

FINAL REPORT
OF THE
COMMISSIONERS.

Presented to both Houses of Parliament by Command of Her Majesty.



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1891.

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ROYAL WARRANTS APPOINTING THE ROYAL COMMISSION TO INQUIRE INTO THE SUBJECT OF MARKET RIGHTS AND TOLLS.

FIRST WARRANT.

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our right trusty and right well-beloved Cousin and Councillor Edward Henry Earl of Derby, Knight of Our most Noble Order of the Garter; Our right trusty and well-beloved Alexander Hugh Baron Balfour of Burleigh; Our right trusty and well-beloved Councillor Hugh Culling Eardley Childers; Our trusty and well-beloved Sir James Porter Corry, Baronet; Sir Thomas Martineau, Knight, Mayor of Our Borough of Birmingham; Charles Isaac Elton, Esquire, one of Our Counsel learned in the Law; Francis William Maclean, Esquire, one of Our Counsel learned in the Law; Henry Broadhurst, Esquire; Spencer Charrington, Esquire; John James Harwood, Esquire, Mayor of Our city of Manchester; William Cutlack Little, Esquire; and Justin McCarthy, Esquire, greeting.

Whereas We have deemed it expedient that a Commission should forthwith issue to inquire as to the extent to which Market Rights are in the hands of—

- (1.) Local Authorities;
- (2.) Trading Companies; and
- (3.) Private persons or bodies of persons other than Trading Companies.

To inquire generally how and under what authority such rights are exercised; what are the revenues in respect of those rights, distinguishing the receipts from tolls, rents, stallages, and other dues, from other sources of receipt; what is the accommodation given in return for the charges levied; in what ratio market tolls and dues stand to the value of the marketable commodities on which they are levied; and how far market rights, market byelaws and regulations, market tolls, rents, stallages, and dues, and tolls affecting market towns are restrictive of trade.

And to report as to the advisability of local authorities acquiring existing market rights, and the arrangements desirable for that purpose; and as to the advisability of prohibiting the farming by local authorities of market tolls, rents, stallages, and other dues, and the placing of restrictions on the sale of goods outside the market that may be lawfully sold in the market; and also of providing that the tolls, &c. of markets held by local authorities shall from time to time be revised with the view to their being regulated by the necessary expenditure in connexion with the markets, and that such markets shall be free and open when the capital charges in respect of them have been paid off by the incomes from the markets or otherwise.

And also to report generally as to the alterations which may be desirable in the existing law relating to markets, having due regard to the interests of those concerned.

Now know ye, that We, reposing great confidence in your knowledge and ability, do by these presents authorise and appoint you, the said Edward Henry Earl of Derby; Alexander Hugh Baron Balfour of Burleigh; Hugh Culling Eardley Childers; Sir James Porter Corry; Sir Thomas Martineau; Charles Isaac Elton; Francis William Maclean; Henry Broadhurst; Spencer Charrington; John James Harwood; William Cutlack Little; and Justin McCarthy, to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these presents give and grant unto you, or any five or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers, and records as may afford you the fullest information on the subject; and to inquire of and concerning the premises, by all other lawful ways and means whatsoever.

And We do further by these presents authorise and empower you, or any five or more of you, to visit and personally inspect such places in Our United Kingdom as you may deem expedient for the more effectual carrying out of the purposes aforesaid.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any five or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any five or more of you, have liberty to report your proceedings under this Our Commission, from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us, under your hands and seals, or under the hands and seals of any five or more of you, your opinion upon the several matters herein submitted for your consideration.

And for the purpose of aiding you in such matters, We hereby appoint Our trusty and well-beloved Thomas Barclay Cockerton, Esquire, Barrister-at-Law, to be Secretary to this Our Commission.

Given at Our Court at St. James's, the fifth day of July one thousand eight hundred and eighty-seven, in the fifty-first year of Our Reign.

By Her Majesty's Command.

(Signed) HENRY MATTHEWS.

SECOND WARRANT.

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our trusty and well-beloved James Allanson Picton, Esquire, greeting.

Whereas We did by Warrant under Our Royal Sign Manual, bearing date the fifth day of July one thousand eight hundred and eighty-seven, appoint Our right trusty and right well-beloved Cousin and Councillor Edward Henry Earl of Derby, Knight of Our most Noble Order of the Garter, together with the several gentlemen therein mentioned, or any five or more of them, to be Our Commissioners to make certain inquiries relating to market rights and tolls :

And whereas one of Our Commissioners so appointed, namely, Our trusty and well-beloved Henry Broadhurst, Esquire, has humbly tendered unto Us his resignation of his appointment as one of Our said Commissioners.

Now know ye, that We, reposing great confidence in you, do by these presents appoint you, the said James Allanson Picton, to be one of our Commissioners for the purpose aforesaid, in the room of the said Henry Broadhurst, resigned, in addition to and together with the other Commissioners whom we have already appointed.

Given at Our Court at St. James's, the second day of January one thousand eight hundred and eighty-eight, in the fifty-first year of Our Reign.

By Her Majesty's Command.

(Signed) HENRY MATTHEWS.

THIRD WARRANT.

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To Our trusty and well-beloved Pierce Mahony, Esquire, greeting.

Whereas We did by Warrants under Our Royal Sign Manual, bearing date respectively the fifth day of July one thousand eight hundred and eighty-seven and the second day of January one thousand eight hundred and eighty-eight, appoint Our right trusty and right well-beloved Cousin and Councillor Edward Henry Earl of Derby, Knight of Our most Noble Order of the Garter, together with the several gentlemen therein respectively mentioned, or any five or more of them, to be Our Commissioners to make certain inquiries relating to market rights and tolls.

And whereas one of Our Commissioners so appointed, namely, Our trusty and well-beloved Justin McCarthy, Esquire, has humbly tendered unto Us his resignation of his appointment as one of Our said Commissioners.

Now know ye, that we, reposing great confidence in you, do by these presents appoint you the said Pierce Mahony to be one of Our Commissioners for the purpose aforesaid in the room of the said Justin McCarthy, resigned, in addition to and together with the other Commissioners whom we have already appointed.

Given at our Court at St. James's, the eighteenth day of April one thousand eight hundred and eighty-eight, in the fifty-first year of Our Reign.

By Her Majesty's Command.

(Signed) HENRY MATTHEWS.

REFERENCE.

A Royal Commission to inquire as to the extent to which market rights are in the hands of (1) local authorities, (2) trading companies, and (3) private persons or bodies of persons other than trading companies; and to inquire generally how and under what authority such rights are exercised, what are the revenues in respect of those rights, distinguishing the receipts from tolls, rents, stallages, and other dues, from other sources of receipt; what is the accommodation given in return for the charges levied; in what ratio market tolls and dues stand to the value of the marketable commodities on which they are levied, and how far market rights, market byelaws and regulations, market tolls, rents, stallages, and dues, and tolls affecting market towns are restrictive of trade; and to report as to the advisability of local authorities acquiring existing market rights, and the arrangements desirable for that purpose, and as to the advisability of prohibiting the farming by local authorities of market tolls, rents, stallages, and other dues, and the placing of restrictions on the sale of goods outside the market that may be lawfully sold in the market, and also of providing that the tolls, &c. of markets held by local authorities shall from time to time be revised with the view to their being regulated by the necessary expenditure in connexion with the markets, and that such markets shall be free and open when the capital charges in respect of them have been paid off by the incomes from the markets or otherwise, and also to report generally as to the alterations which may be desirable in the existing law relating to markets, having due regard to the interests of those concerned.

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NOTE.—Where an asterisk is prefixed to the name of a Market, it denotes that an Assistant Commissioner also held an inquiry locally.

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NOTE.—Where an asterisk is prefixed to the name of a market, it denotes that evidence was also received by the Royal Commissioners.

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Carlow - - -	J. J. O'Meara -	14th December 1888 -	X.	292	X.	294
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*Hull - - -	C. M. Chapman - -	28th September 1888 -	IV.	457	IV.	460
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Waltham Holy Cross	C. M. Chapman - -	17th December 1888 -	IX.	18	IX.	19
Walsall - - -	A. J. Ashton - -	30th March 1888 -	VIII.	163	VIII.	164
Warrington - - -	C. M. Chapman - -	25th March 1889 -	IX.	220	IX.	223
Waterford - - -	J. J. O'Meara - -	6th November 1888 -	X.	83	X.	85
Watford - - -	A. J. Ashton - -	7th August 1888 -	III.	148	III.	149
Wednesbury - -	A. J. Ashton - -	9th March 1889 -	VIII.	151	VIII.	152
Wellingborough -	A. J. Ashton - -	4th January 1889 -	VIII.	55	VIII.	55
Wellington - - -	A. J. Ashton - -	26th May 1888 -	III.	14	III.	15
West Hartlepool -	C. M. Chapman - -	17th September 1888 -	IV.	375	IV.	376
Westport - - -	C. W. Black - -	10th August 1888 -	V.	10	V.	311
Wexford - - -	J. J. O'Meara - -	5th December 1888 -	X.	252	X.	253
Weymouth - - -	A. J. Ashton - -	7th September 1888 -	III.	312	III.	313
Whitby - - -	C. M. Chapman - -	11th September 1888 -	IV.	346	IV.	348
Wicklow - - -	J. J. O'Meara - -	30th November 1888 -	X.	223	X.	224
Wigan - - -	C. M. Chapman - -	6th April 1889 -	IX.	272	IX.	275
Winchester - - -	A. J. Ashton - -	15th September 1888 -	III.	364	III.	365
Windsor - - -	C. M. Chapman - -	12th December 1888 -	IX.	1	IX.	3
Wiveliscombe - -	A. J. Ashton - -	27th August 1888 -	III.	234	III.	235
*Wolverhampton -	A. J. Ashton - -	22nd February 1889 -	VIII.	136	VIII.	137
Wombwell - - -	C. M. Chapman - -	31st December 1888 -	IX.	62	IX.	64
Worcester - - -	A. J. Ashton - -	26th January 1889 -	VIII.	85	VIII.	86
Worksop - - -	A. J. Ashton - -	28th December 1888 -	VIII.	41	VIII.	41
Yarmouth, Great -	C. M. Chapman - -	21st December 1888 -	IX.	22	IX.	25
Yeovil - - -	A. J. Ashton - -	4th September 1888 -	III.	293	III.	294
York - - -	C. M. Chapman - -	7th September 1888 -	IV.	293	IV.	297
Youghal - - -	J. J. O'Meara - -	3rd January 1889 -	X.	357	X.	358

FINAL REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the Commissioners appointed to inquire into the question of Market Rights in the United Kingdom of Great Britain and Ireland, desire humbly to lay before Your Majesty our Final Report.

On the 5th July 1887 we received Your Majesty's Commission, and on the 21st July 1887 we held our first meeting. Since that date we have held sixty-six meetings, of which five have been devoted to the consideration of our proceedings, fifty to the taking of evidence, and the remainder to the consideration of our Report.

Mr. Henry Broadhurst and Mr. Justin McCarthy having respectively resigned their seats on this Commission, Your Majesty appointed Mr. James Allanson Picton on the 2nd January 1888, and Mr. Pierce Mahony on 18th April 1888, to fill the vacancies.

Immediately on the issue of Your Majesty's Commission, we prepared a series of questions calculated to cover the whole ground of our inquiry and to elicit the fullest information as to the management of markets, their cost, and the profits derived from tolls, rents, stallages, and other sources of revenue. These questions we forwarded to every owner of market rights in England and Wales, and to the owners of certain selected markets in Scotland and Ireland.

The information received from the owners has been tabulated, and the results will be found in Volume XIII., Parts I., II., and III., which accompany our Report.

We have received evidence from the owners of markets in London, and from some of the more important owners of market rights in the provinces. The minutes of our proceedings are contained in Volumes II. and VII., the latter of which we present to Your Majesty with this Report.

We decided that our labours would be greatly facilitated if local inquiries were held in many market towns in the country. With this view we appointed four Assistant Commissioners, two of whom were directed to hold inquiries in England, and two conducted inquiries in Ireland.

We reserved to ourselves the right to inquire into the management of the markets in Dublin, Belfast, and Cork, and also to hold such inquiries in Scotland as we deemed necessary.

We held 50 inquiries, examined 195 witnesses, and asked 16,087 questions.

The Assistant Commissioners in England held 171 inquiries, examined 2,074 witnesses, and asked 34,037 questions.

The Assistant Commissioners in Ireland held 143 inquiries, examined 992 witnesses, and asked 47,415 questions.

Summarising these figures, 360 inquiries have been held, 3,261 witnesses have been examined, and 97,539 questions have been asked.

The minutes of the proceedings of the Assistant Commissioners are contained in Volumes III., IV., V., VI., VIII., IX., and X., the last three of which accompany our Report. The first four volumes were presented to Your Majesty on the Ninth day of August 1888, with our First Report.

Amongst the witnesses we examined were Mr. S. B. Provis, C.B., an Assistant Secretary of the Local Government Board, England, and Mr. H. A. Robinson, an Inspector of the Local Government Board, Ireland, who explained the laws relating to markets and fairs in the respective countries.

We also examined Mr. Charles Bradlaugh, M.P., who raised the question of alleged abuses in the existing market system, which led to Your Majesty issuing your Royal Commission.

We have inquired fully and exhaustively into the markets owned by the Corporation of London, and we also examined the principal private owners of markets in London.

We desire to acknowledge the willingness of the various Corporations and private owners whom we examined to assist our inquiries, though we regret to state that in certain instances information was refused by some corporate bodies.

We proceeded to Ireland in October 1888, and held inquiries in Belfast, Dublin, and Cork, and in April 1889 we proceeded to Scotland, where we held inquiries in Edinburgh, Dundee, and Glasgow, taking evidence as to the markets in these cities, and also as to the markets in Ayr, Perth, and Stirling, and Falkirk Fair.

Through the courtesy of Your Majesty's Secretary of State for Foreign Affairs, and Your Majesty's representatives abroad, we have obtained some valuable and interesting information as to the markets in Paris, Brussels, Berlin, Vienna, New York, Boston, Chicago, as to the fairs held at Beaucaire, Leipzig, and Nijni Novgorod, and also as to the laws relating to markets generally in those countries respectively. We deal with this subject in another part of our Report, and the information thus obtained will be found in Volume XIV., which accompanies this Report.

A précis of the whole of the evidence has been prepared, and this will be found in Volume XII., which also accompanies our Report.

We now proceed to review the evidence, following as far as possible the terms of Your Majesty's reference.

A MARKET, viewed in its strictly legal aspect, may be defined as an authorised public concourse of buyers and sellers of commodities meeting at a place, more or less strictly limited or defined, at an appointed time.

This definition excludes many so-called markets which are mere private associations or meetings of traders and others, and also other marts or sales which are popularly called markets.

A MARKET RIGHT is a franchise or privilege to hold a market; to this is generally attached the right to levy tolls and other dues.

Although the reference to this Commission does not specifically name FAIRS, we have assumed that they may be dealt with as being within the meaning of the term "MARKETS," and have, therefore, included them in our inquiry.

A FAIR has been described as a larger market. Thus in Comyns' Digest we have the following definition:—"Every fair is a market—not *à contra*—" therefore, when "any statute speaks of a fair, a market should also be comprehended."

The specific difference between a fair and a market appears to be that a fair is held less frequently, it generally extends over a longer continuous period, and is of a more miscellaneous character than a market. It will be seen hereafter that difficulties have arisen in consequence of the Local Government Board having been advised by the Law Officers of the Crown that the powers of sanitary authorities with regard to markets do not extend to fairs.

Of both MARKETS and FAIRS it may be said that there are three characteristic and essential elements.

1. An authority conceded,
2. A place more or less defined, and
3. A time specified.

On these three subjects it is proposed to offer some observations, but before approaching the question of the authority by which markets are now established, it will be desirable to take a brief survey of the history of markets and fairs.

This portion of the subject has been fully investigated under our authority by Mr. C. J. Elton, Q.C., M.P., a member of this Commission, and Mr. B. F. C. Costelloe, an Assistant Commissioner, and their interesting and valuable report, with an appendix of charters and records, has been already presented to Your Majesty.

In this Report the origin of markets and fairs is traced out, and the several stages in their growth and development are described.

We must content ourselves with a few extracts from this volume, and refer those who desire to examine the subject further to the volume itself.

In this report there is abundant evidence that in various countries and from a very remote period, the State has claimed and exercised the prerogative right of establishing markets.

Vol. II.
Q. 29, 30.

Vol. I.

The ancient records of this kingdom show a continuous series of grants of market rights from the Crown, and the rolls of the courts of law furnish numerous instances of the jealous care with which the Crown has guarded its own rights; protected the rights of its grantees, and on the other hand restrained them from abusing the privileges they possessed.

ORIGIN AND HISTORY OF MARKETS.

Markets of some sort, or opportunities for bartering and exchanging goods must have been a necessity in the most primitive stages of a civilised community, and it is easy to imagine that the State, from the earliest days, found it desirable to protect and foster such markets, and, as society became more organised, to extend and increase them.

In the Report to which we have referred, it is stated that—

“MARKETS and fairs are probably quite distinct in their origin, although the legal considerations governing them have come to be so far analogous that they are frequently classed together.” Vol. I., p. 1.

And subsequently that while—

“The fair appears then to have been originally an institution derived from ancient tribal and national usages expanding in later times with the growth of the royal prerogative and the increasing necessities of commerce; the market, on the other hand, bears obvious signs of having been modelled on the rules of the Civil Law.” Vol. I., p. 7.

“Before the close of the Republic, the Senate claimed and exercised a jurisdiction to grant or refuse market rights, and a passage in Pliny’s letters (Epist. v. 4), shows that neighbouring Municipia were entitled to be heard by counsel against the application of the landowner in a way which closely resembles our later system of inquisitions ‘*ad quod damnum*’.” Vol. I., p. 7.

At a later period it is found that—

“The Frankish Kings, and afterwards the Emperors, exercised a prerogative jurisdiction over all matters of trade and traffic, including the right of establishing markets and fairs, and of exacting tolls on transport and on sales within particular districts; and the privilege was one of that kind which could be detached from the other rights of the Crown and transferred as a franchise into the possession of a subject.” Vol. I., p. 9.

Coming then to the history of our own country.

“We find in like manner that in the early English kingdoms the right of holding markets was among the *jura regalia* which might be made matter of grant. ‘The grant of a market,’ says Kerble, ‘with power to levy tolls and exercise police authority therein was a royalty in the period of the consolidated monarchy.’ Closely connected with it was the right to keep a private beam or steelyard, a yard measure, and bushel In close connection with these rights was the system of exacting tolls in ports and harbours, and upon transport by roads, bridges, and navigable rivers, which, both in England and on the continent, the kings might either remit in favour of individuals, or might empower an individual to take, ‘thus, in the first instance, creating for them a commercial monopoly of the greatest value by enabling them to enter the market on terms of advantage.’” Vol. I., pp. 9, 10.

Several instances of early grants from the Crown given in the Report throw light on the nature of the rights conferred, and the conclusion is reached that— Vol. I., pp. 11, 12, 33, 34,

“The English market system grew up by means of royal grants of monopolies to individuals; even when the franchise was enjoyed by a corporation, its origin was independent in theory of the ordinary municipal privileges.” Vol. I., p. 26.

FAIRS.

With regard to fairs we extract the following passages from this Report:

“The word ‘fair’ appears to be properly used to include what Coke speaks of as a mart. It signifies a gathering at the time of one of the annual feasts and seems to derive its name not from “*forum*” but from “*feria*,” which is the proper ecclesiastical term for a saint’s day. The feasts or wakes of the patron saints of the villages or districts may in some cases represent a continuation of pagan festivals allowed to survive from motives of public policy.” Vol. I., p. 1.

* * * * *

“There are early records which show that the gatherings at such festivals were used not only for religious purposes, but also for pleasure and business, and were from the beginning specially utilised for the purposes of trade and commerce.”

* * * * *

Vol. I., p. 1. “The concourse of persons from a distance on these occasions appears to have been facilitated from very early times by provisions for proclaiming a special ‘truce,’ which were directly perpetuated in the so-called ‘Peace of the Fair,’ or the ‘*Treva regis*,’ such as that referred to in the Domesday account of Dover.”
The Peace of the Fair is further elucidated by a reference to the Scottish law of the four Burghs.

Vol. I., p. 7. “This is the Ordinance of the Peace of Fairs in a Royal Burgh on the hither side of the water of Forth, to wit: That from the time when the Peace of the Fair is proclaimed no man be taken nor attached within the time of that Fair, either in coming to the Fair or in passing thence or in sojourning in the Fair itself, unless he has broken the Peace of the Fair, or unless he be an outlaw of the Lord King or the King’s traitor, or such a misdoer as the Peace of Holy Church ought not to save. And if he be such a misdoer or have broken the Peace of the Fair he shall be attached securely until the Moot of that Fair, and there he shall stand for his right, and justice shall be done in the matter whereof he has been charged.”

Vol. I., p. 4. “Fairs may indeed have been institutions of considerable importance with respect to their influence on the course of trade and the development of mercantile law. As has been already suggested, they seem to have contributed to secure the peace of the roads, and to have established times of local ‘truce.’ They had their own law courts, and the fact that these courts acted with the aid and for the benefit of ‘merchants from all parts’ must have tended to consolidate the mercantile law.”

Vol. I., p. 3. “There is very little reference to fairs in the collections of laws or other authorities relating to the period of English history preceding the Norman Conquest, although there is no reason to doubt that such annual gatherings took place in many parts of England throughout the whole period between the establishment of the Teutonic kingdoms in England and the imposition of the Norman Constitution.”
“Circumstances lead us to infer that such fairs as existed before the Norman Conquest were of little pecuniary value.”

Vol. I., p. 4. “There can, however, be no doubt that after the Norman Conquest the fair was treated as a valuable franchise derived from the prerogative of the Crown, and yielding a revenue in tolls and other profits to the King or the grantee of the franchise.”

Vol. I., p. 4. “With the development of foreign trade under the Plantagenet Kings the system of annual fairs undoubtedly attained a great importance. The advantage of the fair was of a double character. It supplied, as Professor Rogers says, ‘a market in which goods which could not be found in the ordinary town market would be procurable, and in which there would be a wider market for ordinary goods.’ The value of the franchise was as great to the town traders as to the foreign merchants and chapmen.”

The importance and value of fairs must have been greatly increased by the special protection which was afforded to those on their way to, at, and from a fair. And if, as is suggested, the law of “market overt” grew out of the practices of merchants at fairs, these gatherings contributed to lay the foundations of the market system.

INCIDENTS AND CUSTOMS OF FAIRS AND MARKETS.—CUSTOM OF MARKET OVERT.

Vol. I., p. 4. “Although nothing directly bearing on this point is found in our insular codes, there is a statement as to the German fairs in the ninth century, which shows that the usage was well known on the continent. This statement is found in the works of Notker, one of the St. Gall writers, living about 850 A.D., who says that ‘merchants contend that the purchase which is made at an annual fair should be valid, whether it be just or unjust, because it is their custom.’”

On this subject Mr. G. P. Goldney, the City Remembrancer, gives the following evidence:—

Vol. II.,
Q. 3. “In old times there was also another very considerable benefit to be derived from them, (*i.e.*, markets) and that was that, whereas in the private sale of goods the vendor could give no better title to the goods than he himself possessed, and therefore the purchaser would by law be compelled to restore them to anyone who could prove a better title, by sale in what was called ‘market overt’ the purchaser

“acquired a perfectly good title, of course direct fraud being supposed to be absent. It was for this purpose, as stated in the legal treatise known as ‘The Mirror of Justice’ (attributed to a certain Andrew Horne, an eminent citizen and fishmonger, who also served the office of City Chamberlain and died in 1328), that tolls were established in markets in order to testify the making of contracts; and there is no doubt that in old times all market bargains were made before an official, whether the Reeve, or some person appointed by him, or, in many cases, before two or three witnesses. It is also undoubtedly the case that in Saxon times private contracts above the value of twenty pence were entirely discountenanced, and everything of a superior value was obliged to be sold before witnesses.”

And on the same point Messrs. Elton and Costelloe observe as follows:—

“The laws of Ina had provided, as early as A.D. 690, that no one should buy anything outside a town except in the presence of credible men. Almost all the early English codes provided for publicity of sales.” Vol. I., p. 15.

“In the course of the 10th century an effort appears to have been made to prevent all buying and selling, even of cattle, except in a market town . . . In the laws of Athelstan, passed at the Witan of Greatanlea about 925 A.D., it is enacted, that none shall buy any property without port, . . . but the bargain shall be within port, on the witness of the Portreeve or other unlying man, or with the after witness of the reeves at the folc-mote. This severe enactment was, however, repealed within 10 years . . .”

“The laws attributed to William the Conqueror reverted to the severe legislation of the earlier kings, bargains and sales outside the towns being prohibited, and being only allowed in any case if made before three credible witnesses, on pain of losing the value of the purchase (if claimed) and paying a fine besides. According to the extant version of these laws in the so-called ‘Charter of the Conqueror,’ sales were only allowed to take place in cities, boroughs, walled towns, castles, and other safe places, where there was sufficient good government and security to ensure respect for the authority of the common law and the maintenance of the rights of the Crown. The reasons here given for the supposed prohibition of country markets may be due to an afterthought of the Norman lawyers, the principle of the English laws on the subject having been based on the expediency of having a special class of witnesses for the transfer of property.” Vol. I., p. 15. see also p. 33.

TOLL.

“It is possible that at one time the franchise called ‘tol’ or ‘theloneum’ may have included the liberty of setting up markets and regulating trade throughout all the lands belonging to the grantee of the privilege. But it is clear that in the 11th century the principle had been adopted, whether it was formally enacted by William the Conqueror or not, that markets and tolls should be confined to those places which were appropriated to such uses by custom or charter, or which should thereafter be so appropriated by the King or a mesne lord acting under authority delegated by the Crown.” Vol. I., p. 16.

Although toll is not incident to a fair or market without a special grant, it is probable that few market owners were without this right, which with other dues such as stallage and piccage rendered the privilege valuable; but even independently of any value which a market or fair might possess as a source of revenue, it can be easily understood that the indirect advantages of a monopoly of this character were such that a charter or grant from the Crown conferring the right to establish a market was eagerly sought for.

COURT OF PIE-POUDRE.

An ordinary incident of a market or fair was the Court of Pye Poudre, which was “A court of summary jurisdiction, as to contracts in the market or fair for goods there brought and sold, for battery or disturbance there, or for words to the slander of wares in of the market there.”

Comyns' Digest, c. v. "Market."

The Court is described by Blackstone in his Commentaries as

“A court of record incident to every fair and market of which the steward of him who owns or has the toll of the market is the judge and its jurisdiction extends to administer justice for all commercial injuries done in that very fair or market and not in any preceding one, so that the injury must be done complained of heard and determined within the compass of one and the same day unless the fair continues longer.” Com. III. 33.

Vol. II.,
Q. 859.

This Court is now practically obsolete, though we have received some evidence of a Court known as the Tolsey Court, being held at Bristol as late as the year 1885, and we may refer to the statute of 17 Ed. IV. cap. 2 as describing the duties to be performed at such Courts.

Liber Albus,
Vol. I., p. 46.

It has been already noted that closely connected with the right of holding a market, was that of keeping standard weights and measures, and it may be added that the market owners, in some cases at least, provided sworn meters for measuring cloth, corn, salt, &c. It was apparently their duty to examine weights and measures and to hold assize of cloth and bread and ale, and in the proceedings in Quo Warranto, owners are called in question for not keeping tumbril and pillory for the corporal punishment of offenders, or for taking fines in place of inflicting such punishment.

Vol. I., p. 63.

By the statute of Northampton 2 Edw. III. c. 15, the Lord of a fair was bound at its commencement to publish the time for which it was to continue, and these proclamations were apparently made the opportunity for laying down regulations for the peace and order of the fairs. Mr. W. Casson produced in evidence a copy of a proclamation still used, and made by the bailiff of the Manor of Broughton in Furness.

Vol. II.,
Q. 859.

GRANTS OF MARKETS AND FAIRS.

Vol. I.,
p. 108.

The calendar of grants of market and fairs given in Vol. I., contains a list of more than 2,800 grants in about 285 years [A.D. 1199-1483]. More than half of these were made in the first 74 years of the period, viz., during the reigns of John and Henry 3rd.

p. 132.

Specimens of similar grants in the 17th & 18th centuries are given in the Appendix to Vol. I., and a complete list of those recorded in the Patent Rolls since A.D. 1700 is given in the Appendix to our Report.

INQUISITIONS CONCERNING MARKETS AND FAIRS.

Vol. I., p. 22.

"The records called the Hundred Rolls and the Placita de Quo Warranto contain a considerable amount of information as to the development of our market system. One of the first Acts of Edward I. on his return to England from the Crusade was to inquire into the state of the royal demesnes, and of the rights and revenues of the Crown, including an inquiry into the conduct of the sheriffs and other officers who might have defrauded the Crown or oppressed the people by exactions. Among the Articles into which the justices itinerant inquired in their ordinary septennial circuits there were many which bore on questions of trade and commerce. . . . Among the new pleas to be inquired into were those relating to weights and measures: to the sale of wine in breach of the assize in cities, boroughs, and other market towns: to the levying of new tolls and customs: to the change of markets from one day to another without the King's licence, unless the change were from a Sunday to a week day: and to the erection of new markets without the royal licence and authority. . . . The King issued a special commission directing the justiciaries to make inquiry (*inter alia*) into liberties, fairs, markets, &c. . . . The juries had power to make presentments as to all cases of the exaction of illegal tolls, or as to interference with trade by improper claims of rights as to fairs and markets. The Commissioners having in the next year returned their rolls of inquisitions . . . certain rolls were drawn up, containing a selection under the denomination of 'Extracts.'"

Vol. I., p. 23.

"The Hundred Rolls taken under a special commission of the 7th year of Edward I., also form a valuable survey of certain counties. . . . The Statute of Gloucester, enacted in the 6th year of the reign of Edward I., of which the first part relates to liberties and franchises, appears to have been based upon the inquisitions taken under the commission issued at the beginning of the reign

Vol. I., p. 23.

" By virtue of its provisions proceedings were instituted against a great number of persons as to whom the juries had presented that their franchises were illegally claimed, or that the title thereto was unknown, the parties being summoned to answer in proceedings on Quo Warranto by what title they claimed to have the rights as to which the presentments had been made. The rolls of the pleadings in answer to these charges and the judgments thereon for the reign of Edward I. and his two immediate successors are known as the 'Placita de Quo Warranto,' and were printed by command under that title

" in 1818. Specimen extracts from the Records themselves will be found in the " Appendix to Vol. I."

Vol. I., p. 68.

Among the subjects of complaint specified in these pleas are the setting up of illegal markets—of markets without warrant—of markets to the prejudice of the King or others who were owners of markets in the neighbourhood—of the exaction of illegal, increased or new tolls—of the taking toll at improper times and places—of the demand of toll from those who claim to be toll free, &c.

In one instance, at least, the offence appear to have been not holding the market and fair, for the verdict was, that the owner had kept the market and fair as far as it lay in his power, for it often happened that none came there to do business.

Vol. I., pp. 23, 57-62, 64.

As an indication of the classes who owned or claimed markets and fairs at this period, it may be noted that in the entries from the Quo Warranto Rolls, the claimants were as follows:—

Private or individual owners	-	-	-	-	202
Religious houses or church dignitaries	-	-	-	-	116
Burgesses and associations of merchants	-	-	-	-	15
Claimants not distinguished	-	-	-	-	32
					<hr/>
					365

By means of these inquisitions, the duties of market owners were enforced, and the public and the honest trader were protected and benefited, and if the owners had received in the grant a privilege and monopoly they were called upon to discharge public duties in return for their rights. Mr. Casson urges this point in his Evidence.

"The common law text books state very clearly that originally market owners were required to perform certain duties. The principal among these was the settlement of disputes, and in other ways they were required to protect the market generally against inroad and of course in turbulent times they undertook the protection of the people and of the goods in the market."

Vol. II., Q. 859.

MARKET MONOPOLY.

The franchise of a fair or market being recognised as a monopoly and valuable privilege the owners naturally objected to any extension of similar privileges to a place in their own neighbourhood which might compete with them.

"There was everywhere great jealousy of the invasion of a profitable monopoly by the usurpation of new trading privileges. Whenever any grant of a new market or toll was solicited from the Crown it was necessary to inquire by a jury on a writ *ad quod damnum*, whether the grant was prejudicial to the King or to others in case it should be made, and the charters of grant were framed with a saving clause to protect the interests of the owners of neighbouring markets. Bracton, in his treatise *De Legibus* (f. 235), states that a market would be a nuisance if set up within six miles and two-thirds of a mile from the site of an existing market. His reason for selecting this limit was that an ordinary day's walk may be taken at 20 miles, and that dividing the time into three portions, the morning will be used in going to market, the middle of the day in buying and selling, and the other third part of the time in returning home. He observes that the time allowed for business may not be enough for the 'mercatores stellati,' or chapmen exposing their wares on stalls, and he points out that the market folk had to get home by daylight, because of the abundance of robbers."

Vol. I., p. 21.

It has been already stated that the English market system grew up by means of Royal grants, and it may be said broadly that until a comparatively recent period the ordinary means by which a market was established was by soliciting and obtaining a grant from the Crown.

But some notice may here be taken of the concurrent action occasionally taken by Parliament, as in the first year of Edward the Third, when a statute charter confirmed the liberties, customs, and privileges of the city of London, and granted that no market within "seven miles roundabout the aforesaid city shall be granted by us or our heirs to anyone." This Charter has been critically examined and expounded in the House of Lords by the Lords of Appeal in the recent case of *The Great Eastern Railway Company v. Goldsmid*.

Lord Selborne (L.C.) in giving judgment said—

Law Reports
1884.
ix. 931.

“The document of the first year of Edward the Third may, I think, perhaps be justly reckoned, allowing for the difference of the usage of very ancient times from that of the times in which we live, as being either in the same category, or a similar category, with those statutes which we now call private or local and personal Acts of Parliament.”

And Lord Blackburn and Lord Fitzgerald concurred in this view. The former spoke of this Charter as granting nothing but what the King could have granted himself by prerogative.

Plint, I. 12.
Rolls of
Parliament.
Aberford, I. 203^a.
Bassingburn
II. 388^a.
New Sarum,
I. 174^b.
Blandford,
I. 193^b.
Leighton
Buzzard, V. 131^b.
Holmeoltram,
I. 161^b.
Rye, I. 477^a.
I. 97^a.
Crosstwayt,
I. 197^a.
Clee, I. 412^a.
V. 139^a.
I. 98^a.

The Rolls of Parliament record several grants of markets and fairs, some of which are apparently an enrolment of Charters from the Crown. There are also concessions to grantees permitting them to change either the place or the time for holding the market or fair. The famous fair at Winchester having been seized by the Crown Escheator because it had been kept beyond its proper term was re-granted to its former owner. Markets which had been set up to the injury of other lawful markets were put down; various complaints on the subject of markets were ordered to be inquired into, and in one case—that of the Rector of Wigan, who complained of an infringement of his rights by the burgesses of the town—the complainant was referred to the Law Courts for a remedy.

An entry on the Rolls of the 21 Edward I. indicates a disposition on the part of Parliament to question the right of grantees to give, sell, or otherwise concede to strangers the franchises which had been granted to them. In reply the King's prerogative is strongly asserted; the matter is referred to the judges and does not appear to have been followed up.

Whatever opinion may be entertained as to the action of Parliament in these cases it seems unquestionable that the Sovereign, by his prerogative right, and without any reference to Parliament, granted market and fair rights from an early period down to the present reign.

The calendar of applications for grants of markets and fairs, and of the grants thereof enrolled on the Patent Rolls between 1700 and 1846 A.D., to which we have referred, has been compiled for us from materials in the Public Record Office, from which it will appear that the actual number of grants during that period was inconsiderable. Leaving out of account those grants which confirmed, extended, or varied rights previously existing, we have in England and Wales, exclusive of the metropolis, only 24 markets created during 147 years; while during the 46 years of this present century only 11 grants have been made. Two of these were grants of markets in the metropolis; three extended existing rights; and in three of the remaining instances no markets are now in existence.

See Appen-
dix.

The mode of procedure in the case of an application for a grant from the Crown is thus described in the 2nd report of the Deputy Keeper of the Public Records (1841).

“Grants of markets require the ancient process of a writ *ad quod damnum*, which is issued by the clerk of the petty bag as cursitor. The authority for this writ is the *fiat* of the Attorney-General, which is granted very much as a matter of course. The writ is directed to the sheriff of the county, and the verdict or inquisition of the jury being that Your Majesty's grant will not be to the damage of Your Majesty or your lieges it is returned into the petty bag office. The party then applies by permission to Your Majesty transmitting at the same time an office copy of the inquisition. An order of reference is then made to the Attorney-General as to the expediency of granting the market, and if the report be favourable Your Majesty's warrant follows.”

While, however, the prerogative right of the Crown has never been formally surrendered, Parliament has freely sanctioned the establishment of new markets, both by special local Acts and by general legislation.

It would be difficult to state what was the earliest instance of an establishment of a new market by Act of Parliament. Many of the Acts relating to markets confirmed or extended existing rights, or sanctioned the transfer of such rights from individuals to local authorities, or to private trading companies.

MODERN LEGISLATION.

The passing of the Local Government Act of 1858 may be said to have inaugurated a new era in the history of markets, since it gave to local authorities conditional powers to establish markets.

10 Vic., c. 14.

Before the passing of this Act, the “Markets and Fairs Clauses Act, 1847,” had formulated a scheme for the establishment and regulation of markets, but its application

was limited to those cases where its provisions should subsequently be incorporated in an Act of Parliament. The object and scope of this Act are thus defined in the Preamble thereto:—

“Whereas it is expedient to comprise in One Act sundry Provisions usually contained in Acts of Parliament authorising the Construction or Regulation of Markets and Fairs, and that as well for avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves. Be it enacted; &c.

* * * * *

“This Act shall extend only to such Markets or Fairs as shall be authorised by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith.”

Some of the Clauses of this Act were subsequently incorporated in the Local Government Act, 1858, and afterwards in the Public Health Act, 1875.

The last-named Act has superseded the Act of 1858, and being now in force it will be desirable to state what are the powers conferred by it on public bodies with regard to markets.

A Digest of these provisions was handed in by Mr. S. B. Provis, C.B., Assistant Secretary to the Local Government Board, and his evidence may be referred to.

The Act empowers Local Authorities under certain conditions to establish markets—to acquire, by purchase, or lease, public or private rights in markets and tolls;—to purchase or take on lease lands;—to provide buildings and all matters and things that may be necessary for the convenient use of the market;—to make byelaws for the regulation and management of markets;—and to take stallages, rents, and tolls for the use of the market.

The Local Authorities, upon whom these powers are conferred, are practically Urban Sanitary Authorities, which include Boroughs, Improvement Act districts, (*i.e.*, districts constituted by local Acts under Improvement Commissions,) and Local Government Districts (*i.e.*, districts formed under the Public Health Act, 1875).

The authorities of Rural Sanitary Districts, which include the whole of England and Wales not within an Urban Sanitary District or the Metropolis, may be invested by the Local Government Board with all or any of the powers of Urban Authorities; but the Board have never exercised this power, partly because they have very rarely been asked to do so, but also for other reasons which are stated by Mr. Provis.

In the case of a Borough it is necessary that the Town Council should obtain the consent of two-thirds of that body in order to enable them to exercise the powers conferred by the Public Health Act. Improvement Commissioners and Local Boards must, in like manner, obtain the consent of the owners and ratepayers at a meeting convened for the purpose, on the requisition of 20 owners or ratepayers.

The powers of the Local Authorities are, however, limited by section 166 of the Act, which expressly provides that no market shall be established in pursuance of it so as to interfere with any rights, powers, or privileges enjoyed within the district by any person, without his consent. The question as to what constitutes such an interference can only be decided by a court of law.

But cases which are cited in the Digest, show that the powers of local authorities are narrowed and circumscribed in two different directions by section 166 of the Public Health Act:—(1.) They cannot set up a market to the injury of any existing market rights, and (2) in removing a market they run the risk of interfering with vested rights which owners of property in the vicinity of the market may have acquired.

POWERS OF LOCAL AUTHORITIES UNDER THE PUBLIC HEALTH ACT.

Local Authorities availing themselves of the powers of the Public Health Act, with regard to markets, must obtain the approval of the Local Government Board; (a) to borrow money under the Public Health Act; (b) to purchase land compulsorily; (c) to make byelaws; (d) and to levy tolls where no tolls have been levied previously in connexion with markets.

(a) *Borrowing Powers.*

With regard to borrowing powers, the Statute allows the authorities to borrow for such period, not exceeding 60 years, as they with the consent of the Local Government Board may determine, and the term for repayment is always one of the points which is considered by the Board in connexion with the borrowing of money.

Vol. II.,
Q. 3-64.

See also
Appendix to
this Report.

Vol. II., Q. 7.

Vol. II., Q. 64.

Vol. II.,
Q. 11, 12.

Vol. II.,
Q. 14, 17.

Vol. II.,
Q. 87, 88.

Vol. II.,
Q. 3-64.

Vol. II.,
Q. 3.

Vol. II.,
Q. 34.

Vol. II.,
Q. 55. The amount borrowed must not exceed two years' rateable value of the district, and if it is over one year's rateable value the sanction of the Board cannot be given without a previous local inquiry.

Vol. II.,
Q. 53, 54. The security for the loan is a mortgage of the rates out of which the expenses of the Urban Sanitary Authority are defrayed—that is the general district rate to which land is rated at one-fourth. Under the Public Health Act neither the market itself nor the tolls can be mortgaged. The amount of outstanding loans for markets alone was, in 1887, in the case of town councils, 1,900,000*l.*, and in the case of other urban authorities, 257,000*l.* Loans are repayable either by equal annual instalments of principal, or principal and interest combined, or by means of a sinking fund, at the option of the local authority.

Vol. II.,
Q. 80, 81.
Vol. II.,
Q. 115–117.

(b.) *Compulsory purchase of Land.*

Vol. II.,
Q. 47–49. After certain statutory notices have been given, and a petition presented to the Local Government Board, a local inquiry is held. If the Board approves, a Provisional Order is made, and, unless opposed, is carried through Parliament in the usual manner.

(c.) *Byelaws.*

Vol. II.,
Q. 35–36. An Urban Sanitary Authority may, with respect to any market belonging to them, make byelaws for the regulation of the market. These will not take effect until after they have been confirmed by the Local Government Board. Before such confirmation they must have been published in the local newspapers, and the Local Government Board are empowered to allow or disallow them. The Local Government Board have issued a model series of byelaws on which local byelaws are founded.

(d.) *Tolls.*

Vol. II.,
Q. 37, 38, 44. Where a Sanitary Authority acquire a market in which tolls are already charged they may levy those tolls without the sanction of the Board, but any alteration of these tolls must be approved as in the case of a new market.

Vol. II.,
Q. 43. A question has arisen as to the power of the Local Authorities to make byelaws and levy tolls, &c., where the market is held in the streets and a market place has not been provided. The law officers, as we are informed, advised that the authorities might deal with such markets under the Public Health Act, notwithstanding the express provision of the 31st section of the Markets and Fairs Clauses Act, 1847, that the market authority are not to demand or receive any stallage rent or toll until the market-place . . . in respect of the use of which the same is demanded is completed and fit for the use of the persons resorting to it.

The approval of the Local Government Board is not necessary for charging stallages and rents.

A market having been established under the Public Health Act, and a market-place provided, restrictions are imposed upon the sale of articles outside the market, which may be sold in the market. These restrictions have been a fertile source of annoyance and complaint. This subject will be dealt with more fully hereafter.

Local Authorities (in England and Wales) have thus at the present time ample powers for the creation of a new market where there are no existing market rights to be injuriously affected by such an establishment; and for the acquirement by arrangement of any existing rights; but they have no statutory power to acquire compulsorily such rights, and the only means by which such an object can now be accomplished is by the authority of Parliament.

The provisions of the Public Health Act with regard to markets do not extend to the Metropolis in which new markets can only be set up by grant from the Crown or by an Act of Parliament.

SUMMARY.

To sum up the result of this somewhat lengthened survey it may be stated that from the earliest time to the present day the State, either by the authority of the Sovereign alone or of Parliament, has created and originated markets, and that without such authority no legal market can be set up; that until recently each grant of a market was a separate and distinct act; but that now local authorities have a presumption in favour of their claim to set up a market, and the means for their carrying out that object are prescribed by public statutes.

We have thus far dealt mainly with the question of the authority under which markets are held—though incidentally the conditions as to place and time which affect the action of market owners have been alluded to—we subjoin a few remarks on these two subjects.

2. A market or fair is limited to a particular place or district.

Mr. S. B. Provis, handed in to us a "Digest of legal decisions in cases relating to Markets," which had been prepared by the Local Government Board. This Digest is printed in the Appendix to this Report.

It appears from this Digest and from other evidence which we have received that ordinarily the holder of a market has the right of removal, within certain limits, and the right of setting up new and additional markets within those limits. "The Lord of a manor to whom a grant of a market is made *infra* Villam de W . . . may hold anywhere *infra* Villam de W. . . . the lord has a right to remove the market place from one situation to another within the precinct of his grant." Vol. II., Q. 3.

In another case it was held that "the right of removal was incident to the grant."

Mr. G. F. Goldney in his Evidence quotes the following passage from 3 Clark and Finelly's House of Lords Cases:—"A grantee of a market may hold it anywhere he pleases within certain limits or in more places than one, and may change the place in which it is held. . . ." Vol. II., Q. 3. Rex. v. Cotterill, B. & A., 67. Vol. II., Q. 370.

Other cases cited in the Digest show that the power of removal depends upon the nature of the grant, and that the exercise of the power is limited by many considerations and surrounded with difficulties.

3. Market and fair rights are limited to a time specified.

Grants of market and fairs usually specify the days on which they are to be held, and in the extracts from the Abbreviatio Placitorum in the appendix to Vol. I. will be found several cases where owners of markets were amerced for having changed the day without licence. Vol. I., App., p. 5 ix3.,

"Where the grant specifies certain days on which the market is to be held no length of user will entitle the grantee to hold markets on other days." Vol. II., Q. 3.

It has been contended that the grantee forfeits his right if he holds his market on another day than that specified. Vol. II., Q. 5003.

On this point Comyns, a recognised authority, states—

"By Statute Northampton, 2 Edward III. 15, if a man holds a fair beyond the time allowed he forfeits the franchise. So if he hold his market at another day." Comyn's Digest, Vol. IV., 187.

"But if a man hold his market upon the day allowed, and upon another day, he shall not forfeit his market, but shall be punished for the addition of the day."

We have previously noticed a record that the fair at Winchester was escheated because it was kept beyond the authorised period, and we have had evidence of a market which is reputed to have escheated to the Lord of the manor in consequence of an unauthorised change in the day of holding it.

Mr. A. H. Malim, Town Clerk of Grantham, states that the Corporation of Grantham, holding a market under a Charter of Charles I., changed the day about 130 years ago, and as a consequence the Lord of the manor claimed the market and became the owner. There is little doubt that in many cases changes have been made without authority and without forfeiture. Vol. II., Q. 5746-8.

The calendar of modern grants from the Crown contains several instances of a change of day being sanctioned, the last grant of the kind being made to the late Lord Palmerston in 1827. Calendar, 1700-1826, See Appendix to this Report.

Local Authorities acting under the Markets and Fairs Clauses Act, or the Public Health Act, can, however, subject to the consent of the Local Government Board, make byelaws, and by these byelaws they can fix the days and hours for holding markets. They may thus convert a market granted for one day in the week into one held every day. Digest of provisions of Public Health Act, handed in by Mr. S. B. Provis. Vol. II., Q. 941. See also Appendix to this Report.

We proceed to consider the past history of markets in London and in Scotland and Ireland in so far as they differ from that which we have already described.

LONDON.

The development of the market system here has proceeded on the same lines and has been governed by the same laws as in other parts of England and Wales with one important exception: the Local Government Act, 1858, and the Public Health Act, 1875, do not apply to the Metropolis. The only means therefore by which a new market could now be established within the limits of London would seem to be by Royal Charter or by Act of Parliament.

We shall have later on to describe the existing markets and market rights within this area, and the title by which they are held. We will therefore in this place only notice briefly the historical aspect of the subject.

The following passage from Messrs. Elton and Costelloe's report describes the importance of London as a centre of trade in the earliest period of our history:—

Vol. I., p. 8.

"London was described in the time of Tacitus as '*copia negotiatorum et commeatumum*' 'maxime celebre,' and we have no reason to doubt the historian's statements in the 'Life of Agricola to the effect that the British towns were wealthy and peaceable, and furnished with temples and market places and other public institutions. London certainly continued to be a place of great importance during the occupation of this country by the Romans. It was the seat of the provincial treasury, and was probably the residence of some of the higher civil officials; but we know nothing of its history during the period between the first victory of the English invaders and the time when we find it parcelled out like a shire into a number of private estates and territorial franchises and jurisdictions."

Passing on to Saxon times we learn that—

Vol. I., p. 10.

"The '*Instituta Lundoniæ*,' a code of mercantile enactments appearing in an old Latin version between two other collections of Aethelred's laws of the dates 997 and 1008, includes a minute account of the dues and trade of Billingsgate. If a small ship came to Billingsgate, it paid a halfpenny for toll; but a greater ship having sails paid a penny. If a keel (*ceol*) or hulk (*hulcus*) come and lay there, it paid 4*d.* toll. Of a ship laden with timber, one balk was the toll. For a boat with fish coming to the bridge, the merchant (*mango*) paid $\frac{1}{2}$ *d.*, or for a larger fish-boat 1*d.* There were, even at this early time, special 'treaties of commerce' with foreigners. 'The men of Rouen' who came with wine or fish paid 'rights' of 6*s.* for a great ship and one measure of fish in 20. The merchants of Flanders and Normandy and France had to exhibit all their goods and pay the full toll (*extolneabant*). The traders of the Hague and of Liege and of Brabant, even if they were passing through the country, had to declare their goods and pay toll. But the Emperor's men, if they came in their own ships, 'were held worthy of good laws even such as we have ourselves'; and they might buy upon their own ships small quantities of wool, or fat, or live pigs, and the *burhmanni* might not take of them any 'forecap' (possibly a fine for leave to sell their own cargo). The merchants paid a special toll at Christmas of two white loaves and a brown loaf, and ten lbs. of pepper, and five pairs of gloves and two horse-casks of vinegar, and the same at Easter.

"After these references to foreign merchants, the text returns to the subject of ordinary tolls on marketable commodities, referring apparently to those which came by land to some of the other gates. Baskets of poultry carried on a man's back gave one hen for toll, baskets of eggs paid five eggs for toll, 'if they were coming to market,' meaning probably that provisions coming in for private use were not charged. Butter and cheese merchants had to pay for a licence 1*d.* 14 days before Christmas, and seven days after Christmas another 1*d.* Bread was charged with toll on three days of the week—Sunday, Tuesday, and Thursday."

Vol. I., p. 42.

Some interesting extracts from Mr. Riley's translation of the Liber Albus are contained in the Appendix to Vol. I. Mr. Riley thinks "that these enactments are probably of the reign of Edward I., but they doubtless codify the long established custom."

This code exhibits a most elaborate system of customs or tolls on articles brought into the City by those who were not of the franchise.

Vol. II.,
Q. 367.

Mr. G. P. Goldney states in his evidence that the earliest charter now in the possession of the Corporation of the City of London is a Charter Statute of the 1st. Edw. III. (1312), to which we have already alluded, which sets out and confirms the privileges of the City that no market should be erected within seven *leuca* of the City (about $6\frac{1}{2}$ miles). If the terms of this Charter had been strictly observed no market could have been established within what is now the Metropolis as defined by the Metropolis Management Act, 1855. In the 17th century the Corporation opposed

Vol. II.,
Q. 411.

numerous applications which were made for charters to establish new markets, but this opposition was not in all cases successful; and it is stated that "in recent times the policy of the Corporation has been to recognise and assist in every way the establishment of retail markets all over the Metropolis."

Mention has been already made of the custom of market overt as tending to increase the value of markets as public institutions. Vol. II., Q. 357.

Generally this custom of "market overt is confined to the particular days mentioned in the charter," "but every day in the City is a market overt, and what is more the City itself is a market overt, and all shops in the City are market overt for the goods which each shopkeeper proposes to deal in."

SCOTLAND.

Messrs. Elton and Costelloe in their Report notice a distinction between the market system of England and that of Scotland. Of the latter country it is said—

"The right of market appears there as one of the ordinary privileges of a trading town. Each town received from the Crown in very early times monopolies of buying and selling within a considerable tract of country." Vol. I., p. 26.

We quote the same Report for illustrations of the development of Municipal Burghs, their trading privileges, and the customs by which trade was regulated, and the development of the market arrangements of Scottish towns.

