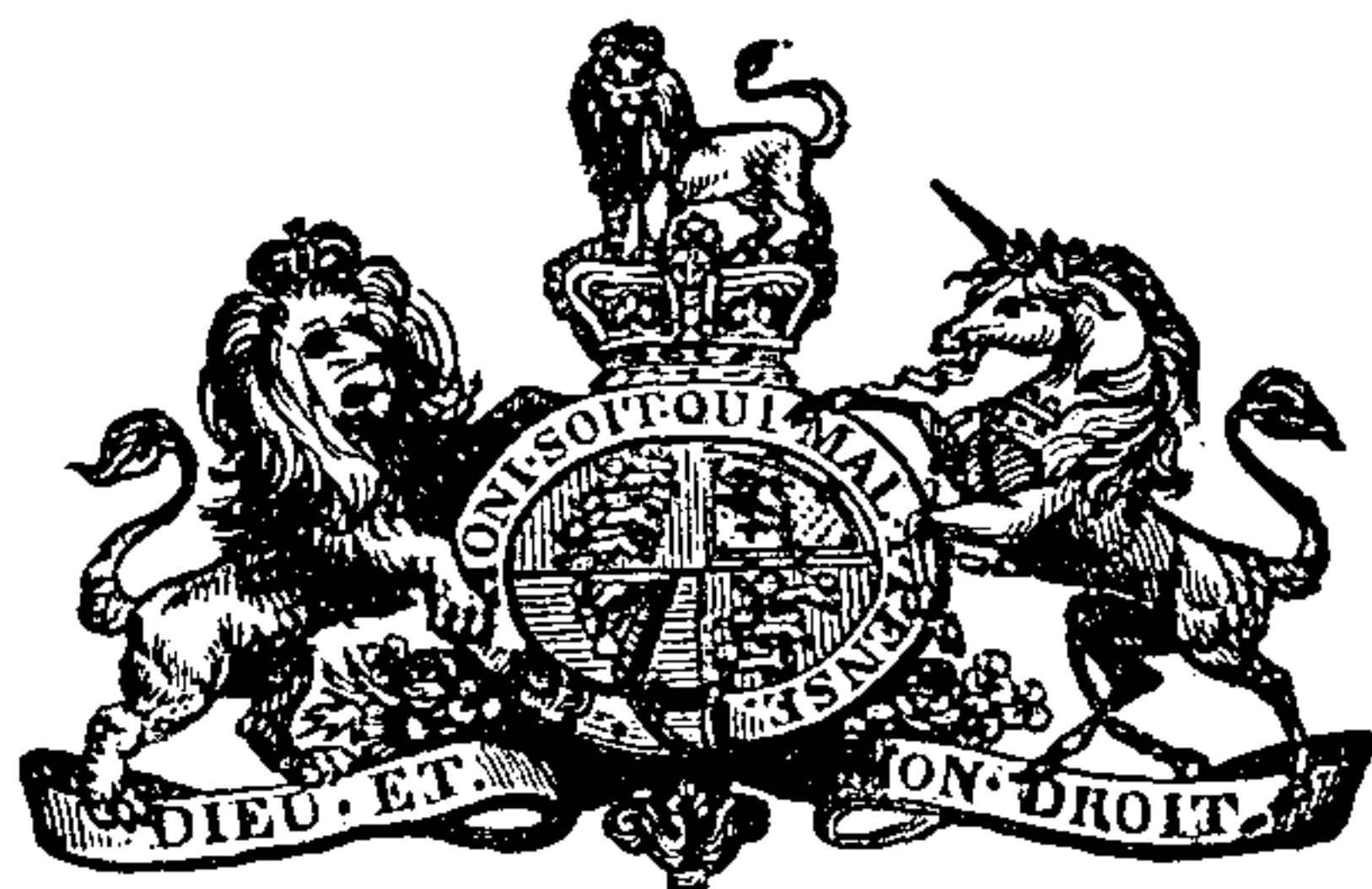




CHAPTER lix.

An Act for the establishment of a Fruit, Vegetable, and Flower Market in the City of London, and the extension of the Metropolitan Meat and Poultry Market there, and the abolition of Farringdon Market; and for other purposes. A.D. 1875.
[14th June 1875.]

