ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. LXI.

An Act for providing a Metropolitan Market and Conveniences connected therewith in lieu of the Cattle Market at *Smithfield*. [1st *August* 1851.]

WHEREAS, for preventing the Evils attendant on the holding of the Market now holden in *Smithfield*, it is desirable that in lieu thereof a more spacious Cattle Market, with a Meat Market and Conveniences connected therewith, should be provided in a suitable Place more distant from the Centre of the Metropolis: Be it therefore 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, That,

I. It shall be lawful for Her Majesty, after the Expiration of Six Calendar Months from the passing of this Act, in case the Mayor, Aldermen, and Commons of the City of *London* have not in the meantime signified, in Manner herein-after mentioned, their Desire to undertake the Execution of this Act, by Warrant under the Royal Sign Manual, to appoint Five Persons to be Commissioners under this Act, and at Pleasure to remove the Commissioners so appointed, Appointment of Commissioners.

and

and upon every Vacancy in the Office of any Commissioner appointed under this Act to appoint in like Manner some other Person to such Office; and the continuing Commissioners may act notwithstanding any such Vacancy; and all Powers and Duties vested in the said Commissioners by this Act may be exercised and executed by any Three of them.

Commissioners incorporated.

II. The Commissioners appointed under this Act shall for the Purposes of this Act be One Body Politic and Corporate by the Name of "The Metropolitan Cattle Market Commissioners," and by that Name shall have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Lands, for the Purposes of this Act.

Commissioners may set out a Cattle and Meat Market, Slaughter-houses, and Lairs for Cattle.

III. It shall be lawful for the Commissioners to provide, build, and maintain, in such Situation as may appear to them convenient for the Purpose, and as may be approved of by One of Her Majesty's Principal Secretaries of State, Places for holding a Cattle Market, in lieu of the Market now holden in *Smithfield*, and a Meat Market, with Slaughter-houses and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses; and to provide, build, and maintain such Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, Slaughter-houses, and Lairs, as the Commissioners may think necessary; and to make and maintain all necessary and convenient Roads and Approaches to and from the Market Places, Slaughter-houses, and Lairs to be provided as aforesaid; and, with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen and improve such existing Road, for facilitating Ingress and Egress to and from such Market Places, Slaughter-houses, and Lairs; and it shall be lawful for the Commissioners to purchase by Agreement such Lands as they may deem necessary for the Purposes aforesaid: Provided always, that no Agreement for the Purchase of any Site for any of the Purposes aforesaid shall be made or entered into by the Commissioners without the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Commissioners to provide for the Supply of Water and Drainage.

IV. The Commissioners shall provide for the said Market Places, Slaughter-houses, and Lairs a sufficient Supply of Water, and may procure the same from any Water Company or Persons willing to contract for the Purpose, or may execute the Works necessary to obtain such Supply from Streams, Springs, or Wells, and purchase by Agreement or take on Lease any Streams, Springs, Lands, Rights, or Easements for the Purposes of such Supply, and the Works connected therewith; and the Commissioners shall cause the said

said Market Places, Slaughter-houses, and Lairs to be sufficiently drained, and may (subject to any Rights and Jurisdiction vested in the Metropolitan Commissioners of Sewers) execute the Works necessary for the Drainage thereof, or may procure such Works to be executed by such last-mentioned Commissioners.

Power to appoint Officers.

V. It shall be lawful for the Commissioners from Time to Time to appoint a Secretary and a Treasurer, and such Clerks, Collectors, Inspectors, and other Officers as they may think fit, for the Purposes of this Act, and from Time to Time to remove the Officers so appointed or any of them, and, with the Approbation of the Commissioners of Her Majesty's Treasury, to allow to such Officers respectively such Salaries and Wages as the Commissioners may think proper.

Commissioners may make Byelaws.

VI. It shall be lawful for the Commissioners from Time to Time to make Byelaws, for fixing or altering the Days upon which the Markets to be holden under this Act shall or may be held, for fixing the Hours for commencing and closing the said Markets on each Market Day, the Times at which Cattle and Horses respectively shall be brought into or exposed for Sale in the Market and removed therefrom, and for the letting, occupying, holding, and using of the Pens, Lairs, Stalls, Shops, Buildings, and Conveniences, for keeping the said Market Places, Slaughter-houses, and Lairs in a cleanly and proper State, and preventing the Exercise of Cruelty therein, for preventing Nuisances or Obstructions in the said Market Places or the immediate Approaches thereto, and generally for regulating, ordering, and governing the said Markets, Slaughter-houses, and Lairs, and the Conduct of Business therein; and the Commissioners may from Time to Time alter or repeal any such Byelaws, and may by such Byelaws impose such reasonable Penalties as they think fit, not exceeding Five Pounds for each Breach of such Byelaws, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid; provided always, that no Byelaw of the Commissioners shall be of any Force or Effect until the same has been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and such Byelaws shall be sealed with the Seal of the Commissioners, and published as herein-after mentioned.