It would appear that although as has been said towns possessed market rights as one of their ordinary privileges, private rights grew up in the Burghs of Barony. On this point we quote from the same Report.

"The trading privileges of the Burghs of Barony, which were Burghs founded by private lords on their own lands, arose by means of exemptions under the King's authority from the exclusive rights of the Royal Burghs which had been founded on the demesnes of the Crown. By means of such exemption they soon obtained the same trading privileges as the other municipalities. Thus William the Lion granted to the Abbot of Kelso market rights in his town, except on the day fixed for market at Roxburgh, the town of Kelso being within the territory allotted to Roxburgh for trading purposes. The largest commercial town in Scotland arose out of a similar licence for the erection of a market town, Glasgow having been before that time nothing more than the seat of a bishopric, a great part of the estates of which, for trading purposes, formed part of the territories of the royal burgh of Rutherglen." Vol. I., pp. 28, 29.

Whether it was owing to the fact that the Crown was in Scotland less powerful than in England, or whatever the cause, it would appear that the Scotch Parliament exercised a greater power with regard to markets than that of England.

Thus Sir James Marwick, the Town Clerk of Glasgow, from whom we have received valuable assistance, has cited an Act of Parliament, passed in 1581, altering days for holding fairs at Stirling; the ratification of a Charter to Dundee in 1606; and many other instances may be found in his historical survey. Vol. VII., Q. 15,350.

The recent development of the market system in Scotland has been similar to that in England. By the "General Police and Improvement (Scotland) Act, 1862," section 364, the Local Authority in any Burgh or town adopting the Act has precisely the same powers as regards markets as are conferred upon Urban Sanitary Authorities in England. 25 & 26 Vict. c. 101.

IRELAND.

The history of markets and fairs in Ireland is not very dissimilar to that of England, inasmuch as from the first commencement of English rule the rights and privileges pertaining thereto have until recently been granted or are assumed to have been granted by the Crown. To quote again from Messrs. Elton and Costelloe on this point we read:

"The development of the system of market rights in Ireland was considerably influenced by the special circumstances of Irish history. The first Urban settlements appear to have been made by the Danes, who founded Dublin in the year 840, and in the course of the next century a number of commercial towns grew up under the Danish rule along the Irish coast, including Limerick, Waterford, Wexford, Cork, Carlingford, Strangford, and Larne, besides two subordinate ports at Arklow and Wicklow belonging to the kingdom of Dublin." Vol. I., p. 29.

"Dublin was a place of considerable commercial importance, and enjoyed the benefits of a special trade with Bristol. Some of the other towns, as Waterford and

"Limerick, were at one time almost independent kingdoms, but we know little of the internal organisation of these communities before the Norman invasion."

After noticing some of the early Charters and Patents relating to Ireland the Report continues thus:—

Vol. I., p. 29.

"After the introduction of the Norman forms of tenure, the existing Letters Patent show how the lands and dominions of the Irish chiefs were dealt with by the English law. Grants of markets and fairs in the English form were not uncommon, and at a later period they formed a considerable source of revenue for the Crown.

"During the long prevalence of the Civil Wars, many of the original grants of market and fair must have come to nothing, and we know that even within the Pale the towns were for a long period in a state of decay: but whenever quiet was restored in any part, fresh grants were made by the Crown, and about the 10th year of James I., no less than 40 towns were incorporated with a grant of municipal franchises. The tolls taken in the Irish towns seem to have been heavy and in many cases oppressive, as will appear by a series of entries in the Journals of the Irish House of Commons between 1635 and 1642, extracts from which will be found in the Appendix, where also will be found a docquet of the customs taken at Dublin in 1763."

The history of markets and fairs in Ireland was thoroughly investigated by a Commission appointed by the Lord Lieutenant in 1852 "to inquire into the state and condition of the Fairs and Markets" in that country. The Report, dated 21st May 1853, is now somewhat difficult to procure, and we have therefore printed a copy of it in the Appendix to this Report.

In this Report the Commissioners describe at length the authorities under which markets are held and the means by which at that time new rights were acquired, the different classes of proprietors, the tolls and other charges, the amount of accommodation, and the services rendered in return for such charges.

Report 1853.
See Appendix to this Report.

The Report gives a vivid picture of the gross abuses, the injustice, waste, and inconvenience which characterised the market system of the day. The Commissioners pointed out that "the exaction of 'unreasonable tolls, not warranted by law, charter, or usage,' has been complained of for a number of years, and repeatedly made the subject of Parliamentary Inquiry, and yet remains to this day without adequate remedy;" they reviewed the recommendations of various Select Committees of Inquiry, and finally recommended legislation of a very drastic character for the investigation and registration of the titles of all claimants of market and fair rights, for the regulation of markets and fairs, and of the tolls and customs taken there, for the weighing of produce brought into market, for the assimilation of weights and measures, for recording prices of commodities and generally regulating markets and fairs in a systematic manner.

Report 1853.
See Appendix to this Report.

The Report concludes with the following words: "It only remains for us, in conclusion, respectfully to represent to your Excellency, that the system which we have witnessed, by which the social commerce of the people of this country has been almost uniformly overlaid with vexatious exactions, and they themselves struggling against fraud with counter-fraud, appears to us to be equally injurious to their moral character and their pecuniary interests; that the immediate correction of the abuses we have endeavoured to describe is essentially requisite; and that both the mercantile and agricultural classes entertain the most anxious hope, that when Her Majesty's Government are made fully acquainted with the magnitude of the evils, they will be disposed to encounter the difficulties of their abatement."

Vol. II.,
Q. 232.

Mr. H. A. Robinson, an Inspector of the Local Government Board, Ireland, states, that since the date of the Report, "There has been no legislation affecting the markets held by private individuals, and those markets remain in precisely the same state as they were in at that time, but there has been some legislation with regard to markets held by Corporate and other bodies."

Up to the date of this before-mentioned Report the markets and fairs in Ireland (excepting only the markets of seven of the chief towns where Local Acts of Parliament had been obtained) were presumed to be held by prescription or under a direct grant from the Crown.

Local Government Act, 1871.

The Local Government Act of 1858, which has been noticed as the first Act of Parliament which gave to Local Authorities in England general powers with regard to markets, did not extend to Ireland, and it was not until 1872 that the Authorities in that country were invested with powers of acquiring and establishing markets.

Mr. Robinson in his evidence states what are the provisions of "the Local Government Board (Ireland) Act, 1872," "the Public Health Act, 1874," and "the Public Health Act, 1878," with regard to markets. These Acts empower Local Authorities, with the consent of the Local Government Board, to establish markets, exact tolls, and make byelaws for the regulation of markets belonging to them, but in the exercise of their powers they are restrained as similar Local Authorities in England are from establishing a market "so as to interfere with any rights, powers, or privileges, enjoyed within the district by any person without his consent."

The consent of the Local Government Board (Ireland) is required to authorise Local Authorities to borrow money for market purposes, and the amount to be borrowed is limited to a sum not exceeding twice the amount of the valuation of the Urban Sanitary District for which the Local Authority acts.

It may be mentioned that Urban Sanitary Authorities exist only in towns having a population of 6,000 or upwards, and that in smaller towns there is no Local Authority which possesses any power to establish, acquire, or regulate markets.

MARKETS IN FOREIGN COUNTRIES.

We have now described at some length the origin of markets in the United Kingdom, the authority by which they exist, and the means whereby new markets are originated. We propose very briefly to notice the practice of some foreign countries with regard to markets.

By the courtesy of Your Majesty's Secretary of State for Foreign Affairs we have obtained some information as to markets and fairs in several European countries and the United States.

We are indebted to Mr. E. H. Egerton, of the British Embassy, Paris, for replies to our circular of inquiries respecting French markets generally, and the markets of Paris and the fair at Beaucaire in particular; to Mr. M. le M. H. Gosselin, the Secretary of the British Legation, Brussels, for similar information as to Belgium and Brussels; to the Secretary of the Embassy (Mr. E. C. H. Phipps), and the Consul-General (Mons. Gustavio Nathan) for replies as to Austria and Vienna; to Her Majesty's Consul-General (Herr Gerson von Bleichröder) for replies as to Germany and Berlin; and to the British Consuls at Boston, Chicago, and New York, for information as to markets in those places; to Baron B. Von Tamlunz, Her Majesty's Consul-General, for a Report on the fairs of Leipzig; and to Mr. John Michell, Her Majesty's Consul at St. Petersburg, for a report on Russian Fairs, more particularly with regard to the fair held at Nijni Novgorod.

At our request Major Craigie, Secretary of the Central Chamber of Agriculture, visited the markets of Paris and Brussels. In his report and evidence will be found very full and valuable information as to the administration of markets in the cities of Paris and Brussels, the principal sources of supply of the various commodities sold there—the method of conducting sales, and the means adopted for ascertaining and publishing market prices. We shall have further opportunities of noticing this evidence. We desire at the present moment to extract from the materials at our command information as to the present ownership of markets and the means by which new markets are originated and established in foreign countries.

It appears that market rights which were formerly to a great extent private property are now almost entirely vested in Local Authorities who initiate projects for new markets, and, with the consent of the Prefect as the representative of the State, establish them as need requires. In the establishment of new markets some consideration is given to existing rights, and neighbouring authorities have an opportunity of expressing an opinion as to the necessity for the proposed market. In the Metropolis, Paris, the State interferes more directly with the regulation of markets than it does elsewhere.

We are informed that before the Revolution the "seigneurs justiciers" had the sole right of establishing 'halles' and markets, and of charging for places in them. This privilege was abolished in 1790 without compensation. The buildings and markets were treated of course as the property of the 'Seigneurs,' but the latter were forced to make the best terms they could with the local authorities for the sale or renting of this property should the latter require it for market purposes."

“As regards the ownership of proprietary rights, though there exist a few small exceptions where such rights are tolerated, it cannot be said that the market rights of individuals are now existent in France.”

“Markets are held under the ‘authority of the prefects,’ and new markets are established by order of the prefects at the instance of the commune interested.” “Every project for a new fair or market must be either proposed or approved by the commune interested.”

In the case of an application for an ordinary provision market, after an inquiry in the neighbouring Commune, the Prefect decides whether or no to allow the new market to be started.

Before a new cattle market can be authorised a more extended inquiry is necessary, the demand being submitted to every Commune within a radius of about seven miles, even should such Communes be situated in another Department.

PARIS.

“Markets in Paris belong, with a few trifling exceptions, to the municipality.” “The Prefect of the Seine is supreme, and new markets are made when judged necessary” by him

“The main consideration in the establishment of a new market is the convenience of the consumer, the question of any effect on existing markets being one of relatively small importance.”

BELGIUM.
Vol. XIV.
Report by
M. Gosselin.

“Market rights in Brussels and throughout Belgium have not been created by Statute or by specific legislation, but are vested by prescription in the Communal Councils, which have power to establish markets on public or private property.”

“The Communal Authorities alone have power to increase or diminish the number of markets established within their jurisdiction, according to their appreciation of the wants of the community.”

“The market spaces are generally owned by the towns.” “In Antwerp the covered-in market-place is owned by a company which possesses free proprietary rights, subject to the regulations made by the Communal Authorities.” “In Brussels the Communal Council leases its rights in the open-air markets, the lessee being restrained as to the stallage and rents exacted.”

PRUSSIA.
Report by
Consul-
General,
Vol. XIV.

In the provinces of Prussia the holding of a public retail market or cattle market is authorised by the Provincial Council [*Provinzial rath*]. In Berlin this authority is exercised by the Upper President, or in the case of weekly markets by the District Board which acts with the assent of the Communal Authorities. The proprietary rights appear to be public. The origination and control of markets rests mainly with the police. The law defines the objects which may be sold in weekly markets as distinguished from yearly markets: the latter class would in England be described as fairs.

SAXONY.
Vol. XIV.

In Saxony “the regulation and control over weekly markets is in the hands of the Communal Authorities. The same is true of the erection and disposal of cattle markets and corn markets. Monthly and yearly markets [fairs], that is to say, markets to which home or foreign traders with wares of all sorts are admitted without limitation, require the approval of the Ministry of the Interior.” The number of such markets is restricted to two in towns of less than 10,000 inhabitants, and three in larger towns.

The fairs of Leipzig date from an early period. Two of them existed before 1170, and a third was reinstated by a Royal Privilege in 1458. The Privilege was granted and is still held by the Town Council of Leipzig, who control and administer the fairs.

AUSTRIA.
Report by
Mr. Phipps,
Vol. XIV.

In Austria market rights are as a rule vested in local authorities. The municipalities under the control of the Provincial Government establish new markets, and control them. In the case of the Vienna Cattle Market the regulations are promulgated by the Ministry of the Interior.

Upon a review of the circumstances above stated it may be said generally and broadly that in France, Belgium, Germany, and Austria, market rights are privileges possessed by municipalities; that these municipalities have a certain amount of power to originate new markets; that in the exercise of these powers they are controlled by the State; and that vested rights of individuals as obstructions to the development of markets do not exist.

In the United States a market monopoly or privilege is unknown—Municipal Authorities have power to establish markets, and they use that power to some extent. New York and Boston have each of them one market under control of the City Authorities, while they have many other markets in the hands of private individuals or trading companies. Her Majesty's British Consul at Chicago, Mr. I. Hayes Sadler, states that:—

UNITED
STATES.
Vol. XIV.

"Throughout the West no markets exist, in the old acceptation of the term."

In a memorandum attached to his replies to our circular of inquiries, Mr. Sadler describes the various markets of Chicago, a city having a population of more than 1,000,000.

He says:—

"Before the fire at Chicago in 1871 there were a few markets established by municipal authority under the power granted by State law, but the sense of the term market in these parts has undergone a gradual change; the power of the city councils is not exercised; public markets have fallen into disuse and have given way to private enterprise. There is now only one market in Chicago, in an open space still set apart by city ordinance as a convenience for country people for the sale of their farm and garden produce. What are now called markets are either voluntary and independent centralisations of dealers in one particular locality, or trading companies incorporated under State law either as exchanges or storage places, or for the sale of different commodities, and are subject to no official control except such as is generally exercised under the city health and police regulations, and the general rules of State inspection."

After noticing the fruit, vegetable, and dairy produce market, "which occupies all the buildings for about three-fifths of a mile on Southwater Street, as 'simply a gathering together of individual houses or shops,' the meat market as merely a voluntary assemblage of dealers in one place," and a few similar markets "where commodities of different natures are assembled under one roof," Mr. Sadler gives some particulars of the live stock market at Chicago. This market, which is the largest of its kind in the world, is a business company incorporated under State law. The grain and provision market is described as an immense commercial exchange, conducted by a company incorporated by State law. All these markets are the result of private enterprise. Their position is thus defined by Mr. Sadler:—

"These markets have no rights or duties either prescriptive or created by legislation other than those accorded by their charter as trading companies. There is no control exercised by the State or local authority except that of the State inspector of grain, the health and police officers of the city, and such supervision as may come under the inspector's department of the Customs."

We are indebted to Mr. John Clay, junior, of Chicago, who formerly acted as an Assistant Commissioner under the Royal Commission on Agriculture appointed by Your Majesty in 1879, for a communication in reply to certain questions addressed to him by a member of this Commission, on the subject of the live stock market in Chicago, which appears in Vol. XIV.

This communication contains a copy of the Act of the State of Illinois, which authorised the construction of the live stock market.

This Act, which constitutes what in England would be called a Joint Stock Company, empowers the said company to construct, locate, and maintain yards, buildings, railways, &c., to make such "reasonable charges as may be deemed just and proper," and prohibits the company from making a railroad for passengers, and from making contracts with any railroad company "to receive cattle, &c., transported over the road of any such railroad company to the exclusion of any person or corporation having a stock yard in proximity to the city of Chicago."

OWNERS OF MARKET RIGHTS.

We shall now proceed to report the result of our inquiries into the several matters referred to us, and we shall observe as far as possible the order in which the several subjects are presented in the Reference to us.

1. As to the extent to which market rights are in the hands of—

- (i.) Local authorities.
- (ii.) Trading companies.
- (iii.) *a.* Private persons; or
b. Bodies of persons other than trading companies.

A return made by the Local Government Board to the House of Commons in 1886 on the subject of Market Rights and Tolls is the chief source of our information as to the existence of markets or reputed markets in England and Wales, exclusive of the Metropolis.

The following summary of the results of that return was given by Mr. S. B. Provis in his evidence:—

ENGLAND AND WALES.

OWNERS OF MARKETS.

Areas of Local Government.	Local Authorities.	Local Authorities as Lessees.	Public Bodies.	Trading Companies.	Other Persons.	Doubtful.	Total.
1. Urban Sanitary Districts:—							
<i>(a.)</i> Boroughs - - -	220	10	—	13	22	—	265
<i>(b.)</i> Other Urban Districts - - -	93	31	—	36	106	—	266
Rural Sanitary Districts - - -	—	—	26	15	148	46	235
	313	41	26	64	276	46	766

As we stated in our First Report, we circulated a series of questions as to the subject of our inquiries among Local Authorities and other owners of markets. Many of these circulars have been answered very fully and carefully, but in some instances no attention has been paid to our request for information, and sometimes such information has been distinctly refused.

From the information which we have received from various sources we have compiled the following table of particulars as to owners, observing the classification adopted in the Reference to us.

There appear to be in England and Wales 756 places in which, according to the return above referred to, markets or reputed markets are held. In 13 of these places two separate markets are held by different classes of owners, without counting numerous cases where a corn exchange is the property of a trading company, while the general markets are in the hands of other owners. The table therefore shows a total of 769 markets, as against 766 enumerated by Mr. S. B. Provis. The number of places accredited with markets or reputed markets which we have included in the following table is that of the Return issued by the Local Government Board in 1886.

CLASSIFICATION OF OWNERS OF MARKETS IN ENGLAND AND WALES, excluding the METROPOLIS.

Areas of Local Government.	1. Local Authorities.	2. Trading Companies.	3 <i>a.</i> Private Persons.	3 <i>b.</i> Bodies of Persons other than Trading Companies.	4. Quasi Market Rights questionable.	5. Markets not held.	Total in each Area.
1. Urban Sanitary Districts:—							
<i>(a.)</i> Boroughs - - -	216	12	23	4	1	5	261
<i>(b.)</i> Other Urban Districts - - -	89	34	109	11	11	12	266
2. Rural Sanitary Districts - - -	8	18	142	24	10	40	242
Total in each Class - - -	313	64	274	39	22	57	769

A few words in explanation of this table will be desirable.

Col. 1. Local Authorities.

In Urban Sanitary Districts these are the Corporations in Municipal Boroughs, and Local Boards or Improvement Commissioners constituted under Local Acts or under the Local Government or Public Health Acts in other urban districts.

In Rural Sanitary Districts we have treated as Local Authorities certain elected office-bearers who receive the revenue of markets.

In two out of the eight cases enumerated, viz., in Hungerford and Hemel Hempstead, the market rights were granted to the township or manor by charters from the Crown. In four instances the inhabitants or ratepayers have purchased the market rights from former owners. In two cases the Overseers of the Poor or the Surveyors of the Highways receive tolls or stallage.

Vol. XIII.,
P. II.,
p. 32.
Vol. XIII.,
P. II.,
p. 240.
Vol. XIII.,
P. II.,
pp. 168-504,
696, 720.
Vol. XIII.,
P. II.,
pp. 192, 304.

Col. 2. Trading Companies.

As a rule these bodies appear to have been formed for the purpose of supplying by co-operation a want which the market owner was unable or unwilling to provide, the profit to be derived from a commercial undertaking being a minor consideration.

In many instances the objects with which such companies were formed included the provision of a town hall or public assembly room.

In a few cases the market is only an item in a large commercial undertaking, e.g., the Fleetwood Estate Company, and the Milford Haven Railway and Estate Company.

Vol. XIII.,
P. II.,
pp. 272,
728.

Col. 3a. Private Persons.

The only remark which need be made as to markets included in this class is that we have treated markets held by such owners as the Duchy of Cornwall, the Ecclesiastical Commissioners, the Lords of the Admiralty, the War Department, the Bishop of Ely, and certain colleges in connexion with landed estates as being, for the purposes of this inquiry, markets in the hands of private owners.

Col. 3b. Bodies of Persons other than Trading Companies.

All the markets in this class are vested in trustees for local public uses. The following analysis differentiates the special objects of these trusts:—

Eight markets are held by Trustees for the general benefit of the town or place.

Eight are held by Trustees for markets primarily and for the benefit of the place secondarily.

Eleven are held by Trustees for local charities.

One is held by Trustees for ecclesiastical purposes.

Eleven were the property of Corporations now dissolved, this property being now vested in the Charity Commissioners.

The last group of 11 markets might, perhaps, have been properly placed in the class held by Local Authorities, but as the composition of the governing body and the ultimate application of the revenue of these markets are as yet undetermined, it seemed desirable to keep them separate from those markets which are held and administered by elected representative bodies.

Among the markets held by Trustees for public purposes, is the case of Taunton, which is a remarkable instance of extensive and indeed extraordinary powers being conferred by Parliament upon a body of persons, which became after a short time, by the nature of its constitution, a self-elected body.

We have examined witnesses representing the town of Taunton, and the Trustees of the market; and our Assistant Commissioner, Mr. A. J. Ashton, has made inquiries on the spot.

It appears that in 1786 an Act was passed constituting certain persons named (25 in number), with others who should before a certain day become subscribers, Trustees for the purpose of acquiring from the owners market rights and other property with the object of extending the market and improving the town. The original Trustees had power to fill up vacancies in the Trust, subject to the condition that two-thirds of the whole body should be inhabitants of the town, and one-third should be gentlemen in the neighbourhood; power was given to borrow money on the security of the market, and to receive the rents, tolls, and profits, &c. belonging

Vol. II.,
pp. 195-203,
240-249.
Vol. III.,
p. 251.

to the ancient market. In addition to the ordinary powers of market owners, it was provided that after the market was set out—

“ It shall not be lawful for any person to vend or expose for sale
 “ any corn or grain, fish, meat, poultry, or other provisions within
 “ any of the public streets of Taunton, or within the space of one thousand yards
 “ from the bounds of the said market, except such persons as shall be
 “ licensed under the hands and seals of the said trustees, or any two or more
 “ of them, to vend or expose for sale any of the said commodities in any shop
 “ being part of their dwelling house.”

The market was vested in the Trustees as an estate for the use and benefit of the parish of St. Mary Magdalene, in the town of Taunton, the profits, if any, being applied to the clothing, educating, and apprenticing children of the poor inhabitants.

By subsequent Acts in 1817 and 1833 the powers of the Trustees were extended, and by an Act of 1840 the area within which the market authority might regulate trade was enlarged from the limits of 1,000 yards distance from the market so as to include all the Parliamentary Borough as then defined.

Vol. II.,
Q. 4395. This body of persons, not popularly elected, were entrusted with very exceptional privileges for the purpose, as appears clearly from the consideration of the preambles to the several Acts of Parliament, of improving, lighting, cleaning, and draining the town as well as extending the market.

Vol. II.,
Q. 4445-6. The Trustees, as is admitted, fully discharged their duties as regards markets, but their powers as a Sanitary Authority have been superseded, and they have now to a great extent been relieved of their obligations in respect of the lighting, cleaning, and draining the town, that duty having been commuted for an annual payment of 105*l.* to the Corporation for those purposes. Notwithstanding the extraordinary powers of the Trustees, it does not appear that any profit has ever been realised, and the charitable objects which it was supposed might benefit by the estate have never received any aid or support.

Vol. II.,
Q. 5566. In the exercise of their powers the Trustees limit the number of provision shops within the area of their authority. Thus they limit the number of butcher shops to three. These are located by the authority of the Trustees at the north, east, and west ends of the town. As each of the butchers pays a licence fee of 35*l.* a year for the privilege of opening a shop, their monopoly is protected by the Trustees, who gave as one of the reasons for rejecting an application for a butcher's licence, that—

Vol. II.,
Q. 5518. “ The site of the proposed shop was within 150 yards of another butcher.”

Three fishmongers are also permitted to open shops on the payment of 10*l.* a year, and greengrocers and corn-dealers have been licensed to carry on their business on their own premises; the Trustees have in certain cases prosecuted the small vendors of wares in the streets, but this practice appears now to have been discontinued.

In justification of their policy the Trustees say that they have established and maintained an excellent and cheap market, though this statement as regards cheapness is by some disputed; that if they permitted an unlimited number of butchers' shops, butchers from outside the town would not come into the market. One of the witnesses admitted in answer to a question that, as regards town butchers, the Trustees first of all restricted their number and put a fine upon them, and that in the next place they made artificial arrangements to create a competition with them from outside; and in reply to a further question the same witness stated that—

Vol. II.,
Q. 5611. “ We are all under the impression that if there were what is called free trade among
 “ the butchers, prices would rise, and they would have a monopoly.

Vol. II.,
Q. 5634. With regard to the financial arrangements of the Trustees it may be remarked that they were originally empowered to borrow 20,000*l.* In 1842 the debt was 18,000*l.*, in 1882 it was 17,900*l.*, in 1887 400*l.* was paid off, and the debt was, in 1888, 17,500*l.* Up to 1887 interest at the rate of 4½ per cent. was paid, but the rate is now 4 per cent.

The Trustees return their average income for the three years ending 25th March 1887 as follows:—Tolls, 1,600*l.*; rents, 251*l.*; shop licences, 170*l.*; total, 2,021*l.* Their expenditure for the same period averaged 1,771*l.*, including payment of interest, 782*l.* There is thus only a narrow margin of profit, which may easily be absorbed by any extraordinary expenditure. The hardships of the existing régime are somewhat mitigated by the existence of shops outside the area of the old Parliamentary Borough, and the absurdity of the system is exemplified by the fact that on one side of a certain street people are free to carry on what trade they please, while on the other side they are forbidden to do so.

Mr. Ashton, after an inquiry at Taunton, which is fully reported, says—

“The result of the Inquiry at Taunton left upon my mind the impression that the present management was not popular in the town, and that the Trustees themselves were by no means unanimous as to the merits of the system which is embodied in their Acts”;

and further on—

“The evidence taken at the Inquiry proves that the system imposes a tax on food”;

and—
“The evidence I received shows that the restrictions sanctioned by the Local Acts impose considerable hardship upon the poor in Taunton.”

Tiverton is another rather remarkable instance of a market which is held by Trustees—the greater part of the surplus revenue being appropriated to charities for distribution in the shape either of bread or money.

In 1826 an Act of Parliament was passed for the purpose of improving the market, which was then held in the streets. At that time the Trustees of certain charities claimed possession of seven-eighths of the tolls and stallages of the market under three separate grants for terms of 3,000 years commencing in the years 1638, 1650, and 1654 respectively. The Trustees constituted under the Act were empowered to borrow money for the purpose of erecting a new market “upon the credit of the rents, tolls, duties, and stallage, granted or arising under or by virtue of the Act and upon the said intended “new market places,” and provision was made for the application of the revenue received. The clause relating to this application of revenue has been held to entitle the Charity Trustees to seven-eighths of the surplus before any provision is made for paying interest on the original debt. The market has disappointed expectations, and when the charities have taken their share little is left for the creditors, to whom a capital sum of nearly 8,000*l.* is due, besides arrears of interest amounting to about 17,500*l.*

Mr. A. W. Ashton held an Inquiry at Tiverton, when the subject was fully discussed, and to this we must refer for further particulars. The dispute between the bondholders and the Charity Trustees does not directly concern this Commission, but it has been urged and it is contended that “the decay of the markets” (which is admitted) “is owing to their not being under the control of a responsible body,”—and that the markets “cannot be under the control of the Town Council unless some scheme is arrived at by which the creditors can be dealt with.”

Col. 4. Quasi Markets when the Rights are questionable or where the Ownership is doubtful.

We have included in this class certain places as to which we have received no information, though they are included in the return of 1886, and presumably they were then reputed to have some sort of a market. They are for the most part small places where insignificant charges are made without any express authority.

Col. 5. Markets not held.

Of the 57 places included in the Return where we learn that no markets are held, nine have had markets which have fallen into desuetude; 24 have fairs at long intervals, and 24 are said to have no markets or market rights.

Markets under the Management of Local Authorities but not owned by them.

The classification which we have adopted does not show the number of markets which are administered by Local Authorities, being held by them under a lease or agreement. The terms under which such markets are held vary so much in respect of the period over which the lease extends, and the reserved rent, that it is impossible to place these markets on the same footing as regards ownership. It appears from the replies to our inquiries that 42 markets are at the present time held by Local Authorities as tenants under an agreement:—

- 12 of these are held under yearly agreements.
- 3 for periods not exceeding 7 years.
- 11 for more than 7 years and not exceeding 21 years.
- 5 for more than 21 and not exceeding 99 years.
- 1 for 800 years.
- 5 for 999 years.
- 5 for periods not stated.

The reserved rents vary from a peppercorn to 5,000*l.* a year:—

8 are held for a nominal consideration not exceeding 1 <i>l.</i>			
9	for more than	1	and not exceeding 10 <i>l.</i>
8	"	10	" 25 <i>l.</i>
5	"	25	" 50 <i>l.</i>
4	"	50	" 100 <i>l.</i>
4	"	100	" 250 <i>l.</i>
1 for 5,000 <i>l.</i>			

The five markets which are held for a period of 999 years are Blackpool, Bradford, Dalton-in-Furness, Middleton and Tonge, and Ulverston. In the cases of Blackpool, Dalton-in-Furness, and Ulverston, the rent is nominal, while in that of Middleton it is 56*l.* 16*s.* 11*d.*, and in that of Bradford the rent is 5,000*l.* a year.

We postpone any remarks which we may have to make as to the policy or impolicy of markets being held by Local Authorities under lease or agreement, our present object being to state facts as to the several classes of proprietors of markets.

LONDON.

Vol. II.,
p. 39.

In London there are 13 principal markets. Of these, eight are owned by the Corporation of London, viz., the London Central Market, the Central Fish Market, Farringdon Market, Smithfield Hay Market, the Metropolitan Cattle Market, Leadenhall Market, Billingsgate Market, and the Foreign Cattle Market at Deptford. The five other markets are as follows:—Spitalfields Market, which belongs to Sir Julian Goldsmid and certain freeholders; Shadwell Fish Market, which is owned by a trading company; Stratford Market, which was established by the Great Eastern Railway Company; the Borough Fruit and Vegetable Market, which belongs to trustees who manage the market and apply the profits to the reduction of the poor rate in the parish of St. Saviour, and lastly Covent Garden Market, which is owned by the Duke of Bedford.

Vol. II.,
Spitalfields,
p. 46.
Vol. II.,
Shadwell,
p. 106.
Vol. II.,
Stratford,
p. 143.

There are in addition a few small and unimportant markets, which have almost fallen into desuetude. No information has been produced to show how these markets originated, nor to whom they belong. No tolls are taken now, and we do not consider it necessary to allude to them more particularly.

Vol. II.,
Borough
Market,
p. 161.
Vol. II.,
Covent
Garden,
p. 124.

Following the same classification as before, we find here eight markets belonging to the Local Authority; two belonging to Trading Companies; two to private owners, and one to Trustees for local public uses.

IRELAND.

We are not in a position to give such detailed information as to the number of each class of proprietors of market rights in Ireland as we have given with respect to England, there being no Parliamentary Return similar to that which we have made so much use of.

Mr. Robinson, the Inspector mentioned above, states that there are 334 markets at present in Ireland, and that fairs are held in 793 places.

Vol. II.,
Q. 227.

"The markets are held by the Governing Bodies of towns, by the Sanitary Authorities under the Public Health Act, by certain towns under special Acts of Parliament, and by special clauses in Charters of Incorporation to public bodies, and by letters patent to private individuals. The Local Government Board have no means of ascertaining the exact number. I suppose over 250 are held by private individuals."

Vol. II.,
Q. 229.

The inquiries made by our Assistant Commissioners, Mr. C. W. Black and Mr. J. J. O'Meara, enable us to give the subjoined information as to the present owners of markets held in 254 places in Ireland:—

	1. Local Autho- rities.	2. Trading Companies.	3a. Private Persons.	3b. Bodies of Persons other than Trading Companies.	4. Markets of question- able Rights.	5. Markets with no Owners.	Total.
Mr. Black's Report as to places visited -	19	3	36	1	—	—	59
Mr. O'Meara's Report—							
As to places visited -	22	3	55	3	1	—	84
As to places not visited -	3	—	68	—	—	40	111
	44	6	159	4	1	40	254

The Report of the Commission of 1853, to which we have previously referred, and which we have printed in the appendix, states that about 25 years before the date of the Commissioners' Inquiry an organised system of resistance to the payment of tolls had resulted in the practical abolition of tolls in a great number of towns in the provinces of Leinster, Ulster, and parts of Munster. It also points out that this abolition of toll, so far from proving beneficial, was an injury to the poorer and more ignorant classes.

Since the date of that Report a considerable number of markets appear to have been discontinued. Mr. O'Meara gives a list of 266 places in the district assigned to him where markets or fairs were held in 1852, but at which such markets or fairs have now ceased to be held. He also gives another list of 44 places where markets or fairs were reputed to be held, and to which he forwarded queries which were returned by the Postal Authorities with the intimation that such places could not be found.

At present there are 793 places at which fairs are held. At many places these fairs are held monthly, and they frequently extend over two days or more. Mr. J. J. O'Meara, whose district included 15 counties, embracing the southern half of the island, gives particulars of 377 places in which fairs are held, the total number of separate fairs being 2,340. As an instance of what seems to be a superfluous number of markets and fairs we may cite the town of Listowel, which, with about 3,000 inhabitants, has two markets every week and 39 fairs on 78 days in the year. It is to be feared that this large number of markets and fairs cannot be taken as evidence of a proportionate amount of commercial activity.

Vol. II.,
Q. 227.

In assigning to our Assistant Commissioners the districts of their inquiries we reserved to ourselves the cities of Dublin, Belfast, and Cork, for our own investigation and inquiry. We visited these cities and held public sittings, and received a large amount of information which is recorded in the Evidence.

Vol. VII.,
pp. 1-149.

The markets of the three cities named present such a remarkable contrast that we think it desirable to give some detailed description of them.

It will be seen that the Corporation of the City of Cork possessed all the privileges pertaining to market owners, and that they allowed a private body of traders to usurp their rights as regards the most important article of sale, viz., butter; and voluntarily relinquished their market rights as regards corn to another body of Trustees.

The Corporation of the city of Dublin has for the last 40 years been in possession of full powers to establish markets, being totally unimpeded by market monopolies in the hands of private individuals; but until quite recently they have done nothing to provide proper market accommodation except as regards cattle.

The Corporation of the City of Belfast had to purchase their market rights at a heavy cost, and they have established markets which are adequate and generally satisfactory.

The following Table shows the number of markets held by different classes of owners in the three cities visited by us.

—	1. Local Autho- rities.	2. Trading Companies.	3a. Private Persons.	3b. Bodies of Persons not Trading Companies.	4. Markets of question- able Rights.	—	Total.
Belfast - - - - -	10	—	—	—	—	—	10
Cork - - - - -	6	—	—	2	—	—	8
Dublin - - - - -	2	1	—	—	8	—	11
	18	1	—	2	8	—	29

We proceed to notice the principal features of the market administration of these three places.

DUBLIN.

With the exception of the cattle market the markets of the City are not under the control of the Corporation. These markets are in the hands of private individuals, but are admitted to be inadequate for the wants of the City.

Vol. VII.,
Q. 8465 *et*
seq.

The Corporation have not, as has happened in so many other towns, been prevented from establishing markets by the existence of vested interests in privileged markets. They have for many years possessed full powers of dealing with the matter. The Commission of 1853 reports in the following terms respecting Dublin and the powers of the Corporation in respect of markets.

"The Dublin Improvement Act of 1848 (the 12 & 13 Vict. c. 97), empowers the Lord Mayor and Corporation to establish new markets and compensate existing interests, but as yet no measures have been adopted to accomplish this desirable object, and the markets remain in the same unsatisfactory state as before the passing of the Act.

"We find the Commissioners appointed in 1835, to inquire into the state of the municipal corporations in Ireland, in their report on the city of Dublin, describing very fully the state of the several markets, and the patents, charters, and Acts of Parliament relating to each. As little improvement, or change of any sort, has taken place since that period, it is unnecessary for us, therefore, to do more than allude generally to the state of the principal markets, for the sale of agricultural produce."

After a description of the markets then existing the Commissioners conclude thus—

"The general feeling with regard to the Dublin markets appears to be that the present Act is sufficient to cure all glaring evils, if the lord mayor had the determination to set it in action; but that vested interests and established usages concur too strongly for an officer of one year to grapple with them, and when unofficial persons attempt any improvement, the crippled finances and cloud of compensations to be afforded, scare away all change. Thus matters are allowed to remain—every one dissatisfied, but no alteration is effected."

Vol. VII.,
p. 52.

On our visit to Dublin Mr. Alderman Dillon, the chairman of the Markets Committee of the Corporation, and Mr. J. J. Lalor, Secretary to that Committee, gave evidence before us, and put in a report of the Markets Committee, signed by Alderman Dillon, and dated August 1886. This report, referring to that of the Commission already quoted, states that in 1852, and probably in connexion with the Commission, a committee of the Corporation had reported on the several markets, and they go on to say—

"With the exception of the cattle market, no improvement has been made in providing wholesale food markets in Dublin since the date of this return; but, on the contrary, while in every other matter in which the welfare of the citizens and proper management of the city is concerned, the corporation of Dublin has not been behind other cities, the arrangements for selling food by wholesale have retrograded, and as yet there is no wholesale market in Dublin, under municipal control, for the sale of provisions, fish, eggs, butter, fowl, vegetables, potatoes, fruit, flowers, market gardeners' produce, &c."

From time to time Committees had been appointed and reported unfavourably of the private markets, and recommended action. In 1884 a Committee reported in the following terms—

"The Committee refrain from describing the present condition of these places, and the manner in which trade is carried on therein, beyond the fact that when the Committee visited these places some short time since they found it necessary to appoint a deputation to wait upon the Public Health Committee, to call the attention of that Committee to a state of things unfit to appear in a report from this Committee to the Council. The Public Health Committee immediately despatched the Chief Officer of Health, Dr. Cameron, to visit the locality, and that gentleman's report is doubtless recorded in the transactions of the Committee. Suffice it to say that in no city in Europe or America would such a state of things be allowed to exist for one moment longer than the exigencies of the circumstances of the case demanded."

Vol. VII.,
p. 53.

It may be well here to state that what the sub-committee then saw in the vegetable market, but refrained from describing, were heaps of vegetables which were to be used for food, lying in an accumulation of human excreta.

In 1886, nothing having been done, the Markets Committee of the Corporation again reported on the subject, and repeated the description given in the previous reports, "That in no city in Europe or America would such a state of things be allowed to exist."

After some further description the Committee remark that, "Besides the filthy condition of these places and their surroundings, they are not nearly large enough for the requirements of the city. Hence the growers of vegetables for the whole county of Dublin not only use the streets of Dublin for ordinary traffic, but use them for vending their wares, and all without contributing a fraction to the city taxation. The Police Magistrates refuse to prevent this abuse of the streets, as they say these dealers have no other place suitable for disposing of their produce—a bad reason possibly for not keeping the street clear, but one best to be met by providing a suitable market." And they conclude by recommending the adoption of certain plans for new markets, and immediate application for a Provisional Order empowering the Council to acquire sites, and borrow money for carrying out the work.

This report was adopted, a Provisional Order obtained, and the markets are now in course of construction. Vol. VII., Q. 8458.

The Cattle Market, which has been constructed at a cost of 36,830*l.*, was opened in 1858. It contains accommodation for 4,800 beasts and 14,000 sheep. In the opinion of the Corporation there is sufficient accommodation for some time to come, but they have the power to extend the market if required, and they possess the necessary land for the purpose. Vol. VII., Q. 8030.

Statistics of the number of live stock of different descriptions were handed in by Mr. Lalor. The tolls are 3*d.* a head on all cattle brought into the market, but from evidence we received it seems probable that the habit, which we have elsewhere spoken of, of paying tolls only on cattle sold is so ingrained that many salesmen never think of returning the numbers of those unsold, and that in many instances these escape toll. The total receipts of the market on an average of three years were 2,700*l.* a year. The expenditure, exclusive of interest and repayment of loan, was, on the average of the same three years, 1,826*l.*, leaving 874*l.* for interest, &c., or about 2·7 per cent. on the original cost. Vol. VII., Q. 8679. Vol. VII., Q. 8940–62. Vol. VII., Q. 8101–8119.

Another market, partly under the control of the Corporation, is the Smithfield Market for hay and straw, which is a free market by Act of Parliament, and is held in the street. No tolls are levied, and the weighing fees, which are the only source of income, are the perquisites of five weigh-masters appointed by the Lord Mayor. These fees amounted on the average, for three years ending 1887, to 573*l.* 9*s.* 5*d.*, and the expenditure on the market was 791*l.* 10*s.* 5*d.* The market is under the circumstances a loss to the Corporation of 218*l.* a year. Vol. VII., Q. 8681.

The Corn Market is held by a Joint Stock Company incorporated by Charter in 1815, and was granted additional powers in 1874. The capital of the company is 12,000*l.*, and a dividend of at least 6 per cent. is paid. No tolls are taken, but rents are charged for space occupied. The peculiar feature of the market is, that no one but a stand-holder is permitted to sell or purchase anything in the market. Farmers could become stand-holders and thus acquire permission to sell their own corn, otherwise they must employ a stand-holder as a broker. A rent of 7*l.* 10*s.* is charged for a stand. Vol. VII., Q. 8684. Vol. VII., Q. 8740.

The Secretary to the Company described the process by which returns of prices of corn are obtained. As these returns have been said to be more reliable than those collected in England, it will be worth while to notice how they are obtained.

"There are three stand-holders appointed each month, and on each market day they go round, and take the general price and just write it on a sheet of paper and put it up for the information of every one." Vol. VII., Q. 8772.

Mr. Lalor stated that the sword-bearer of the Corporation is, by virtue of his office, clerk of the corn table, and it his duty in that capacity to issue to each stall-holder a printed form to be filled up each market day with the quantity of corn of various descriptions sold and the price thereof. From these returns he is supposed to make up an average price, which is published in the "Dublin Gazette." A copy of the Gazette was produced containing some quotations of prices, but the column for the average was left blank. A stand-holder who gave evidence said the whole collection was "moonshine." Vol. VII., Q. 9123. Vol. V* Q 930

BELFAST.

At Belfast the Corporation acquired the market rights by purchase under Acts of Parliament of 1845 and 1847. They formerly belonged to the Marquis of Donegall, to whose ancestors they had been granted by James I. in 1621. Up to the time of the purchase the markets were held chiefly in the streets. The Corporation have provided accommodation which, if not sufficient for the present needs of the City, which is rapidly growing, is fairly adequate, and an extension of them is in progress. Vol. VII., Q. 6819.

The total amount expended on the markets is stated at 122,704*l.*, out of which 20,500*l.* was the cost of the purchase of the market rights. The loan for market purposes has been merged in other Corporation loans, and the amount of debt owing on account of the markets cannot therefore be ascertained. The average amount of the receipts from the markets for three years preceding our Inquiry was 8,222*l.*, the average expenditure 4,624*l.*, exclusive of interest or repayment of loan. The balance applicable to the discharge of these was 3,598*l.*, or something less than 3 per cent. on the capital sum sunk in the markets.

The several markets provided are described in the evidence of Mr. Samuel Black, the Town Clerk, and in the byelaws put in by him:—There are nine wholesale markets and three retail markets, including the Castle market which the Corporation hold on lease with a compulsory power of purchase. Mr. David Corbett, a member of the Town Council and the Chairman of the Markets Committee, gave evidence, and described the defects of the existing markets and the steps which were being taken to remove them.

The complaints respecting the markets received by us were few in number and not of very serious import.

One complaint was that farm produce, such as butter and potatoes, sold by a farmer to a trader and delivered at the trader's place of business without ever going into the market was liable to a market toll. Mr. Black stated that it was very usual for farmers to contract to deliver potatoes, butter, milk, oats, meal, chaff, from time to time to tradesmen, the price of the articles delivered being the current market prices in Belfast on the day of delivery. He contended that articles delivered under an agreement such as that described were subject to toll, as they are not sold at the residence of the seller but at the shop of the buyer; and he thought that "the very fact of the price depending upon the market competition shows that the parties wish to take advantage of the market." Mr. Black admitted that if articles were sold at the farm and delivered in the City, no toll would be payable. It was also stated in evidence that if, under a similar contract to the one before spoken of, produce was delivered by railway, the Corporation would not demand a toll.

In the Corn Market, by special enactment, oats, meal, and farm produce, sold in the Grain Market, pay one-half the toll charged upon sales in bulk. This charge would amount to about 1½*d.* a quarter on wheat, and 1*d.* a quarter on oats, which, if imposed in any country Corn Exchange in England, would probably have the effect of seriously interfering with the prosperity of the market.

Mr. Black handed in an interesting Table of statistics showing the comparative amount of trade in certain commodities done in the more important markets in 1852, 1862, 1872, and 1877–1887. The marked features in this Table are the very great decline in the number of carcasses of pork since 1887, viz., from 184,346 to 30,846, a considerable decline in butter, a great falling off in the trade of the grain and meal market, and a large increase in the numbers of live stock and quantities of potatoes and vegetables.

In 1853 the Commission on Markets and Fairs reported of the Belfast markets that "the enlightened and liberal arrangements appeared to give general satisfaction," and, with the exception noted above, that remark might be repeated now.

CORK.

The Corporation claim the exclusive right of holding markets in the city under several Charters; they also claim a right to levy tolls on goods entering the City by land under Charters confirmed by Acts of Parliament.

There are six markets in the City belonging to the Corporation, in addition to the Butter Market, which is vested in trustees by a recent Act of Parliament, and the Corn Market (which is also a market for dead pigs, hay, straw, and green food) is also vested in a separate body of Trustees under a special Act.

The position of the Corporation with regard to these two last-named markets is anomalous. It may be well, however, to deal first with the markets still under the control and management of the Corporation.

The gate toll, which is described by witnesses as "toll traverse" is claimed as a right acquired by usage from time immemorial recognised by various Charters as well as by the Act of Parliament 26 Geo. III. c. 28. The right to levy this toll was contested in 1821 by an action at law which resulted in favour of the Corporation. As the whole subject of this and other similar tolls is described at length in another portion of our Report, we need not in this place enter into further particulars.

The six markets belonging to the Corporation are all within the City. Three of them are roofed over, one is partially covered. The two principal provision markets—the Grand Parade and the St. Peters markets—are divided into separate stalls, let to tenants at weekly rents. The Bazaar Market, which is appropriated to the sale of furniture, second-hand clothing, and miscellaneous articles, is also roofed, and divided into stalls as in the two first-named markets. In the other markets for bread, fish, vegetables, milk, &c., there are only standings. The sixth market is the Cattle Market, the receipts of which are very small, as the animals exposed have already paid toll on entering the city. The market charge on cattle is on this account reduced to $\frac{1}{4}$ d. a head. The receipts of all the markets in the hands of the Corporation appear to be on the average of the three years ending 25th March 1887, 3,297*l.*, and the expenditure (including interest on loan and on instalments of principal) 2,437*l.*, leaving a net surplus of 860*l.*, which is carried to the Borough Fund Account.

Vol. VII.,
Q. 9861.

The Cork Butter Market is vested in trustees incorporated by the Cork Butter Market Act, 1884.

Previous to the passing of this Act the market was entirely under the management and control of a committee of merchants of the City of Cork, who were a voluntary and unincorporated body. It was alleged that this committee had “usurped the rights of the Corporation,” who were entitled to the tolls and to whom an undefined portion of the site of the market belonged. The committee of merchants represented two classes of traders in butter, who under various names acted as intermediaries between the farmers or producers of butter and the retail distributors. These two classes were, and are still—

See preamble
to Cork
Butter
Market Act.
Vol. VII.,
Q. 9638.

1. Butter merchants, butter buyers, or butter brokers, who receive the butter from the farmer and either sell it for him as brokers or buy it from him on their own account, and who are responsible to the farmer for payment.
2. Butter exporters, who buy the butter of the former class either on commission or on their own account for exportation.

These two classes of merchants were bound by Deed to conform to certain rules and regulations which compelled the merchant to submit his butter to the inspector in order that it might be tested and branded according to its quality, and, on the other hand, the exporter was bound to buy of the butter merchant only. It is admitted that the Committee spent large sums of money in developing the market, in providing buildings, and in organising a system of inspection and branding which for a while gave to the Cork brand a considerable *prestige*. But however laudable the original objects of the association may have been, abuses crept in, and great dissatisfaction was felt at the system of pricing, which was effected by a meeting of a specially-appointed sub-committee, who put out daily a price for each class of butter, that price being accepted by the merchants as the price to be paid to the farmer (less tolls, market charges, and commission) and the price which the exporter paid. The Royal Commission on Agriculture, known as the Richmond Commission, examined no fewer than 17 witnesses as to this market, and they reported very unfavourably of the system of management. After this Report various efforts were made on behalf of the producers of butter in the province of Munster to obtain a reform of the market, and in 1883 a Bill with that object was brought before Parliament and promoted by the Corporation of Cork. In 1884 a special committee of the Cork Corporation conferred with the Committee of Merchants as to the proposed legislation, and Lord Fitzgerald was invited to arbitrate upon the several questions in dispute between the Trustees, the Corporation, and the producers of butter. Lord Fitzgerald, after inquiry, made an award upon which the Butter Market Act of 1884 was drafted, and it eventually became law.

Agricultural
Commission.
Report 1882,
p. 23.

The preamble of the Act recites as follows:—

1. “That butter trade of the borough of Cork is one of the most important industries of the South of Ireland, and the value of butter passing through the Cork Butter Market annually is about 1,500,000*l.* sterling.
2. “That those engaged in the butter trade have made rules and regulations for the weighing, inspection, classification, and branding of butter brought to the public weigh-house of the borough.
3. “That a public body known as the Committee of Merchants of Cork, representing the butter merchants, and exporters have expended from fees paid to them considerable sums in payment of salaries of officers in extending, enlarging, and improving the market, in erecting a firkin crane, buildings and offices, and in the purchase of lands, buildings, &c.

4. "That a Committee of Merchants annually elected control and manage the market.
5. "That objections have been raised to the rules and regulations and to the internal control and management of the market.
6. "That the transfer of the management to an Incorporated Body of Trustees is desirable.
7. "That a portion of the butter market is held by the Corporation of Cork, who have leased their rights to the Committee above named, and are willing to transfer their interest to the proposed Body of Trustees.
8. "That the Corporation are willing to transfer their rights of market tolls and gate tolls to the said Body.
9. "That it is expedient that such a Body should be incorporated with certain defined objects.
10. "That it is expedient that the Trustees should be empowered to acquire certain lands."

Sec. 10.

The Act then incorporates Trustees by name and provides for the future constitution and election of "six Trustees to be elected by exporters from their own body, six Trustees to be elected by butter merchants from their own body, six Trustees to be presented by the grand jury for the county of Cork, and three Trustees to be nominated by the Council of the Borough, being merchants not engaged in the butter trade and not being members of the Council."

By the 14th and 16th sections the Trustees are empowered to make byelaws.

The 18th section empowers the Corporation to assign and the Trustees to accept the interest of the Corporation in a lease of part of the Butter Market for a nominal consideration.

The 19th section authorises the Corporation to sell and the Trustees to purchase the right of holding the butter market for a gross sum or an annual payment in perpetuity as may be agreed upon, or, in case of difference, for such terms as might be settled by arbitration.

The 20th makes similar provision for the sale and purchase of the right to take toll on butter brought into the Borough.

The 22nd section vests the Butter Market and all its appurtenances then belonging to the Committee of Merchants in the Incorporated Trustees. Powers to hold and acquire lands are given, and by the 30th section the Trustees are required to set apart a portion of the market to be a free market, in which sellers who do not care to avail themselves of the system of classification and branding may sell their butter.

The 35th section makes provisions as to the appointment of officers properly qualified and duly sworn to the faithful discharge of their duties.

The 43rd section empowers the Trustees to take tolls not exceeding in the aggregate 1s. a firkin.

By the 47th section the power of borrowing a sum not exceeding 30,000*l.* is given.

The 56th section protects the brand of the Trustees.

The 53rd prescribes the application of the borrowed money, and the 58th provides for the application of the revenue of the Trustees in the following terms:—

58. "All moneys arising from the tolls by this Act authorised and all other revenues which shall come to the hands of the Trustees otherwise howsoever under this Act shall be applied and disposed of as follows:—
- "First. In payment of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and as specified in the last section of this Act or in recouping the Corporation for any such costs charges and expenses paid by them.
- "Second. In payment of the establishment expenses and salaries and pensions and of the maintenance of the Butter Market and the costs charges and expenses which the Trustees shall properly incur in the due execution of their Trust and of the provisions of this Act.
- "Third. In payment of interest on moneys borrowed or raised by debenture stock under the provisions of this Act.
- "Fourth. In providing the sum by this Act appointed to be set aside as a sinking fund.
- "Fifth. In payment of the costs incurred in the collection and diffusion of knowledge as to the manufacture and sale of butter and towards the encouragement by subscription giving of prizes or otherwise of the improvement of such manufacture.
- "Sixth. In payment of the sums if any (other than a gross sum) to be paid to the Corporation for the purchase of the right of holding a Butter Market and

Application
of money
arising from
tolls, &c.