WHEREAS by the Metropolitan Meat and Poultry Market Act, 1860, the mayor, aldermen, and commons of the city of London in common council assembled (in this Act called the Corporation) are empowered to establish at Smithfield in the city of London a metropolitan market for meat, poultry, and other provisions, and to effect the improvements of streets therein described :

And whereas the establishment of a fruit, vegetable, and flower market, on a site adjoining the western extension of the Metropolitan Meat and Poultry Market, would be of great advantage to the metropolis :

And whereas the Corporation are willing to effect the same on being properly empowered in that behalf, and it is expedient that they be empowered accordingly :

And whereas on the opening of the fruit, vegetable, and flower market the existing Farringdon Market will become unnecessary, and it is expedient that the same be dismarketed, and that provision be made for using the site thereof for other purposes :

And whereas by the Metropolitan Meat and Poultry Market Act, 1860 (section 20), the said mayor, aldermen, and commons are empowered as follows ; (that is to say,)

To borrow on the credit of the tolls by that Act authorised, and the estates and property of the mayor and commonalty and citizens of the city of London, money not exceeding two hundred and thirty-five thousand pounds for purchase of land for the market, market places, approaches, and improvements by that Act authorised :

To borrow on the credit of the rents of the market, and the estates and property of the said mayor and commonalty and citizens,

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—

money not exceeding two hundred thousand pounds for erection and construction of the market, market places, stalls, shops, standings, and buildings :

And whereas the Metropolitan Meat and Poultry Market (Western Approach) Act, 1862, empowers the Corporation to improve the western approach to the Metropolitan Meat and Poultry Market :

And whereas by that Act (section 16) the said mayor, aldermen, and commons are also empowered as follows ; (that is to say,)

To borrow on the credit of the market tolls, and of the estates and property of the said mayor, commonalty, and citizens, in addition to the said sum of two hundred and thirty-five thousand pounds, money not exceeding seventy thousand pounds ;

To borrow on their estates and property, and the lands by that Act authorised to be acquired, money not exceeding one hundred and fifteen thousand pounds :

And whereas the Corporation have fully exercised their several borrowing powers aforesaid, and have under section 37 of the Metropolitan Meat and Poultry Market Act, 1860, advanced out of their own money for making good the deficiency therein mentioned the sum of sixty-nine thousand and eighty-six pounds :

And whereas by the Metropolitan Meat and Poultry Market Act, 1860, section 12, it was enacted that if at any time thereafter the market thereby authorised to be erected should be found not to be sufficiently capacious or convenient it should be lawful for the Corporation at any time to enlarge the same, or to construct an additional market house or market place, and to make convenient roads or approaches to the markets ; and for that purpose all and singular the powers and provisions of that Act, except the power for the compulsory purchase of land, should be applicable for the purpose of such enlargement and additions :

And whereas the Corporation in exercise of such power have made additional approaches to the said market from Charterhouse Square into Charterhouse Street, and they have also proceeded to erect an additional market place to the west of the existing Metropolitan Meat and Poultry Market, and in acquiring the land for such additional approach for such extension of the market and the buildings thereon the Corporation have from time to time borrowed upon the credit of the said markets or advanced out of their own funds large sums of money, and the aggregate sum now due in respect of the said markets amounts in the whole to the sum of one million one hundred and sixty-six thousand pounds, which it is estimated will be reduced by the sale of surplus lands to the sum of nine hundred and ninety-six thousand pounds :

And whereas it is just and expedient that the tolls, rents, and other income of the meat and poultry market and the western extension thereof be charged with the advances made by the Corporation as aforesaid, and that the charges thereon and accounts in respect thereof be amalgamated :

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

And whereas a plan and sections describing the lines, situations, and levels of works, and delineating lands, and a book of reference thereto describing those lands, and containing the names of the owners or reputed owners, and lessees or reputed lessees, and of the occupiers thereof, have been deposited with the clerks of the peace for the city of London and county of Middlesex respectively (which respectively are in this Act referred to as the deposited plan, 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 as *The London Central Markets Act, 1875.* Short title.

2. Subject to the provisions of this Act, the Corporation may enter on, take, and use the lands delineated on and described in the deposited plan and book of reference. Power to take lands referenced.

