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An Act to incorporate a company for establishing and holding a market and fairs in the town and parish of Thrapston in the county of Northampton; and for other purposes. A.D. 1870.

[1st August 1870.]

WHEREAS markets and fairs have been held in the town and parish of Thrapston in the county of Northampton without parliamentary authority and restrictions, and the establishment of markets and fairs under proper regulations and management, and an improved market place, market house, and other buildings and conveniences would be of great public and local 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 necessary powers:

And whereas it is expedient that the markets and fairs held within the said town and parish should be subject to the provisions of this Act:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions of general Acts herein named incorporated.

1. "The Companies Clauses Consolidation Act, 1845," Parts I. and II. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Markets and Fairs Clauses Act, 1847" (except section nineteen thereof), are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

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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 undertaking" means the market, market houses, market places, corn exchange, slaughter-houses, and other buildings and conveniences, lands, and property from time to time belonging to the Company; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Subscribers incorporated.

3. The Right Honourable Robert Vernon Lord Lyveden, the Right Honourable George Ward Hunt, William Bruce Stopford Sackville, Joseph Leete, John Attenborough, William Hardwick Colpman, Millin Selby, and all other persons and corporations who have already subscribed or may hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of establishing markets and fairs, and making, providing, and maintaining places for holding markets and fairs within the town and parish of Thrapston aforesaid, with proper conveniences belonging thereto, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Thrapston 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.

Capital.

4. The capital of the Company shall be three thousand pounds, divided into three hundred shares of ten pounds each, subject to augmentation as herein-after provided.

Shares not to issue until one fifth paid up.

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

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call which the Company may make on the shareholders, and two months at the least shall be the interval between successive calls, and not more than three fifths of the amount of a share shall be called up in any one year.

Power to borrow on mortgage.

7. The Company may from time to time borrow on mortgage any sums not exceeding in the whole seven hundred and fifty pounds, but no part thereof shall be borrowed until the whole capital of

three thousand pounds is subscribed for, 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 subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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.

Power to raise additional capital.

8. When the said authorised share capital of three thousand pounds is expended for the purposes of this Act, and is found insufficient for those purposes, it shall be lawful for the Company, with the consent of three fifths of the votes of the shareholders voting personally or by proxy at any general meeting of the Company called for the purpose, to raise, by the creation and issue of ordinary shares of ten pounds each, any further sum not exceeding two thousand pounds.

Power to borrow further sums.

9. When such further sum of two thousand pounds is subscribed for, and one half thereof is paid up, the Company may borrow on mortgage any sums not exceeding five hundred pounds, in addition to and subject to the same conditions as are applicable to the sum of seven hundred and fifty pounds herein-before authorised to be borrowed.

Receiver for mortgagees.

10. The mortgagees of the Company may enforce the payment of the arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred pounds in the whole.

Application of moneys.

11. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

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

Quorum of general meetings.

13. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five shareholders present

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personally or by proxy, holding in the aggregate not less than five hundred pounds in the capital of the Company.

Number of directors.

14. The number of the directors shall not be more than seven, nor less than three.

Qualification of directors.

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

Quorum.

16. The quorum of a meeting of directors shall be three, but when the number of directors is not more than three the quorum shall be two.

First directors.

17. The Right Honourable Robert Vernon Lord Lyveden, the Right Honourable George Ward Hunt, William Bruce Stopford Sackville, Joseph Leete, John Attenborough, William Hardwick Colpman, and Millin Selby 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 person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Shareholders to convene extraordinary meetings.

18. Five or more shareholders, holding in the aggregate not less than one twentieth of the subscribed capital of the Company, may require that an extraordinary meeting of the Company shall be called.

Limits of Act.

19. The limits within which this Act may be put in force shall be co-extensive with the parish of Thrapston.

Newspapers for advertisements.

20. 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 county of Northampton.

Power to purchase lands.

21. And whereas a plan showing the lands and houses intended to be taken for the purposes of this Act, with a book of reference to such plan containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands and

houses, has been deposited with the clerk of the peace of the county of Northampton: Therefore, subject to the provisions of this Act and of the Acts incorporated herewith, the Company may enter upon, purchase, take, and use all or any of the said lands and houses, and appropriate the same to all or any of the purposes of this Act.

Powers for compulsory purchases limited.

22. The powers by this Act granted for the compulsory purchase of land shall not be exercised after the expiration of two years from the passing of this Act.

Power to provide market place, market house, and other buildings, &c.

