



CHAP. clvii.

An Act for making and maintaining a Market in Saint Luke, Chelsea, in the county of Middlesex ; and for other purposes. A.D. 1869.
[9th August 1869.]

WHEREAS the establishment of a market for the sale of butchers meat, poultry, game, fish, butter, cheese, milk, vegetables, and other animal and vegetable products, and other marketable commodities, and the erecting, providing, maintaining, and regulating a market, market places, market houses, and other houses, shops, and stalls in connexion therewith, in the parish of Saint Luke, Chelsea, would be highly advantageous to the inhabitants of that parish and the neighbourhood :

And whereas the persons in this Act named, with others, are willing, at their own expense, to undertake the establishment of such market, and it is expedient that they be incorporated into a company, and that the necessary powers be conferred upon them for that purpose :

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

And whereas plans describing the situation of the market, and the lands and houses authorized to be taken compulsorily under this Act for that purpose, and a book of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the respective clerks of the peace for the county of Middlesex and for the city and liberties of Westminster (which are in this Act referred to as the deposited plans, sections, and book of reference) :

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,)

1. This Act may be cited for all purposes as *The Belgrave Short title. Market Act, 1869.*

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General Acts
herein named
incorporated.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to the cancellation and surrender of shares) of the Companies Clauses Act, 1863, The Lands Clauses Consolidation Act, 1845, The Lands Clauses Consolidation Acts Amendment Act, 1860, and The Markets and Fairs Clauses Act, 1847, (except sections 31 and 32 thereof,) are incorporated with and form part of this Act.

Interpreta-
tion of terms.

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 context or subject repugnant to such construction; the expression "the company" means the company incorporated by this Act; the expression "the undertaking" means the market by this Act authorized; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression, in this Act, or any Act wholly or partially 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.

Company in-
corporated.

4. John Broadwick Hartwell, William Seaton, George Finch Montgomery, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the market, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Belgrave 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 to
construct
market.

5. Subject to the provisions in this Act contained, the company may, upon the site shown on the deposited plans, construct a market, market houses, and market places, with all necessary shops, buildings, works, and conveniences connected therewith or incident thereto, and may enter upon, take, and use such of the lands and buildings delineated on those plans and described in the deposited book of reference as may be necessary for that purpose.

Not to take
lands of the
Earl of Ca-
dogan with-
out consent.

6. Nothing in this Act contained shall empower the company to enter upon, take, or use the lands shown on the deposited plans, and forming part of the Cadogan settled estates, except those lands which are bounded on the north-east by White Lion Street, on the south-east by Queen's Road East, on the south-west by Franklin's Row, and on the north-west by Turk's Row, and then only with the consent in writing first obtained of the Right Honourable Henry

Charles Earl Cadogan, or his successor in title, and upon such terms and such conditions as shall be agreed upon between the company and the said Earl, or his successor in title. A.D. 1869.

7. Nothing in this Act contained shall empower the company to enter upon, take, or use any of the lands shown on the deposited plans belonging to the Most Honourable Richard Marquis of Westminster, his heirs or successors in estate. Not to take lands of the Marquis of Westminster.

8. The capital of the company shall be one hundred and sixty thousand pounds in sixteen thousand shares of ten pounds each. Capital.

9. 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. Shares not to issue until one fifth paid up.

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 three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

11. The company may from time to time borrow on mortgage any sum not exceeding in the whole thirty thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and sixty thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the company proves 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 the 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 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 certificate shall be sufficient evidence thereof. Power to borrow on mortgage.

12. The company, notwithstanding that the whole of the share capital authorized to be raised by this Act may not be subscribed for so soon as they shall have purchased the whole of the lands which they are authorized to acquire under the powers of this Act, may from time to time borrow on mortgage thereof any additional sum not exceeding thirty thousand pounds; and a justice, on Further power to borrow.

A.D. 1869. — production of the books of the company, and of such other evidence as he shall think sufficient, shall grant a certificate that the lands have been so acquired, which certificate shall be sufficient evidence thereof.