3. All the powers, authorities, restrictions, provisions, and savings contained in the London (City) Improvement Act, 1847, (in this Act referred to as the Improvement Act of 1847,) except the following sections thereof (namely), three, nineteen, forty-two to forty-five, and fifty to fifty-five (all inclusive), and in the Lands Clauses Consolidation Act, 1845, except the provisions of the last-mentioned Act with respect to the purchase and taking of lands otherwise than by agreement, and except sections one hundred and twenty-seven to one hundred and thirty-two (both inclusive thereof), and in the Lands Clauses Consolidation Acts Amendment Act, 1860, shall extend and be applied to this Act with reference to the taking of lands and execution of the works and improvements by this Act authorised, and shall for the purposes of this Act be of as full force and effect as if the same had been in this Act repeated and re-enacted, mutatis mutandis, and made applicable to the subject matter of this Act, except only as far as the same powers, authorities, restrictions, provisions, and savings, or any of them, are repealed, altered, or varied by, or are inconsistent with, any of the Powers of 10 & 11 Vict. c. cclxxx., &c. extended to this Act.

A.D. 1875. — provisions of this Act; and for the purposes of the present Act the term "this Act" throughout the Improvement Act of 1847 shall have effect as meaning the present Act, and for the same purposes the Improvement Act of 1847 shall operate subject and according to the following provisions, namely :

(1.) "Schedule" in that Act shall mean the deposited book of reference :

(2.) A jury summoned under section twenty-one of that Act shall be a special jury, and shall be reduced to twenty-four in the manner in which special juries are now reduced in the superior courts at Westminster :

(3.) The specification of any street, lands, work, or thing in any provision of this Act, conferring powers on the Corporation, shall not restrict any enactment in the Improvement Act of 1847, conferring powers on them, and by this Act made applicable to such street, lands, work, or thing.

Incorporation of section 121 of 8 & 9 Vict. c. 18.

4. Notwithstanding anything in the Improvement Act of 1847 or this Act, section 121 of the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, and shall apply to and in the case of lands taken under this Act, and "two justices" in that section shall have the same meaning as in the Improvement Act of 1847.

Review of registrar's taxation.

5. The settlement and determination of costs, charges, and expenses under this Act by the registrar of the court of mayor and aldermen of the city of London, under section twenty-seven of the Improvement Act of 1847, shall in every case be subject to review before the judge of that court on the application of either party.

Section 91 of 8 & 9 Vict. c. 18. not to apply.

6. Section ninety-one of the Lands Clauses Consolidation Act, 1845, shall not apply to any case in which lands are taken under this Act.

Delivery of possession of land.

7. So much of section thirty-four of the Improvement Act of 1847 as provides that no such possession as is therein referred to shall be delivered up until such payment or deposit of purchase or compensation money shall have been made, as is directed by the Lands Clauses Consolidation Act, 1845, shall not apply to or in the case of lands taken under this Act, and no such possession shall be required until the purchase money or compensation has, in case of a person under disability, been deposited or paid as is directed by the Lands Clauses Consolidation Act, 1845, and as in case of a person not under disability been paid to the claimant, or, if he is not ready or willing to complete the sale, has been paid into the Bank of England in the name and with the privity of the paymaster-general, to be placed to his account there to the credit of the

claimant, and to be subject to the control and disposition of the Court of Chancery, and upon such deposit being made the cashier of the bank shall give the Corporation a receipt for such money, specifying therein for what purpose and to whose credit the same has been paid in.

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8. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plan or book of reference, the Corporation may apply to two justices for the correction thereof, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction; and if it appear to such justices that the omission, misstatement, or erroneous description arose from mistake, they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description; and the certificate shall be deposited with the clerk of the peace for the city of London or for the county of Middlesex (as the case requires), and shall be kept by him along with the other documents to which it relates, and subject and according to the same provisions as apply to those other documents, and thereupon the deposited plan or book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use those lands accordingly.

Correction of errors, omissions, &c.

9. The powers of the Corporation 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.

Period for compulsory purchase of lands.

10. The Corporation may appropriate and use for any purpose of this Act any land belonging to them at the passing of this Act.

Power to appropriate land.

11. The Corporation may on lands acquired or appropriated by them under this Act establish and maintain a fruit, vegetable, and flower market, and may thereon and in connexion therewith erect and do all buildings and works necessary and convenient for the establishment, maintenance, and management of that market.

Power to establish fruit, vegetable, and flower market.

