

WEYMOUTH AND MELCOMBE REGIS
MARKETS AND PIER
AMENDMENT ACT, 1859.

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To Alter, Amend, and Enlarge the Powers and
Provisions of "THE WEYMOUTH AND MEL-
COMBE REGIS MARKETS AND PIER ACT,
1854."

[ROYAL ASSENT, 19th April 1859.]

22 & 23 VICT.—SESS. 1859.

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LONDON:
Printed by Henry Hansard, near Lincoln's-Inn Fields.

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PIER AMENDMENT ACT, 1859.

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And whereas the separate Market-house for the sale of fish has been found ill adapted and inconvenient for the purposes of a Fish Market, and it is expedient that the Corporation be empowered to alter, and, if necessary, remove the Fish Market to the General Market-house, and to appropriate or provide a part of such Market-house for such purpose :

And whereas the Corporation are proceeding with the construction of the Pier, but have not yet raised any money on Mortgage on the credit of the Pier Rates, granted by the Act of 1854, but the time limited by the Act of 1854 for the completion thereof will expire on the Second day of June One thousand eight hundred and Fifty-nine, and it is expedient that such time should be extended, and that the Corporation should be enabled to borrow a further sum of money for the purposes of the Pier :

And whereas for the several purposes aforesaid it is expedient that the said Act of 1854 be amended ; but the same cannot be done 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 Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say) :

Short Title.

I. This Act may be cited for any purpose as "Weymouth and Melcombe Regis Markets and Pier Amendment Act, 1859."

Interpretation of certain expressions.

II. In this Act the expression "the Borough" shall mean the municipal borough of Weymouth and Melcombe Regis ; the expression "the General Market-house" shall mean and include the market-house or market-place, and the works connected therewith, erected or provided by the Corporation for the sale of provisions and other marketable commodities (except fish), and the lands upon which the same have been so erected or provided ; and the expression "the Fish Market-house" shall mean and include the fish market-house and the works connected therewith, erected or provided by the Corporation,

poration, and the lands upon which the same have been so erected or provided ; and the expression "the Markets" shall comprise both the said markets, unless there be something in the subject or context repugnant to any such constructions.

5 III. This Act shall (subject to the powers and provisions herein contained) be executed by the Mayor, Aldermen, and Burgesses of the borough of Weymouth and Melcombe Regis, acting by the Council of the borough.

10 IV. The Corporation may from time to time make such alterations in the fish market-house as they think fit, and may, over the same or over any part thereof, erect or authorise the erection of warehouses, stores, or other buildings, and may discontinue the use, for the purposes of the fish-market, of any portion of the fish market-house, and may use and appropriate the portion so disused for any other purpose, and the Corporation may, if they think fit, remove the fish-market, as hereinafter mentioned, and after such removal shall sell the fish market-house, or, until such sale, may let the same or the lands belonging thereto for the erection of warehouses, stores or buildings, or for any other purpose, as they from time to time think proper.

20 V. The Corporation may from time to time, if and when they think fit, make such alterations in the general market-house as they deem necessary for the holding therein of the fish market, and may from time to time appropriate and set apart such space in such general market-house for the sale of fish as they may think sufficient for that purpose ; or may allow the sale of fish in such parts of the general market-house as they think proper.

30 VI. The Corporation may, when such alterations or appropriations shall have been made, remove the fish market to the general market-house, and shall cause notice of such removal to be given in some newspaper published or circulated in the borough, and by notice affixed on the doors of the fish market-house, and upon such removal the fish market shall thenceforth be held in the general market-house.

VII. The Corporation shall have the same powers of holding the fish market in the general market-house, as by the Act of 1854 they had

tolls to remain in force.

had of holding such market in the fish market-house, and may demand, receive and recover the same tolls, stallages, and rents, and shall have the same powers for regulating the same, and otherwise, as are authorised to be taken, or are conferred by the Act of 1854.

Provision for fish market until removal.

VIII. Provided always, that nothing in this Act contained shall prevent the Corporation, until such removal, from continuing to hold the fish market in the present fish market-house, or in any part thereof, or the Corporation may (temporarily) remove such market to the old fish market under Bridge Buildings, in the parish of Melcombe Regis, where the same was held some time previous to the passing of the Act of 1854, and the Corporation shall have the same powers in all respects with reference to the fish market, if held in the old fish market, as they have with reference to that market under the Act of 1854, if held in the fish market-house.

Application of monies arising from sale of fish market-house.

IX. Any monies arising from the sale of the fish market-house shall be applied for paying off, according to the Act of 1854, any principal money to be discharged out of the market account monies, and the rents and profits of the fish market-house, until the same shall be sold, or of any warehouses, stores, or other buildings erected on the site thereof, or of any part thereof, shall be carried to the credit of the market account, and be applicable to the purposes to which monies carried to the credit of such account by virtue of the Act of 1854 are directed to be applied by that Act: Provided always, that the Corporation shall not reborrow any part of the money which is paid off by means of money arising from the sale of the fish market-house.

Consent of Lords of Treasury not necessary to sale of fish market-house.

X. The eleventh section of the Act of 1854 shall not be construed to require the approbation of the Commissioners of Her Majesty's Treasury to the sale or demise of the fish market-house.

Extension of time for completing pier.

XI. The time limited by the Act of 1854 for the completion of the pier and the works connected therewith, shall be extended for the space of Two years from the passing of this Act, and on the expiration of such extended period, the powers by the Act of 1854 and this Act granted to the Corporation for making such pier shall cease to be exercised, except as to so much of such pier as shall then be completed.