Application of Part II. of 23 & 24 Vict. c. 145.

13. Part II. of the public general Act of the session of the 23rd and 24th years of Her Majesty's reign, chapter 145, "to give to trustees, mortgagees, and others certain powers now commonly inserted in settlements, mortgages, and wills," shall have effect in relation to every mortgage under this Act.

Arrears may be enforced by appointment of a receiver.

14. 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, and in order to authorize 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 seven thousand pounds in the whole.

Application of monies.

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

First ordinary meeting.

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

Quorum of general meetings.

17. The quorum of general meetings of the company shall be eight shareholders present in person or by proxy, holding in the aggregate not less than fifteen thousand pounds in the capital of the company.

Number of shareholders to convene extraordinary meetings.

18. The number of shareholders on whose requisition an extraordinary meeting may be required to be convened shall be not less than ten, and such shareholders shall hold in the aggregate not less than thirty thousand pounds in the capital of the company.

Number of directors.

19. The number of directors shall be five, but the company may from time to time reduce the number, provided that the reduced number be not less than three.

Qualification of directors.

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

Quorum.

21. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three the quorum shall be two.

First directors.

22. John Broadwick Hartwell, William Seaton, George Finch Montgomery, and any two other duly qualified persons to be chosen by the before-named directors or a majority of them, 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 director, 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 reducing 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.

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Election of
directors.

23. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for
compulsory
purchases
limited.

24. The market shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the company for constructing the market, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that the company may within the said period open such portion or portions of the market as shall from time to time be completed and suited for the accommodation of the public, and thereupon demand and receive tolls, rents, and stallages in respect of the portion or portions of the market so from time to time completed, not exceeding the tolls, rents, and stallages by this Act authorized.

Period for
completion
of market.

25. The company may, for the purposes of this Act, acquire by agreement any easement, liberty, privilege, power, or authority in or over the lands described on the deposited plans; and the provisions of the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend to such easements, liberties, privileges, powers, and authority.

Company
may acquire
easements.

26. The company may purchase and acquire, but by agreement only, any additional quantity of land near to or adjoining the market which they may think fit, not exceeding in the whole two acres.

Land by
agreement.

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Power to stop up certain yards, &c. permanently.

27. Subject to the provisions of this Act, the company may stop up and enclose the following yards, courts, and places within the parish of St. Luke, Chelsea; videlicet, Morby's Yard, Bolton's Gardens, Victoria Yard, Dove Court, Queen's Place, Mermaid Yard, Jubilee Court, Wink's Buildings, and The Rose and Crown Gardens, or all or some of them, or some part thereof; and the ground and soil of such yards, courts, and places, or such parts thereof respectively as shall be so stopped up and enclosed, and the fee simple and inheritance thereof, shall be vested in the company.

Notice to be given of taking houses of labouring classes.

28. The company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the company have made known their intention to take the same in manner herein-before required.

Power to erect dwelling houses and shops.

29. The company may, in addition to the said market, market houses, and market places, erect dwelling houses and shops on the frontage or other portion of the land acquired by them under the powers of this Act, and may let to any corporation or person, upon such conditions and for such rents as shall be mutually agreed upon between them and the company, the whole or any of the said dwelling houses and shops, or any part of any such dwelling house, by the year, or for any term of years; and any lessee or tenant may, but not without the consent of the company, assign his lease or the benefit of his tenancy for the unexpired residue thereof.

Power to company to sell land.

30. The company may, upon such terms as they think fit, sell and dispose of all or any of the said land, and may convey, assign, and assure the same unto the purchaser or respective purchasers thereof.

Receipts of company to be effectual discharges.

31. The receipts of the company for any purchase monies, rents, or profits, or other money payable to the company by virtue of this Act, shall be sufficient and effectual discharges for the money in such receipts expressed or acknowledged to be received; and the persons to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or nonapplication of the money in such receipts expressed or acknowledged to be received.