23. Subject to the provisions of this Act, the Company may from time to time provide, construct, and maintain any place or places for holding markets and fairs, and any market house, slaughter-house, weighing-house, refreshment room, reading room, and such other building or convenience for the use of persons attending the market or fair, as they may think fit.

Power to acquire existing corn exchange.

24. The Company may by agreement purchase or lease the existing corn exchange and premises used in connexion therewith in the parish of Thrapston, and after having acquired the same they may, if they think fit, continue, improve, and enlarge the same, or provide a new corn exchange, and demand and take in respect of such existing or new corn exchange tolls and other payments not exceeding those specified in the schedule to this Act.

Lands for extra-ordinary purposes.

25. The Company may purchase by agreement, for all or any of the purposes of this Act, any quantity of land not exceeding two acres.

Power to purchase existing market rights.

26. Before the Company demand, receive, or are entitled to any toll or other payment under the provisions of this Act, they shall purchase from any person or persons for the time being legally entitled to any franchise, right, or privilege of holding any market or fair within the parish of Thrapston, or taking toll, piccage, stallage, or other dues thereat, all such his or their franchises, rights, and privileges, and all other rights, privileges, and interests of him or them, in any manner relating to such markets or fairs.

Purchase may be according to 8 & 9 Vict. c. 18., and when completed no market or fair to be held except by the Company.

27. The purchase of any such franchises, rights, and privileges may be made in such manner and subject to such provisions and regulations as are in "The Lands Clauses Consolidation Act, 1845," contained, with respect to the purchase of land by agreement, or otherwise than by agreement, as the case may be; and when the same shall have been purchased and the Company shall have established a market no market or fair of any description shall thenceforth be held within the limits of this Act except under and subject to the provisions of this Act or any byelaw made in pursuance thereof: Provided always, that the Company shall not

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demand, receive, or be entitled to any stallage, rent, or toll, other than such as have heretofore been demanded and paid, until they have obtained a certificate from two justices that the market place, building, or other convenience in respect of which the stallage, rent, or toll is demanded has been provided and is fit for public use.

Market and fair days.

28. A market shall be held on Tuesday in every week, and a fair shall be held on the first Tuesday in May, the fifth day of August, and the first Tuesday after the eleventh day of October in every year; provided that if any market day or fair day fall on Sunday, Christmas-day, or any day appointed for a public fast or thanksgiving, the market or fair shall be held on the day preceding or the day following, as the Company shall from time to time appoint.

Power to take tolls, &c. as in schedule.

29. The Company may, subject as aforesaid, demand and take from any person whomsoever occupying or using the market or fair, 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 or fair any thing specified in the schedule hereto, any stallages, rents, tolls, and other payments in respect thereof, not exceeding the several amounts specified in the said schedule; and nothing specified in the said schedule, except butter, cheese, eggs, fruit, and vegetables, shall be publicly exposed for sale, exhibition, or other purpose within the limits of this Act elsewhere than in the market or fair, so long as sufficient and convenient space and accommodation are provided therein; and any person who shall publicly expose for sale, exhibition, or other purpose anything contrary to this enactment shall for every such offence be liable to a penalty not exceeding forty shillings; provided that nothing in this Act contained shall prevent the occupier of any house, shop, or premises within the limits of this Act from exposing for sale, exhibition, or other purpose in, upon, or in front of his house, shop, or premises anything specified or referred to in the said schedule being his own property, or part of his stock in trade.

Tolls for slaughter-houses.

30. The Company may also demand and take from any person slaughtering cattle in any slaughter-house belonging to the Company such tolls and other payments as the Company may from time to time appoint, not exceeding those specified in the schedule to this Act.

Tolls for weighing and measuring.

31. The Company may demand and take in respect of weighing and measuring anything, from any person bringing or requiring such thing to be weighed or measured, any tolls not exceeding the tolls in respect thereof specified in the schedule to this Act.

Tolls for weighing carriages.

32. Any person for the time being appointed to attend the machines for weighing waggons, carts, or other carriages within the limits of this Act may demand from the person requiring 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 schedule to this Act, shall be paid before any waggon, cart, or carriage in respect of which the same are payable, shall be weighed.

As to tolls to be taken after Company shall have purchased market rights.

33. From and after the purchase by the Company of the aforesaid franchises, rights, and privileges, the tolls and other payments by this Act authorised shall be in lieu of and not in addition to any tolls or payments which were or might have been levied before such purchase in respect of any such franchise, right, or privilege purchased under the authority of this Act.

Saving rights.

34. 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 and fairs, or of taking tolls or dues within the parish of Thrapston, until such franchises, rights, and powers (if any) shall have been purchased under the powers of this Act.

