CHAPTER xvi.

An Act to incorporate a Company for establishing and holding Markets and Fairs for Horses and Cattle at or near Newark in the County of Nottingham; and for other purposes. [21st May 1885.]

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WHEREAS a cattle market and horse and cattle fairs have for many years past been held in the town and borough of Newark in the county of Nottingham and in the streets of the said town and the substitution for such market and fairs of markets and fairs under Parliamentary authority with proper regulations and management and an improved market market-place market-house and other buildings and conveniences connected therewith and approaches thereto would be of local and public advantage:

And whereas the several persons herein-after named with others are desirous of effecting the objects aforesaid and it is expedient to incorporate them into a Company and to confer upon the Company the powers necessary for the purposes and objects aforesaid:

And whereas the owners or reputed owners of the stallages rents and tolls derived from the existing cattle market and horse and cattle fairs which are held within the manor of Newark have agreed to the removal thereof to a site without the said manor as provided by this Act in consideration of the said Company taking a lease of such stallages rents and tolls as herein-after provided for a term of ninety-nine years from the sixth day of April one thousand eight hundred and eighty-five and it is expedient that the Company should be authorised to take such lease accordingly:

And whereas it is expedient that the cattle markets and horse and cattle fairs held and the stallages rents and tolls taken within the limits of this Act should be subject to the provisions herein-after contained:

And whereas the purposes of this Act 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

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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:

Short title.

1. This Act may be cited as the Newark Cattle Markets and Fairs Act 1885.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) the Lands Clauses Consolidation Acts Amendment Act 1860 the Markets and Fairs Clauses Act 1847 the Companies Clauses Consolidation Act 1845 Part I (relating to the cancellation and surrender of shares) of the Companies Clauses Act 1863 and the Companies Clauses Act 1869 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expression "the markets" means and includes the markets fairs market-houses market-places and other buildings and conveniences lands and property from time to time belonging to the Company the expression "the undertaking" means the undertaking of the Company the expression "cattle" means and includes bulls oxen steers cows heifers and calves rams wethers gimmers ewes and lambs goats kids and swine the expression "horses" means and includes horses ponies geldings mares foals colts fillies asses and mules the expression "roots" does not include market-garden produce and in this Act and (for the purposes of this Act) in enactments incorporated with this Act "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute and the term "superior courts" shall include any court of competent jurisdiction and the expression "quarter sessions" means the quarter sessions for the county of Nottingham.

Limits of Act.

4. The limits within which this Act shall be in force shall be the borough of Newark and the adjoining parishes of Kelham Averham Farndon and Hawton and the part of the parish of East Stoke recently added to the parish of Newark-upon-Trent all in the county of Nottingham.

Company incorporated.

5. Joseph Gilstrap Branston William Pate the younger Edward Bailey John Howitt Frederic Dixon William Edward Knight Charles

Sheldon and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of acquiring the rights to hold the existing markets and fairs and of establishing markets and fairs for the sale of cattle horses and other live stock and of hay straw fodder and roots and making and maintaining places for holding the same and for erecting and maintaining the other works by this Act authorised and for other the purposes of this Act and of the undertaking hereby authorised and for those purposes shall be and are hereby incorporated by the name of "The Newark Cattle Market Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power for Company to establish markets and fairs.

6. Subject to the provisions of this Act and within the limits thereof the Company may from time to time establish and maintain the markets and fairs and other works and exercise the powers hereinafter mentioned:

They may establish and provide a market or markets for the sale of cattle and horses upon the lands firstly described in the next following section or some part or parts thereof or upon any other lands adjacent thereto or upon any other lands within the limits of this Act subject as regards all such last-mentioned lands to the approval of the town council of the borough of Newark and as regards any of such last-mentioned lands as are outside the borough of Newark to the approval of the quarter sessions:

They may establish and provide a market or markets for the sale of hay straw fodder and roots upon the said lands:

They may hold cattle fairs on the lands firstly and secondly described in the next following section or subject to such approval as aforesaid upon any other lands purchased or leased by them or on their behalf:

They may hold horse fairs in such place or places as may be prescribed by byelaws to be made by the Company:

They may make and maintain all requisite and convenient market-houses weighing-houses weigh-bridges toll-houses shops stalls pens sheds yards stables fountains water-tanks sewers drains buildings works approaches and conveniences connected with such markets and fairs respectively:

They may purchase by agreement for the purposes of the markets and fairs and hold and use the lands firstly described in the next following section or any of them and they may purchase

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or take on lease for the purposes of the fairs and hold and use the lands secondly described in the next following section or any of them.

Description of lands for markets.

7. The lands to be taken by the Company for the purposes of this Act are the following (namely)—

(1) Certain lands in the parish of Kelham in the county of Nottingham on the south side of and adjoining the Great North Road leading from Newark to York and between and adjoining Tolney Lane and the Midland Railway:

(2) Certain other lands in the parish of Averham in the said county lying on the south side of and adjoining the firstly-described lands and between and adjoining the said lane and the said railway.

Capital.