Power to let the Slaughter-houses and the Stalls and Conveniences in the Market.

VII. It shall be lawful for the Commissioners from Time to Time to let, for such Rents or Payments and in such Manner as they may think fit, all or any of the Slaughter-houses to be provided under this Act, and such of the Stalls, Shops, Buildings, and Conveniences to be provided in or for the said Markets as the Commissioners may think may properly be exclusively occupied for a Term or Period:

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Provided always, that no such Letting be for any longer Term than One Year.

Table of Tolls and Payments to be fixed.

VIII. The Commissioners shall, with the Approbation of the Commissioners of Her Majesty's Treasury, fix a Table of Tolls and Payments to be demanded and taken for or in respect of Cattle, Horses, and Meat brought into or exposed for Sale in the said Markets, and for or in respect of the Use of Pens, Lairs, and Conveniences provided under this Act, and may from Time to Time, with such Approbation as aforesaid, vary such Table of Tolls and Payments as they may see fit; provided always, that such Tolls and Payments do not exceed the several and respective Sums mentioned in the Schedule to this Act; and the Table of Tolls and Payments for the Time being payable under this Act shall be published as herein-after directed.

Byelaws and Table of Tolls and Payments to be set up in the Markets.

IX. Copies of all Byelaws for the Time being in force under this Act, affecting other Persons than the Officers of the Commissioners, and the Table of Tolls and Payments for the Time being payable under this Act in respect of the said Markets respectively, shall be painted in legible Characters on Boards to be set up and continued at each and every of the Entrances or in some conspicuous Position in the Place for holding the Market to which such Byelaws relate, or in respect of which such Tolls and Payments are payable; and such Boards shall from Time to Time be renewed, replaced, and restored when and so often as the same are destroyed, defaced, or removed: Provided always, that if any such Board be destroyed, defaced, or removed, such Byelaws, Tolls, and Payments shall continue in force and payable respectively during such Time as may be reasonably required for renewing, replacing, or restoring the same, in the same Manner as if the Destruction, Removal, or Defacement had not occurred.

Commissioners to report to Secretary of State when Markets provided, who is to publish Notice thereof, and of closing of Smithfield, in London Gazette.

X. When the Commissioners have provided the Market Places, Slaughter-houses, and Conveniences herein-before authorized to be provided, and fixed such Table of Tolls and Payments as aforesaid, and appointed the Market Days, and done all other Acts which may appear to them nccessary previously to the opening of the said Market Places and Slaughter-houses, they shall report to One of Her Majesty's Principal Secretaries of State what they have done concerning the Premises, and shall annex to such Report a Copy of the Table of Tolls and Payments fixed as aforesaid; and it shall be lawful for such Secretary of State to fix a Time for the opening of the said Markets and Slaughter-houses, and by a Notice under his Hand, to be published in the *London Gazette*, to notify that such Market Places and Slaughter-houses have been provided, and the Time when the same will be opened, and that from the Time so mentioned *Smithfield* Market will cease to be a Market for the Sale of Cattle and

and Horses; and from and after the Time mentioned in such Notice *Smithfield* Market shall cease to be a Market for the Sale of Cattle or Horses, and Markets for the Sale of Cattle, Horses, and Meat shall be holden in the respective Places provided under this Act; and such Markets shall be deemed to be public Markets; and no new Market for the Sale of Cattle or Horses shall be opened in the City of *London* or *Westminster*, or the Liberties thereof, or the Borough of *Southwark*, or at any Place distant less than Seven Miles in a straight Line from *Saint Paul*'s Cathedral in the City of *London*.

Markets, and Care and Management of the Market Places, and other Matters, vested in the Commissioners, &c.

XI. The Markets to be holden under this Act, and the Tolls and Profits thereof, and, subject to the Provisions of this Act, the Care, Management, and Control of the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters provided by the Commissioners under this Act, and of the said Markets, shall be vested in the Commissioners for the Purposes of this Act.