“ of the sums (if any) (other than a gross sum) to be agreed to be paid to the Corporation for the purchase of the toll herein-before mentioned.
 “ Seventh. In forming a contingency fund to meet any unforeseen accident or extraordinary damage which may happen or be caused to the Butter Market.
 “ And the residue (if any) in the hands of the Trustees after the purposes aforesaid shall have been effected shall be paid and applied for the improvement of the Butter Market and markets authorised by this Act and for carrying into effect the objects of this Act.”

We have taken evidence as to how far the provisions of the Act have been carried into effect and as to the present system of management of the market. Vol. VII., Q. 10,338, *et seq.*

It appears that Trustees have been regularly appointed. The six Trustees appointed by the Grand Jury, who are supposed to represent the producers, and the three Trustees appointed by the Corporation who may be assumed to represent the interests of the community, do not appear to take any part in one important function discharged by the Trustees, viz.: that of fixing the price of the day, which is therefore practically settled by the two classes of butter buyers and butter exporters. The Trustees have made byelaws for the regulation of the market which have been approved and allowed by the Privy Council. No steps have been taken to carry out the provisions of the 18th, 19th, and 20th sections of the Act which enabled the Corporation to transfer their interest in the market rights, tolls and property together with the gate toll imposed on butter, the Town Clerk explaining “it was considered to be quite an optional matter with the Trustees if they thought fit either to purchase the Corporate right of markets so far as butter was concerned, and they were also authorised to compound for the gateage toll.” Vol. VII., Q. 9634 *et seq.*

Mr. John O'Brien, the Mayor of Cork, gave as a reason for the Corporation not pressing for a settlement:— Vol. VII., Q. 9846, see also Q. 10,173.

“ We are aware that the Butter Market Trustees are at present largely in debt.
 “ We are aware that if we make a charge upon the market (which we would be entitled to according to the construction of that Act as I think) we may embarrass the market.”

The Trustees have, as they contend, made the whole of the market free saving the toll. They have issued debentures to the amount of 10,100*l.* for the purpose of carrying out the Act. They have not established any sinking fund. They have made some small grants to the Munster Dairy School, which is said to have had “a marked influence upon the quality of butter brought into the market of late years.” Vol. VII., Q. 10,184.

The Secretary to the Trustees gave evidence before us as to the whole system of management and as to the receipts and expenditure. From the statement handed in it appears that the receipts for the three years ending 1887 averaged 9,910*l.* The expenditure exclusive of interest was 9,715*l.*, the balance available for interest and repayment of loan being less than 200*l.*, while the current interest amounted to 497*l.* a year. The Trustees were therefore increasing their debt. It was stated that since the date of these accounts 900*l.* debentures had been paid off, but it was not explained whether this had been done out of income or by fresh loans. The principal item of receipt consists of tolls which amount to 8,726*l.*, and the next arises from the butter cleanings, that is the soiled butter trimmed off the outsides, which is sold for the benefit of the market and produces on the average of three years 1,116*l.* Statistics of the quantity of butter passed through the market were handed in, and also a very valuable record of prices extending from 1851 to 1888. Vol. VII., Q. 10,956. Vol. VII., Q. 10,106.

We were informed that great dissatisfaction is felt at the mode of testing and marking the butter brought to the Butter Market.

On the occasion of our visit we inspected the market, when we saw how the inspection, weighing, and branding of the firkins was carried on.

Business commences in the market at 10 o'clock in the morning. Prior to that the supplies are received and placed in rows for inspection. The inspectors have to ballot for the position they take in the market each day, and they then proceed to their respective stations. The butter merchant to whom the butter is consigned and the owner are allowed to be present at the inspection, and the butter is duly tested and marked by the inspector as being of one of five classifications. If the decision of the inspector is challenged by the owner or his agent, then the butter is re-examined by the head inspector and two other officers who each express their opinions, and the opinion of the majority is taken as final. The butter sales begin at a quarter to 11 o'clock in the price room, and as the clock strikes 11 the sale ceases for the day. Vol. VII., Q. 10,000, &c. Vol. VII., Q. 10,472.

The Trustees have in the meantime fixed what the prices of the various brands shall be, and the price is then posted up in the sale room and in the market. No alteration

can be made in the prices for the day, and buyers and sellers are bound to abide by them.

Vol. VII.,
Q. 10,647-
10,652.

The mode of fixing the price for the day is an arbitrary one, and neither the seller nor the producer has any voice in the matter. It is fixed by the Trustees who meet at the market, and the lowest offer per cwt. at which the market can be cleared becomes the prices of the day for each quality of butter. Thus, although as much as 118s. per cwt. be offered by one merchant, or 116s., 115s., 114s., or even 112s., per cwt. by others, 112s. may be the accepted price for the day. It is obvious, therefore, that great injustice is done to the producer, who perhaps has supplied butter well worth 118s. per cwt., yet under the regulations he is compelled to accept the price fixed by the Committee to his own loss.

Vol. VII.,
Q. 11,529.

Mr. Timothy Cronin, who represents a firm of butter merchants in Manchester, described the Cork butter market as a monopoly, and brought certain charges against the officials and Trustees, both as to the appointment of butter inspectors, and also as to the Trustees who fix the price of butter; together with a series of minor charges.

As these charges relate to transactions which took place several years ago, and have been emphatically denied by all the persons implicated, we must pass them by as being without foundation or as having been remedied by the passing of Lord Fitzgerald's Act of 1884.

Vol. VII.,
Q. 10,878,
10,927.

Vol. VII.,
Q. 10,393.

Upon a review of the evidence we have received it would appear that though legislation has done something to place the market upon a proper footing, it has left it still open to the suspicion of unfair dealing. It is not denied that the butter merchant to whom the farmer consigns his butter may deal with that butter either as a broker or agent for the producer or as a purchaser from him at a price to be fixed by a committee of whom the buyer may be one. It is thus possible for a buyer to transfer the butter to himself when the supply is abundant and the price low, and then to bring it in to the market when the demand is brisk, and sell it on his own account. It is admitted that the butter exporter buying on commission may deliver butter from his stores at the quoted price of the day, though it may have been purchased some time previously, and the brand not being dated, such butter will be sold with a guarantee of its quality at some previous period, notwithstanding any deterioration which may have taken place.

Vol. VII.,
Q. 10,165,
10,343 *et*
seq., 10,594,
11,203.

It is even possible, and not unknown, for a merchant or a firm to act as both butter buyer and butter exporter, thus acting as broker, purchaser on his own account, or purchaser by commission, and all the while taking part in fixing the prices which the producer is practically compelled to accept.

It is true that traders are restrained by motives of ordinary prudence from too great an abuse of their position, and no doubt many honourable men carry on their business in the market without reproach or suspicion of unfair dealing. It is only a matter for surprise that they should uphold a system so full of opportunities to the dishonest trader.

3 Geo. IV.
c. 79, local.

The Corn Market, so called, which is a market also for hay, straw, and dead pigs, is held by Trustees incorporated by Act of Parliament.

Vol. VII.,
Q. 9543,
9673.

The Trustees, 32 in number, are appointed by the Corporation, the County Grand Jury, and the City Grand Jury. The Corporation voluntarily handed over their market rights to this Body of Trustees in consideration of their receiving one-sixth of the tolls. The tolls are charged on all commodities sold in the market, whether brought into the market or not. The rate of toll is $\frac{3}{4}$ d. per cwt. on wheat and barley, $\frac{1}{2}$ d. per cwt. on oats, 10d. per ton on hay and straw, and 1 $\frac{3}{4}$ d. a pig. These tolls are in addition to the gate toll of 1d. per barrel. Thus one Imperial quarter of oats pays in the two tolls 3d. The market toll is exacted on all home-grown corn sold in stores within the city, while foreign corn, including all corn brought in by water, escapes both gate and market toll. As there are free markets at Kinsale and Midleton, it is not surprising that the corn trade in the Cork market has declined in importance. The dead pig trade has also greatly fallen off, as the bacon curers prefer to buy the pigs alive and kill them on their own premises.

Vol. VII.,
Q. 11,179.

Vol. VII.,
Q. 11,165.

Vol. VII.,
Q. 11,146.

The receipts of the market are declining and are insufficient to meet the liabilities of the Trustees. The average receipts for the three years 1886-88 were 1,450l., the average expenditure 1,360l.; but the Corporation have not received their share of the tolls, and the debt due to the bank has increased by nonpayment of interest from 3,380l. to 3,558l. The statement of accounts, as made out by the Borough Auditors, was handed in for our information. Mr. J. O'Brien, the Mayor of Cork, drew our attention to an extraordinary method of rendering an account adopted by the Trustees, who base their estimate of their assets upon the amount of their liabilities. Thus, while their

Vol. VII.,
Q. 11,409.

property is becoming every day less valuable, and their debts increase from year to year, their assets are estimated at 7,265*l.* in 1888, as against 6,430*l.* in 1886, those sums representing the liabilities of the Trustees at the respective periods, exclusive of the claim of the Corporation. It appears that the tolls for the seven years ending 1888 have been 1,530*l.*, 1,445*l.*, 1,330*l.*, 1,192*l.*, 1,349*l.*, 1,243*l.*, 966*l.*

Mr. O'Brien urged that this market, having belonged to the Corporation, who "transferred it to a body of Trustees, subject to a certain revenue, which has not been paid, it should again revert to the Corporate Body, with the condition that they should keep a market for the sale of such products as were originally intended by the Act." He pointed out that the expense of management would be much reduced, as the Trustees had a separate staff of officers, and it may be mentioned that in 1888 the salaries of the Secretary and Superintendent absorbed 315*l.* out of a gross revenue of 1,205*l.*, or 26 per cent. of the receipts, while salaries and labour cost 1,076*l.*, and the total amount of tolls was only 966*l.*

Vol. VII.,
Q. 11,413.
Vol. VII.,
Q. 11,415.
Vol. VII.,
Q. 11,427.

AUTHORITY UNDER WHICH MARKET RIGHTS ARE EXERCISED.

ENGLAND AND WALES.

We have already described at considerable length the various means by which market rights have hitherto been and may now be acquired. It will therefore be only necessary for us now to inquire as to the extent to which the present owners have derived their title from authenticated grants, prescriptive use, or statutory enactment.

Mr. S. B. Provis, summarising the information contained in the Return of 1886, gave information as to the alleged title of 307 markets out of 766, leaving 280 markets unaccounted for. The return referred to gave little information as to the titles of private owners, and none with regard to the manner in which rights had been acquired in Rural Sanitary Districts.

In our circulars of inquiries we inserted questions on this point, which, however, have not been very fully answered. The information which we have obtained is submitted in the following Table:—

AUTHORITY under which MARKET RIGHTS are exercised in ENGLAND and WALES, excluding LONDON.

Alleged Title or Authority for Markets.	Owners.			Bodies of Persons other than Trading Companies.	Quasi Markets held under questionable Rights, or Information defective.	Places where no Markets are now held.	Total.
	Local Authorities.	Trading Companies.	Private Persons.				
	1.	2.	3.	3a.	4.	5.	
1. By Royal Grant, Charter, Letters Patent, &c.	90	6	110	18	—	8	232
2. By Prescription - - -	17	8	43	6	—	2	76
3. By Charter or Prescription confirmed or regulated by Statute.	41	—	4	1	—	—	46
4. By Statute (general) - -	40	—	—	—	—	—	40
5. By Statute (special), Local and Private Acts.	42	20	5	7	—	—	74
6. By Purchase or Grant - -	79	—	—	1	—	—	80
7. Particulars not ascertained - -	1	14	97	3	4	14	133
8. No Market Rights claimed - -	3	16	15	3	18	33	88
	313	64	274	39	22	57	769

The only remark in explanation of this Table which it seems necessary to make is, that in the case of Local Authorities acquiring markets by purchase, it has not been thought necessary to carry the inquiry as to title beyond the date of purchase, as it may be safely assumed that at least some prescriptive right was in existence when the purchase was made. In the case of trading companies and in that of private owners where the particulars of the original Authority were available, we put the market down as being held under that Authority and not as having been obtained by purchase. We have distinguished between markets which have been originated under the provisions

of the Public Health Act, 1875 (or any of those Sanitary Acts for which that Act was substituted), and those which owe their existence, or their existence in their present form, to local, private, or personal Acts of Parliament. Among the markets classed as belonging to private owners, a large proportion of the total number have an origin not within our knowledge. It may be asked why the list should be encumbered with 33 markets where no markets are now held and no rights are now claimed. The answer is, that we have adhered to the return made by the Local Government Board in 1886, which appears to have been based upon information supplied by Local Authorities, who specified every place where the semblance of a market was at that time to be found.

LONDON.

The means by which the several markets within the Metropolitan area have been acquired are these:—

Goldney,
Vol. II.,
pp. 20-24.

The Corporation markets are held under charters aided by statutory powers.

The Borough Market, Shadwell Market, and Stratford Market were established under Acts of Parliament. Covent Garden and Spitalfields Markets are held under Charters granted by Charles the 2nd.

Bourne,
Vol. II.,
Q. 2559.

The rights and duties of the owner of Covent Garden Market have been defined and regulated by Acts of Parliament.

IRELAND.

The Commissioners, previously referred to, reported in 1853 that markets were held in 349 places; that no patent existed in 125 instances; and that "in 103 towns as to which patents exist the markets were held on different days from those mentioned in the grant."

We have not the information which would enable us to summarise the facts as to the means by which existing markets in Ireland were acquired. It seems probable that the existence of a large proportion of both markets and fairs depends entirely upon usage, and that such rights as may exist have been frequently exceeded.

Vol. VII.,
Report,
p. 262.

Mr. O'Meara reports thus: "Of the 80 towns visited by me, the markets and fairs in only three are held strictly according to the terms of the Patents granted for the town, and in 77 more markets or fairs have been established than the number originally granted. These additional markets and fairs are established without any express authority, and merely by the owner of the market rights, and generally a committee of the traders of the town mutually agreeing to hold them."

And further—

Vol. VII.
Report,
p. 262.

"Out of the 26 Urban Sanitary Districts in which inquiries have been held by me only 12 exercise market rights, and of these only one, Carlow, has acquired the market rights by purchase, the other 11 holding either under special Act of Parliament, or by the tacit consent of the individual in whom the market rights are legally vested, or as the successors of the original grantees of the several Letters Patent."

SCOTLAND.

The markets in Edinburgh, eight in number, are the property of the Corporation, who acquired them by various Charters dating from David II. down to James VI., the last being "The Golden Charter," dated 15th March 1603. These Charters have been supplemented by several Acts of Parliament from 1838 to 1874.

Vol. VII.,
Q. 14,052.

Mr. R. Adams, the City Chamberlain, with whom Mr. A. Harris, the Deputy Town Clerk, also appeared, stated that "the fruit and vegetable markets are held on every lawful day from 7 o'clock till 10 o'clock in the forenoon from the 1st of May to the 30th of September, and from 8 o'clock to 10 o'clock in the forenoon from the 1st of October to the 30th of April. Those hours are for the wholesale dealers, the gardeners, and other salesmen. For stall-holders in the retail market, a very small market outside the larger market, the hours are on every lawful day from 7 o'clock in the morning till 5 o'clock in the evening from the 1st of May to the 30th of September, and from 8 o'clock in the morning till 5 o'clock in the evening from the 1st of October to the 30th of April. The wholesale fish market is held on every lawful day from 10 o'clock in the forenoon till about 12 noon. The retail fish market is held on every lawful day from 10 o'clock in the forenoon till 4 o'clock in the afternoon. The corn market is held on Wednesdays from 11 o'clock in the

" morning until about 3 o'clock in the afternoon. It is only held on one day in the week. The flesh markets are held on every lawful day from 5 o'clock in the morning till 8 o'clock at night, with the exception of Saturdays, when the market is open till half-past 11 o'clock. The wholesale poultry, egg, butter, and cheese market is held on every lawful day from about 6 o'clock till 10 o'clock in the forenoon. The retail poultry market is held during the same hours as the flesh markets, which they closely adjoin. The cattle market for the sale of fat cattle, sheep, and pigs is held on Tuesdays from 11 o'clock in the forenoon till about 4 o'clock in the afternoon; for the sale of store cattle, sheep, pigs, and milch cows the market is held on Wednesdays from 11 o'clock in the forenoon till about 4 o'clock in the afternoon; and the market for the sale of horses in the grass market is held on Wednesdays from 11 o'clock in the forenoon to about 4 o'clock in the afternoon."

The Corporation alone have a statutory right to hold markets in Edinburgh. Vol. VII., Markets were established a long time ago at Stockbridge, Broughton, and in Q. 14,057. Nicholson Street, which have disappeared. Recently a wholesale meat market has been established near the city slaughter-houses by a private company, but the Corporation who hold an exclusive right to erect markets not only within the Borough, but throughout the whole country of Midlothian, have not enforced their rights.

These markets and market customs are the most ancient part of the "common good" of the Burgh.

This term "common good" is invariably used in Scotland, and it may not be out of place here to give some explanation of its origin and meaning.

We are indebted to Sir James Marwick, the Town Clerk of Glasgow, for the following definition of the term "common good."

In Scotland as in England Royal Burghs received at their constitution certain valuable rights and privileges. Among these were exclusive rights of trading, power to levy and appropriate for public purposes tolls and rates exigible on the passing into and out of the Burgh of passengers and goods, and frequently gifts of tracts of land around the Burgh. These, with successive enlargements by subsequent Sovereigns, and bequests and acquisitions of heritable and movable property, have immemorially been known in Scotland as "the common good" of the Burgh.

Under the old law no goods could be sold except in the Burgh and by Burgesses, and markets for various commodities were established in different parts of the Burgh. Customs were exacted from all goods coming into and sent out from the market, and rates were charged upon all goods sold in market.

In modern times the exclusive privileges of trade thus conferred upon Burgesses have been extinguished, and the exaction of petty customs has for the most part been abolished, the pecuniary loss entailed by such abolition being in some cases made good either out of public rates levied by the Magistrates and Council, or by compensation being given out of the proceeds of police or other assessments levied within the Burgh. But the burghs of Scotland have in all cases retained the management and control of the common good, as it has existed from time to time, and the proceeds of that fund have been applied towards meeting the expenditure of the burgh.

The discretion which the Magistrates and Council of Scotch Burghs have always exercised in relation to that fund has been very wide, and speaking generally, they have, and exercise, a recognised right to apply the common good and its proceeds for such purposes as in their judgment are fitted to promote the general interests of the Burgh. In this respect their action is of a wholly different and much more unrestricted character than that of Statutory Trustees dealing with statutory funds, which can only be applied to the precise purposes for which Parliament has given power to these Trustees to apply them.

The rights and powers of the Magistrates and Council of Royal Burghs in Scotland in regard to the "common good" are also entirely different from those of English Corporations in regard to what is known as "the Borough Fund." That fund includes, it is understood, the whole property of the Corporation derived from royal and other gifts, &c., as well as the proceeds of rates and assessments, but the uses to which the fund is applicable are strictly limited by statute, and so in relation to the administration of the entire fund English Corporations occupy the same position as Scotch Corporations occupy in regard to purely statutory funds.

The Fruit and Vegetable Market, which is more generally known as the Waverley Market, is covered in, and buyers as well as sellers pay a poll tax of 1*d.* in the morning and ½*d.* in the afternoon to enter it. This has been levied since 1847, and gives no dissatisfaction. Vol. VII., Q. 14,065, &c., 14,037.

Vol. VII.,
Q. 14,072,
14,151.

The revenue from this market amounts to 2,915*l.* and the expenditure, including interest and sinking fund on loans, to 3,328*l.* The deficit is made up by utilising the profits from other markets, or, in other words, it is taken out of the "common good."

Vol. VII.,
Q. 14,065.

The capital expenditure on this market has been about 35,432*l.*, "of which there was charged against the general improvements, police accounts, and set against the Burgh assessments 3,750*l.* in respect of the improvement of the east end of Princes Street, caused by the erection of the market roof."

Vol. VII.,
Q. 14,068.

The site originally belonged to the Corporation, but passed into the hands of the North British Railway, who subsequently exchanged it for another site, for the purposes of railway extension.

Vol. VII.,
Q. 14,069.

The money borrowed on this and other markets was authorised by the Improvement Act of 1874.

Vol. VII.,
Q. 14,085.
Vol. XIII.,
Part III.

There are no fixed rents, Mr. Adams states, in this market, but the rent is obtained by collecting a duty of 1*s.* for standing room for each two-wheeled cart-load of produce entering the market, and 2*s.* for a four-wheeled cart-load. The market gardeners have powers from the Town Council to allocate spaces. The rent of these amounts to about 1,361*l.* a year, inclusive of the sums obtained from rent of the Market House for entertainments after market hours, which have nothing to do with market dues. Then the rents of stalls in the gallery and of rooms amount to 856*l.* a year. The poll-tax for entry of the general public realises 569*l.*, and the lavatory dues reach 128*l.* 12*s.* 2*d.* A small balance of 10*s.* 10*d.* from the sale of unclaimed goods, and the sum of 1½*d.* for weighing dues, complete the total of 2,915*l.* 7*s.*

This market covers an area of 6,636 square yards.

Vol. VII.,
Q. 14,472,
&c.

Mr. John Mathison, solicitor to the Market Gardeners' Association, appeared on their behalf, but after hearing Mr. Adam's evidence, he stated they had no complaint to make. However, he desired to make two suggestions: first, that the cart dues, which were increased by the Corporation at the recommendation of the Gardeners' Association, in consideration of the extra expense incurred by covering in the market, should be reduced when the debt was paid off, as they press heavily on the smaller men; secondly, that during certain periods of the year, and particularly in the summer, there is not sufficient room in the market, and it is necessary then to put two men into one stand, which causes some crowding and inconvenience.

Vol. VII.,
Q. 14,477,
&c.

This matter has been represented to the Corporation, and as there is a space available, the Association hope it may be added to the Waverley Market.

Vol. XIII.,
Part III.

Vol. VII.,
Q. 14,094.

The Wholesale Fish Market covers an area of 994 square yards and contains 10 stalls, with rooms or offices attached; it is completely covered in. The capital expenditure on this market has been 7,614*l.*, the annual average revenue from stallages is 503*l.* 17*s.* 8*d.*, and from other sources 1*l.* 11*s.* 1*d.* The expenditure amounts to 818*l.*, including 608*l.* interest on loans and sinking fund.

Vol. VII.,
Q. 14,096.

The Retail Fish Market is small and unimportant, and we need not refer to it further. The receipts are 111*l.*, and the expenditure 51*l.*

Vol. VII.,
Q. 14,096.

The Flesh Market consists of a number of stalls known as arch stalls, which are in the buildings surrounding the market. In the centre are wooden stalls or craemes, for which a charge of 6*s.* a week is made. The revenue from stallages is 605*l.*, and the expenditure is only 385*l.*, showing a profit of 220*l.* There is no debt on this market. No tolls or dues are levied on meat brought into the market.

Vol. VII.,
Q. 14,112.

The wholesale and retail poultry markets are both very small, and need no comment from us.

Vol. XIII.,
Part III.

Vol. VII.,
Q. 14,164.

The Cattle Market is commodious, admirably arranged, with good lairs and sheds. It contains two auction marts, and stable accommodation. It is kept remarkably clean, and when we visited it without notice we had no fault to find. A small weighbridge of a suitable character is provided with iron hurdles, and appeared to be in good working order. Only one beast can be weighed at a time, which in a large market is a drawback. This market covers an area of 3.18 acres.

Vol. VII.,
Q. 14,116.

The revenue derived from this market is very large, amounting to in all 4,490*l.* 11*s.* 2*d.* Of this, 3,094*l.* is derived from tolls. Under the ancient Charter which was confirmed by the Act of 1874, the sum of 4*d.* is levied on every head of cattle that enters the city for sale or slaughter, 1*d.* on sheep, 2*d.* on swine, and 4*d.* on horses. These tolls are collected by tacksmen stationed at certain various places, including the different auction marts, of which that belonging to Messrs. Swan is the most important. All cattle entering these marts have to pay the toll, and Mr. Adam, in reply to questions as to what service was rendered by the Corporation in respect of the toll of 4*d.*, replied "Directly none."

Vol. VII.,
Q. 14,122,
et seq.

These tolls are levied, taking a yearly average, on 26,127 oxen, 100,553 sheep, and 2,076 swine. The expenditure amounts to 1,654*l.*, leaving a balance of 2,837*l.*, which is carried to the "common good." Vol. VII., Q. 14,123.

The Corn Market is a covered building which was erected about the year 1847, as the old market was found to be totally inadequate for the purpose. The revenue amounts to 2,137*l.*, of which 24*l.* is derived from the poll-tax of 1*d.* paid by each person who enters the building. Rents amount to 348*l.*; stallages and stand dues, 199*l.*; implements, 41*l.*; stall dues and rents of counting rooms, 1,219*l.*; sample dues, 86*l.*; and occasional stall dues, 2*l.* Vol. VII., Q. 14,134.

The expenditure on the market annually is 1,945*l.*, and is made up as follows:—1,040*l.* interest and sinking fund on capital borrowed; salaries of officers, 166*l.*; repairs, 294*l.*; "other purposes" (which include water, gas, coal, rates and taxes, insurance, collectors' wages, &c., &c.), 445*l.*

The capital expenditure on the market was about 36,375*l.* Of this sum, 18,500*l.* was borrowed under the Act of 1847, when the new corn market was authorised and built. This sum was paid off entirely before the year 1870 out of the surplus revenue from the market. In 1870 the market was free from debt; but in 1874 a further extension of it became a matter of necessity, and under the Act of that year the Corporation was authorised to borrow a sum of 13,000*l.* upon mortgage. This was borrowed; but more capital being required, a temporary advance was made of 4,875*l.*, bringing the total capital expenditure under the Act of 1874 to 17,875*l.* The security of the market rates was given for the temporary advance, and the capital, with interest, is being paid off at the rate of 1,040*l.* a year, and at this rate the entire debt will be wiped off about the year 1894. Vol. VII., Q. 14,125.

The Corporation charge 10*l.* a year for the rent of a stall, which sum is authorised by the Act of 1874, and sellers of corn by sample pay 1*s.* per sample, or 5*s.* a day. Vol. VII., Q. 14,135, 14,139.

Mr. William Lindsay and Mr. S. B. Sutherland appeared before us to represent stall-holders in the corn market. Vol. VII., Q. 14,246.

Mr. Sutherland handed in a statement, together with a memorial signed by 62 stall-holders which had been sent to the Corporation. It contains the objections which they entertain to the action of the Corporation in maintaining the rents in the corn market, when, as they allege, there was an understanding that the rents should be reduced as soon as the original debt on the market was paid off.

It also appears that the Corporation proposed to restrict the stall-holders to their own stalls, and not permit them to sell by sample anywhere in the market area.

The following extract from the memorial enters fully into the question:—

"Hitherto the stall-holders have from the first opening of the market building enjoyed the privilege of effecting sales by sample, during market hours, over the whole area of the market, and upon that footing they have rented and paid for the stalls occupied by them. The proposed new mode under which they are to be confined to their stalls is not only a retrograde movement, but is an attempt to impose restrictions upon the freedom of sale in a public market not consistent with ordinary usage, and in violation of both the letter and spirit of the Act under which the market building was erected.

"Prior to the passing of the Act of 21st June 1847, which led to the erection of the present building, the negotiations which were then entered into fully recognised the importance of the trading interest now represented by the stall-holders. That Act (section 5) made careful and specific provision that the market-house to be built should 'contain ample and convenient accommodation for the whole business of the markets, properly fitted up for the use of corn merchants and corn factors who may sell by sample merely;' and by section 14 it is enacted that only those persons 'who shall at the time be in possession of stalls in the said market house, or their *bonâ fide* clerks or salesmen,' or those who have paid stand dues as therein provided, should be entitled 'to attend such new market place with samples and there effect sales.' It is plainly the meaning and intention of these sections of the Act, and of the general scope of it, that the stall-holders should have a right to the use of the entire public area of the market place for the purposes of their business in effecting sales in public market, and that any attempt to confine them to their stalls, as the byelaw seeks to do, is an unwarrantable restriction of the rights to which they are entitled, and which they have hitherto enjoyed."

On this point Mr. Sutherland states that although the statute provides for the payment by non-stallholders of 5*s.* a day for selling in the market, many pay no dues Vol. VII., Q. 14,272, &c.

whatever. He suggests an increase in the number of officers who shall by the diligent discharge of their duties discover those people who make use of the market and exact the dues from them.

In answer to a question the witness further explained the method by which people evaded payment of the dues—

14,330. "How do these people manage to get in without paying?—They do not get in without paying the poll-tax; everybody must pay the poll-tax.

14,331. "I suppose somebody is at the door to collect it?—Yes; you go through a turnstile. But the statute provides that anyone who goes to the market and effects sales otherwise than as a stall-holder paying a rent, or a person having a stand for the exhibition of stock samples, shall pay 5s. for each market day. A man goes in and he pays his poll-tax, and he goes to a buyer, and says, 'I can give you Hungarian flour,' or 'I can give you American wheat of such and such a description without a sample at all at such and such a price,' and he effects a sale. He gets the benefit of the market buildings, and pays neither stall rents nor stand dues.

14,332. "That is a system of deception which I should have thought could easily have been checked?—Not very easily. A great number of people go into the market who are neither buyers or sellers."

Vol. VII.,
Q. 14,255,
&c.

Mr. Sutherland stated under examination that the Corporation having an annual surplus of revenue over expenditure of about 900*l.*, or deducting the interest and sinking fund, of 300*l.* a year, hand this balance over to the common good, and give the stall-holders no benefit whatever.

Vol. VII.,
Q. 14,264,
&c.

He contends that under the Act of 1874 only a portion of the sinking fund should be supplied from the Corn Market revenue, and that the remainder should come from the surplus of other markets, and the balance should be applied towards the reduction of the rents. He maintains that the poll-tax which the stall-holders pay for themselves and their servants over and above the rents is an undue burden upon them, and that they are unfairly treated.

Mr. Sutherland summarises his evidence on this point by saying:—

Vol. VII.,
p. 391, and
Q. 14,274,
Q. 14,266,
Q. 14,278.

"1st. That no restrictions such as those proposed by the byelaw suggested in 1887 should be put upon stall-holders.

"2nd. That more effectual measures should be taken to enforce collection from persons using the markets for sales, but who pay neither stall rent nor stand dues, of the dues payable by such persons under the existing Acts.

"3rd. That the stall rents should be reduced, and that stall-holders and parties who pay stand dues should be exempt from payment of the admittance money.

"4th. That the stall-holders and traders should be represented on an executive committee for the administration and management of the market."

Vol. VII.,
Q. 14,135—
14,149.

In reply to Mr. Sutherland's complaint that people come into the market and sell by sample without paying the dues, Mr. Adam has no doubt that this is done, and he has been told that this practice has been increasing of late years. The difficulty, he says, is to ascertain who sell in this manner. The collectors obtain dues from whomsoever they see acting in this way, and in 1888 the number of people who paid for selling by sample was 1,918. He admits that the stall-holders have a grievance on this subject, and the Corporation at the present time are considering how they can remedy this defect.

Vol. VII.,
Q. 14,265,
&c., and
also p. 390.

Mr. Sutherland proceeds to explain that by the 12th section of the Act of 1847, it is provided that it should be lawful to the Corporation to levy and collect "from each corn merchant, corn factor, or other person who shall attend the said market place with samples of any kind of meal, grain, or other agricultural produce," . . . 'a yearly stall rent or duty of *not more than 10*l.* each*,' . . . 'in consideration of which rent or duty there shall be allocated to each person who shall pay the same a separate stall or compartment adapted to the purposes of the 'trade.' From the circumstance that this section provides that the stall rent or duty should *not exceed 10*l.** it is obvious that it was the intention of the Legislature that the rent to be collected from the stall-holders should be reduced below that sum from time to time as the revenues from the market might permit of. The manner in which the market revenues had to be applied is provided for by section 24 of the Act in question; and the purposes for which the revenue is so to be applied are there stated to be—(1st) payment of the necessary charges of collection, management, and repairs; (2nd) an annual payment of 346*l.* to the credit of a special revenue account of the city; (3rd) payment of the interest on such sums as might be borrowed in virtue of the powers of the Act itself; and (4th) in

“ reducing from time to time the sums borrowed under the Act, until the same
 “ have been wholly discharged. Now, it appears that although the whole of the
 “ original debt upon the building has been paid off, and that too, as we shall show
 “ presently, to a large extent by the revenue derived from our constituents, there
 “ has never been granted to them any remission of their rental.

* * * * *

“ Many of our constituents, who have been stall-holders for 27 years, naturally feel
 “ themselves aggrieved that the whole incidence of the debt and its entire liquidation
 “ should be thrown upon them and the present stall-holders for the benefit of posterity :
 “ and considering that they have already done so much towards the extinction of the
 “ debt, they now very naturally ask, and are justly entitled to receive, a reduction of
 “ stall dues. He then continues that such a reduction was in contemplation by the
 “ parties who promoted the erection of the corn exchange, is undoubted. Some of our
 “ constituents, who paid the original rent of 26s. per annum in the old corn market,
 “ recollect distinctly that the inducement was held out to them that the increase of
 “ stall dues then contemplated was a temporary one—intended not to secure a revenue
 “ to the city, but to afford a fund of credit for a limited period, to permit of the city
 “ borrowing for the purposes of the erection of the building. It was quite in view of
 “ the parties, that as the debt was reduced from time to time there should be a
 “ corresponding diminution of the stall dues; and this view is borne out by the
 “ remarks made by the late Mr. Adam Black, who was Lord Provost of the City at the
 “ time the Act of 1847 was promoted, and who, on the occasion of the opening of the
 “ new corn exchange in 1849, spoke as follows:—“ When the Town Council were
 “ informed, by those who attended the market, of the deficiency of accommodation
 “ in the old market, they were satisfied that the complaints were well founded, and
 “ they determined that they would use their best exertions to provide suitable
 “ accommodation for those attending the market, as their object was not the private
 “ emolument of the Corporation, but the benefit of the citizens, and the merchants
 “ and farmers who attended the market. They requested that they might have a
 “ meeting of all who were interested in the undertaking. This meeting accordingly
 “ took place, and we said to them, “ Now, gentlemen, we are disposed to run all the
 “ risk of providing for you all the funds, only it will be necessary that you pay the
 “ interest of the money which we may borrow, and appropriate a small sum as a
 “ sinking fund, which shall ultimately go to pay off the debt.” . . . Without
 “ a sinking fund we could not have borrowed the money at all. . . . As soon
 “ as the half of the debt is paid, one-half of the dues will be removed.”

Mr. R. Addison Smith appeared for the master butchers of Edinburgh. They feel aggrieved that the Corporation, who have a surplus revenue from the cattle customs, have not reduced the toll on cattle, as provided by the Act of 1874.

When this Act was before Parliament the butchers opposed it. A meeting was held between the butchers' representatives and the Corporation, which resulted in the following clause being inserted in the Bill :—

“ Provided always, that the Corporation may suspend the levying of the customs on Vol. VII.,
 “ cattle and other animals brought into the city for slaughter only for such time as Q. 14,421.
 “ they shall think fit, and may again levy the same as they may consider necessary.”

He contends that that clause was added to enable the Corporation to reduce those Vol. VII.,
 customs if they were found to be in excess of their requirements; and that the Q. 14,422.
 revenue now is shown to be in excess of the amount required; that they have the
 power to reduce them; that they can reduce them; and that they ought to reduce them,
 but they will not.

He next points out that the Corporation collect 1,207*l.* for lairage dues, while the Vol. VII.,
 real cost, viz., “ provender supplied to stables and sheds,” is only 725*l.*, and it seems, Q. 14,423,
 he adds, that the butchers are seriously overcharged for this. &c.

On being asked why the butchers did not put their cattle up at some other place, Vol. VII.,
 he replied that “ it is most convenient to put them up at the public markets,” as there Q. 14,427,
 would be an additional charge, but “ the Corporation should not charge more than is &c.
 necessary.”

Mr. J. D. McJannet, when examined at Edinburgh, stated that the weighing machine Vol. VII.,
 at the Glasgow Cattle Market was placed in an inconvenient position, and that cattle Q. 14,380.
 had to be driven through the horse market to arrive at the machine. It was formerly
 used for weighing hay, &c. In the statement that he handed in to us the following
 remarks appeared :—

“ In Glasgow Market there is a good-sized machine; it was, and is still, used for
 “ weighing carts of hay, &c., and is conveniently placed for them; but it is not

" conveniently situated for weighing cattle, as one has to drive cattle across that portion of the market where horses are shown and trotted out; the index lever is rusty and dirty, and the lb. figures are on the wrong side of the lever (the side against the wall), so the weigher cannot see the figures; he guesses the lbs.

" On Wednesday, the 27th day of March, I was in the market. I borrowed from Messrs. Speedie Brothers, cattle salesmen, two fine bullocks, something like my own. With the assistance of Messrs. Speedie's men we drove the bullocks through the horses and on to the weighing machine. I could not find the man in charge; someone went away to look for him. In five minutes John McCall, a stableman, in the employment of the lessee, came and weighed the cattle. I asked for a ticket of the weight; he said he had no tickets; that James Davidson was the man who had charge of the machine. A man was sent off for Davidson, who turned up in 15 minutes. I asked him for a ticket of the weight of the cattle. He had no tickets, but on my telling him that the Act compelled him to give me a ticket, he went off in search of McCall (who had returned to the stables), and after some little time he wrote out the accompanying note, tearing the page from his pass book, and made McCall sign it; he charged me 4*l.* for it, and went off through the market.

" I was detained 25 minutes from the time the cattle were placed on the machine to the time I got the ticket; McCall told me he had never issued a ticket before. I told Davidson that I would report the delay in the issuing of the ticket to the Royal Commission. He said nothing, but went off, through the market, and no one was left in charge of the machine.

" I returned in 30 minutes and saw no one near the machine, so if I had had some more cattle to weigh I would in all likelihood have had to wait again.

" At 9 o'clock two bullocks were weighed, and the same two were weighed again at 11 o'clock, and there was a difference of five cwts. between the two weighings. The machine had evidently been frozen at the first weighing."

With regard to Ayr, Mr. McJannet made the following statement in the paper he handed in to us:—

" I visited Ayr Cattle Market on Tuesday, the 9th day of April. I saw the weighing machine standing in a suitable place in the market; the platform of the machine was 6' 0" × 4' 0", quite large enough for the requirements of the market, only the iron hurdles were too near the edges of the platform. The index lever was confined in a high box, which was locked.

" I saw some farmers, and at my request they brought one bullock and placed him on the machine; there was no one in charge, but in a few minutes a young lad came and opened the lid of the box and exposed the index lever; the bullock was weighed, but the machine had not been adjusted, and after the bullock was driven off the platform the machine was adjusted; instead of the balance standing at zero or 0, it stood at 2° 3' 24", so 2 cwts. 3 qrs. 24 lbs. had to be deducted from the ascertained weight of the bullock; this is a great objection, but the young lad explained that the back balance had been broken and had fallen off. Owing to the high box in front of him the weigher could not see whether the bullock was fully on the platform or not; this is a very bad arrangement and should be altered. After a little the lad returned with the ticket produced. While on the machine the bullock placed one of his hind feet underneath the under bar of the hurdle and rested it on the outer frame of the machine; the farmers had great difficulty in getting the bullock to lift its foot and place it inside on the platform. The farmers complained of the machine being too small, but it was the hurdle that was at fault, being placed too near the outer edge of the swinging platform; this should be altered."

As we were to hold an inquiry at Glasgow into the markets there as well as those at Ayr, we did not enter into these two complaints at the time, but deferred them until we could question the authorities on these points.

Mr. Councillor Brechin stated that the weighing machine in the Glasgow Market was placed in a central position at the south-east corner of the market, and is distant 20 yards from where some of the cattle are sold, and perhaps 500 yards from where other cattle are sold. He does not admit that cattle must be driven through the midst of the horses, for they can be taken round at the back of the horses; nor are the horses there every week. The machine was erected in 1888 for weighing hay, but it has not been much used, and there is room for six or eight beasts on it. There is not a man constantly in attendance to look after the machine, but the lessee of the market would always send a man to the machine when required.

Mr. Brechin states that he has never heard of the complaint of Mr. McJannet about the difference in weight of the beasts when weighed twice on the same day, and it has never been brought under the notice of the Markets Committee. Now, however, he undertakes to have the machine seen to. Vol. VII., Q. 15,198, &c. Q. 15,226. &c.

With regard to Ayr, Mr. A. G. Young, the Town Clerk, stated that he had never heard any complaints as to the inaccuracy of the weighing machine in the cattle market, nor as to its being unsuitable in any way. The machine was erected specially for weighing cattle on the passing of the Markets and Fairs (Weighing of Cattle) Act. There has never been any demand for it since it was erected, and the dealers have never expressed any desire to have a machine in the market. The lessee has a man in charge of it every market day. Vol. VI., Q. 15,651, &c.

Mr. John Murray, a master flesher in Glasgow, stated that he it was who had the two beasts weighed twice with different results. He attributes it to the fact that different men were employed, and they simply made a mistake. On another occasion he had four bullocks most carefully weighed, and the following day, having been fed on hay and water only in the interim, the bullocks were weighed again, when they were only one pound lighter. Vol. VII., Q. 15,419.

Mr. Murray thinks that nothing is gained by weighing cattle, for butchers, unlike stock-owners, are so frequently in the habit of testing the merit and weight of cattle that it is only a waste of time to weigh them. He sees no objection, however, to the live weight being taken.

STIRLING.

There are three markets at Stirling, viz., the cattle market, the horse market, and a grain market. Charles I. in 1641 granted a Charter to the Magistrates and Town Council to establish market places in the Burgh with market dues. Vol. XIII., Part III.

The cattle market is held in a field leased by the Corporation for the purpose. No tolls are taken. The horse market is held in the streets and on some land adjoining. The grain market is held in the corn exchange, which was built by the Corporation in 1837, wherein weighing and measuring machines are provided.

There are two private cattle auction marts, which are the property of Messrs. Martin and Henry and Messrs. Speadie Brothers respectively.

The Stirling Corporation tendered no evidence before us at Edinburgh, and there were no complaints as to the markets.

PERTH.

At Perth there are no regular markets, but only three private cattle marts belonging to Messrs. Hay and Kyd, Messrs. Macdonald, Fraser, & Co., and Messrs. John Swan and Sons, respectively. Vol. XIII., Part III.

Mr. James B. Young appeared before us at Edinburgh and complained that while the Corporation levy a toll of 2*d.* a head on cattle entering the City, and 1*d.* a head on leaving it, they provide no market accommodation whatever. This is felt as a hardship on all the farmers and cattle dealers in the neighbourhood. The Railway Companies compound yearly with the Corporation for these dues. Cattle coming into the City for the use of the inhabitants are free from the due. The station is outside the Burgh boundary, but the tacksman takes toll on all cattle going through Perth to it. Vol. VII., Q. 14,494, &c. Vol. VII., Q. 14,516. Vol. VII., Q. 14,521.

Mr. William MacLeish, the Town Clerk of Perth, stated with regard to the special complaints made by Mr. Young:— Vol. VII., Q. 14,509. Vol. VII., Q. 14,533.

“I think there is a good deal of fancy in them and not any foundation. The customs of Perth were established so long ago as 1200, by the Charter of William the Lion, and have been exacted more or less ever since. I can trace the present table, with two slight alterations, down to 1600, immediately after the granting of the Charter by King James VI. These customs have been exacted in that same way ever since. The view we take of the matter is that the tax (the small customs) was exactly the same as other customs before they were granted to Burghs. It was part of the Crown customs of the country which were handed over for certain services or favours by the King to the Burghs, and these have continued to be exacted ever since, in the case of Perth, by the excerpts of the Charter of King James in 1600. There were two special grants made. One was of markets and fairs, and the other was a grant of customs. They are two separate and distinct things. The charges for markets and fairs were made for cattle and other things taken into the town, accommodation for sale of which was given down to 1688.

“ The last vestige in respect to these markets and fairs was swept away by the Corporation themselves. Then the weekly markets for cattle and other things gradually dwindled down.”

Vol. VII.,
Q. 14,534.
Vol. VII.,
Q. 14,535.

He adds that the markets have been supplanted by the auction markets. The Corporation obtains from the Railway Companies 500*l.* a year in lieu of the dues levied on cattle, and these customs levied at the gates are leased to a tacksman, which brings in about 500*l.* a year more. Mr. MacLeish was unable to say what were the receipts for horses, sheep, and cattle respectively, and after making inquiries from the tacksman, he states in a letter (which is printed as a foot-note in the evidence) that he cannot get any definite information on the subject, as the men who collect the tolls keep no books.

Vol. VII.,
Q. 14,542.

He goes on to say that “ if a proper substitute for these charges be provided it might be an advantage.” He believes them to be a source of vexation in the collection.

Vol. VII.,
Q. 14,556.

Freemen pay one-third of the tolls levied from strangers.

Vol. VII.,
Q. 14,508.,
note 4.

The only complaint that has reached Mr. MacLeish is that the tacksmen say they have some difficulty in getting the toll from persons who are entering the town; if they are passing through the town to either of the auction marts outside the burgh no toll need be paid, though Mr. Young, in a letter addressed to us on the 13th May 1889 (which is printed as a foot-note to this evidence), states:—

“ A reference to Mr. MacLeish’s evidence will show the Commission that he asserts that Messrs. Macdonald and Fraser’s mart is outside the royalty, but I have to inform you that various farmers, myself among the rest, have at different times been sued at law to pay custom on stock going into that mart (Messrs. Macdonald and Fraser’s) after refusal to pay it. Till lately these claims have all been met before a decision at law was taken, but there is a case pending at present which is to be tried, I understand.

“ The reason why the tacksman’s action and Mr. MacLeish’s opinion are not consistent is that the tacksman takes all responsibilities, legal and otherwise, in his bargain with the town, and is unwilling to be convinced that he has no right to levy custom on stock going into the above mart. At any rate, he has successfully exacted it ever since the Roads and Bridges Act was adopted in this country 11 years ago.”

GLASGOW.

Vol. VII.,
Q. 15,004.

The markets in Glasgow, six in number, are all owned by the Corporation. The cattle market, the dead meat market, and the fish market are managed by the Markets Commissioners, the remaining three by a Committee. They were granted by various Royal Charters from the year 1175 A.D., and are confirmed by Acts of Parliament of different dates from 1865 to 1884.

Vol. VII.,
Q. 15,006.
Vol. XIII.,
Part III.

The cattle market, in which cattle, sheep, lambs, pigs, and horses are sold, contains an area of 35,000 square yards, and with the exception, perhaps, of the portion appropriated to sheep at certain seasons of the year, is sufficient for the requirements of the City.

Vol. VII.,
Q. 15,013,
&c.

The capital expenditure on this market is not easily arrived at for the market committee borrowed money generally for the markets, and not for one market in particular. This market is valued at 116,000*l.* It is leased to a tacksman for a term of three years, who pays a rent of 5,310*l.* a year for it. The Corporation expenses for superintendence, gas, water, rates, repairs, &c., amount to 1,300*l.*, leaving a balance of 4,000*l.*, of which 2,250*l.* is devoted to the payment of interest and sinking fund, and the balance is absorbed as profit to meet possible depreciation of the property belonging to the Market Trust.

Vol. XIII.,
Part III.
Vol. VII.,
Q. 15,039.

This market has accommodation for over 2,000 cattle and 20,000 sheep. It covers an area of 35,000 square yards.

The dead meat market is retained by the Corporation and realises an annual sum of 4,314*l.* Of this amount 3,191*l.* is derived from tolls, and 1,122*l.* from stallages. The market is open daily, and the stalls are let at the rate of $\frac{1}{4}$ *d.* per superficial foot per week, or 1*s.* 1*d.* per annum.

Vol. VII.,
Q. 15,051.

The expenditure amounts to 2,434*l.*, inclusive of sinking fund and interest, leaving a surplus of 1,880*l.* This is carried to a fund to meet the reduction in the value of the market, which cost the Corporation 35,000*l.*, but the value has been reduced by the Corporation to 24,243*l.* in order to put the valuation on a safe basis. The reason for this is explained by Mr. Nichol, who says that though the market itself has increased in value, there is a possibility of its being broken up, and then it would possess no value except as land. It covers an area of 3,689 square yards.

The fish market is almost entirely wholesale, and is not large enough to meet the requirements of the salesmen. The Corporation prohibit the sale of fish, except by retail, in any places other than the market. Hawking in the streets is permitted, and fish hawkers require no license. The revenue amounts to 1,863*l.* a year, and the expenditure to 560*l.* Interest and sinking fund may be estimated at 1,215*l.*, which leaves a small surplus of receipts over expenditure.

The bazaar, the old clothes market, and the bird and dog market are managed by a market committee of the Corporation.

The bazaar is a market for fruit and vegetables, and a portion of it is set apart as a wholesale cheese market. It is under the charge of a superintendent, who collects the rents for the stalls. It covers an area of 7,800 square yards, and the buildings, with the site, cost the Corporation 60,000*l.* The Corporation possess no market rights over this market, and therefore they levy no tolls.

The revenue derived from the stalls in the portion set apart for fruit and vegetables amounts to 2,323*l.* on an average for the last three years, and the cheese market yields 602*l.* Prior to the partial reconstruction of the market, which took place in the last three years, the gross revenue amounted to 3,600*l.*, but the disturbance of the tenants during the alterations has resulted in a loss of 675*l.* a year. This the Corporation hope to recover again.

The expenditure amounts to 2,949*l.*, which leaves a deficit on the past three years of 24*l.* Formerly there was a balance in excess of expenditure of about 500*l.* a year.

The old clothes market, which includes the sale of boots, shoes, &c., is let to a tacksman on an annual tenancy for about 2,030*l.* The expenditure amounts to 1,096*l.*, which includes a sum of 680*l.* for interest on capital. The balance of 900*l.* is carried to the common good. The market covers an area of 2,380 square yards, and it is fitted up with stands. The dues levied by the tacksman are fixed by the Corporation, and there are no complaints whatever as to this market.

The bird and dog market was erected in 1876 to meet what was believed to be a want in the City for the purchase of birds, dogs, and other small animals. The Corporation let this market for 125*l.* a year, the lessee having to pay the cost of watching, lighting, and cleansing, and keep the internal fittings in repair. The market is small, and only contains 720 square yards.

The receipts and expenditure practically balance each other.

Mr. James A. Kirkwood, Mr. John Murray, and Mr. William Turner appeared before us in Glasgow as a deputation from the Glasgow United Fleshers' Society.

Mr. Kirkwood, the President, stated that the Society was anxious to lay the following points before us:—

"First. They think that it would be desirable to have the trade represented on the Executive Committee of the Market Trust, and that as a general principle in the constitution of the Executive Committees to manage markets and slaughter-houses throughout the country, provision should be made for the cattle and flesher trades being represented. The markets and slaughter-houses in Glasgow are managed by the Town Council as Market Commissioners, under the Markets and Slaughter Houses Act, 1865. As will be readily understood, there is a great deal of business to be done in the management of the markets and slaughter-houses, and this business being wholly of a technical character, it is impossible that a body of men such as Town Councils can give that intelligent attention to the business which men practically connected with the trade could furnish. In Glasgow the want of direct representation by the trade on the Executive Committee of the markets and slaughter-houses has not been so largely felt, because a former President of the Society, Bailie James Thomson, was for many years Convener of the Markets Committee, and there are at present on the Markets Committee two practical fleshers, viz., Councillor Brechin and Councillor M'Kellar, who happen to be members of the Town Council at the present time, and who have been, in consequence of their practical knowledge, placed on the Committee. It would be much better, however, in the opinion of the trade, that legislative provision should be made for trade representation, and I have been asked to suggest that a similar provision for such representation should be made, as is made under the Contagious Diseases (Animals) Act, 1878, by which the Local Authorities are entitled to put on the Executive Committee such representatives of the ratepayers as they think proper. The following is the provision in the Act:—'Each Committee may consist wholly of members of the Local Authority or partly thereof, and partly of other persons, being rated occupiers in the district of the Local Authority, and otherwise qualified as the Local Authority think fit.' I would direct the attention of the Commissioners to the fact that, in the management of the Clyde Trust, the ratepayers have direct representation to the extent

" of one-half. In connexion with the Executive Committee on markets such a large representation would not be necessary, but I think that at the very least the Town Council should be authorised to elect on the Executive Committee of the markets four or five ratepayers possessing the practical knowledge necessary to enable them to give an intelligent direction to the business of the Committee. In the case of Market Committees in other Burghs the number would not, of course, require to be so great. The number of representatives should be proportioned to the importance of the Burgh. It will be for the Commissioners to consider whether such ratepayers' representatives should have the privilege of voting on the Committee. As to this, my own opinion is that it would be a matter of indifference whether the practical men had votes on the Committee or not.