12. The Corporation may on lands acquired or appropriated by them under this Act enlarge the western extension of the Metropolitan Meat and Poultry Market by extending it at its southern and western sides, and may thereon, and in connexion therewith, erect and do all buildings and works necessary and convenient for the establishment, maintenance, and management of that market, and that enlargement shall be deemed to be to all intents part of the Metropolitan Meat and Poultry Market.

Power to enlarge Meat and Poultry Market.

A.D. 1875.

Power to
cover in
streets.

Power for
Corporation
to make
street im-
provements.

13. The Corporation may from time to time cover in any street intersecting the Metropolitan Meat and Poultry Market or the fruit, vegetable, and flower market.

14. Subject to the provisions of this Act, the Corporation may make and execute the following improvements; (that is to say,)

- (1.) The widening of King Street on the northern side thereof:
- (2.) A new street from King Street into Charterhouse Street:
- (3.) A new street from that new street to the junction of Snow Hill and Farringdon Road:
- (4.) The covering in of part of the railway of the London, Chatham, and Dover Railway Company.

Limits of
deviation.

15. The improvements aforesaid may be made and executed within the limits of deviation shown on the deposited plan, and the Corporation in making and executing the same may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Communica-
tions with
streets ad-
joining, &c.

16. Within the city of London, subject to the provisions of this Act, and in accordance with the deposited plan, and within the limits of deviation shown thereon, the Corporation in connexion with the improvements and as part of the works by this Act authorised, and for the purposes thereof, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the new streets and improvements, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new streets and improvements, or of crossing under or over the same or otherwise, and may remove, destroy, alter, divert, stop up, enclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any stream, drain, sewer, watercourse, void ground, or any cellar or vault under the foot or carriage way of any street or place, or other property within the limits of deviation shown on the deposited plan, the Corporation providing a proper substitute for any cellar or vault, and also for any drain or sewer, before interrupting the flow of sewage in any drain or sewer.

For the pro-
tection of the
London,
Chatham,
and Dover
Railway.

17. For the protection of the London, Chatham, and Dover Railway Company and their railway (herein-after respectively called "the Chatham Company" and "the Chatham Railway"), be it enacted as follows:

The Corporation shall not acquire, except with the consent of the Chatham Company, any further or greater ownership of or in

any land or property, being land belonging to or forming part of the undertaking or works of that company, than an easement or right for the purpose of making, maintaining, and using the intended works of the Corporation, and the Corporation shall not enter upon or interfere with the Chatham Railway or any of the lands or works of the Chatham Company, or execute any works whatever over, under, or affecting the same, unless and until they have submitted and delivered to the Chatham Company plans, drawings, and specifications to describe the manner of executing the intended works and the materials to be used for the same, and until those plans, drawings, and specifications have been examined and approved in writing under the hand of the principal engineer of the Chatham Company; provided that if no notice of any disapproval be given to the Corporation within one calendar month after the plans, drawings, and specifications have been delivered to that company, then the Corporation may proceed to execute the works according to such plans, drawings, and specifications; but if the said engineer shall disapprove such plans, drawings, and specifications, then the question in difference shall be referred to an engineer to be appointed by the Board of Trade on the application of either party, whose decision shall be final; and the said intended works shall be executed by the Corporation at their sole expense, and shall be subsequently maintained by them in all time coming according to the approved plans, drawings, and specifications, under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Chatham Company :

In executing and subsequently maintaining the intended new works, the Corporation shall at all times conform to the reasonable regulations of the Chatham Company as to the times and method of executing the work, so as to avoid any interference with or delay to the traffic of that company.

18. The Corporation shall bear and on demand pay to the Chatham Company the expense of the employment by them during the erection of the said intended works, or any subsequent repairs thereof, of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution or repair of the said intended works, and for preventing as far as possible all interference, obstruction, danger, and accident with and to the persons using the Chatham Railway and the traffic thereon by reason of the operations or of the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise.

Corporation to pay Chatham Company expenses of watchmen during construction of works.

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Corporation
to pay
damage in
case of in-
terruption of
traffic on
Chatham
Railway.

19. If by reason of any works or proceedings of the Corporation there shall be any obstruction of or interference with the Chatham Railway so as to prevent or impede the free and convenient passage of engines, carriages, and vehicles of every description along the same, the Corporation shall pay to the Chatham Company the sum of fifty pounds by way of ascertained damages for every hour or part of an hour during which such obstruction or interference continues.

