ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. viii.

An Act to authorize the *Wakefield* Borough Market Company to purchase certain Lands for a Market Place, and to make Approaches thereto. [17th *May* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *Wakefield* Borough Market Act, 1847," whereby the *Wakefield* Borough Market Company were incorporated, and authorized to make a Market Place or Market Places for the said Borough of *Wakefield*, and to purchase by Compulsion certain Lands and Buildings described in the Schedule (A.) to such Act annexed, for the Purposes of the said Market Place or Market Places: And whereas it is expedient that the said Company should be authorized to take certain other Lands for constructing thereon a Market Place, and for the other Purposes in the said Act mentioned, instead of the Lands described in the said Schedule, and should also be authorized to make certain Roads, Streets, or Approaches to the Market Place so to be constructed by them, and to alter and enlarge a certain existing Road called *Vicarage Lane*, otherwise *Lady Lane*, otherwise *Doctor Lane*, also a certain existing 10 & 11 Vict. c. 49.

Street leading from *Northgate* to *Goody Bower*, and a certain existing Road or Passage called "*Goody Bower*;" and it is expedient that the said recited Act should be amended; but such Objects 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,

Provisions of recited Act incorporated with this Act.

That all the Provisions of the said recited Act, and of the Acts incorporated therewith, so far as the same are unrepealed and in force, and are not repealed or expressly varied by the Provisions of this Act, shall be incorporated with and form Part of this Act, in reference to the Objects and Purposes thereof, as fully and effectually to all Intents and Purposes as if they had been expressly re-enacted in this Act in reference to such Objects and Purposes.

Certain Provisions of 10 & 11 Vict. c. 49. as to compulsory Purchase of Lands repealed.

II. And be it enacted, That so much of the said recited Act as authorizes the Company to take or purchase by Compulsion the Lands and Buildings described in the Schedule (A.) thereto annexed shall be and the same is hereby repealed: Provided always, that such Repeal shall not divest the said Company of any Lands actually purchased by them under any of the Powers of the said Act, or in any way prejudice or affect their Title to such Lands; provided also, that such Repeal shall not prejudice or affect Contracts for Purchase of Lands (if any) which may have been entered into by the said Company prior to the passing of this Act, or release the said Company from any Liability which may have been incurred by them in respect of such Contracts, or in respect of Notices to purchase or take Lands (if any) which prior to the passing of this Act may have been given by the said Company under the Provisions of "The Lands Clauses Consolidation Act, 1845."

Power to purchase Lands for new Site of Market Place.

III. And whereas a Plan showing the Lands upon which it is proposed by the said Company to construct a Market Place and other Buildings, Works, and Conveniences authorized by the said Act, together 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, has been deposited with the Clerk of the Peace of the West Riding of the County of *York*: Be it enacted, That subject to the Provisions of this Act, and of the Acts incorporated herewith, it shall be lawful for the said Company to enter upon, purchase, take, and use the said Lands for the Purposes aforesaid.

Power to make Approaches.

IV. And be it enacted, That it shall be lawful for the said Company to make Roads, Streets, or Approaches between the following Points

Points or Places in the Township and Borough of *Wakefield;* that is to say,

First, between *Kirkgate*, at or near a certain Public House or Inn there called the *King's Arms* and a Point or Place at or near *Goody Bower* now or lately occupied as a Garden by *Joseph Harrop :*

Second, between *Vicarage Lane*, otherwise *Lady Lane*, otherwise *Doctor Lane*, at or near to certain vacant Ground and Pigcotes now or late in the Occupation of *Thomas Wilkinson* and *John Becket*, and a Point at or near to certain Garden Ground now or late in the Occupation of the said *John Becket :*

Third, between *East Moor Road*, otherwise *Jacob's-well Road*, at or near a certain Garden now or late in the Occupation of *Thomas Marsden*, *James Ledgar*, and *Joseph Webster*, or some or One of them, and a Point in a certain Close or Field now or late in the Occupation of the said *Joseph Harrop :*

Fourth, between *Saville Street*, otherwise called the *Shutts*, at the East End thereof, at or near to the North End of *Goody Bower*, and a Point in a Field or Close of Land now or late in the Occupation of *Joseph Pitchforth* and *Samuel Pitchforth :*

Fifth, between a Point at or near the Shop of *James Lockwood* (being No. 9. in *Northgate*), and thence along a public Street to the South End of *Goody Bower*, and thence along *Goody Bower* aforesaid to *Saville Street* aforesaid at or near the North End of *Goody Bower* aforesaid.

Power to widen Vicarage Lane, &c.

V. And be it enacted, That it shall be lawful for the Company to widen *Vicarage Lane* aforesaid between *Wrengate* and *East Moor Road*, and in making the said Road, Street, or Approach fifthly herein-before described to alter, widen, and enlarge the Street leading from the Shop No. 9. in *Northgate* to the South End of *Goody Bower* aforesaid, and to widen *Goody Bower*.

Approaches and Alteration to be made according to deposited Plan.

VI. And whereas the Line or Situation of the said intended Roads, Streets, or Approaches, and of the said intended Alteration and Enlargement of *Vicarage Lane*, is delineated upon the Plan deposited as aforesaid on Lands described in the Book of Reference thereto, and a Section has also been deposited with such Plan and Book of Reference describing the Levels of the said intended Roads, Streets, or Approaches, and Alterations and Enlargement of *Vicarage Lane* respectively: Be it enacted, That, subject to the Provisions of this Act, and of the Acts incorporated herewith, the said intended Roads, Streets, or Approaches, and Alteration and Enlargement of *Vicarage Lane* respectively, shall be made in the Line or Course and upon the Lands delineated on the said Plan and described in the said Book of Reference,

Reference, and according to the Levels defined on the said Section, and it shall be lawful for the Company to enter upon, purchase, take, and use such of the said Lands as shall be necessary for the Purposes thereof respectively.