" The second point which I have been asked by the trade to bring before the Commissioners is the fact that at the present time the income and expenditure of all the markets in Glasgow are placed in one general markets and slaughter-houses account, and that in some of the Burghs throughout Scotland the income and expenditure of markets and slaughter-houses are included in the general accounts of the Burgh. The Society which I represent think that the markets and slaughter-houses should be made to stand upon their own legs, and that the rates of the several markets and slaughter-houses should bear a proportion to the expenditure. Provision for such a separation of accounts should be made general all over the country.

" The third point is, that the members of the Society which I represent believe it to be disadvantageous to the trade that cattle markets should be farmed out to a lessee. By this system of farming out the lessee, whose sole object is to make the business pay, has a direct interest in cutting down to the lowest point the expenditure in connexion with the administration of the market, and the result is that it is neither kept so clean nor so well lighted as it would be if the management of it were entirely in the hands of the Markets Committee.

" The only other point upon which I was asked to say something is, the propriety of legislation to prevent sales of cattle in any other place than in the public markets. Such a limitation would not, of course, apply to the case of a dairy-keeper selling a cow in his own premises, but it would apply to the stock yards and auction marts where cattle sales are sometimes held. I need not tell the Commissioners that a perfect system of inspection of cattle can only be carried out where cattle are obliged to be brought to a common centre for the purpose of sale."

Vol. VII.
Q. 15,424.

Mr. A. McIntyre, Mr. M. Hetherington, and Mr. P. B. MacNab, wholesale butchers, and representing the Glasgow Wholesale Butchers' Society, gave evidence before us. They say that the butchers have to pay 10d. a head for every bullock they kill in the Corporation slaughter-houses; also 1d. for every hide that they weigh; and for taking the carcasses into the dead meat market they pay 1s. on each bullock. They have no objection to pay the slaughter-house dues, for the Corporation provides accommodation in return for them; but the dead meat market dues are high, and a very large revenue is obtained from this source. The Corporation formerly charged 6d. per bullock only in the old market, and the toll was raised to 1s. when the new market was built, because a large sum was expended on it, and the Town Council expected some time would elapse before they would be in a position to recoup their outlay. The butchers were told that as soon as this new market became "a paying concern" the dues would be reduced to the old rate. It has for some time been very remunerative, but in spite of two distinct representations from the butchers to the Corporation, the dues have not been reduced.

Vol. VII.,
Q. 15,476.

With regard to the wish of the fleshers to be represented on the Markets Committee, Mr. Monro, the Deputy Town Clerk, states that this Committee is composed of 10 members, two of whom are fleshers. They attend the market daily, and if any cause for complaint arose they would hear of it.

Mr. Councillor Brechin, one of the fleshers, says that the butchers as a body are satisfied with the market.

Vol. VII.,
Q. 15,506-
15,516.

There are two depôts for the foreign cattle which arrive from the United States and Canada. Cattle arriving from the States are landed at Yorkhill, on the north side of the river, while those coming from Canada are landed at Shield Hall, on the south side of the Clyde.

These depôts are managed by a Committee of the Magistrates of Glasgow, appointed under the Contagious Diseases (Animals) Act, and not by the Markets Committee.

The total cost of erecting buildings, landing stages, &c., on these depôts has been 61,500*l*. The revenue derived from Shield Hall is 2,542*l*.; the expenditure, including 585*l*. for interest on sinking fund, is 2,146*l*. Vol. VII., Q. 15,510-15,512.

The revenue from Yorkhill amounts to 4,296*l*.; the expenditure, including 1,170*l*. for interest, is 5,119*l*., leaving a considerable deficit. Vol. VII., Q. 15,515.

It was proposed to pay off the capital at the rate of 20 per cent. per annum, but owing to the trade having fallen off during the last few years, the committee has not been able to pay the instalments. It is expected that the trade will revive very shortly. Vol. VII., Q. 15,513-15,516.

AYR.

There are only two markets at Ayr, the cattle market, with which we deal in a later portion of the Report, and the butter market. This is only a small market, and the receipts amount to 56*l*. a year, while the expenditure is only 10*l*. The two markets were established under various Charters, dating from 1202, or even earlier, down to the year 1701. These Charters have been confirmed by the Ayr Burgh Act of 1873. Vol. VII., Q. 15,564. Vol. VII., Q. 15,565.

Four times a year a horse fair has been held in an open space outside the cattle market from time immemorial, but complaints have been made to the Corporation of the inconvenience arising from it, and also that accidents have occurred. The Corporation are now providing a new and commodious market for cattle, and a space will be set apart for horses, so that the nuisance caused by the fair and the cattle market will be removed. The cost of the new market is estimated at 12,000*l*., which will be defrayed out of the "common good." Vol. VII., Q. 15,600. Vol. VII., Q. 15,685, &c.

DUNDEE.

Mr. William Hay, the Town Clerk of Dundee, states in his evidence that there are three markets or fairs that are under the control of the Town Council, viz., Stole's Fair, Melvin's Fair, and Latter Fair, for cattle, horses, and sheep, and also a "feeing" market called Bell's Fair. These are held annually at the Fair Muir. The Lady Mary Fair is held by the Earl of Home, who claims the right of drawing the street customs and the fair dues on eight days in the year. The Town Council commute that right by a payment of 12*l*. a year. Vol. VII., Q. 14,599.

The fairs and markets of Dundee are held under various Royal Charters dating from 1458, and also under several Acts of Parliament, the latest being dated 1837.

The tolls and customs leviable at these markets are let yearly to a tacksman by public "roup." The rent is 504*l*., details of which we give below. The income realised by this means is trifling, and Mr. Hay states that the Town Council provide no accommodation in return for the revenue. Vol. VII., Q. 14,605. Vol. VII., Q. 14,621.

For last year these several tolls and customs, generally classed under the head of petty customs, were let publicly as follows:— Vol. VII., Q. 14,605.

	£	s.	d.
1. The tolls or customs leviable on produce and articles entering the city for sale (except goods brought by the railways) at	6	0	0
2. The market and street customs on all goods and articles exposed for sale in the public market places and streets, principally in green market	135	0	0
3. The customs at the town cattle fairs (subject to an allowance made to Lord Home)	15	0	0
Besides these customs let—			
(1.) The Caledonian Railway arrange a payment yearly for the goods and articles brought in by them of	138	0	0
(2.) The Dundee and Arbroath Joint Railway arrange for	65	0	0
(3.) The North British Railway arrange by an agreement for a term of years yearly	132	0	0
Making last year's account	504	0	0

Mr. T. Thornton, the Clerk to the Police Commissioners (who are simply the Provost, Magistrates and Town Council under another name), states that the Carolina Market is under the control of the Commissioners. In it horses, cattle, calves, sheep, pigs, and agricultural produce are sold. Vol. VII., Q. 14,624, &c.

Vol. VII.,
Q. 14,632.

The revenue derived from the market is about 960*l.* a year, and the expenditure is 1,326*l.* The excess of expenditure over revenue is met out of the general police rate of Dundee, which is levied upon all occupiers within the burgh.

Vol. XIII.,
Part III.

Accommodation is provided in the market for 500 head of cattle, 1,000 calves, sheep, and pigs, 100 horses, and 100 loads of agricultural produce, together with five auction marts, sheds for storage of live stock, and offices, &c.

Vol. VII.,
Q. 14,631.

The capital expenditure on it has been 23,000*l.*, and of this sum 19,240*l.* is still outstanding.

In this market there is also a dead meat market which cost 2,000*l.* beyond the sum mentioned above. The Commissioners have reduced this debt to 1,670*l.*

Vol. VII.,
Q. 14,643.

No complaints are made of the dues or markets, for in 1876, before the dues were fixed, the Commissioners discussed them with the farmers, and adjusted them at what were then considered to be fair rates.

Vol. VII.,
Q. 14,928.

In fact, the only complaints made before us in connexion with the markets were that the rents of the slaughter-houses were too high, and that the auctioneers who were represented by Mr. P. McIntyre, have provided auction marts at their own expense and are compelled to pay toll to the Corporation on every head of cattle entering the marts. Further, they are forbidden under the Act of 1882 to sell in their own marts except on one day in the week.

Very little interest attached to this portion of our inquiry, the burning question in Dundee being that of the shore dues or plack dues. These we propose to deal with in another portion of our Report.

SOURCES OF REVENUE OF MARKET OWNERS.

The Reference directs us to inquire what are the revenues in respect of market rights, distinguishing the receipts from tolls, rents, stallages, and other dues, from other sources of revenue. This we have endeavoured to ascertain by means of questions addressed to owners of market rights. The replies, we regret to record, are of a very disappointing character.

Instead of furnishing information on each item of revenue, the owners very frequently give the gross income derived from all sources in one sum, without distinguishing the revenue from tolls, rents, or stallages, whilst in many other cases the information is altogether withheld. In a few instances Town Clerks refused to supply the details called for unless they were remunerated for their trouble.

In the case of markets owned by private individuals, trading companies, or other bodies, we hoped to obtain corroborative information from the local authorities of the town or district, but we were disappointed in most cases, as the replies to our questions are generally of a very meagre description, and very frequently the local authorities have obtained their information from the owners themselves, thus defeating the object we had in view.

We have also found that in various instances when witnesses have appeared before us, the accounts of revenue given by them in reference to the markets of which they speak, are not in accordance with the returns given; possibly because the latter are based on an average of three years.

Vol. VII.,
Q. 9870 *et seq.*

A notable instance of inaccuracy is found in the accounts of the City Treasurer at Cork, who admitted, when under examination by us, that considerable discrepancies were to be found between the accounts furnished to us in our returns and the actual accounts in the Corporation books, and he subsequently corrected the figures, as will be seen on referring to his evidence.

Some local authorities class none of their receipts under the head "stallages." Some consider charges for space occupied as "rents," others as "tolls"; while in the numerous instances where the whole of the rights are farmed out by the owners, there are no means of ascertaining how much of the revenue is due to tolls and how much to other sources.

We propose now to consider the nature of the several sources of revenue.

TOLLS.

Toll, as a source of revenue to a market owner, is a charge on goods and animals brought within the area over which those market rights extend.

It would appear that some original grants of markets did not expressly grant the right of toll. In the majority of cases there is however a grant of toll in general terms without specification of the particular things for which it shall be paid or the

Vol. II.,
Q. 5746,
6143, 6372.
Vol. II.,
Q. 6250,
4652, 4993.
Vol. IV.,
1627.

amount which may be taken, but occasionally the scale of tolls is precisely set out in the grant.

The question of right to take toll has frequently been the subject of litigation.

The result of a number of decisions on the point is thus stated by Gunning in his Treatise on the Law of Tolls:—

“Tolls are not incident of common right to a fair or market; they will not pass under a grant from the Crown of a fair or market with the ‘profits,’ ‘enoluments,’ ‘liberties,’ ‘free customs,’ ‘privileges’ [or other similar words], to such or the like fairs or markets belonging or appertaining—but there must be an express grant of ‘toll’ *eo nomine*. The grant, however, need not specify the amount or nature of the tolls to be taken . . . but under such a grant the grantee is entitled to demand and take a ‘reasonable toll’ for things sold.”

Gunning
Tolls, p. 61.

“So early as in the reign of Edward I. a statute was passed by which the taking of outrageous toll, contrary to the common custom of the realm, in market towns, was made punishable in certain cases by the forfeiture of the franchise, and in others by fine and imprisonment.”

3Ed.I. c. 31.
See Report
of Select
Committee
on Tolls and
Customs in
Ireland,
A.D. 1826.

The Quo Warranto Rolls already quoted record some complaints of outrageous toll, and in the extracts printed in Vol. I are some instances of the actual tolls charged, and an account of the action taken by the judges.

“Among other entries possessing a special interest, we may notice that in the case of Bakewell, in Derbyshire, the judges intervened to regulate the amount of toll which might properly be taken. When the market was forfeited into the King’s hands for misuser, the owner of the franchise was compelled to reduce the scale of charges, on the ground that they were ‘superfluous and unjust, and to the oppression of the people and against common law.’”

Vol. I,
pp. 25, 69.

In the case of Meysham (Measham), in the county of Derby, the rate of tolls taken is fully set out. The market and fair are seized into the King’s hand, “by reason of abuse.”

Then the owner, “the said Edmund, prays to be admitted to make a fine with the King to have back the said liberties: and he is asked by the court whether he wishes to have such tolls as aforesaid, which are superfluous and unjust and to the oppression of the people and against the common law; and he avers that he does not wish to take in future any such tolls, but says that he claims to take in future as follows:—”

Vol. I., p. 70.

The revised rate of tolls is then set out.

“And the market and fair are restored to him, to be used in the proper manner; and he is directed to take toll in future according to his second claim.”

Upon the question of the penalty for taking unreasonable toll, Mr. G. P. Goldney gives the following evidence:—

Q. “If the toll should be shown to be so high as to materially limit trade, it would be declared to be unreasonable, and therefore void?—It would be declared to be unreasonable, but I do not know that I should go so far as to say, ‘and therefore void’ It would not be a case of forfeiture of the market, certainly, under the decision of all the judges in the Islington Market case I think it would be voidable.”

Vol. II.,
Q. 363-4.

What may be a reasonable or an unreasonable toll must be decided by a court of law, except in markets which are under the Markets and Fairs Clauses Act (or the Public Health Act), where any dispute concerning toll is to be determined by a justice.

10 Vict.
c. 14. s. 39.

“At common law, toll is due from the buyer and not from the seller; but by custom it may be payable by the latter.”

Gunning,
p. 45

It must, therefore, anciently have been paid only upon things sold.

In the case of Meysham, already referred to, one of the subjects of complaint was that toll was taken of both buyer and seller; and the revised rate imposed toll on the buyer only. At the present time toll is generally taken on all goods or animals brought into the market, whether they are sold or not. At some fairs in England, and almost universally in Ireland, toll is only charged upon cattle sold.

Vol. I., p. 70.

With regard to the rate of toll charged in former days we have not very full information. The extracts from the Liber Albus show what were the “customs” of the City of London. If these “customs” are to be considered as analogous to market tolls they were, many of them, larger in proportion to the value of the article than modern tolls are, as will be seen by the following instances:—

Vol. III.,
116-133,
Saffron
Walden,
Hertford.
See Vol. I.,
pp. 42-44.

“The kark of grain that weighs three hundredweight owes for scavage (a showing) forty pence.

"Every man who brings cheese or poultry if the same amounts to fourpence half-penny shall pay one halfpenny, the franchise excepted."

Vol. I., p. 44. "If a man on foot brings one hundred eggs or more he shall give five eggs, the franchise excepted."

Vol. I., p. 44. "If a man or woman brings bread for sale from St. Albans of the value of fourpence halfpenny such person shall pay one farthing."

And in Smythefelde the customary charges were—

"For every cow or ox sold that is full grown one penny, the franchise excepted."

"For every dozen of sheep one penny, and if there are less one halfpenny, and if there is one only one halfpenny."

Vol. I., p. 44. "If foreign dealers bring oxen, cows, sheep, or swine between the Feast of St. Martin and Christmas they shall give unto the bailiff the third best beast after the first two best. If a foreign dealer brings lean swine for sale between Hokeday and the Feast of St. Michael he shall give unto the bailiff the third best pig after the first two best unless he pay a fine unto the bailiff of sixpence or twelpence."

It will be observed that these customs differed in amount according to the class of persons who paid them, those of the franchise being exempt, foreign dealers (outsiders) paying a considerable toll, while certain customs were charged only on goods "that come from beyond sea."

Vol. I., p. 44. It has been already observed that in numerous cases where the market right is based upon a Charter or Prescription it has been confirmed or regulated by Statute. As a rule, in such cases a scale of tolls and other charges adapted to modern times, has been settled by Parliament or sanctioned by the Local Government Board. An examination of the Reports of Assistant Commissioners as to markets in England where inquiries have been held gives the following result:—

1. Markets where tolls and other charges have been fixed under powers of Acts of Parliament or sanctioned by Local Government Board	-	-	-	-	-	92
2. Markets where tolls are prescriptive	-	-	-	-	-	53
3. Markets as to which information is defective	-	-	-	-	-	10
4. Markets where tolls are of doubtful legality	-	-	-	-	-	6
5. Markets where no tolls are taken	-	-	-	-	-	8
						<hr/> 169 <hr/>

Some instances of markets where the tolls are alleged to be excessive in amount will be noticed hereafter when we come to examine the nature of the complaints as to administration of markets made either to us or our Assistant Commissioners.

Even at the present day, as will be shown hereafter, there are markets where the claim of certain classes of persons to exemption from tolls is recognised; and the idea that strangers should pay more than inhabitants is very commonly entertained.

Vol. I., p. 70. What was considered a reasonable toll in the time of Edw. I., is indicated by the Quo Warranto proceedings previously referred to. At Meysham the revised toll was 1*d.* for one horse or ox or for eight sheep or for four to eight pigs according to age; for every cart or horse load 1*d.*, for every man's load $\frac{1}{4}$ *d.* At Bakewell the tolls approved for the future are the same as at Meysham, except that a horse load is charged $\frac{1}{2}$ *d.* instead of 1*d.*

See Vol. VII., Q. 4993. We have very little further information as to the usual rate of tolls in former days. A charter of the 22nd Chas. II., by which a market and two fairs at the town of March were granted to the Lord of the Manor, has attached to it a schedule of tolls. These tolls are not very much greater than those allowed as reasonable in the 13th century. A bullock is charged 1*d.*, 20 sheep or pigs 4*d.*, a pack horse (at fairs only) is charged 1*d.* Every waggon or cart laden with *strange or foreign* goods 1*d.* All persons who expose any goods for sale 1*d.*

Vol. I., p. 44. The customs anciently payable in the City of London, according to the Liber Albus, were in many cases tolls in kind. Thus:—

"The cart that brings planks of oak shall give one plank.

"Every cart that brings leeks in Lent shall pay one penny, and one fesselet of leeks.

Vol. I., p. 44. "The vessel that brings mackerel shall give six and twenty mackerel, the franchise excepted."

In some few towns in England there are still relics of this custom.

Vol. IV., 1852, 6171. There appears to be in many large markets a tendency to supersede the tolls on goods brought into the markets by stallages or rents for spaces. One obvious advantage of the substituted charge is that the trouble of enumerating and checking

the entries of articles, of examining the dimensions of baskets, &c. is avoided, and fewer disputes are occasioned. It is alleged, however, that one effect of substituting rents for space for tolls is, that the casual vendor of small quantities of goods is kept out of the market, or at least placed at a disadvantage thereby; and that the trade is thus thrown more and more into the hands of middlemen.

In the case of Manchester, and according to the evidence of the Deputy Town Clerk, the market authorities "held that the market ought to be cleared at night, and that if parties resorting to the market wanted to leave their goods all night, and have a separate space allotted to them which should be always theirs, they should then, in addition to the toll, pay a rent. That was a double charge. Upon that litigation ensued, and this time the Corporation were the defendants, and the parties resorting to the market as a body were co-plaintiffs. That case I think is not reported; it is the case of *Lawler v. The Manchester Corporation*. That case came on for hearing, and the Judge, Vice-Chancellor Bristow, held that, according to the true construction of the Markets Acts, persons had a right to occupy upon space, and rent, if they chose to do so, in preference to paying toll; and furthermore, that we were bound, in consideration of that rent, to afford them all the advantage of the market, and that we could not continue the practice of charging toll and rent in combination, and we were restrained from doing so, but that we were bound to give them a rent if they choose to occupy upon rent, and that the toll was only in the alternative of the party not desiring to have space. Under these circumstances the occupiers of the market suggested that conference should take place, and they came, and the conference did take place, and we got authority at that period to charge what was considered a fair rent for the market privileges enjoyed; and I believe that it was and still so continues a fair rent for the space occupied and the advantages given."

Vol. VII.,
Q. 13,885.

RENTS, STALLAGES, AND OTHER DUES.

"*Stallage* is a duty (levied by the owner of a market) for the liberty of having stalls in a fair or market, or for removing them from one place to another."

"*Picage* is a duty for picking holes in the lord's ground for the posts of the stalls."

These rights are generally given in express terms in grants, but a grant of "toll," which is a general word, has been held to imply a grant of stallage.

The distinction between stallage and toll is that the former is a payment for the occupation of a portion of the market, while the latter is levied on something brought into the market.

Both stallage and picage are "incident to the soil, and therefore if the King grant a fair or market with toll to one and his heirs, to be held within land, subject to the custom of Borough English, and the grantee die, the heir at common law shall have the fair or market and the toll, but the younger son shall have the stallage and picage with the soil, by the custom."

Like other market dues, these are founded upon grant, custom, or prescription.

In markets established under the Markets and Fairs Clauses Act, or the Public Health Act, the amount of the stallages and rents appears to be to some extent left to the discretion of the local authority, while the scale of tolls must be approved by the Local Government Board; though it is very usual in special Acts to prescribe the maximum charge.

Rents for space in the market is only another term for stallage, though perhaps it is most usually applied where the accommodation supplied is of a more fixed and substantial character than a moveable stall, or where the hiring is for a more extended period as for a week, month, or longer.

We have received from a number of market owners particulars of the charges which they are authorised to levy, and the reports of our Assistant Commissioners contain very full information as to the charges now imposed in many of the markets visited by them. We have drawn up a comparative statement (which is inserted in the Appendix), giving specimens of some of the tolls and charges levied in the eight principal markets of London and in 24 representative country markets.

It is not, however, easy to institute a minute comparison between different markets, for various reasons. The rate of charge is expressed in different terms, and the accommodation given differs widely in character.

It may, however, be worth while to offer a few examples of different rates of charge. Tolls on animals are perhaps of all charges the most easily comparable, as they are generally at the rate of so much per head or per score. It appears that the toll for

Comyns'
Digest,
IV., 185.

Vol. II.,
Q. 41.

Gunning,
p. 85.

Vol. II.,
Q. 40.

Vol. XIII.,
Appendix to
Part I. & II.

fat cattle in the markets comprised in the before-mentioned Table ranges from 2*d.* to 6*d.* a head.

At Barnsley, Bradford, Colchester, Leeds, Bridgwater, and Sheffield	
the charge is	- - - - - 2 <i>d.</i>
At Birmingham, Carlisle, Leicester, Nottingham, Taunton, and	
Wakefield it is	- - - - - 3 <i>d.</i>
At Bolton, Hull, and Newcastle it is	- - - - - 4 <i>d.</i>
And at Guildford, Liverpool, Norwich, Reading, Rochdale, and	
Islington it is	- - - - - 6 <i>d.</i>

At Barnstaple 3*d.* is charged if the animal is sold, 1*d.* if it is unsold. For sheep the toll ranges from 6*d.* a score at Colchester to 2*s.* 1*d.* a score at Islington. At Ashford, a market to which we shall presently refer, these rates of toll have been considerably exceeded.

It does not appear that the rate of toll on animals is governed by the nature of accommodation given, as for instance at Leeds, a first class cattle market, the charge is on the lowest scale, while at Guildford, where the market is held in the open streets, the highest rate of toll is taken.

Tolls upon fruit and vegetables are in some cases charged upon quantities of a definite measure or weight, as by the bushel, peck, hogshead, or tierce, or by the sack or bag of a certain weight, but more generally the toll is upon some indefinite quantity, such as baskets (large and small), sacks, sieves, chests, hampers, crates, cart loads, waggon loads, &c.

As specimens of charges on definite quantities, we may instance the following:—

Fruit in quantities not exceeding one bushel pays $\frac{1}{2}$ *d.* at Bradford, Manchester, and Spitalfields, $\frac{1}{2}$ *d.* to $\frac{3}{4}$ *d.* at Leeds, 1*d.* at Wakefield and Covent Garden, and from $\frac{1}{2}$ *d.* to 1 $\frac{1}{2}$ *d.* at Birmingham.

Butter is frequently charged for by the basket; but it is very usual to specify the maximum contents of the basket, or, as at Wakefield, to charge 1*d.* for a basket not exceeding 12 lbs., and for every extra 6 lbs. an additional 1*d.*

Poultry pays toll by number, by weight, or by basket. In the London Central Meat Market the toll is $\frac{1}{4}$ *d.* for a basket not exceeding 21 lbs. In the Borough Market the charge is 6*d.* a basket. At Birmingham, fowls are charged for at the rate of $\frac{1}{2}$ *d.* each, while at Leeds, for a basket containing not more than six, the charge is 1*d.*

Fish is charged for by weight in some cases, and by hamper or basket in others.

Stallages and rents are generally charged according to the superficial area occupied, but in some instances the information supplied to us does not contain particulars as to space, and the rent is stated as so much for a butcher's shop or stall—sometimes the rate of charge per foot frontage is given. Some lettings are by the day, some by the week, and others by the year. The following information relates to butchers' shops in covered markets.

Market.	Rent per Square Foot per Week.	Rent per Square Foot per Year.
Leeds	—	2 <i>s.</i> to 2 <i>s.</i> 8 <i>d.</i>
Central Meat Market, London (average)	1 $\frac{1}{2}$ <i>d.</i>	6 <i>s.</i> 6 <i>d.</i>
Birmingham	1 $\frac{1}{2}$ <i>d.</i>	If by year 6 <i>s.</i> 8 <i>d.</i>
Sheffield	$\frac{3}{4}$ ths of 1 <i>d.</i> to 1 $\frac{3}{4}$ <i>d.</i>	1 <i>s.</i> 9 <i>d.</i> to 7 <i>s.</i> 7 <i>d.</i>

At Bolton the maximum charge authorised is 8*d.* per square foot per week. The present average charge appears to be about half the above sum or 17*s.* a year, or two-and-a-half times as much as the charge in London or Birmingham. Ground space in open or uncovered markets is frequently charged for according to the frontage, but the following information as to charges per superficial foot are extracted from the Table before mentioned.

At Sheffield from $\frac{1}{12}$ th of 1*d.* to $\frac{3}{4}$ *d.*, which is equal to $\frac{3}{4}$ *d.* to 6 $\frac{3}{4}$ *d.* per square yard.

At Hull $\frac{4}{5}$ ths of 1*d.*, which is equal to 4*d.* per square yard.

At Newcastle 1*d.*, which is equal to 9*d.* per square yard.

At Carlisle 1 $\frac{1}{2}$ *d.*, which is equal to 1*s.* per square yard.

At Taunton 2*d.*, which is equal to 1*s.* 6*d.* per square yard.

It will be seen from this statement that the charge for a standing in an open market for a single day is sometimes in excess of that made in other markets for the use of a stall in a covered market for a whole week.

We shall recur to this subject when we have to refer to the accommodation provided by market owners.

OTHER DUES.

In this class must be included the receipts of market owners from hawkers, itinerant traders, and others for permission to sell outside of the market what may be sold in the market. The question of the policy of these charges, and the legality of them in some instances, is elsewhere discussed. We merely notice at this moment the fact that in some markets the sums received under this head are considerable. We find that at Burnley these fees amount to 227*l.* a year.

Fees for weighing may also be considered as market dues. In England, generally, they amount to a very small sum, although at Penzance more than one-tenth of the receipts is on this account; but in Ireland, where the use of public weighing machines is much more common, these fees form a considerable portion of the market revenue. Vol. XIII,
Part I., p. 30.

OTHER SOURCES OF RECEIPT.

Local Authorities in many cases, and private owners of markets, possess as part of the market property, shops and public-houses. The total revenue from the market property may therefore include ordinary rents. Again, in some markets the stall-holders are supplied with gas and water; in others cattle are supplied with hay and straw; and the revenue in such cases includes considerable sums which are paid for such accommodation. The practice in various markets differing thus widely, any comparison of gross receipts is apt to be misleading. A few examples showing the nature and extent of the miscellaneous receipts may be given.

At Preston 1,098*l.*, or nearly one-fifth of the whole revenue, is derived from the rents of property purchased with a view to the extension of the markets. Vol. XIII,
Part I.,
p. 130.

At Wrexham 432*l.*, out of 2,100*l.*, is similarly derived from the rents of shops and cottages. Vol. XIII,
Part. II.,
p. 696.

At Salford nearly one-fifth of the receipts is from hay and provender supplied to cattle. Vol. XIII,
Part I.,
p. 130.

At Nottingham 627*l.*, or one-twelfth of the whole income, is received for gas supplied to stall-holders.

At Longton one-twelfth of the whole income is produced by lettings of the Town Hall, being part of the market property.

In many other cases where the amount of revenue from sources other than tolls, rents, and stallages seems to be large, no further details as to the nature of the receipts are given.

The market dues and charges in London are, speaking generally, of the same nature as in other markets in England, but in the Borough Market, which is managed by Trustees for the benefit of the ratepayers of the parish in which the market is situate, a high charge is made for portorage, and all those who bring goods into the market are compelled to pay this charge, whether they employ the appointed porters or not. It seems doubtful whether the Trustees have any statutory power to appoint these official porters, though it may be added that they might, under their Act, charge as much for tolls alone as they charge for tolls and portorage. Vol. II.,
Q. 3511-14.

In Ireland, as has been already observed, tolls are in many places charged only upon cattle and commodities sold. Mr. O'Meara states that this system prevails in the majority of places, but that where local authorities are in receipt of tolls the system of charging a moderate toll upon all animals and commodities entering the market has been generally adopted and appears to work exceedingly well. Vol. VII.,
p. 262.

We have received evidence as to the existence in a few towns of a species of octroi duty, which is collected in certain towns under the name of toll thorough, street toll, gateage. This, though not strictly a market toll, is of an analogous nature. We defer our remarks on this subject to a later period.

NET REVENUE AS COMPARED WITH CAPITAL EXPENDITURE ON THE MARKET.

We have selected a number of markets concerning which we have at our command, either in the returns made in answer to our inquiries, or in the evidence received by our Assistant Commissioners, such information as enables us to arrive at some

conclusions as to the profits of markets as commercial undertakings. As these selections have been made without regard to the inferences which may be drawn from the facts as stated, we may perhaps assume that the cases are typical.

We have previously stated that the receipts of market owners are variously classed by different authorities. We have therefore, partly on this account, and partly because in many cases the different sources of income are not distinguished, collected tolls, rents, stallages, and other market receipts together. The expenditure given is simply the current expenditure for rent (if any), repairs, management, cleansing, &c., without any allowance for interest on borrowed capital or for repayment of loans. The statement as to capital expenditure is taken from returns furnished by the local authorities.

In some cases where our Assistant Commissioners have held inquiries we have been able to revise the account. In one case the sum given is the cost of purchase of the market rights only.

Some difficulty has arisen in cases where the local authority has been for a long period in possession of the market sites and of other land available for an extension of the markets. It is clear that where a local authority removes houses or buildings, or occupies for market purposes property which brings in a rental, it is entitled to reckon the value of such property at the time of its conversion as capital expenditure; but it would hardly be fair to estimate, as one or two authorities have done, the value of sites dedicated long past to market uses at their present value as building land. So far as our information extends, there are only three places included in the subjoined table where this difficulty arises, viz., Kingston-upon-Hull, Liverpool, and London. We shall comment further on the statements as to these markets hereafter.

There seems reason to believe that very generally the cost of management of markets by Local Authorities is slightly understated because much of the work is done by the officers of the Corporation or Local Board, and the markets are not charged with a proportion of the establishment charges.

Bearing in mind these circumstances it seems probable that on the whole the amount of capital sunk in the markets is less than appears in the following table.

Vol. XIII.,
Part I.,
p. 154.

Beginning with Abergavenny as the first of our typical cases, we find that the total receipts amount to 1,028*l.* from tolls, rents, and stallages, and there is no other source of income. The annual expenses of the market are 206*l.*, while 16,828*l.* has been expended on the market. The balance of outstanding debt is not given. The surplus receipts over expenses therefore are sufficient to pay interest at the rate of 4*l.* 9*s.* per cent. on the capital spent.

Vol. IX.,
p. 435.

Ashton-under-Lyne has a gross revenue of 2,178*l.*, of which 392*l.* is derived from sources other than tolls, rents, and stallages. The annual expenses of the market amount to 993*l.*, while the capital expenditure on the market is estimated at 17,342*l.* The net income gives a return of 6·9 per cent. on this capital sum.

Vol. IX.,
p. 157.

The next market in the list, Barnsley, is an exceptionally profitable market. The evidence given before Mr. Chapman shows that the capital expenditure is rather understated, and that there has not always been a profit on the market. It is worthy of note that Mr. Chapman reports of this market that "there is almost a total absence of shelter. A good many complaints were made that the charges were excessive."

Vol. IX.,
Q. 14,205,
&c.

In the case of Blackburn, where there is a balance of receipts over expenditure equivalent to 10½ per cent. on the capital invested, it may be remarked that there has been no purchase of rights. The site of the cattle market has been bought in fee subject to a perpetual ground rent. The accommodation appears to be sufficient and convenient. The market is leased out. The charges, which are almost entirely stallages, have been frequently revised and are not complained of. The Corporation defend the system under which a considerable sum accrues to the ratepayers from the market surplus in terms which doubtless express the views of most local authorities.

Vol. IX.,
Q. 14,298.
Vol. IX.,
Q. 14,216.

"The Corporation of Blackburn, according to their own statement, at the present time undoubtedly are drawing a considerable revenue from their markets; they are of opinion that the tolls at present levied do not represent more than the rents and rates which the stall-holder on the market may be expected to pay for the accommodation provided. If the tolls were limited to the actual expenditure, the Corporation are of opinion that, whilst theoretically the consumer would derive a benefit, the per-centage of toll is so infinitesimal that practically he would not. The benefit would be absorbed by the market tenant, who would thus have an advantage over his rival, the outside shopkeeper. . . . The Corporation are of opinion that the market tolls ought to bear some fair proportion to the amount which shopkeepers generally have to pay for rent and rates."

Vol. IX.,
Q. 14,422.

The case of Bury presents a great contrast to that of the market just commented upon. The capital expended in purchase of market rights, land, and buildings was 53,110*l.* The surplus of receipts over current expenditure is 1,154*l.*, or 2·2 per cent. on capital. The annual payment in respect of sinking fund and interest is 1,900*l.*, so that here the ratepayers have to pay at present a sum of 645*l.* to maintain their market. Vol. VII., Q. 11,727, &c.

We have mentioned Hull as one of the places where the statement as to capital includes the value of sites. The Town Clerk puts the whole capital sunk in markets at 142,113*l.*, but this sum would appear to include at least 80,800*l.* for sites. We have deducted that sum from the total estimate. It is only fair to state that, upon the view of the case put forward by the Town Council, the profit on the markets is only equal to 2·7 per cent. on capital invested, such capital having been borrowed at a higher rate of interest. Vol. IV., Q. 6709, &c.

In the case of Leeds the Town Clerk estimates the total cost of markets at 288,550*l.*, but in that sum is included a large expenditure upon street improvements carried out in connexion with market extension. Mr. Chapman's view is that the actual cost of the markets was 162,268*l.*; but here again we may note that, if the Town Clerk's estimate be taken, the profit will be only 4·1 per cent. against 7·3 as shown in our Table. Vol. IV., Q. 6546, &c. Vol. VII., p. 434.

In the case of Liverpool, where the account of expenditure, given by the Deputy Town Clerk in evidence before us, differs considerably from that furnished in reply to our circular of inquiries, we have stated the actual outlay on land and buildings, not including the value of sites, which is estimated by Mr. Clare at its present value as building land, thus bringing up his estimate of capital sunk in markets to 370,000*l.* The sum which we have taken to represent capital is 246,700*l.*, on which the surplus pays 6·6 per cent., but if calculated on 370,000*l.* the return is only 4·4 per cent. Vol. VII., Q. 13,582, &c. Q. 13,600, &c.

Other markets making large profits are Pembroke and Swansea, concerning which we have no detailed information.

The markets owned by the Corporation of the City of London have been noticed in an earlier portion of our Report. We have tabulated the comparative result as regards receipt and expenditure in these markets in proportion to capital expended. It should be noted that we have excluded from consideration as capital expenditure a sum of no less than 287,650*l.*, the estimated value of sites and Corporate property absorbed in extension of markets. On the other hand the Corporation have as a set-off against their gross expenditure in respect of markets the valuable site of Farringdon disused market. Vol. II., Q. 573.

The result of the figures tabulated is that 40 selected markets in the hands of Local Authorities have cost about 2,600,000*l.* in addition to valuable property belonging to the municipalities, and that the return for that capital is at the rate of about 5½ per cent. The markets in the hands of the Corporation of London have cost 3,000,000*l.*, and the return is less than 4 per cent.

With regard to markets held by Trading Companies our information is not full. Presumably every company prepares an annual statement of accounts and we might have expected to be supplied with copies of these. In many instances we have no replies to our questions, and in one case the Secretary to the Market Company refused to give any information unless he was paid for it.

In the places visited by our Assistant Commissioners, where the markets belong to such Companies, we find, as in markets belonging to Local Authorities, a very great variation in the amount of profits, *e.g.* :—

Ashford pays 5 per cent. dividend.

Aylesbury is bankrupt.

Frome pays 2 to 3 per cent.

Highbridge pays 3½ to 5 per cent.

Northallerton pays 2 to 2½ per cent.

Reading for a long time 3, now 6 per cent.

Rochdale pays 5½ per cent.

Scarborough pays 1½ to 3½ and 5 per cent. to different classes of shareholders.

Wakefield pays 4½ per cent.

Wellington (Som.) nothing.

MARKETS.	REFERENCES.					Total Receipts.	Expenditure exclusive of re-payment of Loan and Interest.	Balance.	Capital Expenditure.	Rate of Interest which Balance pays on Capital Sunk.
	Evidence before Royal Commissioners.		Assistant Commissioners Reports.		Abstract of Replies to Circulars.					
	Vol.	Page.	Vol.	Page.						
					Vol. XIII., Part I., Page					
1. Abergavenny -	—	—	—	—	154	£ 1,028	£ 206	£ 822	£ 16,828	4·9
2. Ashton-under-Lyne -	—	—	IX.	435	108	2,178	993	1,185	17,342	6·9
3. Barnsley -	—	—	IX.	155	290	2,935	1,004	1,931	12,117	15·9
4. Barnstaple -	—	—	III.	219	50	1,159	300	859	17,500	4·9
5. Bath -	—	—	III.	288	186	1,036	560	476	5,000	9·5
6. Birmingham -	II.	274	—	—	250	18,634	5,640	12,094	235,730	5·5
7. Blackburn -	—	—	IX.	470*	106	6,436	1,672	4,764	45,000	10·5
8. Bolton -	VII.	—	IX.	239,	114	6,780	2,168	4,612	109,223	4·2
				328.*						
9. Burton-on-Trent -	—	—	—	—	202	1,685	1,045	640	24,086	2·7
10. Bury (Lanc.) -	—	—	—	—	114	2,149	995	1,154	53,110	2·2
11. Cardiff -	—	—	—	—	322	3,546	1,608	1,938	50,440	3·8
12. Carmarthen -	—	—	—	—	314	1,366	515	851	12,000	7·1
13. Chester -	—	—	—	—	18	2,494	1,149	1,345	50,000	2·7
14. Darlington -	—	—	IV.	479	66	2,544	1,234	1,310	42,123	3·1
15. Derby -	—	—	XIII.	122	42	5,271	2,467	2,804	41,488	6·7
16. Dorchester -	—	—	III.	303	58	739	174	565	8,500	6·6
17. Dudley -	—	—	VIII.	210	210	973	417	556	10,000	5·6
									rights alone.	
18. Great Grimsby -	—	—	—	—	146	1,252	525	727	17,418	4·2
19. Hereford -	—	—	—	—	82	2,179	690	1,489	18,484	8·0
20. Huddersfield -	—	—	IV.	199*	298	6,853	2,617	4,236	112,417	3·8
21. Kingston-upon-Hull -	II.	271	IV.	457*	282	5,152	1,249	3,903	61,313	6·4
22. Leeds -	—	—	IV.	433*	298	16,504	4,676	11,828	162,268	7·3
23. Leicester -	—	—	VIII.	32*	146	7,315	3,270	4,045	80,000	5·0
24. Liverpool -	VII.	—	—	—	122	26,713	10,407	16,306	246,700	6·6
25. Lynn -	—	—	IX.	51	162	2,010	1,020	990	10,000	9·9
26. Manchester -	—	13,642	—	—	122	44,801	16,245	28,556	567,939	5·2
27. Newcastle-on-Tyne -	—	—	IV.	9	170	13,004	4,561	8,143	104,000	7·8
28. Northampton -	—	—	VIII.	59	162	3,695	1,363	2,332	35,106	6·7
29. Norwich -	—	—	IX.	35*	162	4,732	1,366	3,366	60,000	5·6
30. Nottingham -	—	—	VIII.	74*	172	7,500	3,947	3,553	60,000	5·9
31. Oswestry -	—	—	—	—	186	1,731	729	1,002	25,000	4·0
32. Pembroke -	—	—	—	—	338	1,848	500	1,348	7,560	17·8
33. Reading -	—	—	IV.	107*	2	1,075	322	753	9,000	8·4
34. Salford -	—	—	IX.	576	130	9,279	3,987	5,292	68,187	7·7
35. Shrewsbury -	—	—	—	—	186	2,884	2,287	597	80,000	7·7
36. Stafford -	II.	218	VIII.	96	210	1,210	645	565	9,050	6·3
37. Stockton -	IV.	—	—	—	66	2,349	1,041	1,308	17,354	7·5
38. Swansea -	—	—	—	—	336	4,000	133	3,867	11,830	32·7
39. Wigan -	—	—	IX.	272*	138	5,002	1,650	3,352	51,015	6·6
40. Wolverhampton -	—	12,512	VIII.	136	218	5,059	1,462	3,597	56,227	6·4
Total -	—	—	—	—	—	237,100	87,139	149,961	2,621,295	5·72
LONDON.					Vol. XIII., Part I., Page					
Central Meat Market -	II.	19, 34, & 74.	—	—	10	82,952	23,848	59,104	2,739,842	3·4
Central Fish Market -	II.	19, 34, & 103.	—	—	10	6,007	3,906	2,101		
Farringdon Fruit Market -	II.	19, 34, & 103.	—	—	10	2,099	1,302	797		
Smithfield Hay Market -	II.	19, 34, & 103.	—	—	10	195	64	131		
Metropolitan Cattle Market.	II.	19, 34, & 112.	—	—	10	30,649	21,074	9,575		
Leadenhall Market -	II.	19 & 34.	—	—	10	7,768	2,806	4,962	2,739,842	3·4
Billingsgate Market -	II.	19, 34, & 95.	—	—	10	27,473	10,817	16,656		
Total City Markets -	—	—	—	—	—	157,143	63,817	93,326	2,739,842	3·4
Deptford Cattle Market {	II. VII. }	19, 34, 43, & 77.	—	—	Vol. XIII., Part I., Page 10	58,801	30,545	28,256	351,500	8·0
Total Markets under Corporation - }	—	—	—	—	—	215,944	94,862	121,582	3,091,342	3·93

NOTE.—Places marked * replies have been revised by comparison with reports of Assistant Commissioners.

SUMMARY.

	Total Receipts.	Expenditure exclusive of Repayment of Loan and Interest.	Balance.	Capital.	Rate of Interest which Balance pays on Capital Sunk.
Selected provincial markets -	£ 237,100	£ 87,139	£ 149,961	£ 2,621,295	5.72
Markets owned by Corporation of City of London.	215,944	94,362	121,582	3,091,342	3.93
Total - - -	453,044	181,501	271,543	5,712,637	4.75

We can give but few examples of the revenue of private owners. We have had it stated in evidence that the total receipts for the Covent Garden market for the three years ending 1886 were 25,303*l.*, while the expenditure was 10,116*l.*, leaving a net balance of 15,187*l.* These figures refer to the Chartered Market alone. Since the period to which they refer a very large expenditure has been made outside of the market, 32,000*l.* having been spent on buying up lessees' interests, while an annual rent of 5,000*l.* has been sacrificed in order to supply additional accommodation. Mr. Bourne, the Duke of Bedford's agent, stated that 150,000*l.* had been spent on buildings in the present century.

Vol. II.,
Q. 2636, et
seq.

The Sheffield markets belonging to the Duke of Norfolk yield a gross income of 15,082*l.* a year. The expenses of the markets are 5,387*l.*, leaving a net income of 9,695*l.* a year. In 1876 the Corporation had agreed to purchase the markets for the sum of 267,450*l.*, but the negotiation was broken off. The net income from the markets was then stated to be about 6,500*l.* a year. Since that date 121,000*l.* have been spent on improvements, which, if the purchase had taken place, would have had to be paid by the Corporation. Supposing they had spent 100,000*l.* in addition to the purchase money the net income of the market would yield them about 2½ per cent. on their investment.

Vol. IV.
p. 234.

The market at Glossop is returned as having cost 5,833*l.*, and as yielding a net income of 248*l.*

Vol. XIII.,
Part. II.,
p. 104

Devonport market cost 35,000*l.*; the receipts are 1,447*l.*, the expenses 185*l.*, net income 1,262*l.* or about 3.8 per cent.

Tavistock, with a capital expenditure of 23,000*l.*, yields a net income of 347*l.*, a still smaller return of 1.5 per cent.

With regard to Ireland, our Assistant-Commissioners' reports contain a number of accounts in the form required by the Local Government Board from Local Authorities, but the receipts and payments on account of markets are generally so mixed up with miscellaneous expenditure that it is impossible to distinguish them. The accounts of Kilkenny market are put in in full for three years, and occupy more than 10 pages of the report, but the result is not clearly stated. It would seem from the evidence that about 218*l.* has been annually transferred to the account of the Corporation, who are by the provisions of a Local Act bound to apply the profit of the market to maintaining the approaches to the market, and for which purpose the profit is said to be insufficient.

See Tunn,
Vol. VI.,
p. 256.
Athy,
Vol. VI.,
p. 296.
Carlow,
Vol. X.,
p. 297.
Waterford,
Vol. X.,
p. 88.
Vol. X.,
Q. 19,893.

At Limerick the markets are held by Trustees, incorporated under Local Acts. The Trustees were empowered to borrow 40,000*l.*, and they were directed by the Act of 1862 to pay over to the Municipal Council the sum of 1,400*l.*, which represented one-third of the gross amount of tolls at that date. The tolls having fallen off the Trustees have only been able to pay the Corporation 350*l.* a year, and the arrears of contributions due to the Corporation amount to 7,823*l.*, in addition to a mortgage debt of 39,820*l.* The circumstances of this market are very similar to those of the Cork corn market, which we have already described. We have also previously noticed the fact that the Dublin cattle market returns to the Corporation about 2.7 per cent. on its original cost, and that the markets of Belfast return something less than 3 per cent. on capital expenditure.

Vol. VI.,
Q. 1592.
Vol. VII.,
Q. 10,969,
&c.
Vol. VII.,
p. 42.

To conclude the subject, we may state that we have found it impossible to ascertain what is the total amount of revenue arising from markets, and that the Inland Revenue Department, which supplied us with a Return showing the gross amount of profits assessed for duty, stated that it included revenue derived from pier dues and other tolls, so that we were unable to draw any conclusions from it.

Vol. VII.,
Q. 6837, &c.

ACCOMMODATION PROVIDED BY MARKET OWNERS.

We are directed to inquire what is the accommodation given in return for the charges levied in markets.

ENGLAND.

We have endeavoured to ascertain by questions in our circulars of inquiries what is the nature and extent of the accommodation provided in the several markets of this country. The replies to those questions are given in Vol. XIII., Parts I., II., and III. But in many instances these replies are vague, and in some cases no answer is given. We may note in passing that one question as to markets in streets has been taken too literally, as markets held in open spaces within towns have been returned as not being held in streets.

The Local Inquiries held by our Assistant Commissioners supply very full information on this point as to many of the most important markets, and we must refer to their Reports, and to the précis of evidence contained in Vol. XII. for detailed information. It will be enough for us to indicate the nature of the accommodation given in markets of different grades.

The most elementary classification which can be made is that of covered or uncovered markets. It need scarcely be said that cattle or live stock markets are almost invariably uncovered; in first-class markets the accommodation given consists of pens or rails to which cattle are tied, the floors being generally paved or asphalted in order that they may be thoroughly cleansed; a settling house is frequently provided without extra charge; in some of the larger markets lairs are provided and forage is supplied, an extra charge being imposed for these. Weighing machines are by the provisions of a recent Act compulsorily put up where tolls are taken, and the market authority is empowered to charge a weighing fee for the use of the machine.

Corn markets are, as a rule, held under cover. In a great measure these buildings are simply exchange rooms where buyers and sellers meet for sale by sample, and the only accommodation other than that of shelter is that of desks or stands for merchants and millers, and these are paid for at a rather high rate. There is generally a small charge for admission to the building. In the few "pitch" markets which remain, such as those of Guildford, Devizes, &c., it is not usual to pitch the whole quantity offered for sale, but a limited portion or bulk sample as of one or more sacks of four bushels is brought in, and stores are provided for these.

General markets, or those where commodities of various descriptions are brought in and sold, are frequently partly held under cover and partly in the open air. In first-class markets the wholesale market is usually in the open air, while the retail market is under cover. The following summary table shows the result of our Inquiry by circular on this point as regards general markets:—

	Owners.	
	a. Local Authority.	b. Other Owners.
A. Markets held chiefly in covered buildings - - -	81	81
B. Markets partly in covered buildings, partly in the open air -	114	98
C. Markets held entirely in the open air - - -	92	139
	287	318

The information as to the remaining markets is defective.

As regards the places visited by our Assistant Commissioners it appears that approximately one-third of them are held in covered buildings, one-third partly in covered buildings and partly in the open air, and the remaining one-third entirely in the open air.

The classification of the foregoing Table has no relation to the grade of markets either in respect of their importance or excellence. Many first-class markets, such as those of Manchester, Leeds, Newcastle-on-Tyne, are partly open and partly covered. In covered markets the accommodation ranges from a substantial, well-lighted, well-ventilated building, with gas and water laid on, and refreshment restaurants, lavatories, cloak-rooms, and other conveniences, down to an ancient "butter cross" protected from the rain above but open to the four winds of heaven; or a vault-like room under other more important apartments.

Within the larger covered markets the accommodation is generally of three descriptions, shops or fixed stalls; movable stalls or benches; and ground space. The charges for these different descriptions of standings are graduated, and, as a rule, are in ratio to the superficial area of the space occupied by the ground floor. The byelaws of the market generally, or frequently the Act of Parliament authorising the charges, contain a schedule fixing the maximum charge. In markets where there is much competition for space tenders are often asked for and received for a vacant stall; in other cases a list of applicants is kept, and those earliest on the list have a prior claim.

As an example of the higher kind of accommodation in shops, we may give the following description of a shop in the Metropolitan Central Meat Market. The rent covers "a shop with a floor above extending over a portion of the premises, and containing a room, a lavatory, and a watercloset. It also includes the use and maintenance of the meat rails and hooks, the gas fittings, desk, and other fittings, and the supply of water." At the other end of the scale we may place some butchers' shops at Huddersfield described by Mr. Chapman as having the dimensions of $4\frac{1}{2}$ feet by 5 feet.

Vol. II.,
Q. 1239,
et seq.

Vol. IV.,
p. 202.

If the particulars as to the rental paid in each of these two cases be correctly given, the charge would appear to be in an inverse ratio to the accommodation. In the Central Meat Market the average rental is stated to be 1.556*l.* per week per foot super. of the area of the shop floor. The rent of the shop described at Huddersfield is 23*l.* a year, or at the rate of 4.71*l.* per week per foot super.

Among markets held entirely in the open air are the important markets of Nottingham, Norwich, Great Yarmouth, and Northampton.

Nottingham general market is held chiefly in a large square. On this are ranged in regular order nearly 400 stalls, most of them double stalls with a front and back row. The stalls are provided by the Corporation, and a charge is made for the use of them separately from the rent or stallage for the occupation of the land. About two-thirds of the stalls are put out for the Wednesday market, and they remain for the rest of the week, and the remainder are put out for the Saturday market and removed before Sunday. The tenants, many of them, occupy the same stall for years in succession, and pay rent by the year. The rent depends upon the situation, the width of the stall, and of the passages between. For the use of the stall an amount equal to the rent is charged. Before the Corporation undertook to provide and fix the stalls, much inconvenience was caused by stallholders bringing their stalls at all hours of the day and incommoding their neighbours; gas is provided, but separately charged for.

Vol. VIII.,
p. 75.

At Northampton the stalls are provided by the stallholders. Gas is found, but the cost is not included in the stallage or rent.

Vol. VIII.,
Q. 16,331,
&c.
Vol. II.,
Q. 6402, &c.
Vol. IX.,
Q. 8214, &c.