Cattle or Meat unfit for Food may be seized and destroyed.

XII. It shall be lawful for any Clerk or Inspector appointed under this Act, with or without Assistants, to inspect and examine any Cattle and Dead Meat exposed or offered for Sale in the Markets provided under this Act, or either of them, and for that Purpose to enter into any Building, Shop, Stall, Pen, or Place provided under this Act, and seize any such Cattle or Meat which may appear to him unfit for Human Food, and to report such Seizure to any Justice of the Peace having Jurisdiction in the Place; and such Justice may order such Cattle or Meat to be destroyed or otherwise disposed of in such Manner as may appear to him proper; and any Person exposing or offering for Sale as aforesaid Cattle or Meat unfit for Human Food shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Penalty.

Commissioners of Market may regulate Route and Times for driving of Cattle to and from Markets.

XIII. It shall be lawful for the Commissioners of the Market from Time to Time to make and publish Orders for regulating the Route within the Metropolitan Police District of Cattle to or from the Cattle Market to be holden under this Act, and the Times during which Cattle shall be allowed to be driven by such Routes, subject to the Approval of One of Her Majesty's Principal Secretaries of State; and any Person driving any Cattle within the Metropolitan Police District who shall disobey any such Order shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Tolls and Payments, when and to whom to be paid.

XIV. The Tolls for the Time being fixed by such Table of Tolls and Payments as aforesaid shall become due and payable immediately on the Cattle, Horses, or Meat in respect of which such Tolls are to be taken entering or being brought into the said

Market Places respectively, from any Person driving or bringing the same or causing the same to be driven or brought into or exposing or offering the same for Sale in the said Market Places respectively; and the Payments for the Time being fixed by such Table for the Use of Pens, Lairs, and Conveniences shall become due and payable from the Persons using the same at such Times as for the Time being may be fixed by such Table; and all such Tolls and Payments as aforesaid shall be collected, received, and taken, on behalf of the Commissioners, by such Collectors or Persons as they may direct.

Expenses under this Act to be defrayed out of Monies received thereunder.

XV. The Expenses to be incurred by the Commissioners in providing and maintaining the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters to be provided and maintained by them under this Act, and the Salaries and Wages of the Officers appointed under this Act, and all other Expenses of the Commissioners under this Act, shall be charged upon and paid out of the Tolls, Rents, and Payments to be received by them under this Act.

Money received by Officers to be paid into the Bank.

XVI. All Tolls, Rents, and Payments which shall be received under this Act by the Officers of the Commissioners shall be by such Officers forthwith paid to the Treasurer of the Commissioners, and by such Treasurer forthwith paid into the Bank of *England*, to the Credit of an Account to be intituled "The Account of the Metropolitan Cattle Market Commissioners."

Treasurer, &c. intrusted with Money to give Security for duly accounting for the same.

XVII. Before the Treasurer or any Officer appointed under this Act enter upon any Office or Employment by reason whereof he will or may be intrusted with the Custody or Control of Money under this Act, the Commissioners shall require and take from him such Security for the faithful Execution of such Office ~~or~~ Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient.

Payments out of the Bank.

XVIII. The Money to be paid into the Bank of *England* under this Act shall be paid out upon Drafts or Orders signed by the Treasurer, and countersigned by Two or more of the Commissioners.

Power to raise Money by Mortgage.

XIX. It shall be lawful for the Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, and payable out of the Tolls, Rents, and Payments receivable by them under this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds which may

appear

appear to the Commissioners necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the said Tolls, Rents, and Payments.

Commissioners of Public Works acting under 5 & 6 Vict. c. 9. may make Advances to the Board.

XX. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Nine, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Commissioners upon the Security of the Tolls, Rents, and Payments to be received by the Commissioners under this Act, and without requiring any further or other Security than a Mortgage of such Tolls, Rents, and Payments.

So much of 10 & 11 Vict. c. 16. as relates to Mortgages incorporated with this Act.

XXI. The Clauses of the "Commissioners Clauses Act, 1847," "with respect to the Mortgages to be executed by the Commissioners," shall be incorporated with this Act; and the Word "Rates," where used in the said Clauses, shall, for the Purposes of this Act, mean the Tolls, Rents, and Payments to be received by the Commissioners under this Act; and the Sum to be appropriated and set apart by the Commissioners every Year as a sinking Fund shall be such Sum as shall be from Time to Time directed in this Behalf by the Commissioners of Her Majesty's Treasury.