8. The capital of the Company shall be six thousand pounds in six hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

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

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and not more than three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

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

Power to borrow money on mortgage.

12. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one thousand five hundred pounds but no part thereof shall be borrowed until the whole capital of six thousand pounds 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 and accepted bonâ fide and is held by the persons or corporations to whom the same was issued their executors administrators successors or assigns and that such persons or corpo-

rations or 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 shall be sufficient evidence thereof.

For appointment of a receiver.

13. 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.

14. The Company shall not create and issue debenture stock.

Application of moneys.

15. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

16. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

17. The number of the directors shall be seven but the Company may from time to time reduce the number provided that the number be not less than five.

Qualification of directors.

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

Quorum.

19. The quorum of a meeting of directors shall be four and if the number of directors is reduced to five the quorum shall be three.

Quorum of general meetings.

20. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be seven shareholders present personally or by proxy holding in the aggregate not less than seven hundred pounds in the capital of the Company.

First directors.

21. Joseph Gilstrap Branston William Pate the younger Edward Bailey John Howitt Frederic Dixon William Edward Knight and Charles Sheldon shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the 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

Election of directors.

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person or by proxy shall (subject to the power herein-before 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 died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Shareholders to convene extraordinary meeting.

22. Seven or more shareholders holding in the aggregate not less than one tenth of the subscribed capital of the Company may require that an extraordinary meeting of the Company shall be called.

Newspaper for advertisements.

23. The newspaper in which advertisements relating to the affairs of the Company are to be inserted shall be some newspaper published or circulating in the borough of Newark.

Lands for extraordinary purposes.

24. The Company may purchase by agreement for all or any of the purposes of this Act any quantity of land not exceeding five acres in addition to the lands by this Act authorised to be purchased as herein-before provided.

Restrictions as to taking houses occupied by the labouring class.

25. The Company shall not purchase or acquire in the borough of Newark or in any other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses occupied either wholly or partially by persons belonging to the labouring class:

For the purpose of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons (other than domestic servants) whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Owners &c. may grant easements &c. by agreement.

26. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Market to be opened on twenty-ninth September 1886.

27. If the market be not completed and opened for public use before the twenty-ninth day of September one thousand eight hundred and eighty-six the powers by this Act granted to the Company for establishing and holding the same or otherwise in relation thereto shall thereupon cease and determine.

Power to purchase existing market and other rights.

28. Before the Company demand receive or are entitled to any toll or other payment under the provisions of this Act they shall purchase by agreement or take on lease from the lord of the manor of Newark the stallages rents tolls or other dues in respect of cattle and horses to which he is now entitled and all other rights privileges and interests which belong to him in any matter relating to cattle markets and cattle and horse fairs within the limits of this Act.

Purchase may be according to Lands Clauses Acts.

29. Such purchase may be made in such manner and subject to such provisions and regulations as are in the Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 contained with respect to the purchase of land by agreement.

Power to hold market.

30. It shall be lawful for the Company to hold upon the lands to be purchased by them as aforesaid an open market for the sale of horses cattle hay straw fodder and roots twice at least in every week namely on Tuesday and Wednesday and after the market shall have been completed and opened for public use all markets and fairs within the limits of this Act for horses cattle or other animals and for hay straw fodder or roots whether held by prescription charter or otherwise shall be held in the market erected and provided under the provisions of this Act and when the Company shall have opened for public use a market for the sale of cattle horses hay straw fodder and roots no market of any description for the sale of cattle horses hay straw fodder or roots shall thenceforth be held within the limits of this Act other than and except the market by this Act authorised so long as such last-mentioned market is carried on to the satisfaction of the Local Government Board or until the expiration of any such lease.

Provision in the event of market or fair falling on Christmas Day &c.

31. If any market day or fair day fall on Christmas Day or any day appointed for a public fast or thanksgiving the market or fair shall be held on such other day as the directors shall from time to time appoint.

Penalty for selling animals in streets after opening of market.

32. Every person who after the market shall have been opened for public use shall permit any horse or cattle to stand for sale in any of the streets or roads of the borough of Newark or in any road or lane within the limits of this Act shall for every such animal so

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permitted to stand for sale be liable to a penalty of not exceeding forty shillings.

Notice to be given of the opening of the market.

33. One month's notice at least shall be given by advertisement of the time when the market will be opened for public use.

Power to take market and fair tolls as in schedules.

34. The Company may subject as aforesaid demand and take from any person whomsoever occupying or using any stall pen shed or stand for the sale of cattle or horses in any fair to be held in the market place or bringing therein any cattle or horses for sale or occupying or using the market or any market-house market-place building or convenience by this Act authorised or any part thereof or any stand stall shed pen station place or space therein respectively or bringing into the market anything specified in the First and Second Schedules hereto whether on a fair day or market day or on any other day any stallages rents tolls or other payments in respect thereof not exceeding the several amounts specified in the said schedules Provided that nothing in this Act contained shall prevent the owner of any horse or any 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 such sale or intended sale thereof.

Tolls to be payable by successive occupiers of shops.