At Norwich there is a large well-frequented market held in a central space. The stallholders find their own stalls; the toll collector assigns places to the several vendors, placing sellers of the same commodity as far as practicable in the same part of the market. The charge for space is proportional to the frontage, but as the width of the stall is limited to 3 feet the rent is practically by the superficial foot of ground space occupied.

At Great Yarmouth is an open market held under similar conditions to those at Norwich. This is said to be a very popular and successful market. A witness at our Assistant Commissioners' inquiry said it was quite the fashion for ladies to attend it, and that their convenience was consulted by the Corporation issuing licenses to respectable boys, who carry home parcels for the buyers. These boys are distinguished by badges, and the system is said to work well.

Vol. IX.,
p. 22, &c.

Of markets held by private owners it is not too much to say that in the majority of cases they are held more or less in the streets, and that in very many cases the only accommodation provided by the owner is ground space; that ground, being dedicated to public uses, repaired, cleaned, and kept in order by the ratepayers.

LONDON.

Vol. II.,
Q. 465. We have stated previously the nature of the accommodation given to renters of shops in the Central Meat Market of London. This market is connected with the railway system by means of the London Chatham and Dover, and the Metropolitan lines, which deliver into the basement of the building, and there are eleven lifts for elevating the packages, but notwithstanding this it is found cheaper to deliver meat by van from the stations of arrival, as these vans can bring the meat almost to the door of the salesman.

The Central Fish Market has proved a failure, and is about to be re-converted into a fruit and vegetable market.

Vol. II.,
Q. 1957. In Billingsgate the shops include a ground floor, first and second floor, with lavatory and necessary conveniences. Tenants provide their own lights.

Vol. II.,
Q. 2048. In the Smithfield and other hay markets which are held in the streets no accommodation is given, except that for an entry fee a record of sale containing the name of the consignee, the owner, the purchaser, and the price is kept.

Vol. II.,
Q. 488.
Q. 2188. The Islington Cattle Market has stands for cattle, pens for sheep, covered buildings for calves and pigs, lairage and slaughter houses. The tolls cover the use of the stands and pens, but the lairage, slaughter houses, water supply, and forage are separately charged for.

Vol. II.,
Q. 539,
1302, &c. At the Deptford Market for foreign cattle which is under the management of the City of London Corporation, the accommodation includes a covered market, a wharf for landing cattle, a tender for unloading the larger ships, slaughter houses, offal houses, hay stores, banking premises, &c.

Vol. II.,
Q. 2563, &c. At Covent Garden the accommodation includes shops, offices, cellars, cart stands, pitching stands. Outside the Chartered area is a flower market, and an additional market for the sale of foreign fruit is in course of construction.

Vol. XIII.,
Part I., p. In the Borough Market, partly covered and partly open, there are shops and stalls held on different terms. The shop tenants pay nothing but rent; the stallholders pay tolls and compulsory portage on all goods.

Vol. II.,
Q. 3361, &c.
Vol. II.,
Q. 3369, &c. The accommodation is admittedly insufficient, and the approaches are bad. The trustees have no power to acquire land for the enlargement and improvement of the market. They made an unsuccessful application to Parliament in 1875 for additional powers, with the result that the preamble of the Bill was not proved.

IRELAND.

With regard to Ireland it is not surprising that owing to the circumstances reported upon as existing by the Commissioners of 1853, viz., of an organised resistance to all tolls, of confusion as to ownership, and of uncertainty of possession, the result was a general deficiency of accommodation; and this deficiency does not appear to have been hitherto supplied.

The reports of our Assistant Commissioners, Mr. Black and Mr. O'Meara, referring to about 140 markets personally inspected by them, and including the markets of all the principal places in Ireland, except Dublin, Belfast, and Cork, mention only about 30 of those markets in terms of commendation, while a large number are described as having no accommodation other than a weighing machine or a beam and scales.

It is to be observed that in England it is a usual and increasing practice to sell bulky agricultural produce either on the farm, or in the market by sample, the commodities never coming into the market either to be tolled or weighed. Thus "pitch" markets for corn and wool are few in number; stacks of hay are sold by sample of a load or even a truss, and even live stock is more and more sold directly to the butcher without the use of a market. In Ireland, on the contrary, the country markets are supplied with all kinds of produce in bulk, and the greater portion of these commodities pass over the public or pseudo-public weighing machine. The Commissioners in their report of 1853 describe the statutory provisions with regard to the appointment of official weighmasters sworn to act indifferently between parties. They report that persons were then "generally appointed by the owners of the tolls and customs, but they are very rarely appointed by deed or sworn in accordance with the provisions of the 4th Anne, c. 14." The fees appear to have

been leased with the tolls, the lessee becoming the weighmaster. Where tolls had been abandoned the cranage fees were sometimes let to the weighmaster. In other markets the weighmaster was paid by salary, but in a few instances he was allowed to collect fees as his salary. The Commissioners point out the abuses which had arisen; tolls and cranage were collected together and not distinguished; cranage was converted into a toll which was charged whether the thing was weighed or not. Where tolls had been abandoned the cranage fees fully equalled the toll of other markets, and were "generally three or four times the amount of the legal charge." In consequence of these abuses several recommendations on the subject of weighing were made by the Commissioners.

We have drawn attention to this matter because it appears that the weighing machine is the most important and conspicuous feature of a market in Ireland. It is a natural consequence of the disorganisation of the market system in Ireland that private persons as well as public bodies have set up beams and scales in competition with those of the market owner. The importance of the monopoly is so fully recognised by the owners that there is no portion of their rights which they hold so tenaciously.

Mr. Black reports in these terms :—

Vol. VII.,
p. 189.

"The right to compel sellers to resort to the markets is not exercised to any great extent in Ireland, except in the few cases where the tolls are under the management of the local authority of the town; but the owners of the rights jealously watch any attempt by others to establish public weighing places, as they consider they would be virtually used as public markets."

The case of Ballyshannon, reported upon by Mr. Black, illustrates more than one phase of the disorganisation we have spoken of as applying to the existing market system :—

"In Ballyshannon the rights belong to the trustees of the Connolly estate, and they have been a fruitful source of contention and litigation. The late Mr. Thos. Connolly, the owner of the estate, for the purpose of providing market accommodation, purchased a yard to be used as a market place. After erecting stores in it, he appointed a Mr. Hamilton Connolly weighmaster, who managed the markets for a number of years for his own benefit, and then gave an interest in the tolls to other parties. After Mr. Thos. Connolly's death his trustees dismissed Mr. Hamilton Connolly as weighmaster, whereupon the latter removed the weighing appliances which he had erected in the market yard to the fair green, which had also been the property of Mr. Thos. Connolly, but in respect of which he had abandoned his right to tolls. The Town Commissioners then established a market of their own, but they had not obtained the consent of the owner of the market rights, and they conducted the business as a committee, outside their duties as Town Commissioners, and applied the surplus revenue derived from it in the improvement of their market place so established by them, and in making payments to induce parties as buyers to patronise and attend their market. It was alleged on behalf of the Commissioners that they were justified in their action, as for many years others had been in the habit of weighing goods and charging cranage for doing so, and that they were doing no more. There are three distinct markets, viz., those belonging to the trustees of the Connolly estate, the fair green, on which Mr. Hamilton Connolly has placed his weighing machine, and the Commissioners' market; and the result is, as may be expected, anything but a harmonious feeling existing between the parties."

Vol. VII.,
p. 192.

It appears from the particulars given in Mr. O'Meara's Report, Appendix I., that beams and scales or weighing houses are provided in 76 out of the 81 markets visited by him.

Mr. Black, while recording some complaints as to the charges made for weighing and the deductions made from the agreed price in paying for odd weight, and recommending "that a sufficient number of beams and scales, with standard weights and measures, and where requisite weigh-bridges should be provided by the owner and maintained for the use of the market, and proper persons appointed as weighmasters" does not in his report draw attention to any marked deficiency in the provision of public facilities for weighing.

Vol. VII.,
Report,
pp. 195, 196.

Complaints as to charges for cranage or weighing fees will be noticed under the head of alleged abuses connected with market charges.

SUCCESSFUL AND UNSUCCESSFUL MARKETS.

It will be seen from what we have previously stated that the markets of the United Kingdom exhibit great variety in the circumstances of ownership and administration. They also differ greatly in their conditions of success and efficiency, their growth and extension, and this diversity will be found in many cases to be irrespective of the conditions as to ownership and the constitution of the market authority. It is, perhaps, difficult to apply any exact test of success by which markets may be compared. Mr. Chapman, an Assistant Commissioner, has adopted one test, that of gross receipts in proportion to population, but he points out instances where this test altogether fails, as in the case of Halifax, "where the market is less cared for than any of the others in the same group," and Berwick, where the revenue is low because the charges are low; and it will be seen by reference to the statistics that he has furnished, that Hull, which he speaks of in very unfavourable terms, does not differ greatly in respect of gross revenue in proportion to population from Leeds, where the markets are spoken of in the highest terms of commendation.

But further, this test is not applicable where the market of a small town accommodates and supplies a large district surrounding it, the population of this district not being taken into account.

From one point of view a market may be deemed successful if the receipts largely exceed the expenditure, but such surplus may be obtained by unduly high charges for rents; a tax is imposed on the trade, and in that case a tax is imposed on the market; and, again, it is obvious that the ratio of receipts to expenditure will largely depend upon the circumstances under which the market rights were acquired; where such rights have belonged to the town from an ancient date, and where the sites of the markets have long been the property of the town, the expenditure will compare favourably with another instance where the town has had to purchase both the market rights and the market site. Moreover, in many cases the capital expenditure on a market has not been treated as that of a separate undertaking, but paid for out of current revenue or loans for general purposes, and in such cases the materials for a comparison by this test are wanting.

It may, however, be said that a continuous growth and increase in the amount of business done, and a revenue at least equal to expenditure, are indications of a prosperous market; but this extension of business cannot be expected where the population is stationary, if not diminishing, and it may occur without the active co-operation of the market authority, as in the case of Halifax, already mentioned, of which market Mr. Chapman says,—

Vol. VII.,
p. 178.

"The revenue obtained shows not so much the result of public enterprise as that, in spite of neglect, the people have retained the habit of buying and selling in market places rather than in shops wherever it is possible."

A negative test may, perhaps, be applied. It cannot be said that a market is successful if it is badly attended and badly supplied, or if it is continually a source of loss to the owner.

Vol. VII.,
pp. 176-178.

In some cases it may be beyond the power of the market owner to remove the causes of failure, but, on the other hand, the success of many of the most thriving markets is certainly due to the enterprise of Local Authorities, to the enlightened spirit with which these markets are administered, and frequently to the energy, and industry, and close attention of one or more members of the Markets Committee of the Town Council. Mr. Chapman's conclusion on this point is that "the prosperity of a market, with few exceptions, corresponds to the pains bestowed upon it by the authorities."

Full reports of the proceedings at the meetings which our Assistant Commissioners have attended are printed in Vols. III., IV., V., VI., VIII., IX., and X., and these reports are preceded by a short summary of the leading facts connected with the market, and the conclusions of the Assistant Commissioner as to the market visited and reported upon.

It will be observed that there is a marked difference between the reported condition of markets in the southern and south-western counties and that of those in the northern and midland counties. Speaking generally, Mr. Ashton found the markets in the former in a languishing or decaying state, and he remarks that in Portsmouth, Plymouth, Devonport, Exeter, Bristol, and Gloucester "a general retail market does not flourish," while Mr. Chapman finds in the north, and particularly in the commercial and manufacturing towns, many most successful markets. But this experience is not universal, for he notes that at Hull markets are looked upon as "a relic of barbarism," and that "this idea has found expression in a *laissez-aller* policy," that the markets there are "curiously inadequate"; and at Sunderland it was said that "the day of

Vol. VII.,
Report,
p. 163 and
p. 175.

markets is over." Probably the marked superiority of markets in the northern and midland counties may be attributed to the greater concentration of population, the greater commercial activity, and the keener trading instinct of these counties as compared with that of the towns in the south and south-west of England.

It is clear that in many cases the success or comparative failure of markets cannot be attributed to the conditions of ownership or the constitution of the administrative authority. Mr. Ashton remarks that of the four general markets in the south of England which he found in a prosperous condition, two, viz., Barnstaple and Bideford, supply an agricultural district, and two, viz., Camborne and Redruth, supply a mining population; and he notices that Barnstaple belongs to the Corporation, and is leased out. Bideford also belongs to the Corporation, but the management is retained in its own hands by that body. Camborne and Redruth are in private hands, and are, or were until recently, leased out.

The information collected by the Assistant Commissioners, and their reports, would seem to point to the conclusion that in some places marketing is a congenial and, presumably, an economical habit, while from some cause in other places shopping is preferred. Mr. Goldney quotes an expression of the late Sir Thomas Nelson, Solicitor to the City of London:—

Vol. II.,
Q. 456.

"We may put everything that it is possible to put in an Act of Parliament, but you will never make English people go *marketing*; they always will go *shopping*."

But this is only partially true, as the evidence before us clearly shows.

RATIO WHICH MARKET TOLLS AND DUES BEAR TO PRICES.

On this subject our Inquiry has not been productive of much information. In the questions issued by us to all the owners of market rights this particular query has been almost entirely ignored. In the few instances that any attempt to answer it was made, the reply was, "Infinitesimal," or "Impossible to say."

We endeavoured to ascertain from various witnesses the ratio which tolls and dues bear to the value of the marketable commodities on which they are levied, and to a great extent the answers given to our circulars are verified.

In high-priced articles, such as animals, fish in bulk, &c., the toll is inappreciable, but in others, such as baskets of vegetables, eggs, butter, and other articles consumed by the poorer classes, the toll assumes a more serious proportion.

The information at our disposal, however, proves to be of so meagre a character that we have placed in a tabular form the results arrived at from the details furnished to us in a few of the principal London markets. Coupled to these we have added a few markets taken at random in England and Ireland, and with these typical cases we pass on to another subject.

PLACE.	Meat.	Bullocks.	Sheep.	Calves.	Pigs.	Prime Fish.	Inferior Fish.	Hay.	Straw.	Wheat.	Oats.	Potatoes.	Carrots.	Turnips.	Butter.	Flour.	Currants.	Turf.	Bogwood.
London:—																			
Central Meat Market -	1/4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Deptford Cattle Market -	—	1/8	3/8	3/8	1/4	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Billingsgate Market -	—	—	—	—	—	1/240	1/80	—	—	—	—	—	—	—	—	—	—	—	—
Central Fish Market -	—	—	—	—	—	1/240	2/80	—	—	—	—	—	—	—	—	—	—	—	—
Smithfield Market -	—	—	—	—	—	—	—	1/620	1/80	—	—	—	—	—	—	—	—	—	—
Shadwell Market -	—	—	—	—	—	1/280	—	—	—	—	—	—	—	—	—	—	—	—	—
Metropolitan Cattle Market -	—	1/20	1/20	1/20	1/80	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Covent Garden -	—	—	—	—	—	—	—	—	—	—	—	1/80	1/2	—	—	—	—	—	—
Londonderry -	—	—	—	—	—	—	—	1/80	—	—	—	1/80	—	1/80	—	—	—	1/2	1/20
Antrim -	—	—	—	—	1/20	—	—	1/10	1/20	—	—	1/10	—	1/80	—	—	—	—	—
Sligo -	—	1/80	—	—	1/20	—	—	1/20	—	—	—	—	—	1/20	—	—	—	1/80	—
Thurles (small quantities) -	—	—	—	—	—	—	1/8	—	—	—	—	1/20	—	—	1/20	—	—	—	—
Birmingham -	—	—	—	—	—	—	—	—	—	—	—	1/80	—	—	1/80	—	—	—	—
						(so small as to be indivisible)						1/80	—	—	1/80	—	—	—	—

RESTRICTIONS ON THE SALE OF GOODS OUTSIDE THE MARKET THAT MAY LAWFULLY BE
SOLD IN THE MARKET.

Following the subjects mentioned in the Reference, we now propose to deal with the evidence relating to the placing of restrictions on the sale of goods outside markets that may be lawfully sold inside.

In certain cases a market owner's monopoly is protected by prohibitions more or less restrictive against competition with the market by sales of goods outside the market which may be lawfully sold within the market.

Markets established under the Public Health Act or under some special Act which incorporates the clauses of the Markets and Fairs Clauses Act have the powers given by the following clause:

"After the market place is opened for public use any person not being a licensed
hawker who sells or exposes for sale in any place within the limits for which the
market is provided, except in his own dwelling-house or shop, any articles in respect
of which tolls are by the Act authorised to be taken in the market will be liable
for every offence to a penalty not exceeding 40s."

10 Vict. c.14
s. 13.
Vol. II.,
Q. 25.

Mr. S. B. Provis drew attention to some cases in which litigation with regard to this proviso have arisen.

LawReports,
10 Q.B. 598.

The first point is, that a licensed hawker is not within the prohibition; and a case arose as to whether the exemption extended to pedlars. In the case of *Howard v. Lupton* it was held that it did extend to pedlars; and the decision is rather a remarkable one, in this way: the distinction in the Pedlars' Act, 1871, between a pedlar and a hawker would seem to be that a pedlar is a man who goes about on foot, whereas a hawker may travel with a horse and cart. But it was held in this case that a pedlar who had taken out a pedlar's certificate was within the exemption, although, as a matter of fact, he did go about with a horse and cart. The case was the stronger because a pedlar who goes about to sell vegetables or fruit need not get a certificate under the Pedlars' Act; and this man was going about selling vegetables and fruit. But the court decided that, notwithstanding that, inasmuch as he had got a pedlar's certificate, he was within the exemption by virtue of section 6 of the Pedlar's Act, and therefore that he was not liable to penalties for selling within the district.

Vol. II.,
Q. 27.

Another matter of dispute mentioned by Mr. Provis is that the section only prohibits the sale of articles in the district where tolls are authorised to be taken in the market in respect of the sale of such articles; and in the case of *Caswell v. Cook* the point arose whether, supposing that the toll was not imposed in respect of the article, but was a toll imposed in respect of persons using the stall, that is to say, a stallage rather than a toll, that came within the section. It was held that it was not a toll within the section, and that consequently the prohibition did not apply.

Other cases have arisen as to the definition of a dwelling-house or shop.

Public
Health Act,
s. 316.

The "prescribed limits" within which the prohibition is in force are in the case of a Sanitary Authority the Sanitary District.

The powers thus conferred on market authorities are very generally enforced, though there are a considerable number of the larger markets where the authorities dispense with the privilege; among these are—Bristol, Liverpool, Manchester, Leicester, Lynn, Norwich, Berwick, Newcastle, Southampton, Winchester, Brighton, Birmingham, Hull, Huddersfield, Leeds, Pembroke.

In some markets held under a Special or Local Act still more stringent restrictions than those of the Markets and Fairs Act are imposed. We have already described the exceptional powers of the Taunton market owners.

Prescriptive rights to prohibit sales in shops on market days are claimed in some markets, and though this claim is not enforced to the letter in all cases, yet in some the right is made the ground for imposing charges upon shopkeepers.

Vol. III.,
p. 1.

For example at Chard, six butchers pay 3s. a week or 7l. 16s. a year for the privilege of not going into the market and of selling in their own shops.

Vol. III.,
p. 397.

At Penryn butchers are not allowed to sell in their own shops on market days.

Vol. IV.,
Q. 3658.

At Huddersfield a former owner of the market and of the land on which the town stands inserted a covenant in leases to persons who had butchers' shops, not to open their shops on market days without special license of the lessor. The Corporation bought the market under a Local Act of Parliament, and by that Act the power of licensing was given to the Corporation for a period of 20 years after the passing of the Act, but the power is not enforced.

Some Local Acts give market authorities power to license hawkers or vendors of goods within the prescribed limits for which the market is provided. At Bradford

under the powers of the local Act licenses are issued, and, it may be noted in passing, that the amount received for these licenses (whatever it may be) does not appear in the account of market receipts, but is carried to the Police Superannuation Account.

Vol. IV.,
Q. 5085.

At Wolverhampton, Dewsbury, Stalybridge, Ashton-under-Lyne, and other places, licenses, or permits to hawkers, are issued under statutory powers.

At Torquay it was alleged that the Market Company obtained their original Act of Parliament authorising the construction of a market on the grounds that hawking would be put a stop to, but in a subsequent Act the directors obtained powers to license hawkers.

Vol. III.,
Q. 11,115.

At Rochdale the Market Company for a while issued licenses, but being advised that they had no power to do this the practice was discontinued.

Vol. IX.,
Q. 11,141.

At Colchester "outside people" are charged 1*d.* a basket and 4*d.* a cart.

Vol. III.,
Q. 1526.

At Dover hawkers are charged the same tolls as other people under the Local Act of 1871. Fish hawkers pay 6*d.* a day, and vegetable hawkers 1*s.* 6*d.* a day, which appears to be exorbitant.

Vol. III.,
Q. 2439, &c.

At Canterbury, hawkers, whether resident or non-resident pay the same tolls.

Vol. III.,
6968.

At Penzance, tolls are exacted from hawkers every day, though the market is granted by Charter to be held on three days in the week. The markets here are leased to a Mr. Saunders who claims tolls on carts or waggons, which are not included in the schedule of tolls.

Vol. III.,
7339-7350.

The tolls of Exeter market are leased by the Corporation to a Mr. Williams of Lincoln, who makes a business of farming market rights, to which we refer in a later portion of our Report. No restriction is placed on people selling in their own shops, but toll is collected daily from hawkers, and the payment is enforced. Toll is levied, after being sold in the market, on the same article if it is a second time hawked about. The sums levied are all in accordance with the schedule authorised by the Exeter Market Acts.

Vol. III.,
10,984,
11,030 *et seq.*

At Yeovil tolls are taken from persons coming from outside with articles of food in carts or waggons. Mr. Ashton, the Assistant Commissioner, says that bakers, butchers, vegetable hawkers, and milkmen all pay this toll, which constitutes a restriction on trade outside the market.

Vol. III.,
p. 293.

At Weymouth hawking is sanctioned in the Borough on the condition that hawkers pay for tickets, which they do not seem to be legally compelled to do. Fish is the only article exempted from this toll.

Vol. III.,
Q. 12,118.

It is probable that there are many other places where licenses are granted without any authority.

The question whether hawking should be permitted without restriction, or permitted under license, or absolutely prohibited, is a burning one in a large number of market towns.

Mr. Ashton in his report puts as the first subject for consideration "Whether the markets of the west of England can be or should be more effectually protected against hawkers," and in his evidence he expresses the opinion that the general markets are unable to compete with hawkers, but in addition to the protection which would be given to the market by the system of licensing, he urges that the character of the hawkers and the quality of their goods would improve.

Vol. VII.
p. 167.

Vol. VII.,
Q. 11,877*a*.
Vol. VII.,
Q. 11,889-
11,900.

Mr. Chapman on being asked :—

12,198. "Have you had to deal with the case of the competition of hawkers with the local market?—In every place; and I think that in nearly every case the prevailing impression is either that hawkers ought to be charged the same as the market tolls on the market days (not on other days), or else that they should be treated as they are in Bradford, and Halifax, and Huddersfield and made to take out a license, the profits arising from which go to the Corporation. As a rule it is a very small amount, and is looked upon as a check upon the character of the hawker, and as being useful to the police."

Vol. VII.

He advocated the system of licensing, which is entirely approved by the costermongers.

Vol. VII.,
Q. 12,199.

On the other hand, it has been strongly urged upon us that the hawkers or costermongers supply food to the poorest persons and that they should be encouraged and that the powers of Local Authorities should be limited so that they may be unable to check free trade in food.

Vol. VII.,
Q. 15,955.

The fees usually charged are so small that they would scarcely operate as any great discouragement to respectable vendors. At Bradford the fee is 2*s.* 6*d.* a year, but this appears to be an exceptionally low fee.

Vol. IV.,
Q. 5085-
5091, 5155.
Vol. VII.
Q. 12,198.

Market authorities with great unanimity contend that having to keep up a market an injustice is done to them if the goods for which accommodation is provided are hawked over the town without charge.

Vol. IV.,
Q. 1852,
1881.

At Guildford the Corporation appoint two corndealers, called corn-porters, who have the exclusive right to sell corn in the market. For this privilege they pay 50*l.* each to the Corporation. As a matter of fact, however, the corn-porters do not enforce their right, and other people come in and sell by sample. A large quantity of corn is entrusted to these gentlemen, who act as factors, selling the corn to dealers, providing sacks, storage accommodation, &c., charging a small commission to the sellers for each sale.

Vol. IV.,
p. 85.

Mr. Chapman, the Assistant Commissioner, in his report, says that "the monopoly given to the cornporters practically amounts to a farming out of the tolls."

Vol. IV.,
Q. 1450-
1460.

In the City of Oxford no butchers are allowed to open shops within the ancient boundaries of the city as they existed in 1771. People residing in the new parts of the town have their own accommodation in the way of butchers' shops; but the Joint Committee of the University and Civic Authorities, who manage the meat and provision market, do, under the authority of their Act, prevent any butcher from opening a shop within the ancient City. The meat and provision market, which has been established in its present position for over 100 years, and has grown as the demand for further accommodation has arisen, is well managed, is open daily, and is greatly appreciated by the people of Oxford and the neighbourhood. This restriction applying to butchers has not been extended to fishmongers and poulterers.

Vol. VIII.,
Q. 16,514-
16,521.

There are two points to be noticed with regard to Hastings.

The first is that fish landed at Hastings pays no toll except when bought. Then the fish salesman pays 2*d.*, 3*d.*, 4*d.* per box, according to the size, and 5*d.* for a barrel of herrings. Should the weather be too rough to allow the fishing boats to be beached, they run to an adjacent port, and the fish is landed and sent by rail or road to Hastings. A toll is then levied on this fish. This seems somewhat unfair.

Vol. VIII.,
Q. 16,523.

The other point is that by the byelaws no fish is allowed to be sold retail opposite to the market. If a man buys fish from a salesman or fisherman and retails it on the beach he is fined. This is a hardship inasmuch as the accommodation in the market is limited, the stalls having in many cases been occupied for long periods by the same people.

Vol. VIII.,
Q. 17,005.

At Derby, farmers are allowed to sell potatoes from door to door on payment of a fee of 1*l.* a year. Seven people avail themselves of this privilege. A man is employed by the Corporation on market days to prevent hawking.

Vol. VIII.,
Q. 17,905,
&c., 17,980,
&c.

At Hanley, hawking in the streets on market days is strictly prohibited except in the case of eggs and butter. The reason for this relaxation is that there is not sufficient accommodation in the market for these articles, though tolls are taken on them. On other days hawkers have to pay a toll of 1*d.*, 2*d.*, or 4*d.* for a basket, barrow, and cart respectively.

Vol. VIII.,
Q. 16,276.

At Market Harborough, tradespeople pay 5*s.* a year for permission to expose their wares on market days outside their shops.

SCOTLAND.

Vol. VII.,
Q. 15,701,
&c.

In our inquiries in Scotland, Mr. Robert Dewar, and some six or seven other witnesses, called our attention to the action of the Corporation of Ayr in restricting sales of cattle outside their own cattle market, which is leased to a private individual for the sum of 585*l.* per annum.

In 1864, Mr. Dewar erected a cattle market for his own use outside the market place, and sold sheep and cattle by public auction. In 1871, the Corporation erected a mart within the market grounds for the sale of cattle and sheep which they leased to Mr. Dewar for five years, and subsequently two other auctioneers have been allowed to erect marts within the market. The present rent paid by Mr. Dewar and Mr. Young is 50*l.* a year each, while Mr. J. Young pays 20*l.* and Mr. J. Craig 10*l.* a year for their sites.

Vol. VII.,
Q. 15,714.

Mr. Dewar, by dint of great exertion, has largely increased the sale of cattle, and from 1871 to the present time has paid to the Corporation, in addition to his rental, about 3,000*l.* for dues, while a similar sum has been paid by the other auctioneers and salesmen. The Corporation, in 1873, curtailed the space allotted to the cattle market, and he then applied for a license to enable him to erect a mart at his own expense, for his own personal use, on a site which he desired to purchase. This license

the Corporation refused, and recently they have acquired a site on which they are erecting a new cattle market in lieu of the existing market. Mr. Dewar concludes by stating, and the other witnesses agree with him, that they require sufficient accommodation to carry on their trade as auctioneers in the market without interference from the Corporation; failing this he would like to have liberty to obtain ground outside the market, and being outside the Borough the Corporation could not demand any dues. Vol. VII., Q. 15,728 *et seq.*

The principal grievance of the witnesses is that in Ayr the Corporation check private enterprise by prohibiting sales of cattle in places other than in the public cattle market, while in important towns such as Dumfries, Lanark, Perth, Dundee, Ardrossan, and elsewhere, private marts are permitted. The auctioneers have no objection to use the public market if the Corporation provide sufficient accommodation, but at present the space is very small, and their trade is curtailed in consequence. Vol. VII., Q. 15,758 *et seq.*

In reply to Mr. Dewar's complaint that his application for a license to establish a new market was refused, the Corporation state that he did not inform them where the site was to be, and that, although asked to point it out, he did not comply with their request. They therefore refused to comply with his request. Vol. VII., Q. 15,875.

They admit the want of accommodation in the cattle market, but allege that the new market, which contains four acres of land, will remedy this. It adjoins the railway station, so that cattle can be driven into it at once on being sold. Vol. VII., Q. 15,865.

The difference in the rent paid by Mr. J. Young and Mr. J. Craig and that paid by Mr. Dewar and Mr. Young is accounted for by the buildings on the latter sites, two of which cost 500%. each. Vol. VII., Q. 15,917.

THROUGH OR GATE TOLLS.

In Carlisle and Newcastle-on-Tyne there continue to be levied tolls known as through or gate tolls. Traces of a similar charge under the names of street toll and passage toll are to be found at Cambridge and Dorchester, and in Scotland at Perth. The shore placks or plack dues of Dundee are also of an analogous nature. In Ireland it is to be found at Cork.

In Newcastle-on-Tyne and Carlisle it consists of a toll levied on all goods, cattle, carts, waggons, &c. passing into or out of these two towns from the adjacent districts.

Mr. Nanson, the Town Clerk of Carlisle, states that, "the gates or through toll, or City toll, is payable on all goods brought into the City or carried out of the City, or through the City; in fact it is a toll almost the same as the octroi of the Continent, only they are very small sums, so that no one feels any evil from them. The Corporation are liable by prescription for the maintenance of all the public streets in the ancient City, and that toll goes towards keeping them in repair. Then there is also the ancient toll for horses, cattle, and sheep sold in the City and suburbs, or on Carlisle sands, and taken out of, or brought into, or through the City, which may be either treated as a market toll or as a through toll. There is the shire or county toll, which I should almost think is unique. It is a toll for all cattle, horses, and sheep bought in and carried or driven out of the county of Cumberland, or that pass out of the county to any other place to be sold; and that is collected by the lessees or agents of the Corporation at the boundaries of the county after the following rate: for every head of cattle, 1*d.*; for every horse, mare or gelding, 2*d.*; and for every score of sheep, 2*d.* It really used to be paid also on goods, but the Corporation in the last century and the century before had a good deal of litigation with respect to this toll, and it was finally firmly established by a decree of the Court of Exchequer, and it has been collected ever since only on cattle. There was a similar toll which belonged to the Corporation paid for cattle and goods coming from Scotland into Cumberland, but by the Act of Union between England and Scotland, Scotland was to be placed on exactly the same footing as England as regards all tolls, and customs, and other things; so that that toll was abolished, and the Corporation got a compensation of 2,400*l.*, which was laid out in the purchase of land." Vol. II., Q. 5655, &c. Vol. IV., Q. 737, &c. Q. 834, &c.

The shire tolls are collected at the boundaries of the county on the roads, where collectors are posted for this purpose, and if the toll be refused would be distrained. The amount realised is 845*l.*, exclusive of the commutation paid by the Railway Companies. Vol. IV., Q. 766.

The Railway Companies (of whom there are eight), instead of paying the toll on each article that they carry, have commuted the toll, and pay a lump sum of 615*l.* a year to the Corporation. Vol. IV., Q. 766, 784-6.

Vol. IV.,
Q. 788. It was decided by Lord Ellenborough in an action brought by the then Mayor of Carlisle against one Wilson, that stage coaches carrying parcels from Glasgow to the South were liable to this toll.

Vol. IV.,
Q. 795, &c.
Vol. IV.,
Q. 1001-
1017.
Vol. IV.,
Q. 1034 *et*
seq. There is an exemption from this toll in favour of goods bought in the City, and taken out for private consumption. The tenants of the manor of Dalston also claim exemption, as do those freemen of the City who were born prior to the year 1835. These claims the Corporation admit, on proof of their validity; but they do not recognise similar claims to exemption put forward by the owners of the Uldale and Draw Dykes Castle Estates. The tenants or inhabitants of Linstock and Brunstock continue to claim exemption, although it was expressly decided in the time of Queen Anne that they were not exempt.

Vol. IV.,
Q. 835-861,
1261-1267.
Vol. IV.,
Q. 899-946.
Vol. IV.,
Q. 1004-
1025. On the other hand, the people attending the markets complain that tolls are levied four times on goods, 1st, on coming into the city; 2nd, on entering the market; 3rd, when sold the purchaser pays market toll; and 4th, when he leaves the City. This presses hardly on poor people. It has been decided in an action instituted by the Duke of Devonshire that the Corporation had no right to claim through toll on cattle brought on the sands for sale. But cattle sold or exposed for sale on the sands are still made to pay toll, though of another description, to the Corporation, under new rules newly issued which have caused much irritation amongst the farmers. There is practically no accommodation for the cattle. The tenants of the manor of Dalston complain that the collectors dispute their right to exemption from the through toll, and they have been fined by the City Bench for assaulting the collectors while resisting payment.

Vol. IV.,
p. 40. Mr. Chapman, who held an Inquiry at Carlisle to investigate the matter further, reports as follows:—

“*Through Toll.*—In addition to the market tolls and stallages the Corporation of Carlisle is entitled to what is known as the shire and gates tolls, which are in the nature of an octroi, leviable upon all goods taken into or out of the City of Carlisle or county of Cumberland. The latter is now represented by a lump sum of 615*l.* paid by way of commutation by the Railway Companies, and from the former, or gate toll, a sum of about 1,400*l.* is obtained annually.

“A good deal of trouble is caused by the collection of the gate tolls, owing to the fact that certain properties are exempt from the payment, and the collectors have a difficulty in discovering whether the claims for exemption are justified or not. The toll is an expensive one to collect, and its incidence is such that country produce, if sold in the market, has actually to pay four different tolls, viz., the gate toll on entering the town, the market toll on being taken into the market, a further market toll payable by the buyer for packing it up, and the gate toll again on being taken out of the town.

“These tolls fall very hard on all agriculturalists residing near Carlisle, and seems to me to have no merits except that of providing an income of 1,460*l.* for the benefit of the ratepayers.”

Vol. IV.,
Q. 108, 384,
&c. The through toll at Newcastle-on-Tyne is very similar to that at Carlisle. Mr. Motum, the Town Clerk, states, “that this toll has been levied by the Corporation for some centuries, and was confirmed by an Improvement Act passed in 1822, which made provision for its collection. That Act was repealed by a further Improvement Act in 1837, and further provision was made for its collection, and a fresh tariff of duties was imposed. Afterwards by an Act of 1841 an alteration was made in the amount of tolls receivable. The amount received for through toll last year was 6,784*l.* 5*s.*, the total expenditure out of that in connexion with the toll, that is to say, cost of collection, land tax, income tax, and small charges was 1,243*l.* 0*s.* 3*d.*, the remainder 5,541*l.*, being carried to the city fund. The land tax forming part of that expenditure of 1,243*l.* 0*s.* 3*d.* was 240*l.* The toll is thus referred to in the preamble of the Act of 1837, ‘And whereas the said Mayor, Aldermen, and Burgesses hold the town of Newcastle-upon-Tyne in fee farm under the Crown, and are owners of the fairs and markets thereof, and are entitled to a toll called the through toll, otherwise the great toll, in consideration of their repairing the said streets and highways which they are liable to repair as aforesaid.’ The repair of the highways is now provided for by an Act of 1865, which provides for the levy of a general rate for, among other purposes, the repairs of highways. This sum of 5,541*l.* is said to be wholly inadequate to repair the highways in Newcastle, therefore the repair of the highways is actually paid from the general rate as provided by the Act of 1865; and the balance of the through toll remains in the city fund, and the surplus of that city

“ fund having hitherto been applied by the Corporation in aid of the general rate, out of which the highways have been repaired.”

The North-Eastern Railway compound with the Corporation, and pay 500*l.* a year for the goods that are carried through by their line. The Secretary to the Chamber of Commerce, Mr. B. Plummer, attended before Mr. Chapman and stated that the Chamber had petitioned the Corporation to abolish this toll. He points out that the cost of collection was very great; that the toll itself was antiquated, and contrary to the spirit of the age, and that it was detrimental, particularly to the import trade of the town; that at the time it was authorised to be levied it was intended more particularly to apply to small quantities of produce coming from farmers, and not “ cargoes of materials ” coming in as at the present time. The Chamber considers that the incidence of the tax is unequal, and that the cost of levying it is increased by the method of collection.

Mr. Swinburn, the Town Clerk of Gateshead, attended to protest against this toll, and stated that the Corporation of that town were unanimous in desiring its abolition. He presented a petition to the Corporation of Newcastle from the inhabitants of Gateshead against the toll.

Many other witnesses spoke against the continuance of this toll, amongst them the Town Clerk of Jarrow, who, however, stated that in 1865 eleven members of the Corporation were in favour of its abolition while twenty-two were of an opposite opinion.

Mr. Chapman sums up the question in his report as follows:—

“ *Through Toll.*—In addition to the market tolls the Corporation of Newcastle has the right to a through toll ‘in consideration of their repairing the streets and highways.’ The repair of highways is now provided for by a general rate under an Act of 1865, but the through toll is maintained for the purpose of relieving the rates. This is obviously objectionable, and many complaints were made to me in regard to it, which appear in the evidence of witnesses. All persons outside of the town object to it as a restriction on trade, and an unfair advantage against themselves, but it appears that many of the inhabitants of Newcastle also object to it, and the Corporation is anxious to get rid of it, but the tolls are mortgaged to the extent of 120,000*l.* approximately, and it is not thought that the mortgagees would consent to waive their security. Nothing can be said in favour of this toll except that it produces a revenue of 5,541*l.* for the benefit of Newcastle.”

CORK.

Mr. Alexander McCarthy, the Town Clerk of Cork, states in his evidence that the Corporation were empowered by Prescription and under Charter of Charles I. (A.D. 1632) to levy tolls on all kinds of grain and agricultural produce entering the City or suburbs by land. This toll has been payable from time immemorial, and is a toll traverse, being claimed on the ground that the entire soil of the City originally belonged to the Corporation.

In or about the year 1710 petitions were presented to the Irish Parliament by farmers and other parties residing in the county of Cork complaining of the Corporation tolls on agricultural produce, which they alleged were oppressive and not warranted by the City Charters, or that an excessive amount was levied by the Corporation. In 1711 it would appear as if these differences were amicably arranged, because the schedule was then agreed to by the County Grand Jury acting on behalf of the county gentlemen and farmers and the Corporation at an assize. The heading of this docket is as follows:—“ A docket of the City Duties of Corke agreed on at the meeting of the Grand Jury and Gentlemen of the County of Corke with the Mayor Sheriffs and Common Councill of the said City the 11th day of September Anno Domini 1711. In presence of Robert Rochfort Esquire Lord Chiefe Barron of Her Majesty's Court of Exchequer and Richard Nutley Esquire one of the Justices of Her Majesty's Court of Queen's Bench, Lords Justices of Assize for the Province of Munster.”

In 1821 the right to levy tolls was contested by an action at law, which resulted in favour of the Corporation. At that trial the schedule of tolls which has since been acted upon was produced and proved.

The right of the Corporation to these tolls was recognised by an Act which was passed in the 26th year of George III., chapter 28, which had for its object the rebuilding of St. Patrick's Bridge. The specific object of these tolls was to maintain the North and South Gate Bridges.

These tolls are levied on all goods brought into the liberties of the City of Cork, which extend for three English miles from the centre of the City. Goods brought by

Vol. VII.,
Q. 9508,
9383.

sea into Cork are exempt, and the toll on cattle that are shipped at Cork for export is refunded. Any produce grown within the liberties is free.

Vol. VII.,
Q. 9464.
Vol. VII.,
Q. 9396.

The amount of the through toll received by the Corporation in 1887 was 4,430*l*. From this was deducted the rebate on cattle passing through the city and also on cattle shipped to England 828*l*. The cost of collection amounted to 1,232*l*., leaving a nett sum of 2,370*l*. for the Corporation.

Vol. VII.,
Q. 9400.

The cost of collection is very heavy, as the Corporation are obliged to watch each road entering the City. They also pay a commission to the principal Railway Companies who act as agents of the Corporation for collecting this toll on goods brought by them into Cork.

Vol. VII.,
Q. 9401 *et*
seq.

The Corporation feel bound to admit that this toll is objectionable and unfair in its incidence, as they can only tax what comes in by land, and the tax itself bears a very uncertain proportion to the value of the article which is taxed. They are unable to abolish it as they would have to raise a corresponding amount by means of taxation of the citizens to meet their liabilities.

Vol. VII.,
Q. 9830, &c.

Mr. J. O'Brien, the Mayor of Cork, quite agreed that the through toll was a survival of a mediæval impost, but he maintained that unless considerable concessions were made by all parties interested in trade, it was impossible for the Corporation to relinquish such an important item of their revenue. If the railway companies, the shipping companies, and the trading community were willing to contribute a certain sum towards the revenue in the interests of trade and commerce to get rid of the tax, the Corporation would willingly forego a portion of the revenue derived from this toll to assist in so laudable an object. Mr. O'Brien suggested that what could not be obtained from the mercantile portion of the community might be raised by means of a tax on the land within a radius of seven miles from Cork. The cost of collection absorbs two-fifths of the total amount.

Vol. VII.,
Q. 9835.

Vol. VII.,
Q. 9831, &c.

He added that the toll forms part of the security of the Corporation for their bonded debt, and that it is therefore impossible to abolish it without substituting some other security.

Vol. VII.,
Q. 9687, &c.

Mr. Robert Scott, Vice-President of the Incorporated Chamber of Commerce and Shipping, states that the Council of that body are of opinion that the through toll was vexatious and injurious to trade. The members considered that it should be abolished, and the deficiency met by extending the boundaries of the City, and a direct City rate imposed instead. Corn and other agricultural produce he believes are sent to other ports for shipment, but not to such an extent as to materially decrease the trade of the port of Cork.

Vol. VII.,
Q. 9752, &c.

Mr. William T. Green, Honorary Secretary of the Chamber of Commerce, while agreeing with the evidence of Mr. Scott generally, considers that if this toll was abolished absolutely, in a short time the trade of the City would so improve as to make up the deficiency entirely. He is opposed to a rate being levied on an extended boundary as being unfair to those who have never paid anything towards the City rates, and he considers that the trade of Cork is very greatly diminished owing to the imposition of this vexatious and injurious tax on produce.

Vol. VII.,
Q. 9758, &c.

Vol. VII.,
Q. 9787.

Mr. John H. Sugrue, the Chairman of the Cork, Blackrock, and Passage Railway, and a Director of the Cork and Bandon Railway, also drew attention to the fact that the toll frequently exceeded the railway charge for the carriage of the goods that were brought into Cork. He said that it was a hardship upon enterprise that relies of a past age such as this through toll should exist in Cork, though unknown elsewhere in Ireland. He observed that goods may be sent from Kinsale, for instance, by water, being exempt from this toll, at a cost considerably less than the railway could bring them. More particularly he calls attention to the exorbitant charge levied on hides, the carriage of which from Passage would effectually prevent the Railway Company from carrying hides. Hides are liable even to a treble toll, viz.: 1*d*. on entering the City; 1*d*. on being sold in the market; and a third 1*d*. on leaving the City for some other place after being sold.

Vol. VII.,
Q. 9790.

Vol. VII.,
Q. 9787.

A through toll formerly existed at Limerick, Mr. Sugrue adds, but owing to the action of the Great Southern and Western Railway Company, which refused to pay the toll, it was abolished after an action at law, though at an enormous expense. In his opinion a similar action would have the effect of abolishing this through toll at Cork.

Vol. VII.,
Q. 9807.

As a professional man he had access to a legal opinion by a distinguished lawyer which was given some 30 years ago on the subject of these tolls. The answer to the question put to this gentleman was as follows:—

“Clear as was the Limerick case, in my opinion the Cork case is clearer still.”

Mr. Alexander Gordon, the General Manager of the Cork, Bandon, and South Coast Railway, complained of the toll levied by the Corporation of Cork on goods passing through the city for shipment, more especially on corn, hides, butter, and eggs. The Railway Company reduced its charges for the carriage of grain from 5s. to 2s. 6d. per ton, but the Corporation levy a toll of 1d. per barrel of oats weighing $1\frac{3}{4}$ cwt., which amounts to about 1s. a ton, or on a consignment of 200 tons of oats to 10l. This has such an injurious effect on trade that producers send their goods to other ports, where in his opinion the facilities for loading are by no means so convenient. Hides are frequently sent from Limerick to Bandon for tanning and are returned in the manufactured state. They pass through Cork on each journey and the toll of 1d. per hide is levied each time. This amounts to from 3s. to 4s. per ton. If such goods were brought by steamer no such charge would be enforced. Coupled with the competition with England in leather the Corporation charges have had the effect of nearly driving the leather trade from Bandon. The toll is refunded by the Corporation on live stock shipped at Cork, and the Railway Company have endeavoured to induce the Corporation to abolish this toll during the last ten years, but without effect.

Vol. VII.,
9856 et. seq.Vol. VII.,
9860.

Mr. Kingsmill B. Williams, a corn merchant of Mallow, complained also of the gateage toll levied by the Corporation, more especially on corn, and he states it is restrictive of trade. In consequence he is compelled to ship his corn from Waterford, Killorglin, and Limerick to the almost entire exclusion of Cork. He points out also that the Charter of Charles I. included no schedule of articles on which this through toll was to be levied, but in 1710 a schedule containing about a dozen articles was drawn up, and this schedule has been added to since that date to such an extent that it now contains nearly 250 articles, amongst which may be mentioned gas-liquor, and iron bedsteads, both of which were entirely unknown in the eighteenth century. These tolls he considers should be abolished, but that some compensation should be given to the Corporation for the sacrifice of their revenue. He confirms Mr. Gordon's evidence as to the injurious effect this toll has on the trade of Cork, and urges that the rebate on incoming sea-borne goods which the Corporation allows should be extended to all goods exported from Cork, by which means the trade of the City would in his opinion be resuscitated.

Vol. VII.,
Q. 11,498.Vol. VII.,
Q. 11,516.Vol. VII.,
Q. 11,508.Vol. II.,
Q. 11,501,
&c.Vol. VII.,
Q. 11,513.Vol. VII.,
Q. 11,499,
11,507,
11,511.

SHORE PLACKS OR PLACK DUES.

This subject, though coming more properly under the head of tolls, is of so unique a character that we deem it proper to take it out of its place and deal with it separately.

It appears to be a custom or toll levied solely at Dundee, at least so far as we were able to ascertain in the course of our inquiries in Scotland.

Vol. VII.,
Q. 14,653 et
seq.

The Corporation of Dundee stated through Mr. Hay, the Town Clerk, that by various charters, dating from the time of Robert the Bruce, in 1327, to the time of Charles I., in 1641, they were empowered to levy certain tolls, dues, and petty customs.

In 1641 Charles I., "for good faithful and gratuitous services rendered and performed by the burgesses and inhabitants, of new, gave, granted, and disposed, and for ever confirmed to the magistrates and community of Dundee, and their successors the burgh of Dundee, with all and sundry privileges, liberties, and immunities thereof, together with the petty customs, ports, pier-dues, privileges, and duties, and with the tolls, customs, and duties of markets and fairs used and wont, and with the immunities, privileges, and liberties of the water of Tay, of loading and unloading of ships and boats at any part of said water on both sides thereof (for a distance seaward of from 10 to 12 miles), with power of hindering and preventing others from all loading and unloading of whatever ships and boats in any part of said water within the foresaid limits, and of levying all petty customs, anchorage, and shore silver, and other duties, all as referred to in the charter."

Amongst these petty customs is a duty known as shore placks, which is levied upon all sorts of victual or food, grain, flour, wheat, barley, oats, oatmeal, &c. These are generally included under the term "victual and grain." The amount taken is at the rate of 8d. a ton on all such goods loaded or unloaded in the port of Dundee.

Vol. VII.,
Q. 14,653-
14,658.

Formerly the amount levied from freemen was half the sum taken from non-freemen, but in 1867 a change was effected, and a different scale of tolls was established under which everyone paid alike.

The average revenue from this source for the past five or six years was 500l., but in 1889 at the time of our Inquiry the shore placks had risen to 800l.

Vol. VII.,
Q. 14,662,
14,678 *et seq.* The Corporation render no service for these dues, but claim them as a right under their Charter. They do not even collect them themselves, but depute that duty to the Harbour Commissioners.

Vol. VII.,
Q. 14,663. Mr. Hay, and other witnesses for the Corporation, contend that if these dues were abolished, the price of food would not be lessened, for when the Corporation removed the duty on starch-flour a Shipping Company's agent added the amount of the duty to the freight, so that the importers derived no benefit from the reduction, nor would the consumers, he thought, even derive any advantage from the abolition of the duty. He admits, however, that although he thinks this instance of sufficient importance to bring before us, he did not think it necessary to call the agent's attention to the rise in the freight charge.

Vol. VII.,
Q. 14,693. It should be added that the shore plack is distinct from and in addition to the shore dues, which amount to 1s. a ton.

Vol. VII.,
Q. 14,715. In the course of his examination Mr. Hay admitted that the Corporation under the Act of 1870, which abolished petty customs in Scotland, had the power to discontinue these dues upon receiving "compensation" from other sources.

Vol. VII.,
Q. 14,724. The Harbour Trustees, who are deputed by the Corporation to collect the shore placks, object to these dues because they are an impost on victual, and so affect the cost of the food of the poor; because they are restrictive of trade; and also because they are dues for which no accommodation or service whatever is given in return. They allege that the trade of the harbour is injured and diverted to other ports.

Vol. VII.,
Q. 14,746. Mr. Watson, the treasurer to the Harbour Trustees, stated that although 8d. a ton might be the average amount of the toll, the sum levied on flour was 10 $\frac{3}{4}$ d. per ton, while wheat pays only 6d. a ton.

Vol. VII.,
Q. 14,777. Mr. J. Philip, Mr. J. F. White, and many other witnesses gave evidence to show the unfairness of the plack dues.

Vol. VII.,
Q. 14,777. Mr. Philip showed that the charge of plack dues, in addition to shore dues, made Dundee the dearest port in Scotland for flour and wheat.

Vol. VII.,
Q. 14,806,
14,812-
14,819. Mr. White states that, having paid plack dues on imported grain, he has to pay the dues over again upon the same wheat when exported, say to Aberdeen, in the form of flour. This comes to 1s. 6d. to 2s. a ton, and forms an appreciable tax upon the merchants in Dundee to which traders in the same business in other parts of Scotland are not subjected, in addition to its being a serious restriction on trade. The traders at Dundee are compelled to pay these dues, although they protest against them as having been diverted from their original purpose; and he complains further that the Corporation, after compounding for the dues on the average of previous years, cancelled the arrangement in six months.

Vol. VII.,
Q. 14,832. A special point that is urged by Mr. White is, that his flour mills and the dock at which he lands his grain being outside the boundaries of the ancient Burgh, the Corporation have no right to take dues from him at all, the ancient Charter only giving them power to levy the dues within the ancient limits; but they are levied and enforced within the area of the Burgh as it now exists.

Vol. VII.,
Q. 14,721,
&c. The Corporation tendered evidence about these dues, though they handed in a protest against any inquiry being made into the subject by Your Majesty's Commissioners.

Since we held our Inquiry at Dundee, the Harbour Commissioners and Mr. White have informed us that the former have refused to collect the shore placks any longer, and that the Corporation in consequence compel the shipping agents of every vessel to exhibit their bills of lading, and charge plack dues thereon. If the agents, owner, or other person who takes possession of articles liable to shore placks, refuses to pay the dues, the collector will be entitled to detain the articles until payment is made. The Corporation further claim the right to sell the goods in default.

The action of the Harbour Commissioners in refusing to collect these dues any longer, as they considered them an illegal impost, is in accord with the opinion they expressed before us.

THE ACQUISITION OF MARKET RIGHTS BY LOCAL AUTHORITIES.

We are directed to report as to "the advisability of Local Authorities acquiring market rights and the arrangements desirable for that purpose."