XII. The

XII. The Corporation may, in addition to the said sum of Ten thousand pounds, by the Act of 1854 authorised to be borrowed, borrow at interest, for the purposes of the markets, and the houses and buildings connected therewith, and under the authority of this Act and the Act of 1854, on the security of the market-houses, tolls, stallages, rents, and other payments received or to be received for or in respect of the markets, such sums as they may think necessary for the purpose of altering the fish market-house and the general market-house, and discharging the debts and liabilities due in respect of the markets and market-houses, or in relation thereto, and other the purposes of this Act and the Act of 1854, relating to the markets, not exceeding in the whole the sum of One thousand five hundred pounds, and may accordingly grant mortgages of those market-houses, tolls, stallages, rents, and payments, or any of them, and of the property purchased, taken, and appropriated by virtue of the Act of 1854 for the markets or any part thereof, to the persons advancing the money, or their respective nominees.

Corporation may borrow on market rates.

XIII. The Corporation may, in addition to the sum of Twelve thousand pounds authorised to be borrowed by the Act of 1854, from time to time, for any of the purposes of erecting, completing, improving, and maintaining the pier and the works connected therewith, and under the authority of this Act and the Act of 1854, borrow at interest, on the security of the pier rates and tolls granted by the Act of 1854, such sums as they think necessary for such purposes, not exceeding in the whole the sum of Five thousand pounds, and may grant mortgages of those rates and tolls accordingly to the persons advancing the money, or their respective nominees.

Power to borrow on mortgage of pier rates.

XIV. The provisions contained in the Act of 1854 with respect to mortgages to be granted or made by the Corporation, under the authority of that Act, shall extend and apply to the mortgages to be granted or made by the Corporation under the authority of this Act: Provided always, that the existing mortgages upon the markets shall have priority over the mortgages granted in pursuance of this Act, and the rights of the holders of those mortgages shall not in respect thereof, while the same respectively are in force, be, without their consent, altered by this Act: Provided also, that with the consent of

Provisions of Act of 1854 as to mortgages to apply.

Reserving rights of former mortgagees.

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To Alter, Amend, and Enlarge the Powers and Provisions
of "THE WEYMOUTH AND MELCOMBE REGIS MARKETS
AND PIER ACT, 1854."

[ROYAL ASSENT, 19th April 1859.]

WHEREAS by "The Weymouth and Melcombe Regis Markets and Pier Act, 1854," (hereinafter referred to as "The Act of 1854"), the Mayor, Aldermen and Burgesses of the Borough of Weymouth and Melcombe Regis (hereinafter called "The Corporation"), were empowered to provide a Market-house for the sale of butcher's meat and other marketable commodities (except fish), and a separate Market-house for the sale of fish, and also to construct a Pier and other Works on the north side of the entrance to the Harbour, and were by such Act empowered to raise by mortgage the sum of Ten thousand pounds on the security of the Market-houses and Market Tolls, Stallages, and Rents, and the sum of Twelve thousand pounds on the security of the Pier Rates :

And whereas the Corporation have proceeded in the execution of the said Act, and have provided, as authorised by such Act, a General Market-house, and a separate Market-house for the sale of fish, and have raised and expended the said sum of Ten thousand pounds ; and divers expenses connected with or incurred in the erection and completion of such buildings remain undischarged :

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And

the holders of those existing mortgages, or any of them, the mortgages granted under this Act, and the existing mortgages as to which the consent is given, may and shall entitle the several holders thereof respectively, *pari passu*, to the repayment of the several principal sums thereby respectively secured, and the interest thereon.

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Correcting clerical
error in Schedule
to the Act of 1854.

XV. And whereas by the eighteenth section of the Act of 1854, the Corporation are authorised to take within the market such tolls stallages and rents as are specified in Schedule (B) to that Act annexed ; and whereas, in the division of the Schedule relating to the meat market, there is a toll and stallage provided "for every pig 10 or part of a pig exceeding forty pounds in weight brought within the borough aforesaid, and whether to the market scales or not, four pence," and whereas the word "borough" has been printed by mistake for the word "market," and it is expedient that such mistake be rectified, and the same is inconsistent with the said eighteenth section 15 and with the heading of the said Schedule ; therefore in the construction of the said Act the expression "the borough" above referred to in the said Schedule in relation to the toll or stallage for every pig or part of a pig, shall not be construed to give any power to the Corporation to take any such toll or stallage except in the markets.

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Expenses of Act.

XVI. One-fourth of the costs, charges and expenses of obtaining and passing this Act, and preparatory or incident thereto, shall be paid by the Corporation out of the market account, and Three-fourths of such costs, charges and expenses shall be paid by the Corporation out of the pier account.

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Saving rights of
Mayor, Aldermen
and Burgesses.

XVII. Except as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, alter or prejudice any of the rights, privileges, powers, or authorities of the Mayor, Aldermen, and Burgesses of the borough of Weymouth and Melcombe Regis, nor prevent the holding of the market in the parish of Melcombe Regis, 30 or elsewhere within the said borough, for the sale of horses, bullocks, cows, calves, sheep, and pigs, nor the levying of tolls, rents, and payments in respect thereof ; but all such rights, privileges, powers, and authorities respectively may be had, exercised, and enjoyed in as full and ample a manner as if this Act had not been passed.