ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clxxiv.

An Act to improve the Western Approach to the Metropolitan Meat and Poultry Market, and to authorize the raising of additional Money

[29th *July* 1862.]

WHEREAS by "The Metropolitan Meat and Poultry Market Act, 1860," the Mayor, Aldermen, and Commons of the City of *London*, herein-after called "the Mayor, Aldermen, and Commons," were authorized to appropriate Part of the ancient Site of *Smithfield Market* as a Site for, and to erect, build, construct, and maintain thereon, and on other Land by the Act authorized to be taken, a Market House and Market Place, or Market Houses or Market Places, for the Exposure and Sale of Meat and Poultry and other Provisions, together with such Houses, Shops, Stalls, Standings, Sheds, Buildings, Works, and Conveniences for the Purposes of the said Markets, and for the Accommodation of the Persons resorting thereto, as the Mayor, Aldermen, and Commons might think necessary, and they were also authorized to appropriate the whole or any Part of the underground Surface beneath the intended Market or Market Places, and the Buildings belonging thereto, and beneath certain Roads or Streets surrounding the same, for the Purpose of a Railway Station or Railway Terminus, to be used by any Railway Company or any Persons desirous of constructing a Railway to such Market or Market Places; and 23 & 24 Vict. c. cxciii.

and by the Eighteenth Section of the same Act it was provided that it should not be lawful for the Mayor, Aldermen, and Commons to open the said Market or any Part thereof for the Exposure and Sale of Meat, Poultry, or other Provisions, or to permit the Use of the said Railway Station, until a Road, Sixty Feet in Width, should have been made and opened from *Victoria Street* at or near *West Street* in the Parish of *Saint Sepulchre, Middlesex*, to the intended Market House in the Parish of *Saint Sepulchre, London*; and by the Twentieth Section of the same Act the Mayor, Aldermen, and Commons were authorized to borrow on the Credit of the Tolls by the Act authorized to be taken, and also the Estates and other Property of the Mayor and Commonalty and Citizens of the City of *London*, herein-after called "the Mayor and Commonalty and Citizens," any Sum of Money not exceeding the Sum of Two hundred and thirty-five thousand Pounds, for the Purchase of Land for the Site of the said intended Market and Market Places and of the Approaches thereto, and for effecting the several Improvements by the Act authorized; and by the Thirty-seventh Section of the said Act, it was provided that the Tolls which might be received by the Mayor, Aldermen, and Commons, under Schedule (A.), by virtue of that Act, together with the Rent which should be received by them from any Railway Company for the Use of the underground Station or Terminus thereto, should be applied, in the first place, in defraying the Costs and Expenses of collecting and receiving the said Tolls and Rent, and in the next place in Payment of the Interest and Principal of the Monies expended in the Purchase or Acquisition of Land for the Site of the said intended Market and Market Places, and of the Roads or Streets surrounding or intersecting or approaching the same, and in making the several Improvements in that Act authorized or required to be made; and when all such Principal Monies should have been repaid, with all Interest which should from Time to Time or at any Time have accrued in respect thereof, the Tolls in Schedule (A.) by that Act authorized to be taken should cease and determine, unless Parliament should in the meantime otherwise direct, and the Rents and other Monies which should be received for the Use of the said Railway Station or Terminus should be applied toward the Maintenance and Improvement of the said Market and Market Places; and in case the Tolls which might be received by the Mayor, Aldermen, and Commons, under Schedule (A.), by virtue of that Act, together with the Rent which should be received by them from any Railway Company for the Use of the underground Station or Terminus, should at any Time be insufficient to defray the Costs and Expenses of collecting and receiving the said Tolls and Rent, and the Interest of the Monies which might be borrowed on the Credit thereof, the Deficiency should be made good by the Mayor and Commonalty and Citizens out of their own Monies; and such Sums of Money as might be paid and advanced by them for the Purposes