Before stating the conclusions which we have arrived at, it will be convenient to review the evidence and information which we have obtained as to the views of Local Authorities and others respecting the management of markets under the present owners, the policy of placing all markets under the direct control of elected Local

Governing Bodies, and the means to be adopted for carrying out the transfer of market rights.

We have already given particulars, from the best information at our command, as to the present ownership of markets, and we have shown that, excluding all those markets where rights are questionable or where our information is defective, there are considerably less than one-half of the markets of England and Wales under the control and management, or in the possession, of Local Authorities.

The first class of owners other than Local Authorities to which we must refer is that of Trading Companies. We have previously stated that most of these companies were started with the object of carrying out a public improvement. But experience seems to show that general markets in the hands of a company are badly managed.

The most important town in which the market is held by a trading company is Rochdale. We have received some evidence respecting this market and Mr. Chapman held an inquiry there. There is some friction between the Town Council and the company respecting standings on the site of the old market place, that is to say, practically in the streets, and as to repression of hawking. The circumstances of the case are somewhat peculiar. In 1822 a company was empowered by Act of Parliament to purchase the existing market rights and establish a new market.

Mr. Chapman says, "the market rights extend over the whole borough, but it is contended by some that the company was bound only to exercise these rights in the new market place; whereas they have carried on the markets in the open space as they used to be held before the covered market was built."

Under the Act the company had the usual powers of prohibiting sales of things which might be sold in the market otherwise than in the markets or in dwelling-houses or shops. These powers were in the Act limited to the town of Rochdale. Since the passing of the Act the town has been extended by the Rochdale Improvement Act, 1872, so as to include the whole Parliamentary Borough, which covers an area of 4,000 acres.

The Company have succeeded in establishing, by a decision of the Court of Queen's Bench, their right to prohibit hawking throughout the whole Borough. For a while (from 1875 to 1887) they issued permits or licenses to hawkers to sell in the streets, but being advised that they had no power to do this the practice was discontinued, hawkers were frequently summoned, and the Magistrates refused to convict, or imposed a nominal fine of 1s. on the hawker, while the costs of the prosecution were thrown upon the Company.

The Corporation have compulsory powers under the Act of 1872 to purchase the site of the old market with its rights and appurtenances for the purpose of extinguishing the market held there; they have also power to purchase the new market by agreement with the proprietors for the purpose of carrying it on.

The difficulties which have occurred with hawkers are not unusual in places where the local authorities possess the markets, but it seems probable that some of the friction which has occurred has been due to the fact that the Corporation are not the owners of the market rights, and the nuisance and obstruction occasioned by the market being held on the old site would in all probability be more easily removed if the Corporation were the market owners.

At Wakefield the general market and the slaughter-houses belong to a Trading Company.

Mr. Chapman reports of this market that it is "a source of great complaint, but in spite of this and a considerable number of stalls and shops being unlet it is made to pay a very fair dividend of not less than $4\frac{3}{4}$ per cent." "The slaughter-houses" which belong to the Company "are not well managed, and they are the cause of frequent complaint by the Sanitary Inspector. They are not large enough for the town, and yet the company is able to obtain payment of some 30s. a week from persons using private slaughter-houses. This ought not to be, and is a very strong reason for transferring all the market rights to the Corporation." And further on he says—

"The market not only fails to provide proper accommodation, but has been found by the authorities to cause actual nuisances by neglect of sanitary regulations." Of Scarborough Mr. Chapman reports that the market is very inadequate and badly situated.

Of Reigate, another instance of a company as owner, he says—
"There seems to be every possibility of creating a good general market, but it is not desired by the Market Company, and the authorities do not like to make a beginning contrary to the Company's wishes."

Vol. IX.,
p. 542.

At Fleetwood the market is in course of transfer from a Company to the Local Authorities.

Vol. VII.,
Q. 12,171.

In his evidence before us, Mr. Chapman stated that cattle markets in the hands of companies seemed decidedly successful, while general markets under such owners were most unsatisfactory.

Vol. VII.,
p. 164.

Mr. Ashton speaks of the market at Frome as exhibiting "the disadvantages of markets being in the hands of Trading Companies, the chief of these being that the Local Authorities and the company cannot agree as to the scavenging or the repair of the market place; and that the former have no power to put a stop to a nuisance occasioned by shows accompanied by noisy steam organs."

Vol. III.,
p. 90.
Vol. VIII.,
p. 194.

The case of Ashford, which has been the subject of two inquiries by Mr. Ashton, exhibits arbitrary action on the part of a public company such as would scarcely be taken by an elected Local Authority.

Vol. VII.,
Q. 12,029.

On the whole Mr. Ashton in his evidence expressed no very strong opinion against public companies as owners of markets.

Vol. II.,
Q. 941, &c.

Some of the objections to the private ownership of markets are sufficiently obvious. In most cases the owner studies his own interest which not infrequently is opposed to that of the public. He is generally unwilling and often unable to provide the funds for the proper equipment of the market, and almost invariably he farms out his property to a speculator, a Trading Company, or the Local Authority. The question of the policy of permitting the farming out of a market right is examined elsewhere; it is only noticed here for the purpose of stating that in leasing a market right to a Local Authority a private owner is often able to impose such terms in respect of improvements as are very onerous and disadvantageous to the lessees. Such leases are frequently made in cases where the needs of an increasing population demand an extended market; at the end of the lease a property which has been improved by the lessee has to be hired or bought at a higher rate.

Vol. II.,
Q. 2684.
Vol. III.,
Q. 7793.

In addition to these objections it has been pointed out to us that a private owner is in a less advantageous position than a public authority in all matters of police and sanitary arrangements, and the regulation of traffic in the neighbourhood of the markets.

Vol. II.,
Q. 4881-4.

Here and there an exceptional case of a well-managed market in the hands of a private owner may be found. Such a case is that of Sheffield, where the Duke of Norfolk has expended very large sums in improvements, and where there seems to be little ground for dissatisfaction with the administration of the market; but even there it is said that the owner's market rights would prevent the town from establishing a public abattoir, which is desirable on sanitary grounds; that in a large and increasing town a complete concentration of markets is not desirable; and that the Borough Authorities would be better judges as to this than a private owner. Mr. Chapman remarks of these markets:—

Vol. II.,
Q. 4890.

"They are excellent in every respect except the cattle market, which is unimportant," and he goes on to say:—

Vol. VII.,
p. 178.

"It is obvious that the owner cannot do as the Corporation of Bradford has done, namely, have tramways laid down to the markets, and that he would not find it so easy to make similar arrangements for sidings to be provided by the railway."

But if the investigation of, perhaps, the most favourable specimen of a large general market in the hands of a private owner discloses some disadvantages and some disabilities which attach to such ownership, it will easily be conceived that there are numerous instances where private ownership becomes very objectionable.

Mr. C. Chapman says of Luton market that it "is stifled by the existence of a comparatively short lease of the rights."

Vol. VIII.,
Q. 16,099.

Mr. Ashton records evidence as to Worksop, where the Local Board have a lease of the cattle market with only seven more years to run; they were recently compelled by an Order of the Privy Council to make expensive improvements on property which does not belong to the ratepayers.

Vol. VII.
Q. 11,932.

Mr. Ashton also directs special attention to the case of Braintree, "where the market tolls have been bought up by an auctioneer, who has practically turned the whole market into his own auction mart, and created quite the most complete monopoly that I have found in my investigations."

Vol. II.,
Q. 5003.

We have received evidence with regard to the market at March, a small but increasing town in the Isle of Ely, where the Local Board desire to purchase the market rights of a private owner with the object of extending the market. The owner, who is supposed to derive an income of about 10% a year from the market, appears disinclined to come to terms. One of the objects which the Local Board have in view

Vol. II.,
Q. 4993.

Vol. II.,
Q. 4999.

in seeking to purchase the market rights, is that they may have power to abate nuisances on the market place, which under the present circumstances of ownership they cannot deal with.

Another class of owners who are not local authorities are included in the category of "bodies of persons other than trading companies." We have reviewed at length the circumstances relating to two of the most striking instances of ownership of this character. In addition to Taunton and Tiverton, we may mention Wakefield, where an excellent cattle market is owned and managed by Charity Trustees. Bristol cattle market belongs to Trustees constituted by a Local Act, one half of whom are appointed by the Corporation, and the other by Feoffees of some Church lands. These Feoffees were, previously to the passing of the Local Act, the owners of the markets in the streets. The surplus income of the market is appropriated—1st. To maintenance and repairs; 2nd. To interest on mortgages; 3rd. To the payment of 300*l.* a year to the Feoffees; 4th. To the payment of interest on money advanced for market purposes by the Corporation and the Feoffees, and then to other purposes which have never yet been reached. The representatives of the Feoffees are appointed for life. The evidence tendered at the Inquiry at Bristol does not disclose any serious complaint as to this market, except that a divided or dual ownership is injurious and inconvenient.

Vol. IV.,
p. 274.
Vol. III.,
p. 402.

Other cases of divided ownership, authority, and responsibility have been brought under our notice.

At Oxford, the general meat and provision market "is owned by both the University and the town, who share the profits and manage the market by a Joint Committee." At the same place, at St. Giles Fair, "the tolls for stalls on one side of the street are taken by the Corporation, and on the other by St. John's College."

Vol. IV.,
p. 57.

At Berwick-on-Tweed, the general market is in the hands of the Corporation and Freemen, the cattle market belongs to the Local Sanitary Authority, and the corn exchange to a private company.

Vol. IV.,
p. 401.

There is a general consensus of opinion in favour of giving Local Authorities the compulsory power to purchase market rights and market property, including the land and buildings used for market purposes, and the same power with regard to fairs.

Mr. C. Bradlaugh, M.P., is of opinion "that the Local Authorities should be empowered and required by law to acquire all existing rights to hold markets, to levy tolls, and to make regulations in connexion with markets."

Vol. VII.,
Q. 15,955.

Mr. W. A. Casson thinks "it very desirable that no other than the Local Authority should own market rights," and that these authorities should be invested with compulsory powers of purchase.

Vol. II.,
Q. 981.

In many cases these rights have been already purchased by agreement, but in some instances there is a feeling that the town was forced into purchasing by the inaction of the owner in not extending and improving his market, and that the position of the owner, who could neither be compelled to sell nor to improve, enabled him to exact an excessive price from the buyers.

The following memorandum, handed in by Mr. W. H. Talbot, Deputy Town Clerk of Manchester, shows the position of affairs in that town before the market rights were purchased by the Corporation:—

"The Lord of the Manor had a right to hold his markets in such parts of the town as he pleased; he could remove them from time to time from one side to another; and he had a right to use the public streets for market purposes in many of the most frequented thoroughfares in the heart of the town, and that right was actually exercised in a way which was attended with great inconvenience to the inhabitants. In the position in which the Lord of the Manor was then placed he had but little inducement to construct good markets on convenient sites, as the purchase of such sites would be very expensive, whilst in the absence of such markets he would be almost compelled to occupy successively more and more of the public streets in furnishing accommodation to the increasing number of people who brought market-able produce to the town for sale. Thus, the Lord of the Manor, by the peculiarity of his position, was led to exercise his right in a way that would probably have been found increasingly inconvenient to the inhabitants, and if he wished to sell those rights to the public he had an evident inducement to leave the markets in an offensive condition, and, although Sir Oswald Mosley did not use the legal powers he possessed to annoy the public and force them to buy the manorial rights, yet there was no security that a purchaser or his successors might not use the power thus possessed for the accomplishment of such an object. It therefore appeared desirable that the rights of the Lord of the Manor should be purchased by the inhabitants if they could be secured without too great a sacrifice, and that markets

Vol. VII.,
Q. 13,842.

" should be provided suitable for the accommodation of the public, and the streets be cleared from obstructions."

Mr. Chapman, in his report as to Wakefield Market, says :—

Vol. VII.,
Q. 12,179.

" The opinion of the town seems to be that they are being forced by the necessities of the town, and the *bad management* of the market, to buy these market rights at any price, the market owners, as it were, forcing the hands of the authorities to get rid of the nuisance."

In answer to another question, Mr. Chapman said that in every case that had come under his notice there was a desire to purchase, except in the case of Sheffield, where the probable amount of the purchase money had frightened the Corporation.

Vol. VII.,
Q. 12,175.

Vol. VII.,
Q. 11,933.

Mr. Ashton, speaking from his experience as an Assistant Commissioner, said there was a general desire on the part of Local Authorities to acquire compulsory power of purchase, but he expressed a doubt whether some of those who demanded the power would exercise it if it were given them. On this point the evidence received at Camborne may be consulted. The members of the Local Board approve the abstract principle that Local Authorities should possess the necessary powers to acquire the property, but they are not prepared, under present circumstances, to advise the application of that principle to their own particular case.

Vol. III.,
8116, &c.

The case of Grantham may be cited as one which is illustrative of the difficulties of Local Authorities in the matter of purchase. The Corporation of this town had formerly possessed the market which they forfeited to the Lord of the Manor by misuse of their privilege. In 1871 they became lessees under the present owner, and the lessor offered a lease in perpetuity at 42*l.* a year, but the offer appears to have been conditional on the Corporation hiring land and erecting a market hall, and it was not accepted. In 1879 the Corporation obtained an Act of Parliament empowering them to purchase the market, and subsequently an offer was made by the owner to lease the market rights for 99 years conditionally on the Corporation hiring land of him for the purpose of erecting a market hall, and expending 5,000*l.* on the same. This offer was not accepted. After many fruitless efforts to agree, the Corporation in 1886 accepted an offer to lease the rights for 99 years at 200*l.* a year, and to spend not less than 2,500*l.* in erecting a market hall; but difficulties arose, and the Corporation received notice to quit and deliver up the market tolls, &c., at the end of the current year (5th April 1888). A provisional agreement was then entered into by the Markets Committee for the purchase of the tolls and for the hire of land and buildings for the market on a lease for 99 years, but the Town Council refused to ratify this provisional agreement, and the market rights were hired on a yearly agreement by members of the Town Council acting in their private capacity. Apparently one of the difficulties in the way of this negotiation was that the owner would not sell the market buildings or land for the market, but would only lease them for a term of years.

Vol. II.,
Q. 5750.

Vol. II.,
Q. 5761.

But if there is a general agreement that it is desirable to give Local Authorities compulsory powers of purchase, there is a considerable difference of opinion on two points :—

1. The basis upon which compensation to the present owners should be calculated; and
2. The policy of requiring Local Authorities to exercise the proposed compulsory powers of purchase.

I. BASIS OF COMPENSATION OF MARKET OWNERS.

On the first point Mr. Casson says :—

Vol. II.,
Q. 994.

" I am not objecting to the compensation of the owner of rights which have existed for centuries, which were originally given under Charter, and which can be proved to have been properly granted, and to be properly held now. But I contend that their value ought not to be calculated on the extreme limits to which those rights may be pushed."

And he seems to contemplate the cutting down of the income of the market owner as a preliminary to the purchase of his property, the argument being that in many cases the owner has increased his income by exceeding his legal rights; thus he says with regard to Spitalfields Market :—

Vol. II.,
Q. 4069.

" Should the time come to buy up these market rights compensation should not be based upon the total income derived from the market, but that it should be calculated upon the income derived from the exercise of the market according to the charter."

On the question of the number of years purchase which it would be fair to give for market rights, Mr. Casson says:—

"I do not think that these rights, apart from any property, are worth 20 years' purchase." Vol. II., Q. 985.

Mr. W. J. Clegg, the Mayor of Sheffield, where the purchase of the markets was well-nigh completed in 1876, says:— Vol. II., Q. 4842.

"I am of opinion that power should be given to the local authority to compulsorily purchase markets at a reasonable price I consider that such price should not be less than 15 nor more than 20 years on the net amount received during a period of six years preceding the date when the purchase takes place, and that no sum should be paid for compensation for prospective increase in the income, inasmuch as the owner of the markets really does nothing to improve the town and its manufactures, and that it is a monopoly that ought to be abolished as speedily as possible."

Mr. C. Bradlaugh, M.P., who gave evidence before us, contends that the owners having acquired their rights, subject to the discharge of particular duties in respect of markets, are only entitled to a small amount of compensation where they have not completely fulfilled their obligations, and he suggests the following scheme of compensation:—

"Where the charter owner, or manorial owner, or prescriptive owner of market rights has not provided any market accommodation whatever, his present rights should be extinguished, abolished, and cease, without any compensation whatever; that where he is providing some accommodation, but clearly insufficient accommodation, the compensation should not exceed seven years' purchase, calculated on the average of the last 10 years of the net annual receipts by him. It may be that the charter owner, desiring to provide the fullest accommodation, has been by local circumstances, by possible conflict with private rights, prevented from acquiring the property that might be necessary for the proper development of the market; but where he had tried to provide, or had provided, proper accommodation, then the compensation money should be ascertained by valuation and arbitration, as in the case of any freehold." Vol. VII., Q. 15,955, 15,971-15,972.

And he proposes that the amount of compensation should be determined "either by the High Court or by some specially appointed tribunal, which would be competent, not only to investigate the title of the person claiming charter or other rights, but also to ascertain how far he had acted in fulfilment of what I should submit is the expressed or understood obligation in connexion with all charters, namely, the protection and development of the market," it being, in his opinion, desirable that the matter should be taken out of the hands of the Local Authority on grounds which he states thus:—

"I want the amount which is to be paid to the charter owner not to be a matter in which the personal local influence of the charter owner operates upon the Local Authorities. Many of the members of the Authority, being elected, are sometimes more or less under his influence, because the very fact of his being the charter owner generally implies the possession of estates in the district and considerable local influence; and there are cases in which, where a very large sum to my mind has been demanded by the charter owner, there has been reluctance in fighting him in the Council, because of his being deservedly respected for other matters, and so on, which prevent the thing being discussed upon business grounds." Vol. VII., Q. 15,966.

The views of private owners of markets, are expressed in reply to our Circular of [Form B.] Inquiries addressed to Owners of Markets not being Local Authorities, in answer to the following question:—

"Is the owner in favour of the Local Authorities obtaining compulsory powers of acquiring market rights?"

The abstract of the information given in reply to this circular, shows that a large number of owners of markets expressed no opinion on the point; many declared themselves as indifferent in the matter. About half of those who took the trouble to reply were favourable to the proposal, some accepting it unreservedly, and about as many attaching conditions suggesting purchase on fair terms. Less than one-third of those answering the question were distinctly opposed to the project. Vol. XIII., Parts II. and III.

The opinions of Local Authorities as to their being endowed with compulsory powers of purchase of markets belonging to others within the area of their jurisdiction may be gathered from the replies to question 20 in Circular of Inquiries, Form C,

In a great many instances no reply is given. Some express themselves as indifferent, but about three-fourths of those who answer the question are in favour of the proposal.

We have not had the advantage of hearing from many witnesses the views of owners on this point. Mr. J. R. Bourne, agent to the Duke of Bedford, was of opinion that "30 years' purchase on the present income would be a very good way" of estimating the capital value of Covent Garden Market.

Vol. II.,
Q. 2630.

Mr. Ellison, the agent to the Duke of Norfolk, speaking of Sheffield Market, while not objecting to compulsory purchase in the abstract, was of opinion that—

Vol. II.,
Q. 5252–
5254.

"It would work with very great injustice against the Duke of Norfolk, because his tolls are so very reasonable that any number of years' purchase on the existing rental would not be at all an adequate price"; and "there is a prospective value . . . which ought to be considered."

Vol. II.,
Q. 5256–8.

Being asked if he did not think that an offer by the Corporation to purchase the markets at 38 or 40 years' purchase of the then rental was a good offer, he replied in the negative.

Vol. II.,
Q. 30.

With regard to the purchase of rights connected with fairs, it has already been stated that the powers of local authorities under the Public Health Act with respect to markets do not extend to fairs. They have no power to take a lease or conveyance of rights in fairs. It has been represented to us that great inconvenience has resulted from the omission of fairs from the Public Health Act, an omission which would appear to have been a mere oversight.

In some instances owners have been willing to dispose of market and fair rights together, but they have been unwilling to separate them; but an Urban Sanitary Authority acting under the Public Health Act cannot purchase the fair rights, indeed it is doubtful if they could accept them as a gift.

Vol. IX.,
p. 121.

Mr. C. Chapman's report contains evidence of a refusal on the part of the Local Government Board to sanction the purchase of the rights and tolls of the fairs, with those of the markets, at Knaresboro', and of the inconvenience which is caused by the inability of the Local Board to acquire these rights.

Vol. IX.,
p. 19.

Vol. IX.,
Q. 10,384,
&c.

He also reports the case of Waltham Abbey, where the Local Board have purchased the fair rights without statutory authority; and that of Heckmondwike, where a similar course has been taken.

Vol. II.,
Q. 1010.

The inconvenience which may arise where the markets and fairs are vested in different owners is described by Mr. Casson thus,—

"It is extremely inconvenient that the frequent market which is held every week should be in the hands of one body, and that the greater market which occurs at long intervals of time should be in the hands of another body, because it often happens that the fair is held on market days, and when it takes place it is nothing more or less than the enlargement of the market that would ordinarily occur at that time."

Frequently these fairs are held in the streets or in a market square in the town. Any argument in favour of placing markets in the hands of Local Authorities on the grounds of sanitary or police regulations must apply with equal force to fairs.

Vol. II.,
Q. 6203.
Q. 6223.

Mr. Becher Tidd Pratt, Mayor of Newark-on-Trent, gave evidence as to the annoyance resulting from a fair in that town which belongs to a private owner.

At Camborne, where the market belongs to a private owner, the fairs are held by the churchwardens and overseers in trust for the poor and the Church. These fairs are held in the streets; they cause a good deal of trouble to the Local Board, who have no control over them.

Vol. III.,
Q. 8212–
8215.

II. POLICY OF COMPELLING LOCAL AUTHORITIES TO PURCHASE MARKET RIGHTS.

It is admitted that in many cases if Local Authorities had a compulsory power to purchase market rights, &c. they would not avail themselves of it, and it has been contended by some witnesses that it is so urgently necessary that all markets should be under the direct control and management of a local elective body, that wherever a market belonging to any other owner than a Local Authority is in existence the Local Authority should be compelled to acquire the market rights.

On the point of compelling Local Authorities to exercise their powers of purchase, Mr. Bradlaugh said in evidence before us—

Vol. VII.,
Q. 15,955.

"I think it possible, if the Local Authorities only had optional powers, powers which they might or might not exercise, they would sometimes be deterred from resorting

“ to the exercise of those powers owing to the expenditure which, rightly or wrongly, they might think that they would be put to in the compulsory acquisition of market rights. I would respectfully submit that the legislation which will be necessary should entirely sweep away all private market rights.”

Mr. Casson thinks that Local Authorities too often take too narrow a view of their duties, and that they have declined in some cases to establish a market “ because it has been urged that it would be no good to the town, and that it would destroy the trade of the shopkeepers.” Vol. II., Q. 1203.

On this point Mr. Chapman said,—

“ I am rather inclined to think that they ought to be compelled to buy, for this reason : that I do not think there is any chance of improvement in the markets until you have got some system by which the accounts of the markets are isolated from other accounts; and if the profits of the market are not put to a sinking fund for market purposes, I see no chance of the markets being really improved ultimately to meet the wants of an increasing population.” Vol. VII., Q. 12,183.

With a view to relieve the financial strain upon the resources of towns having to purchase markets, Mr. Bradlaugh proposes that County Councils should raise a special loan fund to be apportioned equally amongst the sanitary districts in respect of which the rights are acquired, as those bodies could borrow on easier terms than would be possible to each small authority having to buy its own market. Vol. VII., Q. 15,959–15,963.

It may be mentioned in passing that, notwithstanding the general desire on the part of the Local Authorities to be endowed with the power of acquiring markets, and the accepted idea that they would prove better managers than private owners or trading companies, yet many of these Local Authorities have been eager to divest themselves of all power of direct control by leasing their rights; and in a few instances they have even leased those rights for terms practically amounting to perpetuity. The Reading Corporation some years ago sold their rights to take tolls on cattle to a cattle market company for a perpetual royalty of 5% a year, and they have recently contemplated the re-purchase of those rights together with the property of the company. The Winchester Corporation about 50 years ago sold their rights to take toll on cattle to accompany for an annuity of 50% a year. Vol. IV., Q. 2244, 2248. Vol. III., Q. 13,942.

LONDON.

We are not in possession of evidence to show that there is any desire on the part of the governing bodies of the Metropolis to acquire the market rights which are not now in their possession. We are informed by Mr. J. R. Bourne that the Duke of Bedford, as the owner of Covent Garden Market, made an offer to the Metropolitan Board of Works to transfer the market to them; no price was named, it was not made a condition in any way, but the negotiation came to nothing. Vol. II., Q. 2624.

The lessee of the Spitalfields market offered to hand over his interest in the market to the Whitechapel Board of Works, who did not entertain the proposal. Vol. II., Q. 1548.

IRELAND.

With regard to this country Mr. C. W. Black, Assistant Commissioner, recommends— Vol. VII., p. 196.
“ That the Town Commissioners or other Local Authorities, whether Urban Sanitary Authorities or not, should have power to purchase compulsorily, with the consent of the Local Government Board, the market rights and market accommodation in their town, but that such purchase should comprise both the rights and the accommodation.”

“ That in case any difference should arise between the owner and the Commissioners or other Local Authority as to the price to be paid, the same should be determined by an arbitrator to be appointed by the Commissioners of Public Works in Ireland, in the same manner as in cases of land taken by Railway Companies or public bodies under the Railways (Ireland) Acts.”

And Mr. J. O'Meara, another Assistant Commissioner, makes a similar recommendation— Vol. VII., p. 307.

“ That compulsory powers be given to Local Municipal Authorities, whether Urban Sanitary Authorities or not, to acquire market rights and tolls, and the market buildings and fair greens either together or separately.”

“ That in towns where no such Municipal Authorities are established, power be given to such ratepayers as possess a rateable valuation of 4% and upwards to elect,

“ within a given period, at least 12 of their number to be called ‘market and fair trustees,’ in whom should be vested all the necessary powers and privileges for acquiring and regulating the markets and fairs and the buildings, &c. connected therewith, as would otherwise be vested in the Municipal Authority if any such existed.

“ That in the event of the ratepayers as aforesaid not electing the ‘market and fair trustees’ as aforesaid within the stipulated period, powers be given to the Local Board of Guardians of the Poor similar to those mentioned in Recommendation 1 as to all markets and fairs within the area of their jurisdiction.”

And he states in evidence that in his opinion the Local Authorities would be willing to purchase, and would be prepared to pay a fair price, and that a great majority of the owners were disposed to agree to a sale.

Vol. VII.,
Q. 12,649.

The difficulty in arranging for a sale and purchase is a financial one. Outside of the Urban Sanitary Districts (that is, in towns of less than 6,000 inhabitants) there is no public body which is possessed of the power to raise money for the purpose of purchasing, establishing, or improving a market.

Mr. O'Meara therefore suggests the creation, in Rural Sanitary Districts, of bodies of market and fair trustees to be elected by the ratepayers.

Vol. VII.,
p. 305.

As the result of his inquiries Mr. O'Meara says:—

“ A notable fact is that where really good accommodation has been provided, there, in most cases, the Local Authority has control, and stood in the position to make the necessary outlay in procuring suitable sites for fair greens and markets, and in erecting good market buildings.

“ It is, therefore, essential to future improvement that control should not be vested in private individuals, and that full and necessary powers over markets and fairs be given to Local Authorities.”

The Commissioners of 1852 report certain cases of divided ownership:—

“ In some towns we found two or more individuals claiming to be proprietors of the fairs and markets held on different days under separate patents (*vide* Skibbereen evidence); and in other towns we found, in the same manner, public bodies and private individuals exercising the rights of ownership on different days (*vide* Tralee, Clonmel, Thomastown, Strabane, &c.).”

Our Assistant Commissioners have visited four out of the five places named above, and we find that the result of their inquiries is as follows:—

Vol. VI.,
p. 1.

At Skibbereen the Town Commissioners have now the control of all the markets and fairs under three separate leases, two of which are for ever, at the rent of 1s. a year, and the third is a lease of the general meat and fish markets for a period of seven years at a rent of 45*l.* a year.

Vol. VI.,
p. 29.

At Tralee the Town Commissioners hold a weekly market on Tuesday under a Charter granted to the corporation (now dissolved) by James the 2nd, and Sir Edward Denny holds another weekly market on Saturday under a Charter of the 6th Charles I.

Mr. O'Meara says:—

“ The owner of the market rights afforded no accommodation whatsoever to those frequenting the markets, and in 1847 a number of merchants combined and formed a Company . . . for the purpose of making, forming, and maintaining one or more markets in the town of Tralee.”

This Company provided a market site, built a weigh-house and other premises, and they “derive a revenue from the charges which are exacted for the use of and accommodation afforded by the premises and the scales and machines therein.”

There are therefore at the present time three parties who hold markets or quasi-markets in the town of Tralee, which has a population of about 10,000.

At Clonmel the Corporation own the butter market and a private individual owns the potato market.

Vol. X.,
p. 67.

“ All the markets and fairs are free from toll except the butter and potato markets. No rights are exercised by the Corporation or other Authority over the general markets or fair.”

Vol. V.,
Q. 4472, &c.

At Strabane the Town Commissioners own part of the tolls of the markets and fairs as successors to the Corporation under a Charter of James the 1st, and they hire the corn market and butter market with some buildings from the Duke of Abercorn and another under a lease for 200 years at a rent of 107*l.* The Commissioners have also purchased the flax, tow, potato, and vegetable market of a former owner.

Thus it would appear that in two of these towns which were set out as examples by the Commissioners of 1852 some consolidation of authority has been effected, while in two other places the divided ownership remains.

Mr. Black instances a curious case where the market rights have been subdivided to an absurd degree:—

"In Omagh the rights are vested in Captain Archdall, but he had no market places. The rights were sublet by his predecessor in title to a Mrs. Jane Spiller by lease for 21 years. She subsequently sublet to various sub-lessees. The grain market is therefore managed by the Great Northern Railway Company. The flax and pork market by Mr. James Greer, Mr. Scott, Mr. Arnold, and Dr. Fleming. The potato and meal market by Mr. Johnstone, and the butter market by Major Ellis, as Mrs. Spiller's representative, Captain Archdall merely demised the right of holding markets, and the accommodation has since been provided by the tenants, and on which they have expended considerable sums."

Vol. V., p. 4.

Another case recorded by Mr. Black presents a remarkable history of a market, and exhibits forcibly the anomalous state of affairs in Ireland:—

"In Cavan certain market rights were conferred upon an ancestor of Lord Farnham, and other such rights were granted to the Corporation of Cavan. The evidence submitted to me does not enable me to say what particular rights were granted to each of those parties, but the butter, pork, and flax markets are let by Lord Farnham to Mr. Reilly at rents of 140% and 30% a year, and he collects the toll thereat. Eggs, fowl, &c. were sold on the street, and no toll was charged on them. They are now sold in the market established by the Town Commissioners, who receive rents and stallage from the buyers. Some years ago the Commissioners established a pork market, and the then tenant of Lord Farnham commenced an action against them in respect thereof, but was non-suited. An amicable arrangement was come to between the Commissioners and Lord Farnham, by which the former agreed not to attempt to interfere further with his Lordship's market rights, and he agreed to contribute an annual sum to the Commissioners in aid of the rates of the town. Subsequently the Commissioners established a fowl and egg market; his Lordship did not interfere to prevent this, as he had not been previously receiving any revenue from the sale of those commodities, which took place on the streets. The Town Commissioners are not an Urban Sanitary Authority, and they have no power to borrow money for market purposes. They erected the said market and borrowed the money therefor from one of the local banks on their individual security, and they are now deriving a handsome revenue from it, which they expend upon the improvement of the market and the town. Their position is an anomalous one, and they would doubtless have got themselves constituted an Urban Sanitary Authority, but if they did so the sanitary rate of the town would be payable by the occupier, whilst now that the Poor Law Guardians are the Sanitary Authorities a proportion of it is repayable to the occupiers by the landlords."

Vol. V.,
p. 17.

FARMING OF TOLLS BY LOCAL

Another subject included in the Reference is that of farming of tolls by Local Authorities. We have inquired into this matter, and it has also, by our directions, been investigated by the Assistant Commissioners.

Although we have ascertained that Local Authorities (in which we include Corporations, Improvement Commissioners, and Local Boards) are largely in the habit of leasing their rights, yet it also appears that private owners, to a very considerable extent, lease the tolls, &c.

The reasons assigned by local authorities for letting their markets are chiefly those of convenience or profit. The income is tolerably certain, and the Local Authority is spared trouble. On the other hand even in many places, where the majority of the managers determine the policy to be pursued by the authority, there appears to be a considerable minority opposed to the system. In some places Local Authorities have discontinued the practice for various reasons.

Vol. III.,
Q. 1537,
8002, 8955,
9363, 13,686.
Vol. VI.,
Q. 9203.
Vol. VIII.,
Q. 17,564.
Vol. IX.,
Q. 11,010,
Vol. VIII.,
Q. 17,661.
Vol. IX.,
14,158,
14,364.

At Bideford it was stated that "there was constant trouble through the collector trying to collect tolls, which he was not authorised to collect."

At Dorchester it was said that the income of the market had doubled since the practice of letting it had been discontinued.

At Kidderminster the practice was given up, as it was impossible to get the lessee to carry out his covenants.

Vol. III.,
Q. 9449.
Vol. III.,
Q. 12,051.
Vol. IX.,
Q. 14,158.
14,378.
Vol. VIII.,
Q. 17,547.
Vol. VII.

Arguments against the system of leasing have been adduced by several witnesses before us and our Assistant Commissioners.

Mr. C. Bradlaugh, M.P., gave the following evidence on the subject:—

15,964. "You would prohibit the Local Authority from leasing a market; that is, of course, in pursuance of the principle that markets ought not to be in private hands?—Yes; and also I think there is clear evidence that where markets have been leased, or, what is the equivalent of leasing, farmed in any way by individuals, sometimes the evils have been even greater than where the private owner has himself exercised any authority, because the lessee has tried to make his thirteenpence for a shilling, and has not been careful as to how he made it."

15,965. "The person who leases the market has only an interest for a limited time, and probably has no interest in the surrounding district?—That is so."

Mr. Talbot the Deputy Town Clerk of Manchester, expressed his views as follows:—

13,893. "Did you ever let the tolls?—Never; and we should never dream of such a thing, I am sure."

13,894. "You are of opinion that the Corporation can manage the markets better than any lessee?—I am also of opinion (if I am not out of order in expressing an opinion) that it should not be permitted that the Local Authority should lease its tolls."

13,895. "That is a very important point, and no doubt you have considered it. I should like to hear what your reason is for that opinion?—I think that the interests of the community requires that the tolls should not be leased. The object of vesting the markets in the Local Authority, is that the Local Authority should manage them, and you are getting out of the frying-pan into the fire if you let the market to a lessee. If you transfer the markets from the Lord of the Manor to the Local Authority you do so in order that the ratepayers may administer their own markets."

13,896. "If the markets are let to a lessee, the interest of the lessee is to make as much money out of them as possible, without regard to the convenience of the inhabitants generally?—Just so."

Mr. Ashton is strongly in favour of prohibiting Local Authorities from letting out their markets.

By other witnesses it has been urged that those using the market have little chance of getting any hearing for their complaints where a lessee is in possession, that a Local Authority by leasing parts have no power to regulate, control, or improve the market, and it is submitted that the arguments in favour of placing markets directly under the control of Local Authorities lose their force if those Authorities are to be permitted to part with that control by farming out their market rights.

Out of 346 market towns where inquiries have been held either by ourselves in London or locally by the Assistant Commissioners, no less than 158 instances of farming tolls have been discovered.

These may be divided as follows:—

Local authorities owning market rights who let the tolls, 74.

Private owners of market rights who let the tolls, 84.

Taking the most important markets which the Local Authorities lease out, we find that the tolls realise very large sums, viz.:—

	£
	per year.
Blackburn	6,225
Glasgow (Cattle Market)	5,265
Plymouth	4,811
Swansea	4,000
Accrington	2,040
Exeter	1,897
Llanelly	1,892
Neath	1,480
Darwin	1,407
Gloucester	1,381
Great Yarmouth	1,125
Hereford	1,078
Crewe	1,029
Doncaster	1,000
Carmarthen	1,000

To supplement this we append a Table showing the approximate rent received by the Local Authorities for the tolls in the remaining markets:—

Above 900%. but under 1,000%.	-	-	-	Nil.
„ 800%. „ 900%.	-	-	-	5
„ 700%. „ 800%.	-	-	-	3
„ 600%. „ 700%.	-	-	-	2
„ 500%. „ 600%.	-	-	-	5
„ 400%. „ 500%.	-	-	-	4
„ 300%. „ 400%.	-	-	-	6
„ 200%. „ 300%.	-	-	-	5
„ 100%. „ 200%.	-	-	-	10
„ 50%. „ 100%.	-	-	-	11
„ 30%. „ 50%.	-	-	-	1
„ 20%. „ 30%.	-	-	-	2
„ 10%. „ 20%.	-	-	-	1
Under 10% a year	-	-	-	4
Total	-	-	-	59

There is a very marked falling off in the amount of rent received for the tolls. In markets leased by private owners only four markets are let for large sums, viz.:—

Bradford, 5,000% a year for 999 years. Bristol (Cattle Market), 1,750% a year.

Spitalfields, 5,000% a year. Devonport, 1,475% a year.

The remainder may be summed up very shortly:—

Between 700% and 1,000%.	-	-	-	Nil.
Above 600% but under 700%.	-	-	-	1
„ 500%. „ 600%.	-	-	-	Nil.
„ 400%. „ 500%.	-	-	-	3
„ 300%. „ 400%.	-	-	-	1
„ 200%. „ 300%.	-	-	-	7
„ 100%. „ 200%.	-	-	-	19
„ 50%. „ 100%.	-	-	-	12
„ 30%. „ 50%.	-	-	-	16
„ 20%. „ 30%.	-	-	-	5
„ 10%. „ 20%.	-	-	-	2
Under 10% a year	-	-	-	14
Total	-	-	-	80

We further find that there are several persons who make a profession of taking leases of market tolls, just as formerly people used to hire the turnpike and bridge tolls.

Of these toll farmers the most important are Mr. James Percy, who leases 26 markets, and Mr. William Williams, who leases 10 markets.

According to the evidence of Mr. Percy the business is not lucrative, as there is great competition for these tolls. The owners of the markets, whether private individuals or Local Authorities, are fully aware of the revenue to be derived from their markets, and they dispose of their rights by auction or public tender for a term of years to the highest bidder. This leaves a very small margin for profit, and frequently the contractor has to pay all the officers connected with the market, and to execute all repairs, besides paying rates and taxes in addition to the annual rent. The figures given by him show that the gross income from all sources in the 26 markets which he rents is 29,272%., and the expenditure 29,478%. If these figures are correctly stated Mr. Percy loses 206% a year.

He cannot levy higher tolls than those fixed by the owner of the market, though he may reduce them if he is so inclined, and this he does in some cases, where it is to his advantage to do so, as, for example, the back stalls in a market, or when one or two stalls are vacant and he wishes to find a tenant.

The owners of markets lease their tolls for periods varying from one year to two or three years as a rule, and in some cases the lessee has to do all repairs. In his opinion repairs are executed more expeditiously and effectually by the lessee than by the market owner, especially if the latter be a Local Authority.

Mr. W. Williams states that he leases tolls in 10 markets only, and his receipts amount to 10,102%., as against an expenditure of 9,885%., leaving a surplus of 217%.

Vol. VII.,
Q. 13,947.

Vol. VII.,
Q. 13,409.

Vol. VII.,
Q. 13,968,
13,981 *et*
seq.

Vol. VII.,
Q. 13,985.

Vol. VII.,
Q. 13,965.

Vol. VII.,
Q. 13,982.

Vol. VI.,
Q. 13,989.

Vol. VII.,
Q. 13,410.

This appears to be a very small margin of profit for the trouble involved in looking after so large a business.

With the exception of Torquay the markets belong to Corporations or Local Authorities. In some cases the tolls are leased for one year at a time, and frequently an increased rental is required on the termination of each tenancy. The tolls to be levied are fixed by the owners, and in every market the tolls the owner levies are under the maximum, except cattle tolls, which are in accordance with the schedule.

Dealing with these 14 towns, where the rental amounts to 1,000*l.* a year or upwards, which may be taken as typical of the rest of the class owned by Local Authorities, we will make a few remarks on each.

ENGLAND.

Blackburn heads the list with the large rental of 6,225*l.* a year. The Corporation lease the tolls for a term of two years, and Mr. Percy, the present lessee, states that the lease generally changes hands at the end of each term. The Corporation provide the accommodation for inspectors to look after the market, and a man to cleanse it, and do all repairs, while he has only to provide his own toll collectors. His receipts amount to 6,408*l.*, so the margin of profit is exceedingly small.

Mr. Chapman held an Inquiry in this town, and the Town Clerk said that the Markets Committee have frequently considered the question of taking the tolls in their own hands again, but "the Corporation consider that in leasing the tolls they get "cheaper and better collection, and as a body are less liable to fraud." The tolls are only let for short terms of two years, and the Committee, for a considerable number of years, have been unanimously in favour of continuing the system of leasing the tolls.

Plymouth follows with a rental of 4,811*l.*

In this town the Corporation have incurred heavy expenses in erecting new market buildings, and are about to spend 20,000*l.* more. They lease the tolls annually to the highest bidder, and in 1888 they received 4,811*l.* for these. The lessee Mr. Wilcockes, states that he will lose at least 250*l.* by the markets, and the Corporation admit that the year has been a very bad one for trade. Although the Corporation do not give any reason for leasing the tolls, it is evidently a satisfactory arrangement to them, and Mr. Ashton, the Assistant Commissioner who held the Inquiry at this town, sums up his Report by saying, "This market in my opinion is much too profitable."

The general market at Swansea is also leased to Mr. Percy for three years at a rental of 4,000*l.* a year. He has to pay rates, taxes, lighting, and cleaning, and keep the premises in repair. The Corporation provide the market accommodation, and one inspector. The collectors are provided and paid by the lessee. The average annual gross receipts amount to 4,976*l.* for the three years ending 1st June 1888.

Accrington, the next town on the list, is leased by the Corporation to Mr. Percy for a term of three years for 2,040*l.* a year. They pay rates, taxes, and cleaning, while the lessee bears the expense of lighting, and provides all the men requisite to carry on the market, except one inspector. His average annual gross receipts are 2,310*l.*

Mr. C. M. Chapman, an Assistant Commissioner, held an Inquiry at Accrington on the 11th May 1889, and in reply to a question which he put to the Town Clerk and those members of the Corporation who were present, on the subject of farming tolls, Mr. Councillor Duckworth said that several members of the Markets Committee have raised the question during the past 12 months, "whether it would not be advisable to "keep the market tolls in their own hands," and he adds, "I am favourable to keeping "the tolls in the hands of the Corporation; if there is any profit to be made the "townspeople should have the benefit. . . . So far as I can judge . . . the "market is in a better position to-day by letting the tolls than it otherwise would have "been in if the Corporation had kept them in their own hands."

Mr. Hindle, the Mayor, said that, owing to the dissatisfaction arising out of the letting of the stalls to the various holders, scarcely a meeting of the Markets Committee was held without frequent applications being made for reduction of rent, causing much unpleasantness. The Committee then told those stallholders who were dissatisfied that they could give up their stalls, but very few left. Soon afterwards, finding the same complaints arising, the Committee decided to lease the tolls, and everything has worked smoothly since.

Llanelli is one of the markets leased by Mr. Williams from the Local Board yearly at a rental of 1,842*l.* He has to pay all rates and taxes, to repair the market buildings, fittings, &c., to cleanse the market, and remove all refuse, and in addition the Corporation reserve to themselves the right to discharge any of the lessees' servants

whom they consider incompetent. His gross receipts amount to about 2,160*l.*, while his expenses, inclusive of rent, amount to nearly 2,500*l.* It seems scarcely credible that anyone would conduct his business so as to incur a loss of nearly 400*l.* a year. Vol. VII.,
Q. 13,410,
13,522, &c.

Neath in Glamorganshire is another of the markets leased by the Corporation to Mr. Percy for three years at a yearly rental of 1,480*l.* His average annual receipts are 1,536*l.*, and although he gives no particulars of the expenses he has to bear, with the exception of the wages of two collectors whom he constantly employs, his expenses amount to 1,594*l.*, showing a net loss of 58*l.* Vol. VII.,
Q. 13,410.

Darwen, leased to Mr. Percy by the Corporation for three years at a rental of 1,407*l.* a year, was never leased before. He has only held the market for six months, and his gross receipts amount on the average to 26*l.* a week, or at that rate to 1,352*l.* a year. He employs one collector at 22*s* a week, and this brings his expenditure up to 1,462*l.* a year. It is not possible to make any calculation on these figures, but from Mr. Percy's experience as a reuter of market tolls it is to be assumed that he does not incur a loss on every market under his control. Vol. VII.,
Q. 13,410.
Vol. VII.,
Q. 13,982.

Great Yarmouth market tolls are also in Mr. Percy's hands for five years at an annual rental of 1,125*l.* He pays 60*l.* a year to a collector, and employs occasional assistance when required. His gross receipts only amount to 1,163 a year. One point to be mentioned in this case is that the market rights only extend to 100 yards beyond the market. Vol. VII.,
Q. 13,410.

Exeter is one of the markets leased by Mr. Williams, to whom we have already alluded. The rent paid is 1,897*l.* for all the markets except the cattle market, which the Corporation retain, and derive an income of 520*l.* a year from it. Vol. III.,
Q. 10,910.

Mr. Townshend, a member of the Corporation, is strongly opposed to the present arrangement and considers that the Local Authorities should regain possession of the tolls as soon as possible. His objection to the tolls being leased is not that much harm is done by it if the lessee could utilize the markets properly, but that there is too much accommodation and one market only is necessary. Vol. III.,
Q. 10,968,
10,974.

Mr. Shorto, managing clerk to the Town Clerk, says that the tolls become less valuable at every letting, and that a lessee makes more out of them than the Corporation can do. The Corporation did not make the markets pay when they held them in their own hands, and it is, therefore, better to get a larger income by leasing the tolls. There is also a heavy debt on the markets, which cripples the resources of the Corporation. Vol. III.,
Q. 10,978.

Mr. Percy is the lessee of the Gloucester markets, and he pays to the Corporation 801*l.* for the cattle market, and 580*l.* for the general market. The Corn Exchange is retained by the Corporation. According to the evidence of the Mayor, the rent received is insufficient, and the Corporation are doubtful whether they will renew the lease of the tolls, as they consider it would be more remunerative to work the markets themselves. Vol. II.,
Q. 13,349.

Hereford market is also leased by the Corporation to Mr. Percy, who holds it for three years at a rental of 1,078*l.*; his additional expenses amount to 34*l.*, according to the statement furnished by him, whilst the gross receipts are only 1,023*l.* Vol. VII.,
Q. 13,410.

Crewe is another of Mr. Percy's markets, and he pays to the Corporation 1,029*l.* a year, on a lease for three years. He bears the cost of cleaning and lighting, but he does not give the expenditure for these items. The wages of a collector are one guinea a week, and he employs extra assistance when required. His gross receipts amount to 1,131*l.*, so that in this case a small profit is shown.

The markets at Doncaster are held on a yearly tenancy by Mr. Williams at 1,000*l.* a year. He employs three collectors at a total cost of 70*l.* a year, all other expenses being borne by the Corporation. His gross receipts amount to 1,036*l.*, or a deficiency on the face of his statement of 34*l.* a year.

The Carmarthen markets are leased to Mr. Williams by the Corporation for one year at a rental of 1,600*l.* He pays four collectors altogether 147*l.* a year, and only receives 1,786*l.* from all sources, showing a net profit of 39*l.* a year.

Of markets owned by private individuals that are leased there are only four important cases, and to these we propose to confine our remarks.

Spitalfields market is owned by Sir Julian Goldsmid and certain other freeholders under two Charters, one dated 1682, which authorised the holding of a market on Thursdays and Saturdays; and the other dated 1688, which fixed the days on Tuesdays, Thursdays, and Saturdays, thus giving an additional day. In busy times sales take place on other days as well. These owners lease their rights to Mr. Robert Horner for 5,000*l.* a year, and he has to bear other expenses amounting to 5,500*l.* a year in addition. Vol. II.,
Q. 674, &c.
Vol. II.,
Q. 684, 1520.

Vol. II.,
Q. 722.

Mr. W. H. Winterbotham states that there are no complaints as to the tolls charged by Mr. Horner nor of the accommodation provided. In fact he has thoroughly organized the market which had previously been in a most disordered state, and everyone connected with the market speaks approvingly of his management.

Vol. II.,
Q. 6306, &c.

Mr. W. Greaves, who is Solicitor to the Rawson family, said that the Bradford markets are the property of Miss Rawson, who obtained them under the will of her father Mr. B. Rawson. He purchased them with the manorial rights from Mr. Marsden in 1795 for 2,100*l.* In the year 1801 the market tolls only amounted to 15*l.* a year, and at that time Mr. Rawson bought some land and erected a suitable market building at a considerable expense. In 1823 he extended the accommodation, and in 1825 the tolls amounted to 87*l.* a year. In 1866 Miss Rawson leased the market rights together with certain valuable lands and buildings for 999 years at an annual rental of 5,000*l.*, the tolls realising at that date 1,707*l.* a year. This arrangement was confirmed by the Rawson Estate Act, and the Bradford Corporation Act, both of which were passed in 1866. The land included in the lease contains 18,621 square yards, the least valuable part of which is worth 5*l.* a yard, and the Corporation have sold part of the land at that rate, others at 8*l.* and 10*l.* a yard, and one plot sold by the Corporation realised 52*l.* a yard.

Vol. II.,
Q. 6330.

At the time that this arrangement was entered into the value of the property was increasing, and in Mr. Simpson's opinion the Corporation made a very good bargain in every respect. Instead of being a tax upon the inhabitants it is a great advantage to them.

Vol. II.,
Q. 6365.

Vol. II.,
Q. 6255, &c.

Mr. W. T. McGowen, the Town Clerk of Bradford, stated that prior to the year 1866, great inconvenience was caused by the markets being held in the open streets, and the want of an enclosed market was much felt. The Corporation determined therefore to get the control of the markets into their own hands, and entered into negotiations with Miss Rawson, (who had hitherto managed the markets herself,) for a lease of the market rights. The terms were settled, and Acts were passed in Parliament by which the Corporation undertook to pay 5,000*l.* a year for a term of 999 years for the markets and buildings. These buildings have been pulled down, others erected in their place, and additional land was purchased at a total cost for buildings and land of nearly 200,000*l.* No complaint or grievance exists as to the accommodation provided, but having already paid in rent 105,000*l.* to Miss Rawson, Mr. McGowen says, on behalf of the Corporation, "we venture to suggest that, as in another part of the United Kingdom, a law is recognised that if a rental is unfair it may be modified, so we might have the good fortune to prevail upon this Commission to help us out of the difficulty in some way."

Vol. II.,
Q. 6263.

Vol. II.,
Q. 6271.

Vol. II.,
Q. 6273.

Vol. IV., Q.
4978, 4988.

Vol. II.,
Q. 6290.

He adds that until 1887 the markets have not been a source of profit to the Corporation, for the expenses have exceeded the receipts from 1867 to 1887 by 50,769*l.*; but it must be borne in mind that Mr. McGowen has included in his expenditure the interest on money borrowed to meet the cost of erecting buildings, together with the sinking fund repaid annually on the loans.

Vol. IV.,
P. 320.

Mr. Chapman who was instructed by us to hold an inquiry at Bradford, reports that "the town is anxious to get rid of the obligation to pay 5,000*l.* for the market rights if they could do so on reasonable terms, but they do not want to pay extravagantly for a property of their own creation."

The bargain made with Miss Rawson is admitted to have been advantageous to the Corporation, and to have been entered into deliberately by the Local Authorities. It is, therefore, a matter for arrangement between Miss Rawson and the Corporation, and does not call for any interference on our part.

Vol. VII.,
Q. 13,951.

Vol. III.,
Q. 15,197.

The Bristol Cattle Market is another instance of the leasing of tolls in private markets. This market is vested in certain trustees by a Local Act, one half of whom are elected yearly by the Corporation, and the other half by the Feoffees of St. Thomas's Church lands. These latter are permanent appointments. The tolls are let by tender, and Mr. Percy is the lessee for three years at an annual rental of 1,750*l.* and in addition he has to pay the rates, taxes, lighting, and cleaning. He also provides four collectors and cleaners at a total salary of 198*l.* a year, with such extra assistance on market days as may be required. His total receipts from the tolls are 1,958*l.* Thus his receipts and expenses are nearly balanced.

Mr. Ashton reports on this market that the ownership of the cattle market seems unsuitable, but the trustees did not appear before him to give any evidence on the subject, while Mr. Burges, the Town Clerk, gave the merest outline of the facts. We are not in a position therefore to make any comments upon this market.