Accounts to be kept, and to be balanced.

XXII. The Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Tolls, Rents, and Payments, and other Monies received by them or their Officers, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid; and the said Commissioners shall, in the Month of *January* in each Year, cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the Commissioners shall cause a full Statement and Account to be drawn out of all Contracts entered into, and of all Monies received and expended, by virtue of this Act, during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and the Commissioners shall give public Notice, by Advertisement to be inserted not less than twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Mortgagees under this Act, and of the Day fixed for auditing the Accounts; and the Commissioners

An annual Statement to be prepared, and Notice to be given when ready for auditing.

Statement, &c. to remain at the Office

for Inspection.

missioners shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Mortgagee may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the Commissioners, on Payment of a Fee of One Shilling for each Inspection.

Audit of Accounts by Auditors of Public Accounts.

XXIII. The Accounts of the Commissioners shall be examined and audited by the Commissioners for auditing the Public Accounts of this Kingdom; and such Commissioners shall, in examining, trying, and auditing the first-mentioned Accounts, have all the Powers which are vested in them by Law for examining, trying, and auditing the said Public Accounts; and the Monies which may be received and become applicable for the Purposes of this Act shall be deemed Public Monies, and may be recovered in case of Default accordingly, but all Monies so recovered shall be paid into the said Account at the Bank of *England* for the Purposes of this Act.

Commissioners may contract.

XXIV. The Commissioners may enter into all such Contracts as they may think fit, for providing the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters by this Act authorized to be provided, and for any other Matters in relation to the Purposes of this Act in respect of which it may appear to the Commissioners expedient to enter into Contracts.

No Purchase or Contract exceeding 1,000*l.* to be made without Approbation of Treasury.

XXV. Provided always, That no Purchase, Building, or Work, where the Purchase Money or the estimated Expense of such Building or Work exceeds One thousand Pounds, shall be made, erected, or done, or any Contract for the same entered into, by the Commissioners under this Act, without the Approbation of the Commissioners of Her Majesty's Treasury.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XXVI. "The Lands Clauses Consolidation Act, 1845," except the Clauses of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof," "with respect to the Recovery of Forfeitures, Penalties, and Costs," and "with respect to the Provision to be made for affording Access to the Special Act by all Parties interested," shall be incorporated with this Act, and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Commissioners under this Act.

Power to dispose of Lands not wanted,

XXVII. It shall be lawful for the Commissioners to sell and dispose of any Lands purchased by them under this Act which may

appear

appear to them not to be required for the Purposes thereof, and for completing and carrying any such Sale into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the Commissioners; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied in like Manner as other Monies received under this Act.

Annual Reports and Abstract of Accounts to be made, and sent to Secretary of State.

XXVIII. The Commissioners shall, in the Month of *March* in every Year, send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, and shall, where any Variation has been made in the Table of Tolls and Payments since the preceding Report of the Commissioners, show such Variation in their Report, and shall with such Report send an Account in Abstract, showing the Receipt and Expenditure under this Act for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditors, if they have allowed such Accounts, or of the Parts, if any, which they have disapproved of such Accounts, and also a Statement of all Monies owing to and Debts owing by the Commissioners on the Thirty-first Day of *December* of such preceding Year; and the Commissioners shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings.

Reports to be laid before Parliament.

XXIX. Every Report, Account in Abstract, and Statement, to be sent to One of Her Majesty's Principal Secretaries of State under this Act, shall be laid before both Houses of Parliament within One Month after the Receipt thereof if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Slaughter-houses to be licensed.

XXX. From and after the First Day of *December* in the Year next following that in which the Slaughter-houses provided under this Act are opened no other Place within the Metropolitan Police District, as originally constituted and defined by the Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, shall be used as a Slaughter-house without a Licence had for that Purpose from the last preceding *Michaelmas* Quarter Sessions of the Peace for

the County, Liberty, or Division in which such Place is situate (who are hereby authorized to grant such Licences where they, in their Discretion, think proper), signified under the Hands and Seals of Four or more of the Justices there assembled, and no Fee or Reward shall be taken for any such Licence; and if any Person use as a Slaughter-house any Place within the District aforesaid, other than the Slaughter-houses provided under this Act, which is not for the Time being licensed under this Act, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for obstructing Officers in Execution of this Act.