Purposes aforesaid should be repaid to them, with Interest after the Rate of Four Pounds *per Centum per Annum* from the Time of advancing the same, out of any future Tolls or Rent which might be received by them: And whereas the said Sum of Two hundred and thirty-five thousand Pounds did not include the estimated Cost of constructing the said Road or Street required by the said Act to be made and opened from *Victoria Street* previously to the opening of the said Market, and the User of the said Railway Station, which was added during the Progress of the said Act through Parliament, without any Provision being made for defraying the Cost of the same: And whereas by the *Newgate Market* Abolition Act, 1861, *Newgate Market* was directed to be discontinued from the Day on which the Metropolitan Meat and Poultry Market should be opened for the Use of the Public, and by Section Fifteen of the said Act it was provided, that if, after the Expiration of Five Years from the Day on which the Market established under the Provisions of "The Metropolitan Meat and Poultry Market Act, 1860," should have been opened for the Use of the Public, it should be proved to the Satisfaction of One of Her Majesty's Principal Secretaries of State that the Amount of the Tolls arising from the said Metropolitan Meat and Poultry Market had not been sufficient to pay the Charges thereon imposed by the said Act and by the Act now in recital, then and in such Case it should be lawful for the Common Council from thenceforth to demand and take for or in respect of all Meat and Poultry and other Provisions brought into the said Market Tolls not exceeding One Farthing *per* Stone of Fourteen Pounds, instead of One Farthing for every Twenty-one Pounds, as specified in the Schedule to the said Act annexed, and all the Provisions of such Act should be applicable to such Tolls; and by the Seventeenth Section of the same Act it was provided, that if the *Newgate Market* Fund, by the Act directed to be formed out of Part of the Proceeds of the Sale of the Site of *Newgate Market*, should be insufficient to discharge the Expense of carrying the Act into execution, and other the Costs, Charges, and Expenses therein mentioned, the Difference shonld be charged upon the Tolls authorized to be taken by "The Metropolitan Meat and Poultry Market Act, 1860:" And whereas by "The *Metropolitan* Railway Act, 1861," the *Metropolitan* Railway Company were authorized, amongst other things, to construct a Line of Railway commencing by a Junction with their Main Line in the Parish of *Saint John, Clerkenwell*, in the County of *Middlesex*, and terminating beneath the Metropolitan Meat and Poultry Market: And whereas a new Western Approach to the Metropolitan Meat and Poultry Market, by means of a Street in continuation of the intended Street on the North Side of the said Market to *Victoria Street*, will be more convenient as an Approach from the Westward to the said Market than the Street required to be constructed in a similar Direction by the aforesaid Eighteenth Section of "The

24 & 25 Vict. c. lii.

24 & 25 Vict. c. cxxxiii.

Metropolitan

Metropolitan Meat and Poultry Market Act, 1860," and it is expedient that the said proposed new Street should be authorized to be made in lieu thereof: And whereas, for the Purpose of enabling the Mayor, Aldermen, and Commons to construct the said Western Approach to the said Market, it is expedient that they should be authorized to borrow or raise further Sums of Money: And whereas it is expedient that better Provision should be made for securing the Repayment to the Mayor and Commonalty and Citizens of the Sums of Money which may be advanced by them for the Purposes of "The Metropolitan Meat and Poultry Market Act, 1860," and "The *Newgate Market* Abolition Act, 1861," and of this Act, which are intended to be charged upon the Tolls to be taken in respect of the Meat and Poultry Market; but the several Purposes aforesaid cannot be effected without the Aid and 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; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The Metropolitan Meat and Poultry Market (Western Approach) Act, 1862."

Interpretation of Terms.

2. In the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Market" shall mean the Metropolitan Meat and Poultry Market:

The Expression "Market Tolls" shall mean the Tolls for the Time being authorized to be demanded and taken by the Mayor, Aldermen, and Commons in respect of Meat, Poultry, and other Provisions brought into the Market, and shall include the Rent which may be received by them for the Use of the underground Station or Terminus.

Section 18. and Part of s. 13. of 23 & 24 Vict. c. cxciii. and s. 15. of 24 & 25 Vict. c. lii. repealed.