32. All monies which shall be received by the company for the sale by them of any land shall be applied in or towards the discharge of the principal monies borrowed under the authority of this Act, and any other debts and liabilities of the company affecting or incurred in respect of the land so sold, and subject thereto shall be carried to the account of the capital of the company.

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Application
of monies
arising from
sales.

33. In case any diminution in the amount of rates shall be occasioned by the construction of the said market, and the works connected therewith, or by reason of any property having been taken or used for the purposes of the said Act, or in any way diminished in rateable value, in the parish of Saint Luke, Chelsea, the company shall from time to time be liable to make good any such deficiency, and at the end of each year during which any such deficiency shall occur shall, out of the monies then in their hands, or which shall next come into their hands, for the purposes of this Act, previously to making any other payments whatsoever on demand, pay to the treasurer of the said parish, or to such other person as the vestry of that parish may appoint to collect or receive the said rates, such an amount as will make up the deficiency for each such year: Provided that, for ascertaining the amount of such deficiency, the rateable value shall be deemed to be the average annual amount for the three years immediately preceding the passing of this Act.

As to mak-
ing good
deficiency in
local rates.

34. From and after the commencement of this Act, the company may from time to time demand and take, from any person occupying and using any shop, stall, stand, bench, or ground space in the market, such tolls, rents, and stallages as the company may from time to time appoint, not exceeding those specified in the schedule A. to this Act annexed.

Power to
levy general
market tolls
as in sche-
dule A.

35. The company from time to time may demand and take for the weighing or measuring of any article sold or brought for sale by weight or measure in the market, from any persons having any such article weighed or measured at the weighing houses or places provided by the company, any tolls not exceeding those specified in the schedule B. to this Act annexed.

Weighing
and measur-
ing tolls as
in schedule
B.

36. The several tolls, rents, and stallages payable with respect to the occupation of any shop, stall, bench, compartment, or space of ground in the market shall be paid, not only by the original taker or occupier thereof, for a 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 and
rents to be
payable by
successive
occupiers of
shops.

37. The tolls, rents, and stallages authorized to be received by the company may be demanded and taken by the officers of the company.

Receipt of
tolls by
officers.

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Leases of market stalls, &c., and assignment of leases.

38. The company may from time to time demise and let any stalls, stands, benches, ground spaces, and other conveniences to any person for any period, upon such terms and conditions as may be mutually agreed on; and any lessee or tenant may, but not without the consent of the company, assign his lease, or the benefit of his tenancy, for the unexpired residue thereof.

Saving rights of the city of London.

39. Whereas by an Act of Parliament passed in the reign of King Edward the Third it was provided that no charter should be granted for establishing a market within seven miles of the city of London, and the mayor and commonalty and citizens of the city of London, under various charters and Acts of Parliament, are the owners of several markets in the city and vicinity, but the said mayor, commonalty, and citizens are willing to consent to the passing of this Act, with the following proviso: Provided always, that nothing in this Act contained shall extend, or shall be deemed or construed to extend, to prejudice or derogate from the estates, rights, privileges, franchises, or authority of the mayor and commonalty and citizens of the city of London, save and except as is by this Act expressly provided.

Market to be subject to provisions of the Metropolitan Building Acts.

40. Nothing in this Act contained shall exempt the company, or any of the works by this Act authorized, from any of the provisions of the Metropolitan Building Acts now in force or which may be enacted, or from the provisions of The Metropolis Management Act, 1855, The Metropolis Management Amendment Act, 1856, The Metropolis Management Amendment Act, 1858, The Metropolis Management Amendment Act, 1862, or either of them, or from any Acts relating to the Metropolitan Board of Works which may hereafter be passed.

Saving rights of Metropolitan Board and vestries.

41. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, powers, privileges, or authorities vested in the Metropolitan Board of Works, or any vestry constituted under The Metropolis Local Management Act, 1855, or any Act or Acts amending the same, or extending the powers thereof, but all such rights, powers, and authorities shall remain as completely unimpaired and unaffected as if this Act had not passed, anything herein contained to the contrary notwithstanding.

Expenses of Act.

42. 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.

SCHEDULE A.

GENERAL MARKET TOLLS.

Shops.

From the occupier of every inclosed shop, whether for the sale of butchers meat, game, poultry, fish, vegetables, fruit, china, glass, earthenware, baskets, hardware, or other commodities, articles, or things, according to the size and dimensions of such shop, namely, for each lineal foot of the frontage thereof:

	£	s.	d.
If let by the year, any yearly sum not exceeding - -	7	0	0
If let by the half year, any half-yearly sum not exceeding - -	3	10	0
If let by the quarter, any quarterly sum not exceeding - -	2	8	0
If let by the week, any weekly sum not exceeding - -	0	5	0
If otherwise taken or occupied, for each market day or other day in the week any daily sum not exceeding - -	0	3	0

Butchers Stalls.

From the occupier of every butcher's stall, according to the size and dimensions of the same, namely, for each lineal foot of the frontage thereof:

	£	s.	d.
If let by the year, any yearly sum not exceeding - -	6	0	0
By the half year, any half-yearly sum not exceeding - -	3	0	0
By the quarter, any quarterly sum not exceeding - -	2	4	0
By the week, any weekly sum not exceeding - -	0	4	0
If otherwise taken or occupied, for each market day or other day in the week any daily sum not exceeding - -	0	2	6

Vegetable and other Stalls.

From the occupier of every stall raised above the ground for the sale of vegetables, fruit, fish, game, poultry, china, glass, earthenware, baskets, hardware, or other commodities, articles, or things, according to the size and dimensions of such stall, namely, for each lineal foot of frontage thereof:

	£	s.	d.
If taken by the year, any yearly sum not exceeding - -	5	0	0
By the half year, any half-yearly sum not exceeding - -	2	10	0
By the quarter, any quarterly sum not exceeding - -	1	10	0
By the week, any weekly sum not exceeding - -	0	2	6
If otherwise taken, for every market day or other day in the week any daily sum not exceeding - -	0	1	6

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Stands or Benches.

From the occupier of every stand or bench, according to the size and dimensions of the same, namely, for each superficial square foot or fractional part of a superficial square foot thereof:

	£	s.	d.
If taken by the year, any yearly sum not exceeding	-	-	1 10 0
If taken by the half year, any half-yearly sum not exceeding	-	0	15 0
By the quarter, any quarterly sum not exceeding	-	0	7 6
By the week, any weekly sum not exceeding	-	0	1 6
If otherwise taken, for each market day or any other day in the week any daily sum not exceeding	-	-	0 1 0

Ground Space.

From the occupier of each compartment or space on the surface of the ground, according to the size and dimensions of the same, namely, for each superficial square foot thereof:

	£	s.	d.
If taken by the year, any yearly sum not exceeding	-	-	0 15 0
By the half year, any half-yearly sum not exceeding	-	0	7 6
By the quarter, any quarterly sum not exceeding	-	0	4 0
By the week, any weekly sum not exceeding	-	0	2 0
If otherwise taken, for each market day or other day in the week any daily sum not exceeding	-	-	0 1 0

SCHEDULE B.

WEIGHING AND MEASURING TOLLS.

	£	s.	d.
For weighing every piece of meat or thing weighing not more than 20 lbs. avoirdupois	-	-	0 0 1
For weighing every piece of meat or thing weighing more than 20 lbs. and not exceeding 112 lbs.	-	-	0 0 4
And so in proportion for any greater quantity than 112 lbs. in weight.			
For measuring every quantity of goods and things sold by measure, not exceeding one bushel	-	-	0 0 2
For measuring every quantity more than one bushel, and not exceeding two bushels	-	-	0 0 4
And for every bushel beyond two bushels	-	-	0 0 2