Power to let stalls, &c.

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

Power to let tolls of markets, &c.

36. The Company may from time to time let, for any term not exceeding five years, the whole or any part of the stallage, rents, tolls, and charges receivable in respect of the markets, fairs, slaughter-houses, and weighing places authorised by this Act, or any of them.

Recovery of tolls.

37. If any person liable to the payment of any stallage, rent, toll, or charge payable to the Company under this Act does not pay the same when demanded, the Company or their lessee, or any person authorised by the Company or their lessee to collect the same, may seize and detain the goods, commodity, cattle, or horse in respect of which the same is payable, or any other goods, commodity, cattle, or horse belonging to the person liable to pay the same, or under his charge, and if the stallage, rent, toll, or charge, and the reasonable charges of the seizure and detention, and of the keeping and maintaining of the goods, commodity, or animal seized is not paid within four days from the time of seizure, or, in case of perishable articles, within six hours from the time of seizure, the Company or their lessee may sell the goods, commodity, cattle, or horse seized,

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and out of the money arising thereby may pay and retain the stallage, rent, or toll, and the charges aforesaid and those of the sale, returning the overplus (if any) to the owner of the goods, commodity, cattle, or horse seized, or such stallage, rent, toll, or charge may be recovered in any court of competent jurisdiction.

Expenses of Act.

38. The costs and charges of and incident to the passing of this Act and preparatory thereto shall be paid by the Company.

Short title.

39. This Act may be cited for any purpose as "The Thrapston Market Act, 1870."

SCHEDULE referred to in the foregoing Act.

Corn Exchange.

	For the use of one person. £ s. d.	For the use of two persons. £ s. d.
For every desk, box, stand, or station provided by the Company for a year	2 2 0	3 3 0
For a half year	1 11 6	2 2 0
For a quarter	1 1 0	1 11 6
For a day	0 3 0	0 4 0
The spaces so occupied are to be settled by the Company.		
From every merchant, mealman, miller, dealer, agent, or person employed in the sale of corn or other article of merchandise:		
For a year	1 1 0	
For a day	0 1 6	
From every other person:		
For a year	0 7 6	
For a day	0 0 2	
For the use of the corn exchange or any other building belonging to the Company for the publication therein or thereon of any advertisement, handbill, placard, notice, or other matter (except official notices by the inspectors of corn returns, and notices or advertisements placed over or upon any desk, box, stand, or station to indicate the trade or business of the occupier thereof), the sums following:		
For a year	2 2 0	
For half a year	1 10 0	
For a quarter	1 0 0	
The space so occupied to be settled by the Company.		
For the use of the corn exchange or any other building for selling goods, wares, and merchandise by auction, or for any other purpose whatever not herein-before specified - - per day	3 3 0	

Stalls.

For every covered stall, for each superficial square foot thereof, the sums following; (that is to say,)	
If taken by the year	0 4 0
If taken by the half year	0 2 6
If taken by the quarter	0 1 6
If taken by the day, or for any other period than those specified, such sums as the Company may determine.	

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	Not exceeding £	s.	d.
For every uncovered stall, for each superficial square foot thereof, the sums following; (that is to say,)			
If taken by the year - - - - - -	0	3	0
If taken by the half year - - - - - -	0	1	9
If taken by the quarter - - - - - -	0	1	0
If taken by the day, or for any other period than those specified, such sum as the Company may determine.			

Waggons, Carts, and Agricultural Implements.

For every steam engine or steam thrashing machine -	per day	0	5	0
For every other machine for agricultural purposes - -	per day	0	1	0
For every waggon, cart, carriage, or vehicle used by any person for exposing or in which shall be exposed to sale any article, commodity, or thing whatsoever, for which no specific toll is hereby imposed - - -	per day	0	2	0
For every waggon load of wood - - - -	per day	0	1	0
For every cartload of wood - - - -	per day	0	0	6
And so on in proportion for any smaller quantity.				
For any waggon, cart, carriage or vehicle exposed for sale - - - - - - -	per day	0	0	6

Compartments or Spaces.

For every covered compartment or space on the surface of the ground used by any person for the purpose of exposing to sale, or on which shall be exposed to sale, any article, commodity, or thing for which no specific toll is hereby imposed, for each superficial square foot of such compartment or space, the sums following; (that is to say,)			
If taken by the year - - - - - -	0	4	0
If taken by the half year - - - - - -	0	2	6
If taken by the quarter - - - - - -	0	1	6
If taken by the day, or for any other period than those specified, such sum as the Company may determine.			
For every uncovered compartment or space of the ground used by any person for the use of exposing to sale, or on which shall be exposed to sale, any article, commodity, or thing for which no specific toll is hereby imposed, for each superficial square foot of such compartment or space, the sums following; (that is to say,)			
If taken by the year - - - - - -	0	3	0
If taken by the half year - - - - - -	0	1	9
If taken by the quarter - - - - - -	0	1	0
If taken by the day, or for any other period than those specified, such sum as the Company may determine.			