Corporation
to pay all
damages sus-
tained by
Chatham
Company.

20. The Corporation shall from time to time be responsible for and make good to the Chatham Company all costs, losses, damages, and expenses not provided for by the immediately preceding section from time to time occasioned to the Chatham Railway, or any of the works and property of the Chatham Company, or to any person or persons using that railway, or otherwise, by reason of the execution or failure of the said intended works, or of any acts or omissions of the Corporation or of their contractors or any of the persons in their respective employ; and the Corporation shall effectually indemnify the Chatham Company from all claims and demands upon or against them by reason of any such execution or failure of any such act or omission.

Names of
markets.

21. The markets of the Corporation established under the Metropolitan Meat and Poultry Market Act, 1860, and this Act, shall be designated collectively as the London Central Markets, with such distinguishing addition to each separate market as the Corporation from time to time by act of common council determine.

Exemption
from Build-
ing Act.

22. The buildings of the London Central Markets are hereby exempted from the operation of the first part of the Metropolitan Building Act, 1855.

Amalgama-
tion of mar-
ket accounts
with respect
to borrow-
ing, &c.

23. All money borrowed or advanced by the Corporation before or after the passing of this Act under or for the purposes of the following Acts; (namely,)

The Metropolitan Meat and Poultry Market Act, 1860;

The Metropolitan Meat and Poultry Market (Western Approach) Act, 1862;

The Metropolitan Meat and Poultry Market (Borrowing Act), 1864;

shall be and the same are hereby charged without distinction on all tolls, rents, estates, and property in those Acts made security for money borrowed or advanced thereunder, and for that purpose all those tolls and rents shall be carried to a common account, and the accounts of receipts, expenditure, and liabilities in respect thereof shall be amalgamated; but nothing in this Act shall prejudicially affect any charge or priority of any person on those tolls, rents,

estates, and property, or any of them, existing at the passing of this Act, and until all charges existing at the time of the passing of this Act are paid and discharged the accounts shall be kept so as to show the position of all persons interested as regards such charges and priorities. A.D. 1875.

24. When and as soon as the fruit, vegetable, and flower market by this Act authorised is ready to be opened for the use of the public, the Corporation shall fix a day for the opening thereof, and, by a notice under the hand of the town clerk of the city of London published in the London Gazette, notify that such market has been provided, and the day and hour when the same will be opened; and from the day so notified Farringdon Market shall be discontinued, and shall cease to be used as a market, and no market shall thereafter be holden on the site thereof. Farringdon Market to be discontinued when fruit, vegetable, and flower market is opened.

25. The Corporation may from time to time sell, lease, exchange, or otherwise dispose of, at such prices or rents, for such terms, and with and subject to such covenants and conditions, and generally in such manner as they think fit, or appropriate and use for any purpose, any lands acquired by them for purposes of the London Central Markets, or any of them, but not required to be retained by them for those purposes, and the site of Farringdon Market and its appurtenances, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, disposition, appropriation, or use. Power for Corporation to dispose of surplus lands and of site of Farringdon Market.

26. The Corporation may charge in respect of the fruit, vegetable, and flower market by this Act authorised such stallages, rents, and tolls for the use of standings and other conveniences therein as they from time to time by byelaw, with the approval of the Board of Trade, appoint. Power to appoint stallages, &c.

27. The Corporation may from time to time make such byelaws as they think fit for the following purposes; (that is to say,) Power to make bye-laws, &c.
For the regulation and government of the London Central Markets:

For the licensing of porters employed therein:
For the collection of tolls and for preventing the evasion thereof:
For the closing from time to time of any of the roads intersecting the London Central Markets except for the market traffic:
but byelaws under this section shall not come into operation until they are allowed by the Board of Trade.

28. Nothing herein contained shall authorise the closing of the central roadway leading from Saint John Street to Smithfield Provision as to road from Saint John
[Local.-59.] B 9

A.D. 1875.

Street to
Smithfield.
Penalties in
byelaws.

between the hours of ten a.m. and twelve at midnight, and one of such intersecting roads shall always be left open.

29. Byelaws under this Act may impose penalties not exceeding five pounds for each breach thereof, but shall be so framed as to allow in every case of less than the maximum penalty being ordered to be paid, and all such penalties shall be recoverable on summary conviction.

Printing and
sale of bye-
laws.