35. The several tolls in the market payable with respect to the occupation of any house shop stall pen bench compartment or space of ground shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Tolls for weighing.

36. The Company may demand and take in respect of weighing anything from any person bringing or requiring such thing to be weighed any tolls not exceeding the tolls specified in the Third Schedule to this Act.

Mode of payment of tolls for weighing.

37. Any person for the time being appointed to attend the machines belonging to the Company for weighing anything mentioned in the Third Schedule to this Act may demand from the person desiring the same to be weighed such tolls or other payments as the Company may from time to time appoint and such tolls or other payments not exceeding those specified in the Third Schedule to this Act shall be paid before anything in respect of which the same are payable shall be weighed Provided always that it shall not be obligatory upon the Company to provide weighing machines unless and until they shall think fit.

For keeping order in the market.

38. After the market shall have been opened for public use it shall be lawful for any inspector and officers appointed by the Company to keep order in the market and the approaches thereto and any person causing or creating any nuisance or obstruction in the market or approaches shall be liable to a penalty not exceeding forty shillings Provided that nothing herein contained shall affect abridge or interfere with the rights of the police of the county of Nottingham to enter into and exercise their powers upon any lands in the county of Nottingham to be from time to time used as the site of the said markets and fairs as fully and effectually as they could have done if this Act had not been passed.

Power to let stalls &c.

39. The Company may from time to time let to any person any stall shed pen standing or other convenience in any market authorised by this Act for any time not exceeding three years at such annual or other rent and on such terms subject to the provisions of this Act as they think reasonable.

General saving of rights.

40. Subject to the provisions of this Act nothing herein contained shall prejudice increase diminish alter take away or give validity to any franchises rights privileges powers or authorities of any person with respect to the holding of markets or of taking tolls or dues within the limits of this Act until and except so far as such franchises rights and powers (if any) shall be purchased by the Company under the powers of this Act and except as herein expressly provided nothing in this Act contained shall prevent the holding of fairs and markets other than cattle and horse fairs and markets in the square known as the market place in the Market Hall and in the Corn Exchange.

Power to the urban sanitary authority of the borough of Newark to purchase the market &c.

41. If the urban sanitary authority of the borough of Newark shall at any time during the period of ten years computed from the twenty-ninth day of September one thousand eight hundred and eighty-five be desirous of purchasing the undertaking and of such desire shall give not less than twelve calendar months notice in writing to the Company the said authority shall be entitled to purchase the property and rights (subject to the liabilities) of the Company at such a price as shall be equivalent to the aggregate amount of the whole capital of the Company for the time being paid up and expended and of simple interest thereon at the rate of six pounds per centum per annum calculated from the time or respective times when such capital shall have been actually paid up after deducting from such interest the total amount of any dividends paid out of the net profits of the Company prior to the completion of such purchase Any difference between the Company and the said authority as to the amount of capital so expended or as to any

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other matter arising under this section shall be settled by arbitration in the manner provided by the Public Health Act 1875 The purchase by the said authority under this Act of the undertaking and any subsequent works connected therewith shall be deemed to be purposes of the Public Health Act 1875 and in the event of such purchase all the statutory powers of the Company except those relating to capital and the management of the affairs of the Company shall pass to and be exerciseable by the said authority.

Saving for county magistrates and for general Acts.

42. Nothing in or done under this Act shall interfere with or lessen the jurisdiction and authority of the magistrates of the county of Nottingham in over or upon any land under this Act used for a market or other like purpose outside the borough of Newark and nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such Order of the Privy Council or exempt the undertaking to which this Act relates or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

Expenses of Act.

43. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Tolls upon Horses Cattle and other Animals offered for Private Sale.

	Not exceeding s.	d.
For every stallion or entire horse - - - -	2	6
For every other horse - - - - - -	1	0
For every bull - - - - - - -	0	9
For every cow heifer or steer - - - - -	0	4
For every cow and calf - - - - - -	0	8
For every calf under six months old - - - -	0	2
For every sheep or lamb - - - - - -	0	2
For every ram during months of September and October - -	0	9
For every pig - - - - - - -	0	2
For every goat or kid - - - - - -	0	2
For every sow and litter of pigs - - - - -	0	9
For every other animal not before named in this schedule brought into the market or fairs - - - not exceeding	1	6

Tolls upon Horses Cattle and other Animals offered for Sale by Auction.

Not exceeding a sum equivalent to double the above tolls.

SECOND SCHEDULE.

		Not exceeding s.	d.
Hay straw fodder or roots in carts - - -	per load	1	0
Hay straw fodder or roots in waggons - - -	per load	2	0
For every superficial yard in the market used for any purpose not in this or the preceding schedule otherwise provided for - - - - - -	not exceeding	0	6

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THIRD SCHEDULE.

Tolls for Weighing.

	Not exceeding s.	d.
For every waggon and its contents - - - - -	0	9
For every cart and its contents - - - - - -	0	6
For every bull cow heifer or steer - - - - -	0	6
For every ram sheep or lamb - - - - - -	0	3
For each quarter ton of hay straw fodder or roots not in waggons or carts - - - - - - - -	0	3

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