Butter and Cheese.

For every basket, parcel, or quantity of butter or cheese brought for or exposed to sale in the market, the sums following; (that is to say,)

	Not exceeding £	s.	d.
For every basket, parcel, or quantity of butter not exceeding 12 pounds weight - - - - - per day	0	0	2
For each additional 6 pounds weight - - - per day	0	0	2

Fruit, Vegetables, &c.

For every box, basket, sack, board, tray, or thing in or upon which goods are exposed for sale in the market, not exceeding such number of superficial square feet as shall be determined by the Company - - - - - - per day	0	0	4

Eggs.

For every basket, parcel, or quantity of eggs brought for or exposed to sale in the market, the sums following; (that is to say,)			
If under two score - - - - - per day	0	0	2
For each additional score - - - - - -	0	0	1

Poultry, Game, Wild Fowl, and Fish.

For every turkey or goose - - - - per day	0	0	2
For every hare or pheasant - - - - per day	0	0	2
For every partridge or rabbit - - - per day	0	0	1
For every deer or fawn - - - - - per day	0	0	3
For any poultry, wild fowl, pigeons, or game not above specified, and not exceeding six head - - - per day	0	0	2
For each additional six, or less than that number - per day	0	0	2
For every box, basket, board, or tray in or upon which any fish are exposed for sale - - - - - per day	0	0	4

Cattle Market.

For the exposure to sale, exhibition, or other purpose of horses or other beasts, cattle, or pigs, per day, the following sums; (that is to say,)			
Horses, &c.:—For every stallion - - - - -	0	1	0
For one mare, gelding, colt, or filly - -	0	0	6
For two or more up to ten, belonging to the same person, each - - - - -	0	0	4
For any number exceeding the first ten, each -	0	0	3
For every mule or ass - - - - -	0	0	1
Cattle:—For every bull - - - - -	0	0	6
For one ox, cow, steer, or heifer - - -	0	0	2
For two or more up to ten, belonging to the same person, each - - - - - -	0	0	1½
For any additional number, per head - -	0	0	1
For every calf - - - - - -	0	0	1
Sheep, &c.:—For every score of sheep, lambs, goats, or kids belonging to the same person - - -	0	1	0
For every score of ewes with their lambs belonging to the same person - - -	0	1	6

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And so in proportion for any greater or less number, one or more, not exceeding five, to be paid for as a quarter of a score.

	£	s.	d.
Pigs:—For every fat pig - - - - -	0	0	3
For every other pig - - - - -	0	0	2
For every sow and pigs - - - -	0	0	6
For a single pen not containing more than ten -	0	0	6

Slaughter-House.

For every bull, cow, ox, or bullock - - - - -	0	1	6
For every calf - - - - - - -	0	1	0
For every sheep or lamb - - - - - -	0	0	6
For every hog or pig - - - - - -	0	0	8
For every other beast - - - - - -	0	1	6

Weighing and Measuring Tolls.

For weighing any article or thing not exceeding 28 lbs. avoirdupois	0	0	0½
Exceeding 28 lbs. and not exceeding 112 lbs. - - -	0	0	1
And for every additional 56 lbs. - - - - -	0	0	0½
For weighing any waggon, whether loaded or unloaded - -	0	0	2
For weighing any cart, whether loaded or unloaded - -	0	0	1
For measuring goods or things sold by measure, per bushel -	0	0	0½

General Tolls.

For every superficial square foot in the open market or place for fairs used for any other purpose not in this schedule otherwise provided for, such sum as the Company shall determine.

For vaults, cellarage, and for any other purpose whatever for which the corn exchange or covered market, or any part thereof, may be required or used, such sum as the Company shall determine.

For warehouses and warehousing, such sum as the Company shall determine.

The stallage and the several tolls, rents, and payments before mentioned, specified, or referred to, to be payable and paid for and in respect of the occupation and use of any stall, standing place, stand, bench, compartment, or space of ground as well by the original taker or occupier thereof for a part or portion of the day, in case he shall not occupy the same the whole day, as also by any subsequent taker or occupier of the same for the residue of any part or portion of the same day.

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