XXXI. Every Person who shall wilfully obstruct any Inspector, Collector, or other Officer or Person employed by the Commissioners, or any Person acting under his Authority, in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for defacing Boards.

XXXII. Every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Commissioners in or about the Markets provided under this Act, upon which any Bye-law or Table of Tolls and Payments shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

XXXIII. No Officer of the Commissioners shall be in anywise concerned or interested in any Contract or Work made with or executed for the Commissioners; and if any such Officer be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under the Commissioners, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; provided that no Person being a Shareholder of any Joint Stock Company established by Act of Parliament or by Charter shall be prevented from being employed as an Officer of the Commissioners by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company.

Recovery of Tolls and Payments.

XXXIV. If any Person liable to the Payment of any Toll under this Act in respect of any Cattle, Horse, or Meat brought into the said Market Places respectively, or to any Payment for the Use of any Pens, Lairs, or Conveniences provided under this Act, neglect or refuse to pay such Toll or Payment when the same becomes payable under this Act, it shall be lawful for the Commissioners,

or

or any Person in that Behalf authorized by them, to levy and recover such Toll or Payment by Distress and immediate Sale of any such Cattle, Horse, or Meat for which such Toll is payable, or of any Cattle, Horses, Meat, or other Articles brought into such Pens, Lairs, or Conveniences by the Person liable to such Payment for using the same, rendering the Overplus (if any) of the Money arising from the Sale thereof, on Demand, to the Owner of the Things sold, after deducting the reasonable Charge of the Distress and Sale; and in case any Dispute or Difference arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by Two Justices of the Peace for the County of *Middlesex*, who are hereby empowered and required, on Application being made to them for that Purpose, to summon the Parties before them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein and award such Costs to either Party as to such Justices in their Discretion shall seem meet, and by Warrant under their Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of any Cattle, Horses, Meat, Goods or Chattels, being the Property of the Party liable to pay the same, rendering the Overplus (if any) of the Money arising from the Sale thereof, on Demand, to the Owner of the Things sold, after deducting in every Case the reasonable Charges of such Distress and Sale: Provided always, that nothing herein contained shall extend to prevent the Commissioners from suing for and recovering in any Court of Record any Sum of Money which shall become payable to them for or in respect of any such Toll or Payment as aforesaid, if default be made in Payment thereof.

Recovery of Penalties.

XXXV. Every Person who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Byelaw of the Commissioners, shall be proceeded against, and such Penalty or Forfeiture shall be recovered, enforced, and applied, in the same Manner as the Persons liable to the Penalties and Forfeitures imposed under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, and such last-mentioned Penalties and Forfeitures may by Law be proceeded against, recovered, enforced, and applied respectively; and all Provisions, and Powers and Rights, which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures last mentioned, shall be applicable to the Proceedings against Persons liable to Penalties and Forfeitures under this Act, or any such Byelaw as aforesaid.

XXXVI. The

Proof of Publication of Byelaws, and Table of Tolls and Payments.

XXXVI. The Production of a written or printed Copy of the Byelaws, and of the Table of Tolls and Payments, authenticated by the Seal of the Commissioners, shall be Evidence of the Making, Approval, and Existence of such Byelaws and of the fixing and Existence of such Table of Tolls and Payments respectively, in all Prosecutions, Actions, and Proceedings under or concerning the same; and for Proof of the Publication of such Byelaws and Table of Tolls and Payments respectively it shall be sufficient to prove that painted Boards containing Copies thereof respectively were set up and continued in manner by this Act directed, and in case of any such Board having been destroyed, defaced, or removed, that it was renewed, replaced, or restored as soon as conveniently might be.

Power for Corporation of London to execute the Act.

XXXVII. Provided always, That if within Six Calendar Months after the passing of this Act the Mayor, Aldermen, and Commons of the City of *London* shall, under their Common Seal, signify to One of Her Majesty's Principal Secretaries of State that the said Mayor, Aldermen, and Commons desire to undertake the Execution of this Act, then, except in the Case of and after the Publication in the *London Gazette* of such Notice as herein-after mentioned, there shall not be made any Appointment of Commissioners under this Act, but the said Mayor, Aldermen, and Commons shall exercise the Powers and perform the Duties which by the Enactments herein-before contained would otherwise be to be exercised and performed respectively by Commissioners under this Act.

In that Case the Corporation to be subject to the same Control and Liabilities as the Commissioners.