3. Section Eighteen of "The Metropolitan Meat and Poultry Market Act, 1860," relating to the intended Street from *Victoria Street*, and so much of Section Thirteen of the same Act as authorizes the Mayor, Aldermen, and Commons to widen and improve *Durham Yard*, and by means of such widening and Improvement to provide a Communication to the Station or Terminus under the Market, as shown on a Plan deposited with the Clerk of the Peace for the City of *London*, and signed by *Henry J. Baillie* Esquire, Chairman of the Committee of the House of Commons on the *Smithfield Market*, Streets, and Improvements Bill, and Section Fifteen of the *Newgate Market* Abolition Act, 1861, relating to Increase of the Market Tolls, shall be and the same are hereby repealed.

4. The

As to Northern Communication with under Surface of Meat Market.

4. The Communication to the Station or Terminus under the Market on the Northern Side thereof shall be made in the Course or Direction delineated on the Map or Plan herein-after mentioned to have been deposited at the Office of the Clerk of the Peace for the City of *London* and at the Office of the Clerk of the Peace for the County of *Middlesex*, or in such Course or Direction on the North Side of the Line of the new Street by this Act authorized to be made as aforesaid, and in such Manner as shall be agreed upon between the Mayor, Aldermen, and Commons and the *Metropolitan* Railway Company.

Powers of 10 & 11 Vict. c. cclxxx. &c. extended to this Act.

5. All the Powers, Provisions, Directions, Restrictions, Clauses, and Enactments contained in "The *London* City Improvement Act, 1847," and in the Clauses of "The Lands Clauses Consolidation Act, 1845," incorporated therewith, shall extend and be applied to this Act, with reference to the taking of Land, and the Erection and Construction of the intended Street, and the Improvements, Matters, and Things by this Act authorized, and shall be in as full Force and Effect, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act, and made applicable to the Subject Matter hereof, except only so far as the same or any of them may be repealed, altered, or varied by this Act: Provided always, that the Word "Schedule," where used in the said recited Act, shall, with respect to the Objects and Purposes of this Act, be deemed to mean the Book of Reference deposited in the Office of the Clerk of the Peace for the City of *London* and in the Office of the Clerk of the Peace for the County of *Middlesex*.

Certain Sections of 23 & 24 Vict. c. cxciii. to apply to this Act.

6. The following Sections of "The Metropolitan Meat and Poultry Market Act, 1860," shall extend and apply to the Works by this Act authorized to be made, and to the Lands by this Act authorized to be purchased, in as full and ample a Manner as if they were re-incorporated in this Act, and made expressly applicable to such Works and Lands; that is to say,

Section III. relating to the taking of Lands when situated in the County of *Middlesex*:

Section XVI. for Protection of Sewers in the City of *London*:

Section XVII. for Protection of Sewers of Metropolitan and other Boards.

Power to make Street according to deposited Plan.

7. It shall be lawful for the Mayor, Aldermen, and Commons to make and maintain a new Street from the Western End of the authorized Line of the intended new Street on the North Side of the Metropolitan Meat and Poultry Market, as authorized by the Metropolitan Meat and Poultry Market Act, 1860, to *Victoria Street*, according to the Map or Plan thereof which has been deposited at the Office of the Clerk of the

Peace for the City of *London*, and at the Office of the Clerk of the Peace for the County of *Middlesex*: Provided always, that it shall not be lawful for the Mayor, Aldermen, and Commons to open the said Market or any Part thereof, for the Exposure and Sale of Meat, Poultry, or other Provisions, or to permit the Use of a Railway Station underneath the said Market, until the said intended new Street shall have been made and opened.

Maps and Plans deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection.

8. The Maps or Plans describing the Situation of the said intended Street, and the Site on which the same is proposed to be constructed, and also the Book of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands, Houses, and Buildings which may be required for the Purposes of this Act, deposited at the Office of the Clerk of the Peace for the City of *London* and at the Office of the Clerk of the Peace for the County of *Middlesex*, shall remain in the said Offices, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

No House, &c. to be taken without Consent, unless mentioned in the Book of Reference.