30. The Corporation shall cause all byelaws for the time being in force under this Act to be printed, and a copy thereof to be sold, at a price not exceeding sixpence, to every person desiring to buy the same.

Proof of
byelaws.

31. The production of a printed copy of byelaws purporting to be byelaws made under this Act, such copy purporting to be printed by the direction of the Corporation, and to be authenticated by the signature of the town clerk of the city of London, shall be evidence of the existence and contents and due making of those byelaws and of the approval thereof (where approval is required), without proof of the signature of the town clerk or of any other matter.

As to pay-
ment of tolls.

32. The tolls payable upon meat, poultry, or other provisions, or for fruit, vegetables, or flowers brought into the London Central Markets shall be due and payable and shall be paid before the articles upon which they are chargeable pass the gates of the said markets.

Recovery of
tolls.

33. If any person liable to the payment of any stallage rent or toll payable in the London Central Markets does not pay the same when demanded, the Corporation, or any person authorised by them to collect the same, may seize and detain the article in respect of which the same is payable, or any other article in the market belonging to the person liable to pay the same or under his charge; and if the stallage rent or toll, and the reasonable charges of the seizure and detention and of the keeping of the article seized is not paid in case of perishable articles forthwith, and in case of other articles within four days from the time of seizure, the Corporation may forthwith, or on the expiration of those four days (as the case may be), sell the article seized, and may out of the money arising thereby pay and retain the stallage rent or toll, and the charges aforesaid, and those of the sale, returning the residue (if any) to the owner of the article seized, or any such stallage rent or toll may be recovered summarily before two justices.

Power to
borrow for
completing
meat market.

34. For the purpose of completing the western extension of the Metropolitan Meat and Poultry Market, the Corporation may

borrow, upon the credit of the tolls and rents of the London Central Meat and Poultry Markets, and upon the credit of their estates and revenues, so much money as they from time to time think requisite, not exceeding the sum of one hundred and ten thousand pounds. A.D. 1875.

35. The Corporation, for the purpose of defraying the expenses incurred by them in purchasing the land for and erecting the fruit, vegetable, and flower market, may from time to time borrow at interest, on the credit of the stallages, rents, and tolls and other payments to be received by them from that market under this Act, and of their estates and revenues, so much money as they from time to time think requisite, not exceeding the sum of two hundred and fifty thousand pounds. Power to borrow for fruit and vegetable market.

36. The receipts of the Corporation from the fruit, vegetable, and flower market shall be applied by them in the first instance in payment of interest on the money borrowed on the credit of that market, and next in repayment of the principal money borrowed upon the credit of such market, and from and after the discharge of such principal and interest, the same shall be applicable as the revenues from Farringdon Market are now applicable. Application of income fruit and vegetable market.

37. All money borrowed under this Act shall be secured by bonds under the common seal of the Corporation, which bonds shall be in such form and shall contain such stipulations and conditions, if any, respecting the payment of the money thereby secured at a fixed time or otherwise, or respecting any other matter or thing relative to the security, as the Corporation from time to time think expedient, and shall be assignable by indorsement. Bonds for money borrowed under recited Acts.

38. The Corporation may from time to time pay off any money borrowed under this Act, and may in manner aforesaid re-borrow the same or any other amount, but so that the total amount borrowed under this Act and remaining unpaid shall not at any one time exceed the borrowing powers hereby conferred or confirmed. Power to pay off and re-borrow.

39. Any person paying any sum of money borrowed under this Act to the Corporation, or to any person appointed by them to receive the same, shall not be answerable or accountable for the non-application or mis-application thereof. Protection of persons paying money to Corporation.

40. The chamberlain for the time being of the city of London shall enter in a book, to be kept for that purpose, a list of bonds issued under this Act, and of assignments thereof, expressing the names, surnames, descriptions, and places of business or residence of the persons from time to time entitled to the several bonds, which Register of bonds and assignments.

A.D. 1875. — book all persons entitled to or interested in any such bond may at all reasonable times inspect without fee or reward.

Disqualifica-
tion as jus-
tices of alder-
men mem-
bers of com-
mittee.

41. An alderman of the city of London, if and as long as he is a member of the committee appointed to manage the execution of this Act, shall be disqualified from acting as a justice in and for the city of London for any purpose of this Act, but he shall not be disqualified unless he is a member of that committee.

Expenses
of Act.

42. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Corporation.

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