The Corporation of London may declare their Intention to defray the Expenses of carrying this Act into execution out of their own Funds, and in such Case the Tolls, &c. to belong to them, and

XXXVIII. In case of such Signification as aforesaid, the said Mayor, Aldermen, and Commons shall, in respect of the Powers and Duties to be exercised and performed respectively under this Act, be subject to the same Liabilities and Control as the Commissioners appointed under this Act would otherwise have been subject to, except so far as respects the Appointment and Removal of such Commissioners, and the Incorporation, Title, and Common Seal of such Commissioners: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Commons, if they think fit, in such Signification of their Desire to undertake the Execution of this Act, to declare their Intention to defray the Expenses to be incurred in such Execution out of their own Funds, and in such Case such Expenses shall be defrayed accordingly; and the Provisions herein-before contained appropriating and directing the Application of the Tolls, Rents, and Payments to be received under this Act, and directing the Payment thereof to the Treasurer, and directing and regulating the Payment thereof into and out of the Bank of *England*, shall not be obligatory on the said Mayor, Aldermen, and Commons, but such Tolls, Rents, and Payments shall be received by the said Mayor,

Mayor, Aldermen, and Commons for their own Use, and shall be paid and applied as they may direct; and the Approbation of the Commissioners of Her Majesty's Treasury shall not be required to the Allowance of Salaries and Wages, and to Purchases, Buildings, Works, or Contracts by the said Mayor, Aldermen, and Commons; and the Provisions herein-before contained for the Appointment by the Commissioners of a Secretary and Treasurer for the Purposes of this Act, and for the Examination and Audit of the Accounts of the Commissioners by the Commissioners for auditing the Public Accounts, shall not be applicable to the said Mayor, Aldermen, and Commons. certain Provisions not to be applicable.

XXXIX. If, in case of such Signification as aforesaid, it shall, after the Expiration of Eighteen Calendar Months from such Signification, and within the Space of Three Years from such Signification, be made to appear to One of Her Majesty's Principal Secretaries of State, and such Secretary of State shall, by Notice published in the *London Gazette*, declare that the said Mayor, Aldermen, and Commons have made default in duly executing this Act, then the said Mayor, Aldermen, and Commons shall, from and after the Publication of such Notice, not exercise the Powers nor be liable to the Duties to be exercised and performed respectively under this Act, but the Enactments herein-before contained shall take effect as if there had been no such Signification as aforesaid by the said Mayor, Aldermen, and Commons. If Corporation make default, Commissioners to execute the Act.

XL. Provided always, That if the said Mayor, Aldermen, and Commons shall not within Six Months after the passing of this Act signify their Desire to undertake the Execution of this Act, then, unless the Cattle Market authorized to be provided under this Act be opened in pursuance of the Provisions thereof within Three Years after the Expiration of such Six Calendar Months, so much of this Act as provides that *Smithfield* Market shall cease to be a Market for the Sale of Cattle or Horses shall, from and after the Expiration of such Three Years, cease and be void. If Mayor, &c. do not within Six Months undertake Execution of Act, then, unless Market authorized be opened within a certain Time, Act to be void, &c.

XLI. Nothing in this Act contained shall extend or shall be deemed or construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor for the Time being of the said City, save and except as by this Act is expressly provided and enacted. Saving Rights of the City of London.

XLII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, all such Estates, Rights, Titles, Interests, Powers, Saving Rights of Her Majesty.

Powers, Authorities, Claims, and Demands whatsoever as She or they or any of them had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not passed.

Short Title of the Act.

XLIII. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Metropolitan Market Act, 1851."

Interpretation of Terms.

XLIV. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Commissioners" shall mean the Commissioners appointed under this Act; the Word "Cattle" shall include Sheep, Lambs, and Swine; and the Word "Horse" shall include Mare, Ass, and Mule; the Word "Slaughter-house" shall mean a Place used for slaughtering Cattle.

The SCHEDULE.

Tolls.

Sheep. For every Score of Sheep sold, 2*d.* per Score.
Beasts. For every Score of Beasts sold, 20*d.* per Score.
Horses. For every Entry of Sale, 4*d.* each.
Pigs. For every Score, 4*d.*

Dues.

Pens for Sheep, Calves or Pigs. Permanent Pens, 1*s.* each.
Ties for Beasts or Calves, 1*d.* each; for Horses, 2*d.* each.
Hay Duty, 6*d.* per Load; and for each Entry of Sale, 1*d.*
Straw Duty, 1*d.*; for each Entry of Sale, 1*d.*

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