Vol. III.,
Q. 8996, &c.

Our last instance is at Devonport, owned by Lord St. Levan. He leases the tolls for a term of three years for 1,475*l.* a year. Mr. Percy the lessee pays rates, taxes,

lighting, and cost of cleaning, and he has to keep the stalls in repair, while the lessor does all other repairs. One collector only is engaged by the lessee at a cost of about 55*l.* a year, and he employs occasional assistance when circumstances require it on market days. The receipts, which are mainly derived from stallages, amount to 1,939*l.* a year, so in this case there is a profit to Mr. Percy of over 400*l.* a year.

Lord St. Levan was represented at the Local Inquiry by his son, Mr. E. St. Aubyn, and Mr. E. Willis, the Chief Clerk in his estate office. This latter gentleman gave his opinion in favour of leasing the tolls on the ground that this practice caused less trouble, and that the lessee would always do his best to improve the markets. On the other hand, Mr. St. Aubyn stated that in Lord St. Levan's opinion the markets in a town like Devonport should be in the hands of the Local Authority, and not under the control of a private individual; and that he would have no objection to dispose of his rights on proper compensation being given. With this view the Mayor and Town Clerk agreed, and the latter said that the Corporation were in favour of obtaining compulsory powers to acquire the market rights.

At Colchester the corn market is leased to the Cups Hotel and Corn Exchange at a rental of 2*s.* 6*d.* a year by the Corporation for so long as "The Cups Hotel Company" provide sufficient accommodation.

The Durham general markets are held by the Market Company from the Corporation. Their lease having expired they still hold the markets on the former terms.

In conclusion, we may state that the opinions of the owners of tolls, whether Local Authorities or private persons, on the question of leasing tolls appear to be pretty evenly divided. It is contended on the one hand that the system of leasing is more profitable to the owner; on the other hand it is urged that in many cases the tolls have increased after withdrawing them from the management of the lessees; and in the interests of the public, they ought to be retained in the hands of the Local Authority.

ALLEGED DEFECTS AND ABUSES OF THE MARKET SYSTEM.

We will now proceed to inquire what are the alleged defects and abuses of the present market system.

1. MARKET MONOPOLY.

A recent case adjudicated upon in the courts of law and dealt with by Committees of both Houses of Parliament supplies a forcible illustration of the injurious effects of the monopoly which market owners possess. In the case to which we refer it appears that an attempt to establish a market in the heart of the Metropolis was defeated because it was held to be an invasion of the rights of a private owner; that another market already established at a distance of 3½ miles from the Chartered market was menaced with proceedings, and that the owners of this newly-established market compromised matters with the rival private owner, and agreed to pay him tolls on all commodities sold in their market.

In the case referred to the Great Eastern Railway Company as the owners of the Stratford and Bishopsgate Markets were represented before us by Mr. Birt, the general manager of the railway; while the other parties to the litigation, the owners and the lessee of the Spitalfields Chartered Market sent as their representatives Mr. W. H. Winterbotham, Mr. Briggs, and Mr. Horner.

The facts appear to be as follows:—

In 1879 the Railway Company opened a depôt for the sale of roots and vegetables at Stratford adjoining an existing railway station. By an Act of Parliament passed in 1876 they obtained power to convert the disused passenger station at Bishopsgate into a goods station; and as this station was on a high level they arranged the under structure as a market. This market was opened in 1882. Six months before the day of opening the owner and the lessee of Spitalfields market commenced an action to restrain the Company from opening the Bishopsgate depôt on the ground that such opening would be a disturbance of Spitalfields market, and eventually the Bishopsgate market was closed in consequence of that action. The Company while the matter was *sub judice* went to Parliament for powers to enable them to hold the market, but these were refused so far as roots, fruit, and vegetables were concerned. The lessee of Spitalfields market having successfully established the monopoly of that market as against the depôt at Bishopsgate then attacked the Company's market at Stratford, 3½ miles from London. The Company compromised the matter by agreeing to pay to the lessee of Spitalfields market a portion of the tolls received at Stratford market. A

Bill was promoted which provided, *inter alia*, for a ratification of the agreement. This Bill had been amended in the House of Commons by a proviso that, if the Local Authority of the district should hereafter be empowered to acquire existing market rights, no compensation should be payable to the Railway Company for their market rights so acquired under the Bill. But the clauses of the Bill which related to markets were struck out in the House of Lords.

2. MISMANAGEMENT BY MARKET OWNERS.

With the exception of complaints as to defective accommodation, and as to the charges made for the use of the market, or upon goods not brought into the market, or as to the action of lessees, it does not appear that any very serious abuses of management are alleged to exist. Some defects having been publicly exposed in the inquiries made by our Assistant Commissioners will no doubt be remedied.

It has been argued on one hand that if all markets were placed under the management of elected Local Authorities the public would become the guardians of their own interests, and that abuses would be speedily disposed of.

On the other hand it is urged, and with some show of reason, that the elections of Local Boards do not often turn on such a question as that of the management of markets, and that a large number of tradesmen look upon a market as injurious to their interests. The latter part of this statement is certainly supported by some evidence which we have received, and that which has been given before our Assistant Commissioners. Mr. Slater, a draper at Market Drayton, complained to us that—

“The greatest hindrance to trade was allowing a lot of strangers to come in and sell the same goods that the shopkeepers in the town are selling.”

“We have taxes to pay, and they have nothing to pay . . . except for their standings.”

“I can see these strangers to the town . . . taking a great deal more money than the shopkeepers take. I do not know whether that is considered a fair thing for a town; it is not fair for tradespeople to gather honey in another town.”

Similar views were expressed by witnesses before our Assistant Commissioners.

Mr. C. Chapman reports as to Croydon where “there is no market for general commodities of which the Corporation takes cognizance” as follows:—

“There is an evident reluctance on the part of the authorities to deal with the market question from fear of the local tradesmen. . . . It is thought that the establishment of a proper market would be unpopular with the local tradesmen.”

At Windsor “the Mayor stated that the tradesmen are opposed to the trade carried on in the market, and consider it against the trade interest of the town to maintain it;” and Mr. Chapman adds, “this probably accounts for the fact that no real effort has been made to improve it.”

Of Reigate, Mr. Chapman also reports:—

“The Market Company, which was formed by farmers and persons interested in the markets, is now in the hands of local tradesmen who are against the extension of the markets, and will not establish a general market unless they are obliged.”

The jealousy and disfavour with which markets are received by certain classes is made the foundation for proposals to compel Local Authorities to establish markets where none exist, and to subject them to the control of some Central Authority in their management of markets.

Mr. Casson says:—

“I would suggest that it should be enacted that in every town of, say, 5,000 inhabitants and upwards, there should necessarily be a market. . . . The Local Authority should provide this market either by setting apart a market place if they have one in the public street, or, if they have not, if they can conveniently provide private land they should do that.”

He proposes that some superior authority other than a court of law should hear an appeal against “any action which the Local Authority may take in regard to a market by making a regulation concerning it;” he instances the power of appeal to the Local Government Board under the Public Health Act, and he instances his meaning thus:—

“If it were alleged that any act done by the Local Authority was contrary to the intention or spirit or words of the Acts of Parliament governing the markets, or if it were alleged that the Local Authority has omitted to do anything which the Acts governing the markets directed to be done, then appeals should be possible to some Central Authority.”

Vol. II.,
Q. 837.

Vol. II.,
Q. 5323.

Vol. II.,
Q. 5349.

Vol. II.,
Q. 5364.

Vol. IV.,
Q. 106.

Vol. IV.,
p. 142.

Vol. IX.,
p. 2.

Vol. IX.,
p. 11.

Vol. VIII.,
Q. 16,215.

Vol. II.,
Q. 1163.

Vol. II.,
Q. 1195.
Q. 1193.

(a.) COMPLAINTS RESPECTING THE AMOUNT OR CHARACTER OF THE ACCOMMODATION PROVIDED.

ENGLAND AND WALES (excluding LONDON).

The replies made by Local Authorities to our Circular of Inquiries as to markets in their possession are not the most likely place in which to find expressions of dissatisfaction with the management of markets fully recorded. The abstract, however, which is printed in Vol. XIII., Parts I., II., and III., contains complaints as to insufficient accommodation in several towns; this insufficiency is in most cases recognised, and in some of these places steps are now being taken to give additional accommodation.

The reports and evidence received by our Assistant Commissioners of course give much fuller information on this point as regards markets which they have visited. A few typical instances of complaints as to insufficient accommodation, which are substantiated on inquiry, may be referred to.

Mr. Ashton reports of Portsmouth in the most unfavourable terms:—

“The evidence shows that the wholesale market is not the subject of any byelaws, Vol. III., and is carried on in a most unsatisfactory manner” “no accommodation is p. 370. provided of any kind.”

It appears from the evidence that a market for poultry, butter, eggs, and farm Vol. III., produce is held in a street about 60 feet wide, and about three-quarters of a mile in Q. 14,161. length; the stalls being arranged along the edge of the pavement, and the sellers standing in the gutter. The stall spaces appear to be appropriated by the first comer, and those who wish for a place are obliged either to take up their position before midnight, or to buy a standing of someone who has taken possession.

The charge for stallage is 1½d., but a man who has to buy a standing of another Vol. III., may have to pay 3d. or 6d. for it. Several witnesses spoke to the habit of men and Q. 14,181. women lying in the streets all night to secure their places; and robberies and free Q. 14,254. fights are described as common occurrences.

At Brighton Mr. Ashton states that “the wholesale market for vegetables is held Vol. VIII., “in the open streets, and is a source of much dissatisfaction. All the streets p. 22. “around the Town Hall are blocked while the market is going on.”

And he states that the Town Clerk said in evidence:—

“The Corporation admit the necessity for having a larger and more convenient market Vol. VIII., “—a wholesale market, and so lately as 1884 the Corporation, in a local Act of Q. 15,810. “Parliament, obtained power to provide and erect a new market. They have done “nothing in it on account of obtaining a site, and there are no compulsory powers.”

At Bristol considerable dissatisfaction was expressed by wholesale fishmongers Vol. III., and fruiterers; and at other places similar complaints were made. Q. 15,200.

Mr. C. Chapman, dealing with a class of markets which, as has been said before, are more generally successful than those of Mr. Ashton's district, reports fewer cases of insufficient accommodation, and those are chiefly instances where the deficiency is due to an increase of business, and where the Local Authorities are fully sensible of that deficiency and prepared to remedy it.

In the case of Hull there seems to be a difference of opinion as to whether the markets should be scattered or concentrated, but the inadequacy of the present markets was generally admitted. At Penrith the market had shown some tendency to decrease, and the authorities hesitated before incurring additional liabilities.

LONDON.

There are some complaints as to insufficiency of accommodation in Metropolitan markets. The superintendent of Billingsgate Market says:—

“I am pestered with applications for more room in the market, and I believe if it were double the size it would let.”

It is asserted that the total amount of market accommodation within the Metropolitan area is insufficient. Mr. Casson contends that the policy of concentrating markets and appropriating them to special objects tends to throw the trade into the hands of middle men and commission agents. He would wish to see a number of wholesale and retail markets distributed throughout the Metropolis, and he urges that the Corporation having a monopoly should be called upon “either to exercise their “rights in such a way as to take account of the great growth of London “or to give up those rights and let the trade fall into such channels as it would “naturally have fallen into long ago.”

Vol. II.,
Q. 1909.

Vol. II.,
Q. 2939,
3962, 3974,
3987.

Vol. II.,
Q. 4008,
4039.

Mr. D. Tallerman gave evidence to the same effect. He looks upon the irregular and unrecognised markets, where costermongers have from time immemorial congregated, as very valuable, and he thinks that their number might well be enlarged. Instead of seeking to concentrate trade in a few great markets he would disperse it in every direction. In his view the Central Meat Market is not a market at all. "A market is a place where producers and consumers may meet and exchange their produce, but into this market producers cannot enter at all." A farmer is bound to put his meat into the hands of one of the salesmen, and is obliged to take what they choose to give him. There is no space and no accommodation for him in the market. Mr. Tallerman gives from the London Directory the following particulars as to the tenants of this market, viz., 149 salesmen, four carcase butchers, and one meat contractor. He estimates that about one third are *bonâ fide* commission salesmen, "the balance are what they call bommarees, who buy the meat from the salesmen and cut it up and supply the retail butchers, &c." He thinks that the monopoly arises from the want of accommodation, and that greater facilities should be given for the conduct of a retail trade.

(b.) MARKETS COVERED OR UNCOVERED. MARKETS IN THE OPEN AIR.

In the replies to our circulars and at inquiries held locally some desire for covered markets has been expressed, as at Nottingham, Cambridge, Portsmouth, York; but opinion seems much divided on the subject, and indeed if it were not so the improvement would probably be carried out, at least, in the larger and wealthier towns.

Mr. Ashton reports of several places that a distinct preference was expressed for open markets. He states that at Derby the difficulty has been solved by having both open and covered markets, but in dealing with Wolverhampton he lays down the "principle that a covered market cannot be made prosperous if retail trading is allowed to take place in market space outside it."

At Nottingham, where there is an excellent market carried on in "the great market square which is one of the largest and most beautiful squares in England," he found no desire for a covered market, and he draws attention to the evidence of the market inspector, who gives reasons for preferring an open market for the sale of provisions.

At some places where covered markets have been provided the sellers prefer to remain outside in their old places, as at Penrith; and one witness, Mr. Alderman Follows, who tendered evidence to us, made a great grievance of the closing of the open market at Stafford. He stated that the income of the market had in consequence declined, that there was much dissatisfaction, and that the consumer suffered loss, while the producer received no benefit.

(c.) MARKETS AND FAIRS IN STREETS.

A large majority of markets are held at least partially in the streets or public open spaces.

In many places objections are taken to cattle markets and fairs being held in the streets; but, on the other hand, proposals to move such markets often meet with the most strenuous opposition. The case of Hitchin is typical of many. The following passages are quotations from Mr. Ashton's report:—

"The animals are sold in a long narrow street with broad footways on both sides of it. Such a market seems objectionable and offensive The cattle market ought not to continue to be held in the streets. It is evidently an important market, and if proper accommodation were provided the dealers are quite prepared to pay toll on their cattle [which are now free] and a higher toll on their sheep. By these means the capital expended in purchasing a new market ground could be recouped."

At the inquiry which Mr. Ashton held the first witness examined plunged at once into the subject of the proposed removal of the market:—

"I am in favour of things going on as they are at present at work in the market, because it brings a good many people into the market on Tuesday whom we as tradesmen would not otherwise see." And another witness said: "If the market were moved on the eastern side of the town towards the station there is no doubt that it would ruin the trade of the town, because the traders would not come into the town. They would come to the station, transact their business, and then go away."

At Chippenham similar views were expressed, and, no doubt, they are generally held. In some places it is complained that retail stalls are allowed to be fixed in the streets immediately in front of shops, and that great annoyance is caused thereby, and it is urged that these stalls should be confined to the market place.

Vol. III.,
Q. 13,887.
Vol. III.,
Q. 216, 617,
2337, 6534,
&c.

(d.) INCONVENIENT APPROACHES.

Complaints as to inconvenient approaches to the market come chiefly from the Metropolitan district, where it is difficult to remedy the defect from the great value of land. Some attempts in that direction have been made.

Mr. Bourne, the agent for the Duke of Bedford, the owner of Covent Garden Market, speaking of the clearance of space for the improvement of that market and the approaches thereto, said, in evidence before us—

“A sum of 32,300*l.* has been expended in buying up outstanding interests to enable the clearance to be made at the present time instead of waiting for the falling in of the leases Roundly speaking, 5,000*l.* a year has been given up, so that the income from rent will be 5,000*l.* a year less than it was formerly.”

Vol. II.,
Q. 2656.

We have already mentioned the Borough Market as one where the Trustees recognised the inconvenience of the existing approaches, and had made some efforts to overcome the difficulty.

The clerk of the Farringdon Fruit and Vegetable Market reports complaints as to approaches, which will be remedied by the transfer of the market.

Vol. II.,
2009.

At Norwich complaint was made that the approaches to the cattle market were very insufficient. This is admitted by the Corporation, who allege that they are unable to obtain a portion of an old churchyard which blocks the way.

Vol. IX.,
8002, 8101.

(e.) BYELAWS.

It appears that in numerous cases where local authorities are owners of the market they have made no byelaws.

Mr. Chapman reports of Preston:—

“There are no byelaws or regulations of any kind. “Everything is arranged according to custom and expediency. This principle is adopted as being more elastic and admitting of change according to circumstances.”

Vol. IX.,
p. 493.

Mr. Ashton reports that the Corporation at Portsmouth have made no byelaws because—

Vol. III.,
p. 370.

“They are under the impression that as their market exists by Charter they cannot make byelaws to regulate it.”

At Winchester, Guildford, Lancaster, Rotherham, and many other places no byelaws have been framed.

Mr. Chapman reports that at Wigan, though byelaws were made in 1877, it is complained that they are not enforced:—

Vol. IX.,
p. 273.

“The byelaws provide for a distinction being “made between wholesale and retail dealing and between farmers and dealers, but the distinctions are not maintained in practice, and the Corporation has ceased to prosecute for infringement of the rules. . . . The result is an element of uncertainty and discontent which ought to be dispelled by either abolishing the byelaws or enforcing them.”

At Bolton there is much dissatisfaction with the arrangement of the wholesale and retail markets. Mr. Chapman visited this place twice, and his reports, with the evidence received by him, occupy a considerable space in Vol. IX. It appears that a wholesale market and a retail market have been established at a distance of about a quarter of a mile apart. The wholesale market is appropriated to the sale of hay, straw, potatoes, fruit, and vegetables; but the farmers who bring in these commodities also bring eggs and poultry, and it is inconvenient for them to sell their goods in two markets which are not contiguous.

Vol. IX.,
pp. 234–258.
328–352.

Vol. IX.,
p. 235.

Again, the wholesale market is by a byelaw ordered to be closed at 1 o'clock in the afternoon of each day, and the vendors in that market complain that they are thus prevented from selling to the working classes, who do not get away from work till 2 o'clock on Saturday (the principal market day).

A byelaw prohibits retail dealing in the wholesale market, but in view of the difficulties experienced by farmers as above described, the Authorities ignore the provisions of the byelaw in question, and the stall-holders in the retail market complain of this.

The difficulties which we have briefly stated are simply administrative, and will probably be remedied by the Market Authority now that they have been publicly investigated.

It is not clear that private owners who have no statutory powers can make byelaws for the regulation of their markets except in their manorial courts. Mr. Chapman says of Leighton Buzzard:—

Vol. IV.,
p. 165.

“The Lord of the Manor is entirely uncontrolled in the management of the market, which is regulated only by the custom of the manor.”

Vol. III.,
9031.
Vol. IV.,
p. 234.

At Devonport the byelaws have been approved by the Court-leet of the Manor.

The Duke of Norfolk, the owner of the Sheffield markets, has power under the Sheffield Markets Acts to make byelaws subject to confirmation by Quarter Sessions.

Vol. II.,
Q. 859.

In some places fairs are, or were until recently, opened by proclamations, made in the name of the Sovereign, which promulgated rules in the nature of byelaws. Mr. Casson produced a copy of such a Proclamation, which only a few years ago was regularly made at Broughton-in-Furness.

At Ely the following Proclamation is made twice each year at the opening of each fair:—

By a Royal Grant to the Bishops of Ely for ever Alwyne by Divine Permission now Lord Bishop of the Diocese of Ely by virtue of this said Grant empowereth Harold Archer his Bailiff to proclaim a Fair or Mart for buying and selling all sorts of lawful and merchantable goods to be holden and kept within this City of Ely at the several places accustomed to continue from the publishing of this Proclamation for and during Three days and no longer And for the prevention of all disorders during the continuance of the Fair it is straitly charged and commanded in the Name of our Most Gracious Sovereign Lady the Queen by the Grace of God of Great Britain and Ireland Queen Defender of the Faith &c. that all persons within this Fair do keep Her Majesty's peace and do nothing to the disturbance thereof upon pain of fine and imprisonment

And it is commanded that all Vagabonds idle and misbehaving people cheaters cozeners rogues sturdy beggars and shifters do depart out of this Fair immediately after this Proclamation upon pain of imprisonment and further correction that her Majesty's good subjects may be the more quiet and the Queen's peace the better performed

And we do command all Innholders Vintners and Tiplers to utter wholesome Victuals and to keep the assize in their pots weights and measures and to suffer no unlawful games night riots or bawdery in their houses as they will answer the contrary at their perils

And it is commanded to all Bakers and Brewers to keep the Assize of Bread and Drink and that all Butchers Fishmongers and other persons that sell any kind of victuals in this Fair that they offer no manner of unwholesome or corrupt victuals upon the pains of the Law in that case made and provided

And it is commanded to all and every Merchant or Merchants using any manner of merchandize within this Fair as also to all Tanners Cordwainers Carriers Drapers and all and every Artificer That they nor any of them shall sell or offer to be sold any defective or unlawful wares or merchandize by any deceitful means or on any pretence upon pain of such forfeitures as in the Statute expressed

And that no person shall regrate forestall or ingross any victuals wares or merchandize upon the penalty in the Statute

And all horses mares geldings colts and fillies brought to this Fair to be sold shall be ridden or led openly in the place accustomed and shall be tolled vouched and booked according to the Statute in that behalf made and provided

And this Fair shall begin lawfully after this Proclamation published and shall continue during the time accustomed and after the same time ended every Merchant shall shut up his booth and stall And if any Merchant do sell any wares or merchandize at this Fair after the same be ended he shall forfeit the double value of them which he shall have so sold or vended according to the Statute in that case provided

And that no manner of person or persons within the Fair do make any show or sale of any kind of wares upon the Lords Day upon pain and penalty of the Statute in that case provided

And it is further commanded that the sale of the Bullocks for this Fair shall be holden and kept in a place called Parnell Pitts beyond St. Johns Hospital in Ely near unto the Queen's Highway leading towards Witchford and that no person or persons shall buy commune or conclude to buy any manner of oxen steers runts or kine heifers or calves brought to this Fair but only in open Fair and shall sell the same alive at or in this present Fair during the term of the Fair upon pain of forfeiture of the double value of such cattle sold or vended contrary to the custom and Grant of this Fair according to the Statute in that behalf made and provided

And that no person or persons shall sell or expose to sale any salt fish stock fish ling aberdeen lob fish or any other kind of salt fish at or within this Fair but such persons as may lawfully do the same and that no person or persons whatsoever shall buy any salt fish stock fish ling aberdeen lob fish or any other kind of salt fish within this Fair to sell the same again at this Fair except it be for the necessary victualling of this Fair to be attained and spent within this Fair upon such pains and penalties as by the Laws and Statutes of this Realm in that case made and provided

And if any person or persons have any cause of action or actions complaint or information for any matter deter minable in the Court of this said Fair which shall be kept let him or them resort to the Steward of the said Fair for their process returnable to the Court of the said Fair which from hour to hour shall be kept and at the suite of the Plaintiffs in the place accustomed to the intent that justice may be ministered without delay according to the said Grant and Liberty of this Fair

And that no person or persons whatsoever shall sell any manner of goods wares or merchandize in any mans yard or house before such time as it be seen and allowed by the Bailiff or searchers of the Fair and that no person or persons shall sell or vend any manner of Goods wares or merchandize that is to be weighed or measured before their weights and measures be seen and allowed by the Bailiff of this

Fair and that no person or persons do sell any Hopps weigh from the common scales above the quantity of one half hundred weight at one draught.

And that no person or person shall land any hops flax or other wares or merchandize in any mans yard but only on the place accustomed (that is to say) before or near the Bailiff's Booth at the water side to the end that all such Wares may the better be seen and allowed and the dues thereupon collected according to Law and virtue of the said Royal Grant.

God save the Queen The Bishop of Ely and the Bailiff of the Fair.

It is perhaps superfluous to state that this Proclamation is a mere *brutum fulmen*. The injunctions as to vagabonds, disorderly houses, weights and measures, are enforced, if at all, by the county police; those as to defective and unlawful wares are certainly not taken cognizance of by the bailiff; the statute as to forestalling has been repealed; as a matter of fact the cattle fairs are not held at the place indicated, but in the streets of the town; no court of the fair is kept, the steward and the searchers of the fair are not appointed, and the bailiff's booth at the water side does not exist.

LONDON.

The administration of some of the markets of the Metropolis has been complained of by witnesses who appeared before us. The principal complaints, apart from those as to charges, we shall proceed to notice. And first as regards markets under the control of the Corporation of the City of London, Mr. A. W. Casson makes it a matter of complaint that the tenants in the Central Meat Market have no vested interest in their business; that they are not allowed to sell or sublet their shops or to transfer the goodwill. He says that the regulation as to subletting is evaded by tenants taking in partners who pay a considerable premium to be introduced, and actually acquire a transfer of the business.

With regard to Covent Garden Market, Mr. Poupart, president of the Market Gardeners, Nurserymen, and Farmers' Association, which has for its objects the protection of the interests of the trade in general, and professes to represent the growers of produce attending the market, preferred complaints relating to the allotment of stands, contending that under the Act of Geo. IV. the growers have a claim to the exclusive right of certain defined portions of the market. Mr. Bourne, on behalf of the owners, on the contrary, maintains that the powers of the Act as to allotment are enabling and permissive and not obligatory. The difference turns entirely upon the interpretation of the Act. Vol. II., 4115. Vol. II., Q. 4265. Vol. II., Q. 4266.

With regard to certain complaints as to charges in Covent Garden, Mr. Bourne explained that some of the measures of capacity named on the old schedule of tolls are no longer in use, and that, as far as possible, an equivalent rate is adopted.

With regard to the Stratford Market, Mr. Maurice Russell, a salesman carrying on business there, points out that the market is managed in the interests of the Railway Company, who have always encouraged the feeding of the market by goods brought a long distance over their own line. Admitting that this is a natural policy in their case, he urges that, therefore, Railway Companies should not be allowed to hold markets. He complains that the accommodation for local growers is such that they will not use the market. As a proof that the Railway Company do push their own business, Mr. Russell handed in the following extract from a letter addressed by the goods manager to each of the salesmen in the market:— Vol. II., Q. 3291.

"That whilst the directors will place no limit upon the quantity of produce brought in by road, they will expect that at least one half of the whole quantity going through the warehouses shall be rail-borne." Vol. II., p. 159.

Mr. Birt, on behalf of the Railway Company, states that if they had been allowed to carry out their plans there would have been abundant room for the local growers. He admits that the first object of the Company is to obtain a market for rail-borne produce, but he adds that local produce is necessary for them to make a successful market, and that the Company was desirous of providing abundant accommodation for local growers if the Parliamentary Committee would have sanctioned the Bill promoted by them.

IRELAND.

A natural consequence of the confusion as to ownership, the resistance to tolls and other elements of disorganisation of the market system in Ireland, is that there is a general absence of proper controlling authority empowered to make and enforce byelaws and regulations.

The complaints recorded by our Assistant Commissioners chiefly relate to deficiency in accommodation, excessive or irregular charges, and exactions by traders in the

shape of alleged customary deductions from the market price of commodities; but the general effect of the whole evidence shows a disorderly and confused system.

SCOTLAND.

The information received as to the markets in Scotland is of so limited a description, and raises questions of so little interest, that we do not propose to deal with this portion of the United Kingdom in this section of our Report.

COMPLAINTS MADE AS REGARDS MARKET CHARGES.

The representations made to us, or our Assistant Commissioners, as to tolls and other charges may be conveniently classified under the following heads:—

1. Unauthorised or illegal charges.
2. Alleged excessive rates of charge.
3. Accumulated or repeated charges on the same commodity.
4. Arbitrary or uncertain charges.
5. Unequal or differential charges.
6. Tolls in kind.
7. Other complaints.

It will be sufficient to give a few examples of each of the above classes of complaints.

1. *Unauthorised or Illegal Charges.*

The cattle market at Ashford is held by a trading company incorporated in or about 1856, when the said company purchased of the Lord of the Manor of Ashford land near the railway station as the site of a new cattle market, and also the market rights (if any) in the possession of the vendor. It appears that a market had been granted by Charter in 27 Hen. 3 (1243 A.D.), and that a second grant was made in 22 Chas. 2, but there does not appear to be any evidence connecting the titles of the vendor with these grants. In 1784 a monthly stock market was opened at Ashford, and at the time of the before-mentioned purchase this market was held in the street of the town, and a charge of 2*d.* a head for beast and 9*d.* a score for sheep was taken as stallage or rent. It is stated that up to 1854 no charge had been made. On the other hand evidence was given that at the period immediately preceding the purchase the Lord of the Manor took rents for certain portions of the streets, and that the owners of other properties received rents for their frontages. The market was removed to an open space near the railway station, and tolls were imposed. The rate of tolls which was charged up to 1856 appears to have been 3*d.* a head for cattle and 1*s.* 6*d.* a score for sheep, while for auction sales 1*s.* a head for cattle and 2*s.* 6*d.* a score for sheep were the charges. In 1886 these tolls were revised, the differential tolls were abolished, and a uniform toll of 6*d.* a head for cattle and 1*s.* 8*d.* a score for sheep was demanded. In 1888 the tolls on auction sales was again increased to 1*s.* 6*d.* a head for cattle and 2*s.* 6*d.* a score for sheep. Mr. Ashton held an inquiry at Ashford in July 1888, and again in April 1889. Between these two dates the tolls on auction sales were again altered to 1*s.* a head on cattle and 2*s.* 6*d.* a score on sheep. Some auctioneers refused to pay those tolls, and proceedings being taken, the case was dismissed by a County Court Judge on the ground of his having no jurisdiction. On behalf of the Company it is contended that these charges are not tolls—that no market rights in the strict sense of the word exist; but that the Company simply charge for accommodation given on their premises.

Mr. Ashton reports, after hearing evidence, that:—

“It is doubtful whether the constitution of the Company gives the Directors power to fix or vary tolls.”

He reports that at Barnstaple toll is taken every day; the legality of this depends upon the construction of the provisions of a local Act.

He also reports that at Penzance and Helston tolls are taken for allowing vehicles, omnibuses, carts, &c. to be left standing in the streets on a market day.

He also states that at Yeovil “toll is taken in the streets every day from persons coming from outside with articles of food in waggons or carts. Bakers, butchers, vegetable hawkers, and milkmen all pay this toll.”

Not infrequently toll is taken on other days than those authorised by statute, charter, or ratification of byelaws under the Public Health Act.

The case of Spitalfields has been already mentioned:—

“The market is held every day of the week, although a decision of the Court of Appeal laid it down that the market could only be lawfully held on the two days on the week mentioned in the Charter. [The Attorney-General v. Horner, Q.B. Div. 245. 14 Nov. 1884.]”

Vol. II.,
Q. 4067,
1573.

But Mr. Briggs, on behalf of the owners of the market, contends that the decision in question related to the bounds within which market rights existed, and he says that the Court of Appeal held that they could not presume a prescriptive right or a right by a lost charter for the Mondays, Tuesdays, Wednesdays, and Fridays, and he quotes an expression of Lord Justice Lindley, who said—

“But, of course, that will not interfere with the owner of this open space where the market is from selling on other days. He has a right to sell, but he will not have his monopoly.”

Vol. II.,
Q. 1405.

At Bridgwater the market is authorised by Act of Parliament for three days in the week, but tolls are taken every day. Many other examples of a similar proceeding may be found in the Reports of our Assistant Commissioners, as in the cases of Waltham and Windsor. In fact it may be said of many markets as it is said of Leeds—

Vol. III.,
Q. 265.

“Tolls are taken on any day that the spaces are occupied, and are not confined to the strict market days.”

Vol. III.,
p. 293.
Vol. IX.,
pp. 2, 19.
Vol. IV.,
p. 435.

We have already mentioned a charge which is levied in the Borough market for portorage and exacted whether the licensed porters are employed or not. The Act of Parliament gives no authority to the trustees to impose this charge.

Vol. II.,
Q. 3432,
3511.

With regard to Ireland it may be said that in many cases the market charges are wholly unauthorised. It would be somewhat hazardous in the face of the enormous number of grants of markets to say with regard to any town of importance that a market had not been sanctioned for every day in the week except Sunday. It would be equally dangerous to assume that the rights so formed are the title of the present holders. As already stated, in many cases tolls have been abandoned, but in lieu of them cranage or weighing fees have been charged.

Of the 81 markets visited by Mr. O'Meara no less than 26 are held on days other than those which appear to have been authorised by the grant, and this occurs frequently by addition to the number of market days and not by substitution of a more convenient day for the one originally fixed. Thus at Tralee and Waterford, grants having been originally made for markets on Tuesdays and Saturdays only, additional markets are now held on Monday, Wednesday, Thursday, and Friday, and this is not an exceptional case.

Vol. VI.,
p. 30.

In some places toll is taken on other than market days as at Roscarberry, where, nevertheless, “the market day being Wednesday, if marketable commodities are brought into the town on any other day of the week, as is done with potatoes and fish, the like charges would be exacted as on the market days properly so called; and at Clifden the charges are levied on the marketable commodities according as they are brought in every day, although the market is specially fixed for Saturday.”

Vol. VI.,
p. 202.

Vol. VI.,
p. 338.

In other places tolls are taken on articles sold by private contract and delivered to a dealer at his stores. Thus at Kinsale a complaint was made against the lessee for charging on the daily delivery of fowls to the buyers, the sales in such cases having been effected by outside contract.

Vol. X.,
pp. 173, 181.

Under the guise of portorage a weighing fee is sometimes said to be exacted even in cases where articles have been by statute expressly exempted from that charge. Thus Mr. Black reports as to Drogheda:—

Vol. VII.,
p. 191.

“There are some irregularities in connexion with the markets. Under the Act 25 Geo. 2. c. 15. public weighing machines were to be provided, and charges were authorised for the use thereof, but it was expressly provided that potatoes should be weighed free of charge. Nominally potatoes are weighed free, but two persons have been appointed by the Corporation as porters, who claim the exclusive right of carrying the potatoes brought to be weighed to and from the weighing machine, for which they charge what is called portorage; but as no person is permitted to have his potatoes weighed at the machine without employing one of the porters it may be considered an unauthorised exaction.”

2. *Alleged excessive Charges.*

Complaints under this head are not numerous, and some of those which have been made are scarcely supported by comparison with other markets where no complaints have been heard.

Vol. IV., p. 199. We have already spoken of some butchers' shops at Huddersfield, which, though exceedingly small, appear to be let at a much higher rent in proportion to size than the shops in the Central Meat Market in London.

Vol. VIII., Q. 17,618. At Mr. Ashton's inquiry at Walsall a witness stated that many of the stall-keepers declared that they were charged by the lessee at a higher rate than that published on the toll board, and if they complained they were refused a stall. No stall-keepers appeared to support this complaint, and the lessee denied that he charged any excessive toll, but he admitted that he charged all he could get, and that he sometimes got 2s. where the scale would sanction only 1s. 6d.

Vol. IX., p. 162. At Barnsley butchers' stalls in the open market are charged for at the rate of 2d. to 4d. per foot super. *per diem*. If occupied only once a week (and there are two market days) the lower scale of rent is in excess of that in the Central Meat Market, London.

(a) Vol. IV., p. 479. At Darlington, (a) Luton, (b) Hull, (c) and Norwich (d) the tolls in the cattle market were complained of as excessive. The charges were respectively—

—				(a.)	(b.)	(c.)	(d.)
Cattle, per head	-	-	-	3d.-4d.	3d.	1d.-4d.	4d.
Sheep, per score	-	-	-	20d.-30d.	12d.	16d.-24d.	12d.

At Hull it was stated to Mr. Chapman that through inadvertence store cattle which should be charged for at the lower rate of 1d. a head had been charged at the rate of 4d. when sold by an auctioneer.

In some places visited by our Assistant Commissioners the rent of shops or stalls was spoken of as high, but as a rule this was explained by the existence of considerable competition for them.

Vol. II., Q. 598. Mr. Drummond, Secretary to the Foreign Cattle Traders' Association, who gave evidence before us, complained that the charges at the Deptford Cattle Market were excessive. The charges are for cattle 5s. a head, calves 2s., sheep 9d., swine 1s. He stated that these charges did not include the cost of landing, and that they were in excess of those of any other port in the kingdom. At Liverpool cattle are charged 4s. 6d., including the use of a slaughter-house, for which latter item the Corporation charge 2s. at Deptford. At Hull the charge for sheep, including slaughter-house, is 6½d., while at Deptford 4d. extra is charged for that accommodation.

Vol. II., Q. 1314. Mr. Philcox, the superintendent of the market, states that the charges at Deptford are not fairly comparable with those at Liverpool and Hull, as they not only include lairage under cover for a period not exceeding 10 days, but also the entire responsibility for the safe delivery of the animals.

Vol. II., Q. 1748. Mr. George Packer, the Secretary to the London Fish Traders' Association, which consists of some 70 or 80 members, among whom are the principal salesmen, merchants, and retail fishmongers of the Billingsgate and Leadenhall Markets, tendered to us evidence as to that market. He represented that "the trade was enormously taxed in proportion to the value of the goods dealt in." The rentals and tolls of the market were fixed by the Court of Common Council and sanctioned by the Board of Trade under the provisions of the Billingsgate Market Act, 1871. He stated that the trade was not consulted as to the rates before fixing them, "but upon the amount of the rentals and tolls being made known to the tenants of the market . . . a petition protesting against the same was immediately sent to the Board of Trade. This becoming known to the Markets Committee the Chairman put himself in communication with the trade, and promised that if the petition was withdrawn, and the new market should prove a financial success, a reduction in the proposed rentals and tolls should be immediately made. Upon the faith of that statement the petition to the Board of Trade was withdrawn," but no reduction has been made hitherto.

The tolls were stated by Mr. Packer to be about 1s. per ton on land-borne fish and 5d. per ton on sea-borne fish in large quantities and 1d. per cwt. on small quantities.

The average rental was said to be about $8\frac{1}{4}d.$ per superficial foot per week in Billingsgate, and $3d.$ to $4d.$ in Leadenhall Market. It appeared that prior to the re-arrangement of the market the railway companies paid a portion of the toll, and it was stated that they would be willing to pay $1s.$ per van out of the $2s. 6d.$ now charged if they could be guaranteed against the interference of the police, and if they were allowed a demurrage rate from the salesman of $3d.$ an hour. Mr. Packer admitted that all the stalls were let and that there was considerable competition for them.

He contended that as the Corporation made a profit of $5,000l.$ or $6,000l.$ a year, that profit should be applied to reducing the debt incurred in respect of this particular market, instead of being applied to make up the deficiency arising out of other markets.

The statement of receipts and expenditure on account of markets belonging to the Corporation put in by Mr. Benjamin Scott, the City Chamberlain, shows for the Billingsgate Market an average expenditure for three years 1884-1886 of $20,222l.$ and an average receipt of $27,473l.$, leaving an average surplus of $7,251l.$, which however includes the annual value of property taken into the market on the occasion of its recent extension, the value of which is estimated by the Corporation at $5,850l.$ a year. The total cost of the market exclusive of the value of the site and other corporate property taken is stated to have been $302,000l.$ A net profit of $1,400l.$ cannot be said to show that financial success which appears to have been the condition on which the promise of a revision of rates was made.

Mr. C. E. le Poer Trench, the clerk and superintendent of the Billingsgate market, stated in evidence that the rents of shops varies from $6d.$ to $9d.$ per superficial foot; those rents include gas and water. He said objections to the rentals and tolls had been made, but he had paid little attention to them, and he gave as his reason that "if a stand becomes vacant there are 60 or 70 applications for it immediately." He also said, "I know that there is subletting in the market, and that these salesmen sometimes sublet part of their stands. That is allowed by the Corporation to a certain extent, but I have good reason to believe, although I cannot prove, that what they charge for subletting is in excess of the rent that they pay themselves."

Mr. Trench estimated the ratio of the toll to the value of the fish as not more than one hundred and eighty-ninth part on the very lowest quality and not more than one two-thousandth part of the value in the case of salmon.

With regard to the charges in Billingsgate Market, the costermongers complain that they are charged $4d.$ for the portorage of every package of fish removed from the market to their barrows.

A package weighs from 1 to $1\frac{1}{4}$ cwt. The portorage amounts to $1s.$ on a barrel of herrings worth $10s.$ or $12s.$, the costermonger's profit being perhaps $2s. 6d.$ or $3s.$

In Ireland many complaints were received by our Assistant Commissioners as to excessive charges on articles of small value and of weighing fees or portorage fees charged whether the article is weighed or not. Some of these complaints are made against petty exactions, which are not, however, undeserving of notice.

At Londonderry complaints were made as to certain tolls being excessive, and as to others being unauthorised. It appears that $8d.$ is charged on each load of hay, although the authorised toll under the Act of 1848 is only $6d.$ Also that one penny is charged upon each cart of turf, and an additional penny on the empty cart when brought back to the market, whilst under the schedule in the Act only a penny per cart of turf is mentioned. The additional charge, although not authorised by the Act, would seem to be exacted for the accommodation given to the parties in the market for the feeding of their horses, a use for which it cannot be said the market was intended.

At Charleville an *ad valorem* toll is levied on corn to the amount of $6d.$ in the \pounds , but this is said to be only half the charge to which the owners are entitled, and it includes cranage. If the commodity is weighed on days other than market days one penny per bag is charged, and an additional penny for a ticket denoting the weight if it is required.

At Roscarbery in the course of the Inquiry the manager for the lessees admitted that a case occurred where one halfpenny standing toll was demanded and received from a hawker of fish, although the quantity exposed for sale on the public thoroughfare was only to the market value of twopence, and that if payment of the toll was refused, the collector would seize upon the fish and retain it until his demand had been fully satisfied.

At Wexford the toll on eggs is $1d.$ per dozen.

And at Tuam "one poor man complained bitterly that he was charged 3d. for exposing a small table and chair on the market square. By way of explanation it was stated that these articles were 'timber,' and that as the item in the schedule of tolls, 'a load of timber 3d.,' did not specifically state the nature of the load, it included the quantity a man could carry on his shoulder."

3. *Accumulated or repeated Charges made on the same Commodity.*

We have received information as to a few places where more than one kind of charge is imposed on the same article.

Thus at Carlisle it was shown that butter purchased in the market by a trader whose shop was in the suburbs paid four tolls, 1st, the in-gate toll, 2nd, the market toll, 3rd, a packing toll, 4th, the out-gate toll. The packing toll is demanded of the buyer on the ground that he has market accommodation for re-packing what he buys.

It was also stated that the Corporation had the power under their Act of 1873 of taking on cattle, first the shire toll, then the through toll, and then an out-gate toll, and all this without any accommodation being given. It was admitted that these powers were not now exercised, but a fear was expressed that having the power the Corporation might exercise it.

Mr. Ashton reports of Dorchester that "many things pay toll several times. Payment for a stall does not exempt the stall-holders from the hawking toll. An instance was named at the inquiry where five separate tolls, amounting to 2s. 2d., were paid on one load of fish."

At Bridgewater a witness complained to Mr. Ashton that toll was taken of vegetables brought into the market in a cart, and then charged again on the goods when exposed on the stall.

At Plymouth toll is charged by the lessee on goods delivered to stall-holders.

At Beverley cattle are charged both on entering and on leaving the market. As the total amount charged is only 1½d. a head, it is not the amount that is complained of.

Mr. Butler complained that at Covent Garden Market a double toll was imposed on goods bought and re-sold in the market.

Mr. Bourne explained that toll being by the Act payable by the vendor, goods passing through the hands of more than one vendor may pay more than one toll; but he states that though the Act gives the right, as a matter of practice that right is exercised in very few instances.

Mr. Packer stated that a double toll was levied in Billingsgate on fish taken out to be cured and brought in again. The statement was distinctly contradicted by Mr. Trench, the clerk and superintendent of the market.

The following instances are taken from the reports of our Assistant Commissioners in Ireland:—

"At Cappawhite if small pigs are brought to the fair in a cart a standing charge of 10d. is levied, whether the pigs are subsequently sold or not, but if they are subsequently sold they have to bear an additional charge of 3d. each. In the first instance the seller has to pay the charge, and in the latter case the person in possession of the animal."

And, again, "at Rathkeale the practice also exists of levying a standing charge of 1s. off each cartload of 'bonhams' (small pigs) brought in on fair days, and if the pigs are subsequently sold an additional charge of 3d. each is levied when they are leaving the fair."

The chief grievance is, however the cranage or weighing fee. Mr. Black says in his report on this subject:—

"As to the towns in which the market rights are vested in private owners who have appointed weighmasters, it may be stated generally that the conduct and management of the markets and fairs are not so satisfactory in any respect as where they are conducted and managed by a local authority or personally on behalf of the owner. The weighmaster usually holds his appointment for life, but the appointment being determinable at the will of the owner, the weighmaster, as a rule, expends as little as possible on improvement of the market, and tries to make as much out of his situation as he can. No complaint was made of any weighmaster exacting undue charges."

Mr. O'Meara states that at Macroom "in addition to the toll on corn and potatoes an additional impost of 6d. per load, and frequently 1d. per sack, is made by the weighmaster for portorage. This individual was frankness itself, and stated that he

" would not facilitate any farmer in weighing his corn or potatoes if he did not
 " employ him to engage porters, although he might have provided himself with
 " sufficient manual assistance."

4. *Arbitrary or uncertain Charges.*

In markets established under the Public Health Act, Local Authorities are required to exhibit in a prominent position in the market place a list of the tolls.

Mr. Casson alleges that this obligation is frequently evaded. But in a large number of markets there is no statutory obligation to publish or exhibit a list of tolls, and even where such a list is put up it frequently states the maximum rate of tolls without indicating the rate which is then in force. In some cases the charge is left to the discretion of the collector, and it is easy to conceive that where this is the practice suspicion of caprice or favouritism may have free scope, and in any case their existence is sure to be suspected. Vol. II.,
Q. 922.

Mr. Chapman says of Hull :—

" The tolls are governed by custom, usage, and what is considered reasonable. In certain cases the collector makes his own terms with the persons who sell, such as the carriers. They are charged upon every sale, and to avoid disputes some pay 3d. or 4d. a day for every day that they come, all the year round." Vol. IV.,
p. 459.

Of Middlesbrough Mr. Chapman reports :—

" The tolls were made in 1841, but they have been occasionally altered at the discretion of the market keeper." Vol. IV.,
p. 496.

Mr. Ashton reports of Wellington that " they have no printed scale of tolls," and the collector who gave evidence, said with regard to persons with carts in the streets, " When we cannot get 1s. we take 6d." Vol. III.,
Q. 162.

At Sunderland, " There are no bye-laws at all, and the list of tolls is not published. Such questions are left to the market keeper, who makes fortnightly reports to the committee." Vol. IV.,
p. 394.

At Knaresborough, " There is no proper scale of charges at present made out, but it is in contemplation by the committee; at present they leave a great deal to the discretion of the collector. There is some complaint that the charges are higher than elsewhere, but I think it is due to the fact that people are charged very unequally." Vol. IX.,
p. 123.

At Dewsbury, " The tolls were fixed in 1884, when the market was started, and they now require some revision. The list of tolls is not posted in the market, and as a matter of fact the charges are less than those fixed by the schedule in nearly every case." Vol. IX.,
p. 145.

Of St. Albans Mr. Ashton says :—

" This market seems to me full of abuses. There is a complete system of protection, which I suspect keeps out of the market foreign vendors who have not much money. The market authority supplies no accommodation whatever, but allows the collector to make a trade of letting out his own stalls. The tolls are fixed arbitrarily, and no scale is set up anywhere in the market." Vol. III.,
p. 47.

and also—

" The Deputy Mayor describes what has been done quite frankly, and clearly thought that the Corporation could make the tolls what they liked at any time."

The Commission on Irish markets and fairs reported in 1853 on this point in the following terms :—

" By the 57th George III., c. 108, all persons and corporations claiming a right to any toll, duty, or custom, at any fair, market, or port in Ireland, are required to exhibit at the place where such tolls are demanded, a painted board, having thereon a schedule in large and legible characters, specifying distinctly the custom, toll, or duty claimed on each and every article sold at such fair or market, and the names of the person or persons collecting the same, and of the person or persons, or Corporation, claiming the right to the same, so that such boards may be referred to and examined by all persons desirous of so doing.

" The provisions of this Act are in many places wholly disregarded, and in others but very imperfectly observed. We met but very few instances in which they were strictly and properly fulfilled. In some towns there is no toll-board, nor has there ever been one, in others there are only one or two, while the toll is collected

“ in a number of different places; and these boards are frequently so defaced as to be quite illegible. When in existence they rarely contain correct information of the actual amount to be paid, as the charges have in numerous instances been lowered, in others raised, and the collection of many items abandoned altogether, and still no alteration made in the schedule.

“ Tolls are also frequently exacted, of which no entry appears on the board, and the schedules frequently conclude with general statements of a vague and uncertain character such as the following, viz.:—‘Any article not previously mentioned,’ or, ‘upon a car-load, horse-load, or basket of any commodity,’ or ‘any goods not particularly named.’ By these several means the intention of the Legislature, which evidently was to protect the public against extortion, by giving to buyers and sellers full notice of the precise amount of all charges payable ‘on each and every article,’ is almost totally defeated.

“ But this enactment, even if strictly complied with, would be but little protection to the public, as there is no legal definition of a ‘fair and reasonable toll.’ It is not a fixed charge—it varies in every town—and from the vague and undefined manner in which the grants of tolls are conveyed in the letters patent, it would appear to be left to the discretion of the patentee to interpret the words ‘fair and reasonable’ as he might see good, and to charge what amount he pleased as toll, and insert such in his painted schedule, the publication of which schedule has thus an operation directly the reverse of that contemplated by the Act (57 Geo. III., c. 108), as the country people are accustomed to consider charges lawful because they are posted in pursuance of an Act of Parliament, which is conspicuously set forth on the top of the board, and the arbitrary schedule thus gives authority, and the apparent sanction of the law, to the very injustice it affects to suppress.”

The Commissioners refer to Ballinrobe, Nenagh, Killarney, Gort, Tralee, and Skibbereen as examples of this abuse.

We find from our Assistant Commissioner’s reports that at Ballinrobe, Nenagh, Killarney, and Skibbereen some improvement has taken place, as the charges are now publicly exhibited. At Tralee, where there are two distinct properties in the market and fair rights, the Town Commissioners, who hold a weekly market on Tuesday, and certain fairs, exhibit no list of tolls. Sir Edward Denny, who holds a weekly market on Saturday and other fairs, leases his rights; the lessee of the fairs has a toll board. The lessees of the market have none. As we have already stated a trading company have set up unauthorised markets, deriving their profit from the weighing of corn and butter and other commodities. The charges of this company are not, however, confined to weighing fees. They have provided sheds for which they receive tolls or stallage, which charges seem to be entirely arbitrary.

At Gort Mr. O’Meara reports:—

“ For many years there was no toll board exposed to public view on market and fair days, as it appears it was lost. It was, however, found on the very day of the Inquiry, and produced in Court. The tolls at present levied on certain commodities are somewhat in excess of those stated in the old toll board, and are also deemed excessive as regards the tolls charged in the adjoining towns, which are competing with Gort for trade. The owner had a printed form of the present charges.”

An examination of Mr. O’Meara’s reports shows that in 42 of the places visited by him the law was so far complied with that toll boards were exhibited. In 16 places he notices the fact that no schedule or list was posted. In the remaining places there are no tolls, or the particulars are not stated. In some cases, however, the compliance with the statutory regulation is imperfect, as at Ennistymon, where “a toll board is placed on the gable wall of a house, but the particulars cannot be deciphered”; and at Kilrush, where “the owner has a schedule of the present charges erected in the market place, but it seems it is not the scale always in use. A copy of an old toll board was produced, which appears to have been departed from in 1838 to the present charges.”

At Miltown Malbay it is reported that “at and previous to the inquiry no schedule of tolls were erected for public inspection at the markets or fairs, but the lessees have now had some printed, and which will be erected in future.”

And at Athenry Mr. O’Meara says: “There is no toll board erected, but a schedule is being printed and will be immediately posted in the market place.”

5. Unequal or Differential Market Charges.

In a not inconsiderable number of markets there exist inequalities in respect of charges affecting--

- a. Classes of persons.
- b. A particular trading class.
- c. Commodities.

We shall notice a few instances in which preference or discouragement is shown referring to the Reports of our Assistant Commissioners for detailed information:—

a. Classes of persons privileged or discouraged.

In this class are included those persons who claim an ancient privilege or exemption from toll, and also those who, as inhabitants or ratepayers of the place, are, by the policy of the market owners, protected against the competition of "foreigners" or strangers from outside the town.

