwise than by "The Lands Clauses Consolidation Act, 1845," to sell lands, then, subject and according to the provisions relative to the taking of lands by agreement contained in that Act and "The Lands Clauses Consolidation Acts Amendment Act, 1860," for which purposes any such easement, right, or privilege shall be deemed lands within the meaning of those Acts.

Period for completion of works.

13. If the cattle market and diversion of footpaths authorized by this Act are not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the local board in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Limits of Act.

14. The limits of this Act shall be co-extensive with the limits of the district of the local board.

Penalty for selling cattle elsewhere.

15. From and after the opening for public use of the cattle market, all markets and fairs for, and all sales by auction of cattle, horses, hay, wood, and implements, respectively, held within the limits of this Act, shall be held in the cattle market and not elsewhere, and if after such opening any person, without the written licence and consent of the local board first obtained, sells or exposes for sale any cattle, horses, hay, wood, or implements in any market, street, highway, or public place within the limits of this Act other than the cattle market, or sells or offers for sale by auction any cattle, horses, hay, wood, or implements in any place within those

limits other than as aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds.

Tolls for market.

16. The local board may demand and receive tolls and rents, not exceeding (except with the approval of one of Her Majesty's Principal Secretaries of State) those specified in the first schedule to this Act, from persons selling, or exposing, or offering for sale, exhibition, or hire, or for breeding or other purposes respectively, cattle, horses, hay, wood, or implements in the cattle market, or frequenting or attending with any such things for any such purposes any market or fair held in the cattle market.

Slaughter-house tolls.

17. The local board may demand and receive for the use of their slaughter-houses tolls and rents not exceeding (except with such consent as aforesaid) those specified in the second schedule to this Act.

Recovery of tolls.

18. If any person liable to the payment of any stallage, rent, or toll payable to the local board under this Act does not pay the same when demanded, the local board, or their lessee, or any person authorized by the local board or their lessee to collect the same, may seize and detain the cattle, horse, or thing in respect of which the same is payable, or any other cattle, horse, or thing in the cattle market belonging to the person liable to pay the same, or under his charge; and if the amount of the stallage, rent, or toll, and the reasonable charges of such seizure, detention, keeping, and maintaining is not paid within four days from the time of seizure, the local board or their lessee may sell the cattle, horse, or thing seized, and out of the proceeds may pay and retain the stallage, rent, or toll, and the charges aforesaid and those of the sale, returning the overplus (if any) to the owner of the cattle, horse, or thing seized, or such stallage, rent, or toll may be recovered in any court of competent jurisdiction.

Power to let stalls, &c.

19. The local board may from time to time let to any person any stall, standing, site, or other convenience in the cattle market, for any time not exceeding three years, at such rent and on such terms as they think reasonable.

Power to let tolls of markets, &c.

20. The local board may from time to time demise, for any term not exceeding five years, the whole or any part of the stallages, rents, and tolls receivable in respect of the cattle market.

Separate account.

21. The local board shall keep a separate account of their receipts, payments, credits, and liabilities in respect of the cattle market and slaughter-houses, to be called "The Cattle Market Account."

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Sale of allotments for road material.

22. The local board shall have a power of sale over the pieces of land which, under an Act passed in the year one thousand seven hundred and sixty, intituled "An Act for dividing and enclosing "the open and common fields in the parish of Melton Mowbray, in "the county of Leicester," were allotted for the getting of material for repair of roads; and sections one, two, and three of the Public General Act of the session of the twenty-third and twenty-fourth years of Her Majesty's reign (chapter one hundred and forty-five), "to give to trustees, mortgagees, and others certain powers now "commonly inserted in settlements, mortgages, and wills," shall apply to that power, and the local board shall carry any money received by them on any sale under that power to the credit of the cattle market account.

Power to borrow for purposes of Act.

23. The local board may, in addition to any money which they may have borrowed or are authorized to borrow independently of this Act, from time to time borrow at interest on the credit of the money to be carried by them to the cattle market account, and of the rates leviable under the Public Health Acts, or of either of those securities, such sums of money, not exceeding in the whole four thousand pounds, as they from time to time think requisite for the purposes of this Act, and may mortgage such money so to be carried to the cattle market account and such rates or either of those securities accordingly.