9. No House or Building, planted Walk or Yard belonging to a House or Land, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Book of Reference hereinbefore mentioned to have been deposited in the Office of the Clerk of the Peace for the City of *London*, and in the Office of the Clerk of the Peace for the County of *Middlesex*, without the Consent in Writing of the Owner thereof being first had and obtained for that Purpose.

Premises may be taken, notwithstanding Errors in Book of Reference.

10. It shall be lawful for the Mayor, Aldermen, and Commons to purchase, take down, and use for the Purposes of this Act any of the Lands, Houses, or Buildings described in the said Plans deposited at the Office of the Clerk of the Peace for the City of *London* and at the Office of the Clerk of the Peace for the County of *Middlesex*, as intended to be taken for the Purposes of this Act, although the same Lands, Houses, or Buildings, or the Names of the Owners or Occupiers thereof, may happen to be erroneously stated or omitted in the said Book of Reference, in case it shall appear to any Two Aldermen of the City of *London*, or, as the Case may be, to any Two of the Justices acting in or for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information: Provided always, that previously to submitting the Case to Two Aldermen or Two Justices as aforesaid Ten clear Days Notice shall be given to the Parties whose Lands shall be affected by such erroneous Statement or Omission in the said Book of Reference.

11. The

Powers for compulsory Purchases limited.

11. The Powers hereby vested in the Mayor, Aldermen, and Commons for the compulsory Purchase of Lands shall not be exercised after the Expiration of Five Years, to be computed from the passing of this Act.

As to Appropriation of Parts of Smithfield Market Place.

12. And whereas it is necessary, in order to provide a more convenient Approach to the intended Goods Station beneath the Market, that the Entrance thereto should be of greater Width and at a less Inclination than was shown in the Plan referred to in the Eighth Section of the Metropolitan Meat and Poultry Market Act, 1860, and the Mayor and Commonalty and Citizens of the City of *London* have therefore proposed to the Honourable *Charles Alexander Gore*, One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenue, that an Alteration should be made in the said Entrance, as shown by a Plan (in this Section referred to as the substituted Plan) which has been signed by the said *Charles Alexander Gore*, and has been deposited at the Office of Land Revenue Records and Enrolments, and the said *Charles Alexander Gore* has assented to such Proposal: Therefore the Entrance to the Goods Station underneath the Market shall be constructed according to the substituted Plan, and no Erection or Building shall at any Time hereafter be made on any Part of the Land coloured Red on the substituted Plan, other than a Fountain and a Dwarf Wall, with Iron Rails thereon, not exceeding in the whole Four Feet Six Inches in Height, on either Side of the Entrance, and such Entrance shall not be used for Railway Passengers, or for any other Purpose than for the Passage of Waggons, Carts, and other Vehicles with Goods, and for the Servants of the Railway Company or other Persons transacting Business on their Premises under the Meat Market, and, except as far as the Provisions of the Eighth Section of the Metropolitan Meat and Poultry Market Act, 1860, are by this Section expressly varied, all such Provisions shall continue in force, and no Cart or other Vehicle shall at any Time after the opening of the said Market stand within Fifty Feet of the outer Wall of *Saint Bartholomew's Hospital* in *Smithfield* Market Place, and in making the Byelaws authorized to be made by the Metropolitan Meat and Poultry Market Act, 1860, proper Provision shall be made to prevent any Carts or Vehicles standing in *Smithfield* Market Place within Fifty Feet of the outer Wall of *Saint Bartholomew's Hospital.*

Regulation of Carts, &c. in Charterhouse Lane.

13. No Cart or other Vehicle shall at any Time after the opening of the said Market stand to load or unload for Market Purposes within the Distance of Thirty Feet from the Houses on the North Side of *Charterhouse Lane;* and in making the Byelaws authorized to be made as aforesaid proper Provision shall be made to prevent any Carts or other Vehicles from

from standing within the Distance of Thirty Feet from the Houses on the North Side of *Charterhouse Lane* as aforesaid.