Power to deviate.

VII. And be it enacted, That in making the said Market Place, Roads, Streets, and Approaches, and Alteration and Enlargement of *Vicarage Lane* aforesaid, it shall be lawful for the Company to deviate from the Line, Site, or Levels described on the said Plan or Section: Provided always, that no Deviation from such Line or Site shall extend beyond the Limits of Deviation defined on the said Plan, and that no Deviation from such Levels shall exceed Two Feet; provided also, that in widening or deviating *Goody Bower* aforesaid on the East Side thereof, where no Limits of Deviation are marked on the said Plan, such widening or Deviation shall not extend to a greater Distance than Ten Yards from the present Eastern Boundary thereof.

Power to alter the Level of certain Footways and a private Road.

VIII. And whereas in constructing the Road, Street, or Approach firstly herein-before described it will be necessary or expedient to alter the present Level of a certain public Footway and private Carriage Road called the *Springs*, by raising the same to the Extent of Four Feet Nine Inches or thereabouts at the Point where the greatest Alteration will occur, and also to alter the present Level of a certain public or private Footway leading from the Parish Churchyard of *Wakefield* to a certain Place called the *Vicarage Croft*, and thence to the Rectory House and Vicarage House of *Wakefield* aforesaid, by lowering the same to the Extent of One Foot Six Inches or thereabouts at the Point where the greatest Alteration will occur: Be it therefore enacted, That it shall be lawful for the Company to raise the said Road and Footway called the *Springs*, and to lower the said public or private Footway leading from the Parish Churchyard of *Wakefield* to *Vicarage Croft*, and thence to the Rectory House and Vicarage House of *Wakefield* aforesaid, and for such Purpose to stop up the said Road and Footways respectively during the Time that shall be occupied in raising or lowering the same respectively: Provided always, that the present Level of the said private Carriage Road and public Footway called the *Springs* shall not be altered to a greater Extent than Five Feet, and that the present Level of the said other Footway shall not be altered to a greater Extent than Two Feet.

Compulsory Power to take Property beyond Limits of Deviation limited.

IX. Provided always, and be it enacted, That it shall not be lawful for the said Company to take or purchase by Compulsion any Property which shall be wholly situate beyond the Limits of Deviation described on the said Plan, notwithstanding such Property may have been described and numbered on the said Plan, and referred to in the

said Book of Reference, anything in this Act or in the Acts incorporated herewith contained to the contrary notwithstanding.

Limiting Period for Completion of Works.

X. And be it enacted, That the Market Place to be constructed under the Powers of this Act shall be completed within Five Years after the passing of this Act; and on the Expiration of such Period the Powers by this Act and the Acts incorporated herewith given to the Company for constructing the said Market Place shall cease to be exercised, except as to so much of the Market Place as shall be then completed.

Errors and Omissions in Plan may be corrected by Justices, who shall certify the same.

XI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described in the Plan or Book of Reference deposited as aforesaid, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices of the Peace acting in and for the West Riding of the County of *York*, for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the West Riding of the County of *York*, and shall also be deposited with the Parish Clerk of the Parish of *Wakefield*, and shall be kept by them along with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Certificate to be deposited.

Copies of Plan and Book of Reference to be Evidence.

XII. And be it enacted, That true Copies of the said Plan and Book of Reference or of any Alteration or Correction thereof, or Extract therefrom, certified by the said Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

For Protection of Governors of Free Grammar School.

XIII. And be it enacted, That nothing in this Act contained shall be construed to prevent the Governors of the Free Grammar School of Queen *Elizabeth* at *Wakefield*, who are also Trustees of other public Charities and Institutions there, from using, letting, or occupying any of their Lands for the Sale of Cattle weekly, as heretofore; and the said Borough Market Company shall not use

any of their Lands as a Market for the Sale of horned Cattle, Sheep, and Pigs, except on *Fridays*, and the *Thursday* before either *Good Friday* or *Christmas Day* (when *Christmas Day* shall fall on a *Friday*), and except also at the Two great Fairs, so long as the said Governors and Trustees shall continue to provide sufficient Accommodation for that Purpose: Provided always, that so long as proper Accommodation shall be provided, either by the said Governors and Trustees or by the said Company, no horned Cattle, Sheep, or Pigs shall be exposed for Sale in the open Streets.

Power to amend certain erroneous References to Schedules in recited Act.

XIV. And whereas in the Section of the said recited Act numbered XXVI. in the Copies thereof printed by the Queen's Printer Reference is made to Schedule (D.) of the said Act, although the Schedule intended and to which Reference should have been made is Schedule (E.) of the said Act: And whereas in the Section of the same Act numbered XXVII. in the Copies thereof printed by the Queen's Printer Reference is made to Schedule (E.) of the said Act, although the Schedule intended and to which Reference should have been made is Schedule (F.) of the said Act: Be it enacted, That the Schedule referred to in the first-mentioned Section as Schedule (D.) shall be taken and held to be Schedule (E.), and that the Schedule referred to in the said other Section as Schedule (E.) shall be taken and held to be Schedule (F.), and the said Sections shall be read and construed accordingly.

Short Title.

XV. And be it enacted, That in citing or referring to this Act in Acts of Parliament, and in legal Instruments or Documents, it shall be sufficient to describe it as "The *Wakefield* Borough Market (Amendment) Act, 1850."

Public Act.

XVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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