Protection of lenders from inquiry.

24. Any person lending or paying money under this Act to the local board, or their treasurer or clerk, shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money, or of any part thereof.

Repayment of money borrowed by instalments or sinking fund.

25. The local board shall, out of the money carried to the credit of the cattle market account and of the rates aforesaid, either pay off the money borrowed under this Act by annual or other instalments, or otherwise, within thirty years, reckoned from the expiration of five years after the passing of this Act, or else appropriate as a sinking fund every year, beginning with the expiration of the same term of five years, and until the money so borrowed is fully paid off, a sum not less than one thirtieth part of the money borrowed, and such sinking fund shall be invested, accumulated, and applied according to section fifty-seven of "The Local Government Act, 1858."

Power to re-borrow subject to exceptions.

26. Where the local board pay off any money by instalments or a sinking fund as in this Act directed, their powers of borrowing under this Act shall, to the extent of the money so paid off, deter-

mine, but they may from time to time reborrow any money paid off otherwise than by instalments or a sinking fund.

Form of mortgages.

27. The provisions of the Public Health Acts relating to the form, register, transfer, and register of transfer of mortgages, and to a receiver, shall apply to mortgages under this Act.

Amount entitling mortgagees to a receiver.

28. The amounts owing to the mortgagees by whom any application for a receiver is made shall not be less than four hundred pounds in the whole.

Priority of existing mortgages.

29. All mortgages and securities granted by the local board before the passing of this Act, on the security of the rates leviable by them under the Public Health Acts shall, while subsisting, have priority over mortgages granted under this Act.

Restrictions as to borrowing not to apply.

30. The borrowing powers of the local board under this Act shall not be restricted by any of the provisions of section fifty-seven of "The Local Government Act, 1858," nor shall money borrowed under this Act be reckoned in the calculation of the amount allowed to be borrowed by the local board under that section.

General district rates to be increased.

31. After any money is borrowed under this Act, the estimate for and the amount raised by the general district rates leviable by the local board shall comprise the sums for the time being required for the payment of interest or repayment of principal on or in respect of the money so borrowed.

Application of money.

32. The local board, after providing for any rentcharge payable by them in respect of the site of the cattle market, shall apply all money carried to the credit of the cattle market account (other than money borrowed or received as consideration for lands sold) for the purposes and in the order following; (that is to say,)

First, in repaying, as in this Act provided, the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act;

Secondly, in maintaining the cattle market, and in paying all necessary and proper outgoings in respect thereof;

Thirdly, in paying from time to time the interest on money borrowed by the local board under this Act, and for the time being remaining due, as and when such interest becomes payable;

Fourthly, in from time to time providing the instalments or setting apart and appropriating the sinking fund prescribed by this Act for repayment of money borrowed as and when each such instalment or such sinking fund is required to be provided or set apart and appropriated;

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Fifthly, in discharge of any purchase money payable for lands and property purchased under the authority of this Act;

Sixthly, in improving the cattle market, and in executing the works authorized by this Act;

Seventhly, in paying off the principal money borrowed by the local board under this Act, and for the time being remaining due; and

Lastly, any surplus remaining after the purposes aforesaid are effected, shall be carried to the district fund account.

And all money borrowed by the local board under this Act, or received by them as consideration for lands sold, shall be applied to all or any of the purposes first, fifthly, sixthly, and seventhly in this section specified.

Audit of accounts.

33. Section sixty of "The Local Government Act, 1858" (relating to the audit of accounts), shall apply to the cattle market account, except that any additional remuneration payable for audit thereof shall be charged to that account.

Evidence of byelaws.

34. A copy of any byelaws made under this Act or any Act incorporated wholly or in part therewith, or under the Public Health Acts, in writing or in print, or partly in writing and partly in print, purporting to be sealed with the seal of the local board, and to be certified as a true copy by the clerk to the local board under his hand, shall be admitted as primâ facie evidence in all courts and elsewhere of the existence, the due making, allowance, approval, and publication, and the contents of such byelaws.

Penalties not cumulative.

35. Penalties imposed on the local board by several Acts for the same offence shall not be cumulative, and for this purpose this Act and the Acts incorporated wholly or in part with this Act and the Public Health Acts shall be deemed several Acts.