Under Surface of Street may be appropriated for Railway Purposes.

14. It shall be lawful for the Mayor, Aldermen, and Commons to appropriate the whole or any Part of the underground Surface beneath the intended Street for the Purposes of the *Metropolitan* Railway Company or any other Railway or other Company or Persons, and to enter into any Contract or Agreement with any Railway or other Company or Persons for all necessary Excavations, Buildings, Erections, and Works, and for the Lease of the same, at such Rent and upon such Terms and Conditions as shall be mutually agreed upon.

The Soil of the Street to be vested in the Corporation.

15. The Ground and Soil of the intended Street, and the Fee Simple and Inheritance thereof, shall be and the same is hereby vested in the Mayor and Commonalty and Citizens.

Money may be borrowed on the Credit of the Tolls.

Money may be borrowed on the Security of the Property of the Corporation.

16. It shall be lawful for the Mayor, Aldermen, and Commons, for the Purposes of this Act, to charge upon and to borrow and raise on the Credit of the Market Tolls, and also of the Estates and other Property of the Mayor and Commonalty and Citizens, or any Part thereof, in addition to the said Sum of Two hundred and thirty-five thousand Pounds any Sum of Money not exceeding the Sum of Seventy thousand Pounds, and also to charge upon and to borrow and raise on the Credit of the Estates and other Property of the Mayor and Commonalty and Citizens, or any Part thereof, and the Lands by this Act authorized to be purchased or acquired, any Sum of Money not exceeding the Sum of One hundred and fifteen thousand Pounds, and upon Payment of any Money so to be raised under the Authority of this Act into the Chamber of the said City, by such Instalments, and in such Proportions, at such Times, and in such Manner as the Mayor, Aldermen, and Commons shall direct, every Person who shall contract to advance or contribute any Part of the said Monies shall in respect of the Sum which he shall so advance be entitled to Interest at such Rate as the Mayor, Aldermen, and Commons shall think reasonable, to be payable half-yearly, and to continue until the Payment of each Principal Sum.

Sections 21, 22, 23, and 24 of 23 & 24 Vict. c. cxciii. incorporated.

17. Sections Twenty-one, Twenty-two, Twenty-three, and Twenty-four of "The Metropolitan Meat and Poultry Market Act, 1860," with respect to the borrowing of Money on Bonds, shall be incorporated with and form Part of this Act.

Application of Monies.

18. The several Sums of Seventy thousand Pounds and One hundred and fifteen thousand Pounds, which may be raised and borrowed under the Authority of this Act, shall be applied in paying and discharging the necessary

necessary Costs, Charges, and Expenses of making the intended Street, and of otherwise carrying this Act and the Purposes thereof into full and complete Effect; and the said Sum of One hundred and fifteen thousand Pounds shall be paid off within Seven Years after the passing of this Act out of the Proceeds of the Sale of the said superfluous Lands, or otherwise by the Mayor, Aldermen, and Commons out of the Estates and other Property of the Mayor and Commonalty and Citizens.

If net Cost of making new Street be less than 70,000*l.*, the Difference to be applied in Redemption of Monies charged on Market Tolls.

19. If at the Expiration of Five Years from the Day of the opening of the Market it shall appear that the whole of the Monies which shall have been expended under the Authority of this Act in respect of the Purchase and Acquisition of the Lands by this Act authorized to be purchased or acquired for the Site of the said intended Street, or in anywise relating thereto, (including all the Charges and Expenses incident to or incurred in obtaining the passing of this Act, and including all Interest paid in respect of the said several Sums of Seventy thousand Pounds and One hundred and fifteen thousand Pounds, and otherwise in relation thereto, and all Expenses incurred in raising the said several Sums aforesaid, after deducting therefrom the net Amount of all Monies which may arise or be produced by the Sale of such of the aforesaid Lands as may not be thrown into and form Part of the actual Site of the said intended new Street, and the Value of such of the same Lands, if any, as may not then have been sold, including the net Amount of the Rents, if any, of the same Lands,) shall be less than the Sum of Seventy thousand Pounds, the Amount of such Difference shall be applied by the Mayor, Aldermen, and Commons in or towards the Reduction of the said Sum of Seventy thousand Pounds, or other the Monies which may then be charged on the Market Tolls; and for the better carrying into execution the Objects and Purposes of the present Provision a separate and distinct Account shall be kept of all Monies received or expended for any of the several Purposes aforesaid.

Separate Accounts to be kept.

Sale of superfluous Lands.

20. It shall be lawful for the Mayor and Commonalty and Citizens from Time to Time to sell and dispose of all or any Part of the Lands purchased or acquired by them under the Authority of this Act, and which shall not be laid into and form Part of the Street by this Act authorized to be made, either with or without having first demised and leased the same on Building Leases, and to convey the Lands so sold or disposed of, and the Fee Simple thereof, free from all Incumbrances, notwithstanding any Monies may be then charged upon all or any Part of the same Lands.

In certain Events Market Tolls to be altered.

21. If at the Expiration of Five Years from the Day of the opening of the Market it shall appear from the annual Statement of the Accounts

Acounts by Section Forty-one of "The Metropolitan Meat and Poultry Market Act, 1860," required to be laid before both Houses of Parliament, that the average annual Amount of the Market Tolls received during such Five Years shall not have been sufficient to satisfy the whole of the Charges thereon imposed by "The Metropolitan Meat and Poultry Market Act, 1860," "The *Newgate Market* Abolition Act, 1861," and by this Act, and also One Thirtieth Part of the Principal Monies borrowed on the Security of and then charged upon the Market Tolls, then and in such Case it shall be lawful for the Mayor, Aldermen, and Commons, on and after the First *Monday* next after the Day on which such last-mentioned annual Statement of Accounts shall have been laid before both Houses of Parliament, and thenceforth so long as any Principal Money or Interest shall remain a Charge upon the same Tolls or any Part thereof, to demand and take a Toll of not exceeding One Farthing for and in respect of any Quantity not exceeding One Stone of Fourteen Pounds of all Meat, Poultry, and other Provisions brought into the Market, and so in proportion for any greater Quantity, instead of One Farthing for every Twenty-one Pounds, as specified in Schedule A. to "The Metropolitan Meat and Poultry Market Act, 1860," and such Toll, so increased at such Rate as aforesaid, shall thenceforth, for all Intents and Purposes whatsoever, be considered and deemed to be the Toll authorized by the said Schedule until the Principal Money shall have been paid off.

Surplus Tolls to be applied in Payment of Principal Money.

22. All Interest upon the Money borrowed under the Authority of this Act, and charged upon the Toll and Railway Rent, shall be paid thereout by the Mayor and Commonalty and Citizens during the first Five Years after the opening of the Market; and if the Amount of the Toll and Railway Rent shall be insufficient for that Purpose, the Deficiency shall be paid by the Mayor and Commonalty and Citizens, and shall not be added to the Capital hereby authorized to be borrowed, or allowed to accumulate as a Charge on the said Toll and Rent; and as well before as after the Expiration of Five Years from the opening of the Market all the surplus Toll and Railway Rent, after Payment of the Interest, shall be from Time to Time applied in paying the Principal Money, or in redeeming and cancelling the Securities upon which the same shall have been raised; and the Powers of reborrowing any Sum so paid off by means of the surplus Tolls and Railway Rent, and of re-issuing any Securities so redeemed, and cancelled shall cease and determine.

Saving Rights of Her Majesty and Corpo-

23. Nothing contained in this Act with respect to the vesting in the Mayor and Commonalty and Citizens of so much of the Ground and Soil of the intended Street as is now Part of any existing Street or open Place shall

shall in any Manner prejudice or affect any Title or Claim of Her Majesty or of the Mayor and Commonalty and Citizens, to the Ground and Soil of any other Streets or open Places within the City of *London*. ration of London to certain Streets.

24. All Costs, Charges, and Expenses incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid and discharged out of the Monies authorized to be raised on the Credit of the Market Tolls. Expenses of Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.