Recovery of penalties.

36. Penalties under this Act shall be recovered and applied as penalties under the Public Health Acts are recoverable and applicable.

Application of penalties.

37. The justices by whom any pecuniary penalty is imposed under this Act shall, where the same is payable by any person or corporation other than the local board or their servants, and the application thereof is not otherwise provided for, award the same to the local board.

Several names in one warrant, &c.

38. Any number of names or sums may be included in any information, summons, warrant of distress, or notice obtained or given by the local board for any of the purposes of this Act, and

may be stated either in the body of the information, summons, warrant, or notice, or in a schedule thereto.

Costs of distress.

39. Any justice issuing a warrant of distress may order that the cost of the proceedings for the recovery of the sum ordered to be paid shall be paid by the person liable to pay such sum, and the costs shall be ascertained by the justice issuing the warrant, and shall be included in the warrant of distress for the recovery of the sum.

Forms of Public Health Act may be used.

40. The forms given in Schedule (D.) and Schedule (E.) to "The Public Health Act, 1848," may be used for the purposes of this Act with the variations necessary for referring to this Act, and for making them applicable to those purposes, and such other variations as circumstances require.

Authentication of notices.

41. Any summons, demand, or notice, or other such document under this Act, may be in writing or in print, or partly in writing and partly in print, and if the same requires authentication by the local board, the signature of the clerk of the local board shall be sufficient authentication.

Publication in newspapers.

42. Any advertisement to be published under this Act, or any Act incorporated wholly or in part with this Act, shall be published by the insertion thereof in a newspaper published in the county of Leicester, and circulating within the district of the local board.

Saving for general powers of board.

43. Nothing in this Act shall prejudicially affect any of the powers, rights, privileges, or authorities vested in the local board by the Public Health Acts or otherwise, and all such powers, rights, privileges, and authorities may be exercised and enjoyed by the board in as full and ample a manner as if this Act had not been passed.

Expenses of Act.

44. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the local board out of money standing to the district fund account, and shall be repaid to that account out of money carried to the credit of the cattle market account.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Tolls in Cattle Market.

	£	s.	d.
For every stallion	0	1	0
For every horse, mare, gelding, colt, filly, mule, or ass	0	0	4
For every bull	0	0	6
For every ox, cow, steer, or heifer	0	0	3
For every calf	0	0	1½
For every goat or kid	0	0	1
For every sheep or weaned lamb	0	0	1
For every pig except a sucking pig	0	0	1½
For every sucking pig	0	0	1
For every waggon, cart, carriage, or vehicle, and for every machine, engine, or implement of agriculture	0	1	0
For every waggon load of wood or hay	0	1	6
For every cart-load of wood or hay, or less quantity	0	0	9

For every superficial foot in the market used for any purpose not in this schedule otherwise provided for, such sum as the local board shall determine.

If calves, sheep, pigs, or other animals shall be exhibited in any vehicle during market or fair hours, or any part thereof, a charge of sixpence for each of such vehicles shall be made in addition to the tolls and charges made payable in respect of such animals by this schedule; and if any of the before-named animals or things be brought into the market or fair more than an hour before the time appointed for opening the same, or remain more than one hour after the time for closing the market or fair, another toll of the like respective amount as and in addition to the toll or charge above in this schedule made payable in respect of such last-mentioned animals and things respectively may be demanded and received, and shall be paid for each such last-mentioned animal and thing for each day or part of a day that it shall be in the market or fair previous to one hour before the opening thereof, or shall remain therein subsequent to one hour after the closing thereof respectively.

The said several tolls, stallages, and rents to be due and payable on the animal or thing entering the market.

THE SECOND SCHEDULE.

Tolls for Slaughter-houses.

	£	s.	d.
For every bull, ox, cow, and other cattle, down to and including yearlings, slaughtered - - - -	0	1	0
For every calf - - - - - - -	0	0	6
For every sheep, lamb, or goat - - - - -	0	0	3
For every pig (except a sucking pig) - - - -	0	0	6
For every sucking pig - - - - - -	0	0	3
For every slaughter-house let at a weekly, monthly, or other rent, such sum as may be agreed upon between the local board and the renters.			

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