In the Gloucester Cattle Market, under the provisions of the local Market Act Vol. III., 1 & 2 Geo. 4. (1821), live stock being *bonâ fide* the property of, or bought by, any freeman of the city are toll free; as also are stock sold by a freeman. The Act referred to also reserves the privileges of those who are free of the Duchy of Lancaster. It is said that this last provision was repealed by an Act of 28 Vict. c. 41, but virtually re-enacted by the City Extension Act of 1874. In practice the exemption as regards those free of the Duchy of Lancaster is limited to residents on land belonging to the Duchy in a few neighbouring parishes. Residents who desire to claim exemption have to obtain a certificate under the hands of two Justices of the Peace. The tenants thus certified claim exemption from toll not only in Gloucester, but throughout the kingdom. At Gloucester the privilege is said to be abused, and cheating and evasion is said to be practised. It is urged on behalf of the townspeople that this exemption from toll when the market was held in the streets was of little consequence, but that now the conditions are entirely altered by the ratepayers having provided an enclosed market at a considerable cost. It should be mentioned that the Duchy tenants pay for pens when used by them, but are not liable to toll. p. 342.

At Barnstaple freemen of the town and tenants of the manors of Hele and Youlston pay one third less toll than others. Vol. III., p. 220.

At Leighton Buzzard copyholders of the manor are charged one half of the ordinary tolls. Vol. IV., p. 166.

At Carlisle, Bedford, Knaresborough, Preston, Hereford, Beverley, and Lancaster, burgesses, freemen, or other people enjoy similar privileges. Vol. IV., pp. 41, 154.

In most places freemen are a limited and decreasing class soon to become extinct, as under the Municipal Corporation Act, 1835, no freeman born after the passing of the Act can claim any privilege; but at Berwick-on-Tweed the freemen retain their hereditary rights, as they were specially exempted from the operation of the previously mentioned Act, and they and their widows have had their rights confirmed to them by the Settlement Act of 1843. In the general market at Berwick, no tolls are taken except for eggs, for which the collector takes one out of every 30 by ancient custom. Vol. IX., pp. 121, 494, 87, 562. Vol. IV., Q. 6137.

At Chelmsford, freemen pay nothing for stalls. Vol. III., p. 79.

Inhabitants or residents are favoured in many places.

At Dorchester inhabitants pay half price in the market. Vol. III., p. 303.

At Pontefract residents are distinguished from non-residents, and in the general market are charged considerably less for stallage. Mr. Chapman reports that— Vol. IV., p. 193.

"This is done because of the rates and taxes which are obtained from residents, and no complaint was made to me of the practice."

At Durham, where "the rate of tolls is complained of as excessive, great annoyance is caused by the fact that freemen and auctioneers are allowed to sell outside much more cheaply." Vol. IV., p. 383.

The word "outside" is here used in relation to the covered market, and not to the area within which the market rights are exercised.

At Canterbury, Bury (Lanc.), Accrington, Bacup, Stalybridge and other places, residents pay less for hawkers' fees than non-residents.

At Saint Albans Mr. Ashton says, "The evidence shows that 'foreign' stallholders, up to three or four months ago, paid 50 per cent. more than citizens for space, and that on the last revision the difference was made still greater." Vol. III., p. 46.

Vol. IV.,
p. 422.

At Penrith tenants of the manor are exempt from toll in the general market, and the same privilege is claimed "by the inhabitants of all the villages in the neighbour-
hood with names ending in 'by.'"

At Banbury stall-holders and auctioneers who are residents pay only one half what is charged to strangers.

Vol. II.,
Q. 1081.

Mr. Casson, in his evidence before us, cited Gravesend as a case where the tradesmen had managed to extinguish the market by refusing to admit any new comers as stall-holders, except at a rent much in excess of that which the stall-holders of long standing paid. Mr. Ashton held an inquiry at Gravesend, where no complaint of this kind was made, and the market collector stated that all paid at the same rate.

Vol. III.,
Q. 2126.

b. A particular trading class discouraged or handicapped.

In many cattle markets auctioneers are charged an extra toll on all animals sold by them.

Vol. III.,
p. 139.

Thus at Canterbury they pay 50 per cent. more than other salesmen. By the local Act regulating the market the toll for every score of sheep or lambs is fixed at 1s., but by byelaws the Corporation have raised the tolls to 1s. 8d. a score. For some time they imposed on auction sales a toll of 6d. in the 1l. under 50l., and 3d. in the 1l. over 50l., but this was subsequently repealed except as regards horses. Auctioneers were then charged double toll, afterwards 75 per cent. additional toll, and now 50 per cent. extra, or 2s. 6d. a score for sheep as against 1s. 8d. charged to other salesmen, and 1s. the toll authorised by the Act. The only justification offered for the extra charge appears to be that the town wants the money, and that the charge falls upon the owners of the stock.

Vol. III.,
Q. 6907,
et seq.

Vol. IV.,
p. 471.

At Hull auctioneers are charged 10d. a head for cattle as against 4d. charged to others. The evidence given before Mr. Chapman in justification of this charge is worth perusal. An auctioneer who complained pointed out the fact that he had less accommodation afforded him than other salesmen. On being asked the reason for the distinction between private dealers and auctioneers, an Alderman of the Borough answered, "It is a very simple answer. These gentlemen who sell by auction all live in the country." As the complaining auctioneer was a resident and had never lived a day out of Hull, the defence was that generally these gentlemen paid no rates; then that the market was not a legalised one, the inference being presumably that the charge was not illegal because the market was not a lawful one; lastly, the argument used was that the auctioneer could afford to pay.

At Cambridge auctioneers pay a treble toll in the cattle market besides a limited reservation fee for accommodation reserved for them until a certain hour of the day. Hay and straw auctioneers pay a double toll.

At Leicester and Northampton cattle markets a triple toll is charged on auctioneers.

At Beverley 4d. a head is charged on cattle sold by auctioneers, as against 1½d. paid by other sellers.

At Leeds no auctioneers are allowed to sell cattle either within or outside of the cattle market. Mr. Chapman says of this restriction:—

"I do not think the restriction justifiable, but the committee has to consult the wishes of the cattle dealers who really make the markets, and they are unanimously against auctions as they are at Wakefield."

Mr. Casson stated in evidence that at Lincoln auctioneers have to pay a fee of 10 guineas before they are allowed to sell in the market.

Vol. IV.,
435, and
Q. 6645.

Vol. II.,
Q. 1034

c. Commodities exempted from market charges.

In a few cases certain commodities are admitted to be sold free of charge.

Mr. Slater, a witness who came before us, complained as to the market at Market Drayton

"of the unfairness arising from tolls being charged in one part of the market
"on certain things, while on another part on certain things no toll is charged. For
"instance, a farmer's wife can bring any quantity of butter, eggs, or poultry she likes
"into that covered space and she pays nothing at all. She has a covering over her
"head and she pays nothing, whereas all along here anyone who brings in fruit or
"vegetables or any thing in a basket . . . is charged a penny."

At Knaresboro', Northallerton, and other places butter and eggs are toll free by custom.

Vol. II.,
Q. 5317.

Vol. IX.,
pp. 123, 106.

At Hastings fish landed on the beach is toll free, while that brought in by land pays toll. Vol. VIII., p. 80.

At Bolton fresh eggs, butter, and milk do not pay hawkers' toll. Vol. IX., p. 237.

At Blackpool butter, eggs, fresh fish, and shell fish are specially exempted from charge by statute. Vol. IX., p. 528.

At Carlisle eggs, poultry, wildfowl, coals, peat, and other fuel, also provisions and other articles brought into the City and carried out for home consumption, are free of the City toll. Truro, Vol. III., 7830. Faringdon, Vol. IV., p. 184.

In some few markets either sheep or oxen are toll free.

Our Assistant Commissioners remark as to several markets that corn is toll free; but it will be found in such cases that the corn is sold by sample, and never brought into the market, and that, as a rule, the buyers and sellers pay for the accommodation they have provided for them in the Corn Exchange. Banbury, Vol. IV., Q. 2221.

At Newcastle-on-Tyne the corn-dealers complain that while they pay a high rent for their stands, viz., 8*l.* a year, in the Exchange, merchants of other commodities pay nothing. Oxford, Vol. IV., p. 59.

It might appear from the silence of our Assistant Commissioners on the subject that the inequality of charges which we have shown to exist in England was not common in Ireland. It may be that this is the case as regards persons, but a perusal of the evidence will show that as regards commodities it is such a common occurrence to find some of them exempted while some are heavily charged in the same market. In all probability the fact was so familiar as to escape particular notice. Newbury, Vol. IV., p. 72.

Of course in all those markets (somewhat numerous) where tolls have disappeared there is no room for inequality, but in some of those where tolls are collected under the authority of an Act of Parliament particular articles or particular packages or quantities of commodities have been struck out of the toll list in what appears to be an arbitrary manner. Vol. IV., 174, 202.

Thus, at Coleraine cattle and sheep have been struck out, while pigs remain in the toll list; fowls in creels or baskets are free, but fowls in loads pay; butter in lump is free, while butter in firkin pays. Vol. V., p. 32.

At Cookstown confectionery or bread, fish, fruits, onions (unless in sacks), hides, cabbage plants, creels of young pigs pay toll, while horses, cattle, sheep, butter, meat, flour, meal, and potatoes are free, on some of these articles payment is enforced at the weighing, but this is not universally the case. Vol. V., p. 148.

At Drogheda a complaint was made that while a toll is charged on chickens, ducks, eggs, &c., no toll was charged on cattle, and a witness says: "It was stated that the reason they never charged on cattle was that the parties who ruled in the Corporation were very much interested in cattle themselves." Vol. V., Q. 12,615.

At Tralace Mr. O'Meara informs us that—

"A complaint was made at the inquiry against the owners of the tolls, that they enforced the payment of tolls on corn from the sellers to home-trade buyers, whilst they allowed producers who sold to exporters to be toll free, and that frequently even sellers to some home traders were permitted to effect their sales without payment of any toll. It seems Sir Edward Denny, in order to encourage the export trade in corn, directed the toll collectors to make this arrangement. Much bitter feeling apparently exists between the owner and collectors of the toll and the home-trade buyers." Vol. VI., p. 30.

At Londonderry Mr. Black states that—

"Complaint was also made as to the inequality of the tolls charged on milk. The schedule to the Act prescribes a maximum toll 'for every cart or other vehicle used by any person for exposing or in which shall be exposed to sale any article, commodity, or thing, if drawn by a horse, 9*d.*, if by any other animal, 6*d.*' The Corporation charge 2*d.* for each cart with buttermilk entering the city, whether taken to the market or not, but no toll is levied on carts with sweet milk. It is difficult to see why a toll should be charged in the one case and none in the other, which is the more valuable commodity." Vol. VII., p. 189.

And the explanation of this peculiarity is given in reply to a question:

"12,397. And you state that tolls are charged on buttermilk but not on milk?— Yes. I do not know that it is stated upon the evidence, but it was explained to me afterwards, that the reason for that was, that at the time when the Act was obtained the members of the Corporation of that day were the principal vendors of sweet milk through the town, and that they did not wish to tax themselves. I do not think it is general to put a toll upon sweet milk, but it is certainly a little

“unfair that butter-milk, which is not one fourth of the value of sweet milk, should bear a toll while sweet milk bears none.”

It may be convenient to notice here a practice once universal and still very generally prevalent in Ireland, that of taking toll at markets, and more particularly at fairs, on cattle sold, leaving all those which are declared to be unsold toll free. As we have previously stated, toll is due at common law from the buyer, and it is only by custom or under statute that it is payable by the seller. By 4 Anne, cap. 8. it was enacted—

“That in all cases where any cattle shall remain unsold at any fair or market it shall be lawful for the owners or drivers thereof to drive away such cattle without paying any toll whatsoever.”

The Commissioners of 1853 made the following remarks on this subject:—

“We found the persons employed as collectors in many places endeavouring to meet the constant evasion of tolls, by obliging all parties leaving the fair with cattle, and claiming to be exempt as unsold, to go through some form, such as touching a piece of paper pasted on a board, or a book fastened to a pole, and to pledge themselves thereby to the truth of their statements. This is called clearing the cattle, and, we regret to say, is very extensively practised. These several forms are adopted to evade the penalty attached to the illegal administration of an oath; but though not, strictly speaking, oaths, they are looked upon in that light by the lower orders, and we conceive such an objectionable and demoralising practice cannot be too severely censured. It tends to make the ignorant peasant think lightly of the sacred obligation of an oath, and leads, in addition, to endless disputes, and constant scenes of riot and disorder, in which the cattle are shamefully abused by both the drivers and the collectors—the one endeavouring to force such cattle through the custom-gap, which the others oppose.”

And they recommended—

“That all agricultural produce or stock as hereafter may be specified should be subject to a small toll, and that this toll should be payable to the owner or undertaker of the fair or market, on all cattle as soon as they shall enter same for sale, and on all agricultural produce or goods when they shall have been exposed for sale in the market-place.”

But it should be noted that this recommendation was conditional upon proper accommodation being provided.

Mr. O'Meara reports on this subject in the following terms:—

“Tolls on Sales and Toll Traverse.”

“At the markets and fairs in the towns visited by me two systems are adopted for the collection of toll. In the first half of charging on cattle and commodities actually sold, and in the second that of charging at the entrance to the fair or market. The former is levied as a toll, and the latter as a charge for accommodation, provided and placed at the disposal of those transacting business at either fairs or markets.

“In the majority of towns the first system is found to prevail. It is accompanied by many complications and complaints, but in the small minority of towns where the second system has been in operation for some time it appears to work exceedingly well and there have been no complaints made against its continuance.”

Mr. Black on the same subject says:—

“In Athlone, and in most of the fairs held in the West of Ireland, it is usual to collect the toll upon cattle, not as they enter the market, but as they are driven out of it, and the toll is then only charged upon such of the animals as are alleged to have changed owners. A peculiar practice has crept in in connexion with this custom, and by way of testing whether the cattle have been sold in the market or not, the person in charge of the cattle, when leaving the market, if he alleges that they are exempt from toll, makes a verbal declaration that the cattle have not been bought in the market, and verifies that declaration by placing his hand upon the toll-board, or taking a portion of the Scriptures, or some other piece of printed paper into his hand, or by hitting the toll-board with his stick. This seems a very primitive way of verifying the truth of such an allegation, and, doubtless, results sometimes in the evasion of the toll, which might be avoided by collecting it on the cattle as they enter the market.”

Vol. VII.,
p. 304.

Vol. VII.,
p. 190.

TOLLS TAKEN IN KIND.

A few instances of the antiquated and wasteful system of tolls in kind still exist.

At Guildford Corn Market a toll of a pint of corn is taken from every sack sold. As it is a "pitch" market into which all the corn is actually brought, this toll amounts to one part in 256. The amount is not excessive, though at 32s. per quarter it is a toll of $1\frac{1}{2}d.$ per quarter, but the cost of collection and the diminished value of a mixed sample must occasion some loss. Vol. IV., p. 85.

At Devizes there is a similar toll of two quarts from a sack, but if more than one sack of the same lot of corn is pitched on the same market day only one sack is tolled. This is a pitch market where sample sacks are brought in, and as a sack may represent a considerable quantity of corn, the toll, though apparently four times as great as that at Guildford, is really far less. Vol. III., p. 354.

At Penzance, where there is a very small pitch market for corn, the lessee takes two quarts out of every bushel, which is one part in 16, an extravagant toll if taken on the quantity sold, and, even as a toll on a sample, far greater than ordinary market tolls. Vol. III., Q. 7372.

At Berwick, as we have already mentioned, a toll of one egg in 30 is taken.

At Camborne an ancient toll of marrow bones was collected, but it is now commuted for money. Vol. III., Q. 8067.

At Ripon the old toll on corn was designated as the "Market Sweeping or Hand Lawe," and consisted of a handful of corn out of every sack, but this toll was abolished by leave of the Treasury in 1849 as not being worth collecting. Vol. IX., p. 115.

At Dungannon the existing toll board contains some curious and obsolete tolls, such as :— Vol. VII., p. 192.

"The tongue of every ox, cow, heifer, or bullock killed or exposed for sale between the 29th September and the 25th December each year to be collected for the proprietor."

OTHER COMPLAINTS.

We have to record some complaints of petty exactions or annoyances which can scarcely be ranged under any of the previous headings.

At Penryn the butchers in the town are called upon to pay 1s. 6d. a week for the privilege of selling in their own shops on market day. A weighing fee of 6d. per carcass of beef or pork is charged to them whether the weighing machine be made use of or not. At Chard the butchers who sell in their own shops pay the market toll. Vol. III., p. 397.

At South Shields, Yarmouth, Newbury, and other places stall-holders complain of being turned out of their places to make room for shows at the time of fairs. Vol. III., Q. 27.

At a number of places where Mr. Ashton held inquiries complaints were made of a nuisance caused by steam organs which accompany certain shows at the time of the periodical pleasure fairs. Vol. IV., Q. 49,76, 1683.

At Carlisle a complaint was received as to the want of some simple process by which the right of the Corporation to charge tolls might be determined. One witness said: "I had a writ served upon me because I would not pay the City tolls. They were going to take me to London." Another said:

"The expense to people who are driven into legal proceedings prevents questions being raised, and Corporations go on charging tolls which they are not entitled to charge. There is no tribunal except the higher courts for any of these farmers to test the question whether they are bound to pay toll that may be demanded; they are obliged to go to the superior courts of law. The question is whether the county courts could not have jurisdiction in such matters, which they have not at present." Vol. IV., Q. 1261, 1277 et seq.

It was pointed out by the Town Clerk that "the city bench can deal with cases of non-payment of toll." Whereupon it was replied: "When they talk of the city bench, it is composed of the Mayor and most of the gentlemen belonging to the Corporation, so that they are trying their own case. When poor people have brought to me writs from the superior courts at the instance of Mr. Nauson for the recovery of tolls, I have said, 'You cannot go and try an action in the sum of courts for the sake of 2d. or 3d. or 1s.'"

In several instances a desire has been expressed to abolish certain pleasure fairs, or at least to remove them out of the town. The Fairs Act, 1871, which enables a Local Authority with the sanction of the Home Secretary to abolish a fair entirely, does not allow the partial abolition of a fair. At Winchester a pleasure fair and a great Vol. III., Q. 14,059.

sheep fair are held on the same day and by the same right, and the Corporation would prefer to retain the sheep fair only.

Vol. III.,
Q. 10,777.

At Taunton a movement for the abolition of two fairs was strongly opposed; it was then agreed to apply to the Home Secretary for power to remove the fairs from the public streets to a convenient field or place, but the Home Secretary replied that he had no power to remove fairs to another place.

At Basingstoke and Northallerton the market authorities complain that their markets have been injured by the establishment of auction marts in the immediate neighbourhood.

Vol. III.,
Q. 14,804,
14,907.

In the former case the market is regulated under a local Act (10 Geo. IV.). A site was appropriated for a cattle market and a market was regularly held. In 1876 a firm of auctioneers erected an auction mart within the town of B. and in close proximity to the railway station, and, owing to the convenience of the situation and the excellent arrangement of the mart, the town market has been utterly destroyed. The Corporation having endeavoured in vain to induce the proprietors of the mart to pay toll, contemplated taking proceedings at law, but they were advised by counsel that as their local Act permitted sales on the "premises" of individuals the auctioneers were within their rights.

Q. 14,907.

Vol. IX.,
Q. 9746.

At Northallerton the market rights were purchased by a company from the Ecclesiastical Commissioners, they having been the property of the See of Durham. About the time of the formation of this company two auction marts for cattle, sheep, and pigs, were started on the outskirts of the town and near the railway station. Before the establishment of these marts there were good cattle markets in the town, but these have dwindled away.

Vol. IX.,
Q. 9773,
9818.

Vol. VIII.,
p. 57.

At Wellingboro' a stall-holder complained that all the best situations were hired by persons for the year, and that some of these hirers sublet their stalls at a profit. It appeared that byelaws had been drawn up but not sanctioned, but that there was a regulation forbidding subletting. The toll collector who had sanctioned the subletting had forgotten the existence of the regulation.

One of the subjects of dissatisfaction most frequently mentioned at inquiries in Ireland is that of deductions made from the price contracted for. Some of these deductions are customary claims by buyers under various pretences, and the practice, however obnoxious, is not distinctly connected with markets, or at least the blame does not rest on the market owners, but the abuses connected with weighing are fairly chargeable to those who appoint the weighmaster, who should by law be an official sworn to act fairly.

Mr. Black reports this subject in the following terms:—

Vol. VII.,
p. 195.

"In many instances the vendor is deprived of a portion of the price either by not getting paid for the full weight, or by something being deducted from the price as an allowance from the actual weight, or in the name of portorage, or storage, or as house money, or for signing the ticket. By the Weights and Measures Act, 1878, section 77, it is enacted that 'Every article sold by weight shall, if weighed, be weighed in full net standing beam; and for the purposes of every contract, bargain, sale, or dealing, the weight so ascertained shall be deemed the true weight of the article, and no deduction or allowance for tret, or beamage, or on any other account, or under any other name whatsoever, the weight of any sack, vessel, or other covering in which such article may be contained alone excepted, shall be claimed or made by any purchaser on any pretext whatever, under a penalty not exceeding 5*l*.' Considerable diversity of practice exists through the country in the mode of weighing. In some places the statute is complied with, but in others it is customary to give what is called 'down weight,'—that is, not to consider the article weighed unless the scale in which it is placed strikes the ground. In several parts of the country it is the practice not to use in weighing grain or potatoes a smaller weight than 7 lbs., so that, to use the words of witnesses, 'An article must be 7 lbs. or nothing,' and in such cases the seller may lose up to 7 lbs. on a draft. In other places a 4 lb. weight is the smallest one used, and the next one over that 7 lbs.; the only break between 7 lbs. and 14 lbs. is therefore 11 lbs. In such cases an article must be 4 lbs. or nothing; and if under 7 lbs., only 4 lbs. is reckoned; if under 11 lbs., only 7 lbs. is reckoned; or if under 14 lbs., only 11 lbs. is reckoned. To this loss in weight may sometimes be added a further deduction of the price of half a stone, it being a common practice not to pay for 7 lbs. on a quantity.

"Another practice complained of is the deduction of 'super-tare' for the weight of the vessel or bag containing the article sold in excess of the true tare; this arises

“ principally in the sale of butter and corn. It is usual in some towns for the cooper who manufactures the butt or firkin to mark upon it the tare which should be taken off for it, and in doing so to include an allowance for the amount of water, or butter, which the wood will absorb whilst being filled with butter. Assuming this to be fairly done the seller would be entitled to get payment for the weight of the vessel and its contents, less the tare so marked, but buyers deduct a further allowance of 1 or 2 lbs., according to the practice of the market in which the sale is made, for soakage. There is no doubt that some sellers try to meet this by the objectional practice of preparing their butts or firkins so as to absorb as large a quantity of water or foreign matter as possible before filling them with butter. In some markets where it is the practice to take the butter out of the firkin or butt, and to weigh the latter separately, so as to ascertain the tare to be allowed therefor, it is usual in weighing the full firkin or butt not to recognise any odd ounces over and above the number of lbs.; but when the firkin or butt is weighed, if there are any ounces over the lbs. in its weight they are calculated as a lb. To illustrate the practice the following extreme case may be taken:—A firkin of butter weighing 71 lbs. 13 ozs. gross is taken as only weighing 71 lbs.; the butter having been taken out of the firkin the latter is found to weigh 10 lbs. 1 oz., and is therefore taken for the purpose of tare as weighing 11 lbs. The seller would only receive payment for 60 lbs., whilst the actual weight of butter would be 61 lbs. 12 ozs. He would therefore lose the price of 1 lb. 12 ozs.”

The exactions of buyers, which stand upon rather a different footing to the misdeeds of public weigh-masters, are thus described by Mr. Black:—

Vol. VII,
p. 195.

“ In the case of sales of pork there are also deductions made. The former Commissioners on Markets reported as to several objectionable practices existing then, most of which have since been given up, but others have crept in. In Athlone a deduction of 1 lb. is made from the weight of each pig for the gut. In Belturbet a deduction of 2 lbs. is made from the weight of each pig for what is called ‘shrinkage,’ to cover any loss in weight between the sale of the pork in the market and its reaching the buyer’s stores. In other markets a deduction is made, varying in amount in different towns, under the name of ‘house money’ nominally to pay the rent of an office for the buyer who lives at a distance in which to pay for his purchases, but in fact he does not keep such an office. In some cases a deduction is also made from the price for what is called ‘signing the ticket,’ that is, for giving the seller an acknowledgment upon the sale note that his pork has been delivered to the buyer. Deductions are also made for what is termed ‘portage,’ to cover the cost of removal of the pork from the market where it is bought to the town in which the buyer carries on his business. The amount of such deduction varies in the different market towns, and in some instances amounts to as much as 1s. 4d. on each pig.

“ Complaints were numerous as to buyers of pork not paying for the odd lbs. over a quarter of a cwt. at the same rate as the pork was bought at per cwt., if the price did not come to so many pence per lb. For instance, a pig sold at 37s. per cwt. would be at the rate of nearly 4d. per lb., but if there were any lbs. in the weight over the quarters of a cwt. they would only be paid for in some markets at the rate of 3d. per lb., and in others at 3½d. per lb. A deduction for ‘portage’ is also made on the sale of butter, and in the county of Louth on corn. A deduction of 1d. or ½d. per stone is made in some towns for ‘storage’ on the sale price of flax, and this even where the storage is provided by the market authorities for the buyer free of charge. It was contended in Castleblayney that the deduction really meant nothing, and had only the effect of keeping up the nominal price of the flax, but I am convinced it is a benefit to the buyers or it would have been abandoned by them.

“ In Cookstown market a deduction of 28 lbs. is made by some buyers from the weight of each cart of potatoes for the dirt presumed to be adhering to them.

“ The return of a luck penny, varying in amount, is universally recognised on the sale of all live animals, and is so well understood as not to require further explanation. In some towns in the west of Ireland I found a deduction called ‘measle money’ was made from the price of pigs. It appears that some years ago, when the measles in pork were prevalent in that part of the country, an arrangement was come to that the sellers of pigs should allow the buyers 1s. off the price of each pig, to form a fund as an indemnity against loss arising from having purchased measled pigs. Gradually the deduction has become an arbitrary one in every case of sale, and whilst the buyer receives the premium as an indemnity against such cases,

"if he ascertains that he has bought a pig which is affected with measles (which it is said may be easily recognised) he returns it to the seller, but in the cases of sound pigs he retains them and the 1s. which he has deducted from the price of each. This is considered by the farmers in county Mayo as a gross imposition.

"The market authorities admit the injustice of these deductions, but say they are unable to prevent them. The farmer could probably maintain an action at law for recovery of the amount so deducted, but doing so would involve him in trouble and expense."

Mr. O'Meara confirms Mr. Black's statements as regards the mode of weighing. Referring to sect. 77 of the Weights and Measures Act, 1878, he says:—

Vol. VII,
p. 304.

"In very few places have I found the requirements of this section strictly adhered to, so far as to ascertaining the weight in full net standing beam. The general and customary practice is to give a cast of the beam. In addition to this cast of the beam it is usual in some places when weighing corn to weigh only down to two pounds, and in others to weigh only down to four or seven pounds. When weighing potatoes in some places it is customary to weigh down only to four pounds, and in others to seven pounds.

"In all such cases the purchaser receives the benefit of any smaller additional amount which may be in the sack.

"With few exceptions, in no place is the actual tare of the bag or sack ascertained, but an estimated tare is allowed for it, which is the only deduction from the gross weight ascertained as before mentioned. The estimated tare is generally a fixed weight according to the size of the sack, and agreed upon between the buyers and sellers. In cases of dispute as to the estimated tare I always found the market weighmaster willing to ascertain the actual tare of the empty bag or sack.

* * * * *

"The deductions prohibited by the above-mentioned section 77 of the Act of 1878 are deductions from the weight and not deductions from the price of any article sold by weight (*Megarry v. McCullagh*, 14 Ir. C.L.R. 151). In the majority of the butter markets it is customary for each buyer to deduct from the contract price 1s. per firkin purchased. No satisfactory explanation was given for this deduction, but one of the reasons assigned was to recoup the buyer for the transit of the butter to the larger market or to the consumer.

"In all other respects I have, however, found the provisions of the Weights and Measures Act generally observed, and that the constabulary who are charged with the duty of inspecting the weights and measures in use for trade throughout the country make periodical inspections to detect the existence of any inaccuracy or deficiency in such weights and measures."

Mr. O'Meara also refers to the systematic deductions made by buyers under various pretexts.

DEDUCTIONS FROM PRICE.—LUCK PENNIES.

Vol. VII,
p. 305.

Mr. O'Meara states—

"It is on the sale of animals that the more general deduction is made from the contract price under the appellation of 'luck pennies.' This practice prevails at every fair I have inquired into, and so far as I have been able to learn, is general all over the country.

"The contract price having been agreed upon between the buyer and the seller, the former pays over the amount when the latter returns the 'luck penny.' There is a moral compulsion on each seller to give this luck penny, and, in fact, it is given at every business transaction in live stock; but the amount or value of the luck penny is always left to the generosity of the disposition of the seller. It is usual, however, to give at least 1s. for each cow, or 1s. to 5s. in every 10l. The witnesses whom I interrogated upon the point gave it as their opinion that the farmer never considered the luck penny he would subsequently have to give when asking a price for his animal, and did not demand a fictitious price proportionate to the amount of the luck penny.

"In some transactions, however, this seems to be the case, for frequently when buyer and seller are bargaining about the price of an animal, the buyer, in order to conclude it, says he will give (so much) 'clear to pocket,' that is, if his offer is accepted he will not require any luck penny. The seller consents and the bargain is concluded, no luck penny being given. In such a case the consideration of the luck penny does appear to enter into the bargain for the animal, and the intrinsic value only given.

"On the sale of pigs the amount of the luck penny is not left to the disposition of the seller, but is fixed at 6d. per pig, and is always deducted by the buyer from the contract price before the latter is paid.

"As in the case of firkin butter, no satisfactory explanation could be given for these deductions from the price, the answers being "it is customary." No correct market prices could be obtained of the animals sold where this system obtains, as the prices generally quoted are, as has been shown, somewhat above the intrinsic value of the stock."

Mr. O'Meara reports some objectionable and annoying practices of weighmasters and toll collectors.

Thus he says of Tuam:—

"A practice, which seems reprehensible, exists in the market for the weighmaster's assistants to mark with chalk the weight of the marketable commodity, when ascertained, upon the hats of the sellers. This is stated to be for the benefit and convenience of the toll collector, to enable him to know what weight to make his charge upon. Vol. VII, p. 276.

"Another objectionable practice was that resorted to by the toll collector marking the letter "P" in chalk on the shawls and cloaks of the women frequenting the market, to denote that they had paid the toll. It is stated that this practice hurts the feelings, naturally, of these women, who are rudely grasped while the chalk mark is made. In the event of the mark becoming obliterated or rubbed out the women would be liable to be again asked for the toll."

At Gort he says:—

"Complaints have also been made of the rough manner in which women and other sellers are pursued into shops, and sometimes indecently treated, in order to obtain the charge levied upon the commodity which they have sold. These complaints seem to be well founded, as a former collector of tolls frankly acknowledged to have adopted such a course (*vide* evidence of Mr. Sheehan, Mr. Glynn, and John Clune). Ditto.

The Commissioners of 1852 recorded similar complaints as to the conduct of the toll collectors at Gort or other places.

Mr. Black mentions a fowl market which is held at an unseasonable hour at Saintfield, of which market he says:—

"There is no Local Authority, and the want of a controlling power to regulate the market is very much felt. The surrounding district produces a great quantity of fowl, and the fowl market here is usually held at or about 1 o'clock a.m. on each Monday morning. The streets of the town (and the sales take place in them) are not lighted in any way. Consequently, there are facilities afforded for parties to dispose of stolen fowl, &c." Vol. VII, p. 193.

Some additional details relating to this market are summarized in the précis of evidence:—

"SAINTFIELD.—The market people complain of the want of regulation in the market, business commencing usually at 2.30 a.m. for eggs and fowl. The very early hours at which the markets are held compels those who wish to attend the Monday markets to sit up on the Sunday night in order to leave their homes early to be in time, and dealers scour the country on Sunday afternoons for fowl. In summer the fowl market commences about two o'clock in the morning; in winter it does not begin so early, but it is generally over at five o'clock. The owners of fowl, after bringing them to the market and selling them, have to go home again, often a distance of some miles, so that they may return again with their eggs and butter. The people are thus required to make two journeys where one might do. Another thing, owing to the early hour, there is every facility given to poachers to sell their produce. There are two extensive demesnes close to Saintfield, and they are well pillaged, and the booty brought to the early market and sold. It is, of course, sold secretly, but this could not take place if the market was held at any reasonable hour. Bad money is also passed in the darkness of the morning, a farthing has often been given for half a sovereign. They have no light except that of the moon, and when she is full it does pretty well. Sometimes they strike a match on the street and try to work by its aid. Perhaps one or two of the publicans might be averse to the hours of the market being changed, as it is an advantage to them to keep their houses open." Vol. XII, p. 221.

At Mullingar, Ardee, and Tullamore, similar complaints as to early fowl markets were made.

Ardee alone, of these markets, is held by the Local Authority of the place.

We have thought it desirable to illustrate rather fully the several subjects as to which dissatisfaction with the present market administration has been expressed. We must repeat that the cases we have mentioned are only representative examples of defects or abuses. We have not thought it necessary to specify all the places where particular causes of discontent exist. We may refer those who desire more specific and particular details to the classified analysis of evidence, contained in Vol. XII., pp. 176 to 215, for a more complete statement as to places of which we have received full information.

REVISION OF TOLLS.

We are instructed to report as to the advisability of "providing that the tolls, &c. of markets held by local authorities shall from time to time be revised with the view to their being regulated by the necessary expenditure in connexion with the markets, and that such markets shall be free and open when the capital charges in respect of them have been paid off by the incomes from the market or otherwise."

It has been previously stated that the approval of the Local Government Board is required for tolls levied in markets established under the Public Health Act and also for the alteration of tolls in markets acquired by local authorities under the provisions of that Act, but that this sanction is not required in respect of rents and stallages.

After the tolls, &c. have once been fixed and approved they cannot be increased by the local authority, but they may be varied without the consent of the Local Government Board.

It has also been mentioned that a large number of old established markets have been regulated by local Acts, and that in these cases the maximum rate of tolls and other charges is fixed by statute.

In all markets established under the Public Health Act or regulated by a special Act which incorporates the Provision Markets and Fairs Clauses Act any dispute as to charges is to be determined by a justice, and the demand or receipt of a greater toll than that authorised is an offence punishable by fine not exceeding 40s.

But inasmuch as a large number of markets are held by Prescription or by Charter, the tolls and charges levied therein are not subject to the control or revision of any external authority unless they are contested "as excessive or outrageous toll."

The question of revision of tolls and charges has been generally considered in connexion with proposals for free and open markets, a subject to which we shall immediately advert, but in England at least there has been no marked expression of a desire to confer upon a department of the State the power to revise tolls and other charges, except on the part of those who wish to establish free and open markets.

Local Authorities possessing markets state that they have already the power to revise tolls by way of reduction. Some of them think that they should have enlarged powers to increase tolls and to levy charges upon hawkers in order to protect their market monopoly. Many of them have revised their tolls from time to time.

Local Authorities not possessing markets have made no representations on this subject. Many of them desire to obtain full control of markets, but they do not ask that the present tolls should be revised.

As an instance of a satisfactory revision of the scale of charges, we may cite the case of Manchester. From the evidence of Mr. Talbot, the Deputy Town Clerk, it appears that a dispute having arisen between certain occupiers of the market and the Corporation as the owners, a conference between the parties was suggested, and took place, and a schedule of charges was agreed upon, sanctioned by Provisional Order, and accepted as satisfactory to all parties.

With regard to Ireland Mr. Black proposes:—

"That the right to levy tolls should not be founded merely upon custom, but should be conferred by statute, the maximum amount of such rates to be subject to the approval of the Local Government Board."

And he stated in evidence that customary tolls were uncertain, ill-defined, and doubtful, and he desired to see a statutory limitation of tolls on all markets. The recommendations of the Commission of 1853 as to fixing the scale of tolls were as follows:—

"5. That the owner of the market should be entitled to receive a certain sum by way of stallage, for the use of a stall or standing in the market or fair, for the sale of manufactured goods, and other articles not properly tollable.

Digest of
provision of
P.H.A.,
See Appen-
dix.

Pontefract,
Vol. IV., Q. 3560.
Stockton,
Vol. IV., Q. 5864.
See also abstract
of replies to
circular,
Vol. XIII.,
Parts I. and II.,
Ashburne,
B. Dereham,
Bilston, Leek,
Blackpool.

Vol. VII.,
Q. 13,885.

Vol. VII.,
p. 198.

"6. That the tolls and the regulations of the market shall be such as shall be proposed by the owner, and approved by the Lord Lieutenant ;
 " but they made no suggestion as to a subsequent revision of the charges."

Mr. O'Meara appears to contemplate a periodical revision of charges. He says in his report, after remarking on some charges which are excessive in proportion to the value of the article tolled, he says: "It would be highly commendable to have the charges regulated by some competent authority. As they stand at present at the markets in the majority of towns, some of the charges are deemed excessive. Such require overhauling with a view to a reduction. A uniform scale of charges should, so far as possible, be adopted in the markets and fairs according to the probable value of the commodity";

Vol. VII.,
P. 306.

and in his concluding recommendations he proposes that the maximum tolls and charges be fixed, and, so far as possible, be at a uniform rate, and in fixing the amount regard be had to the accommodation and advantages offered; and that, after payment of the costs of maintenance and all other outgoings, the application of the surplus profit derived from the markets and fairs be restricted to the reduction of the tolls and other charges thereat.

Vol. VII.,
P. 308,
Section II.

It seems evident that the circumstances of the case do not admit of the establishment of an uniform rate of tolls in all places, inasmuch as the expenses incurred for market purposes by owners or lessees of the market vary in every locality.

FREE AND OPEN MARKETS.

The suggestion of "free and open markets," which seems to contemplate the future provision of market accommodation free of charge, has been generally received by market authorities and other witnesses with disapproval.

We have already drawn attention to the dislike and jealousy with which markets are viewed by a considerable section of the ratepayers and tradesmen who elect the Local Authorities.

It is natural that a proposal to supply market traders who compete with local tradesmen with accommodation for carrying on their business for a nominal consideration, and thus placing these traders in an advantageous position as compared with that of the tradesmen of the town, should be obnoxious to many shopkeepers. But besides those whose interests as traders are directly menaced by this proposal, those who represent the ratepayers and those who have taken the most active part in the administration of the larger markets are very generally opposed to the principle of free markets. In the answers which we have received from local authorities owning markets 125 of these authorities are distinctly adverse to the proposal while 13 only are favourable to it. The remainder either make no reply or state that the subject has not been considered. In several cases the contingency of the capital charges in respect of markets being paid off is considered so remote as to relieve the local authority from any necessity of regarding the question as one which practically concerns themselves.

It may be noted that among those opposed to the scheme are the Local Authorities of many of the principal markets in England, *e.g.*, Birmingham, Manchester, Liverpool, Leeds, Newcastle-on-Tyne, Derby, Nottingham, Northampton, Lynn, and others.

Among the 13 places where the local authority have expressed an opinion favourable to the principle of free and open markets, the only markets with annual receipts exceeding 1,000*l.* are Oldham and Rugby; Ilfracombe and Welshpool, with receipts of 500*l.* and under 1,000*l.*; Bedford, Ripon, Totnes, and Mexboro', with annual receipts of 100*l.* and less than 500*l.*; Dunstable, Camelford, Bishop's Castle, Eye, and Kendal, with receipts of less than 100*l.* a year, are also in favour of the plan. With regard to Bedford and Oldham, Mr. Chapman reports as the result of his inquiries that opinion there is adverse to free and open markets as unfair to ratepayers. Mr. Ashton reports of Rugby that the revenue from markets is insufficient to provide for the instalments of loan which the local authorities have annually to make. In the case of Ripon, a small but prosperous market with a surplus of about 22*l.* a year, Mr. Chapman inquired whether the opinion in favour of free and open markets was formed after deliberation, and the reply was, "That was the opinion of the then committee. The committee alters a little bit every year."

Vol. IV.,
p. 155.

Vol. IX.,
p. 355.

Vol. VIII.,
p. 145.

Vol. IX.,
Q. 10,071.

The views of market owners with a petty income of from 1*l.* to 2*l.* a week (Bishop's Castle has receipts of 5*l.* a year) can scarcely be admitted to weigh against those of the owners of large markets, even if the approving authorities were numerically stronger than they are.

The inquiries of our Assistant Commissioners in a number of the more important markets elicited few opinions in favour of free markets.

Mr. Chapman seems to have taken particular pains to ascertain the feeling on this point, and while he records a general if not unanimous rejection of the proposal in about 60 places, he notices only two places where the principle seemed to be generally accepted. Of these two places, one—Ripon—has been already mentioned. The other place was Leighton Buzzard, as to which Mr. Chapman says:—

Vol. IV.,
p. 167.

"The idea expressed by the majority was that to have the market toll free would be beneficial to the town and not prejudicial to the shopkeepers because of the increased number of customers who would thereby be brought from the country. This opinion is due partly to the fact that no expense is at present incurred in connexion with the markets and the existence of a neighbouring town which is toll free."

We note also that Mr. Chapman says with regard to Berwick-on-Tweed:—

"The general market is practically free, and the system at Berwick is to avoid any restraint of trade. The system has not produced a prosperous market."

In Ireland, where, as we have said, tolls have in many cases been abolished, though the markets have not thereby been rendered free of charges, there is a much stronger feeling in favour of toll-free markets, though in a good many instances where an inquiry has been held it has been said that reasonable tolls are not objected to and do not keep producers away if there is accommodation given in return. At 41 of those places which our Assistant Commissioners visited the general opinion seems to have been in favour of toll-free markets; in 13 of these the local authorities were the owners; at 31 places reasonable tolls were approved of, and of these 31, five had markets in the hands of Local Authorities. In many other places opinion seemed to be divided on the question.

Vol. VII.,
Q. 8267.

At Dublin Mr. Alderman Dillon, Chairman of the Markets Committee, said in answer to a question on the subject:—

"I do not see why on an undertaking of that kind, which has cost the city so much money, some profit should not be made from it to relieve the general rates. The burden would not be appreciably felt by the buyer or the seller of the cattle, and if we had our sinking fund paid off it would be a very useful thing to have the contribution towards the general rate of 500*l.* or 600*l.* a year."

Vol. VII.,
Q. 8100.

It should be said that this answer was given with reference to the cattle market, which only pays its working expenses and interest on the outstanding portion of the debt incurred in providing the market, the debt being annually diminished by the payment out of the city rates of an instalment of the principal.

Vol. VII.,
8117, 8120.

It would appear then that among local authorities owning and administering their own markets there is a preponderating feeling against free and open markets. The arguments against this proposal are very forcibly stated by Mr. H. Fulford, Chairman of the Markets and Fairs Committee, Birmingham, in his evidence before us.

Vol. II.,
Q. 6171.

"We are not prepared to assent to the proposition that the tolls, rents, &c., should be determined exclusively by reference to the capital expenditure upon the markets and should therefore be entirely abolished when that expenditure has been recouped out of the market revenue. It would be extremely difficult, if not altogether impracticable, so to proportion rents, tolls, &c., as to exactly cover charges, and from the fluctuating character of the income from the markets it would probably always be found necessary to provide a considerable margin for contingencies. The establishment of free markets, if practicable, would also be open to the further objection that it would give an unfair advantage to traders using the markets over those engaged in similar occupations in other parts of the town, who would be liable to rents, rates, and taxes, from the payment of which those traders using the markets would be entirely relieved. * * * * *

In reference to the suggestion under consideration it is further to be remarked that if adopted it would in many cases seriously hamper the Local Authority in the work of developing and increasing the markets when required. To meet the demands of an increasing population the expenditure of large amounts of capital on the establishment of new markets or the extension of existing ones is frequently requisite. This capital expenditure is often for an indefinite period wholly or in part unproductive, and any loss arising in respect of it would fall upon the general body of ratepayers, upon whose credit Municipal loans are raised. If it were laid down by statute that tolls, rents, &c., should in no case exceed the charges on markets it is to be apprehended that the ratepayers would be in many instances unwilling to sanction expenditure which involved a risk of loss without the possibility of profit. * * * * *

"The tolls levied in the markets of Birmingham bear in every instance but a trivial proportion to the value of the articles upon which they are paid, and it is probable that their entire abolition would not appreciably cheapen the cost of the commodities to the consumer."

In answer to other questions Mr. Fulford stated that the net profits of the markets of Birmingham had decreased between 1877 and 1887, and he handed in a statement showing receipts and expenditure for the 11 years, the net receipts being over 6,000*l.* a year for the first 4 years and little over 5,000*l.* a year for the last 4 years of the period. He said that a further extension of the market was required, and that this would involve the Corporation in a loss, which might be possibly permanent, of some thousands a year.

Vol. II.,
Q. 6175.

"If we were to attempt to reduce our tolls so that there would be virtually no balance over the amount required for interest and maintenance I think it would be absolutely impossible that the markets of the town could ever be further extended. It is extremely difficult to persuade the ratepayers to spend large sums of money on markets."

Vol. II.,
Q. 6176.

Mr. Fulford, being asked who would benefit by the reduction of tolls, had no doubt that the money would go "into the pockets of the sellers. We will suppose that we proceeded so to reduce the tolls as to give away the whole of the net receipts it would in that case be possible to reduce the tolls and rents something like one-fifth 20 per cent. * * How are we to take off a fifth of 1*d.* on 6 lbs. of butter? We could certainly take a fifth off 1*s.* 4*d.*, which is chargeable upon a carcass, * * but supposing we took 3*d.* off it is inconceivable that it would ever reach the consumer."

Vol. II.,
Q. 6178.

Mr. W. H. Talbot, Deputy Town Clerk of Manchester, expressed very similar opinions, as will be seen by the following extract from his evidence before the Commission.

"13,906. Your Committee, you say, fully considered the answers which they sent up to us?—They did so.

Vol. VII.,
Q. 13,903

"13,907. And they considered, amongst other things, question 24, as to the possibility of reducing the tolls so as to make the markets as far free and open as possible?—The answer is: 'The Corporation receive rents, stallages, and tolls for the land occupied and the accommodation afforded by the covered and other markets provided by the corporation. Should an occasion arise for revising the rents, stallages, and tolls fixed by the Manchester Order of 1884, the Corporation would be prepared to enter upon that question. They think that what they did in 1884 they would repeat upon any future occasion if cause arose. They strongly object to the suggestions in question 24, and deprecate any legislation in that direction.'"

"13,908. Have you anything to add as to the opinion of your Council upon that latter point?—We do not see why, having one undertaking for the benefit of the ratepayers which yields a profit, we should surrender that profit, when so many matters which we undertake, like baths and washhouses, and libraries, and so on, are necessarily a source of very considerable annual deficit. We see no justice in such a suggestion. This is property that has been paid for, and is used without any extortion, or without any unfairness. We think, also, that it would open the door to great abuse if the parties were to occupy this market gratuitously. They would have very handsome annuities; 'perpetual pensioners' is not, perhaps, the expression to use, but it would be tantamount to giving them handsome annuities. I should hope that they would allow me, if I become superannuated, to hold one of them. I think it would amount almost to that, and that great evils and favouritism and corruption of all kinds would slip in in giving people an advantage for which they did not pay what it was fairly worth.

"13,909. You think that all the advantage would be given to the occupiers of the stalls?—Yes; and I should like to say that we do not think the consumers would be perceptibly benefited by it.

"13,910. That would depend, of course, upon what proportion the commission bore to the total amount of sales made?—I think the commission may be stated to be a very small per-centage upon the value of the business done; that is stated in one of our answers.

"13,911. Supposing that the whole 12,000*l.* a year were given up, do you think that the consumers of Manchester would pay anything less for the commodities that they purchase in the markets?—I think there would be no reduction so far as they are concerned."

Mr. C. Bradlaugh, M.P., who is the most prominent advocate of the scheme of free and open markets, recognises some of the difficulties which the local authorities might experience where the growing population necessitated an expenditure of capital on the increase of the market accommodation. In evidence before us he said:—

Vol. VII.
Q. 15,955. "I submit that when the tolls are in the hands of the local authorities, the tolls which they levy on foods ought never to be in relief of the rates, but should be only sufficient to provide, first, for the maintenance and necessary extension of the market; secondly, for a sinking fund for the repayment, spread over not too long a term of years (say, thirty years, which seems to me to be sufficiently long), of all moneys expended in acquiring rights, purchasing land, and erecting buildings; and I think also that the tolls might be so calculated as to provide a small, not a large, reserve or contingency fund to meet sudden increases of population. Sometimes, in the case of new manufacturing industries, there are instances, in which there has been increase of population which has rendered necessary an increase of market accommodation; and there would be, I think, no harm and some advantage in the power to have a contingency fund, not too large, for such purposes."

Vol. II.,
Q. 842-3. Mr. Casson, who advocated the same system, would prevent the Local Authority from making any profit out of markets, or, as he explained, anything more than a safe margin. Upon being asked a question as to the person who would benefit by a remission of tolls, he said:—

Vol. II.,
Q. 871. "My contention would be that so long as there is free competition, and the number of the dealers is not limited so that they could form a ring, the price of the commodities is bound to go down so soon as anything which is equivalent to a tax upon the commodities is remitted."

Vol. II.,
Q. 877. Mr. Casson further explained his objects thus:—

"My view is that the market should be really in competition against the shop-keepers in the town as may not have any *locus standi*, that is to say shopkeepers who are dealing in commodities, such as butchers meat and agricultural produce, and things which could be sold cheaper and more readily in the market. Those shopkeepers, except so far as they have a private trade of their own, would find the market in competition with them, and the natural result would be that such of them as were unnecessary would die out."

When reminded that the shopkeepers paid rates, that outsiders paid none, and that to provide a free place for those who came from outside was unfair to the shopkeeper, Mr. Casson fell back upon the principles of free trade, but he was willing to make this concession: "that the people who come into the market and enjoy the accommodation should still pay so much of the charge that is now levied as represents rent, because rent is an item which, taken as a general rule, does not enter into the cost of production, and rent therefore falls upon the seller. I would still let it fall upon him, and he would not then be in unfair competition with the local tradesmen, but would only be a serious competitor so far as the local tradesmen, by their number being considerably in excess of the needs of the town, have invested more capital than the needs of the trade require, and were necessarily compelled to exact higher profits than would otherwise be necessary."

As to fixing the rents to be paid, Mr. Casson was willing to leave them to free competition, provided such competition were stifled by always keeping the supply of accommodation in excess of the demand.

Vol. II.,
Q. 882. Q. "How would you get at the rents that should be paid?"

"Free competition would settle that—not such competition as there is at present, where there is a market hall as in the city, which is insufficient to supply the needs of the salesmen. Under the old system, when a market-place became insufficient for the needs of the market, it was lawful to extend the market into the adjoining street. That is how I would get at the actual rent—by having the market accommodation as a matter of fact in excess of the demands for the time being."

We have thought it desirable to give Mr. Casson's views at some length, because, with the exception of Mr. C. Bradlaugh, M.P., he is the only witness appearing before us who has contended for the principle of free and open markets.

It should be remembered that Mr. Casson's plan, taken in its entirety, is this, to compel Local Authorities to acquire market rights and establish markets where none exist, to provide ample accommodation, to exercise their rights under the strict supervision of a department of the State, to have those rights cut down even while the market undertaking is in debt to the simple levy of dues for accommodation provided in the market and when the market is clear of debt to provide the market tenant with

accommodation at the mere cost of maintenance without any regard to the original cost. In order to carry out this scheme, local authorities would have to borrow largely and to pledge the rates for the repayment of the debt with interest. Frequently, as we are assured by several witnesses, and as is proved by accounts submitted to us, a market upon which a considerable sum has been expended is for a time a loss; but instalments of the loan and interest thereon have to be paid annually, and the deficiency has to be supplied by the ratepayers. The deficiency may be permanent or long continued, and the ratepayers must suffer accordingly, but if the undertaking should prove in any degree successful, the market is to be used for the purpose of weeding out the tradespeople, and ruining some of those who have helped to construct it. The result of its success on the principles advocated by Mr. Casson would be to expose the tradesmen at whose expense the market has been in part constructed to more severe competition ending in the diminution of their numbers.

The case of a market which does not yield a revenue sufficient to pay interest and instalments of loan is by no means rare, and in some cases the market is being gradually freed from debt by contributions of the ratepayers. If in such cases so soon as the market debt was paid the charges were to be reduced so as only just to cover current expenditure, it is manifest that a great injustice would be done to the ratepayers, and that under such conditions it would be in many cases impossible to obtain the necessary sanction and consent of the ratepayers to any considerable expenditure in extending the markets.

We have it in evidence that the markets belonging to the Corporation of London, including the Deptford Foreign Cattle Market, yield a very small surplus applicable for the extinction of an enormous debt. Vol. II., p. 38.

The markets at Bradford, cited by a witness as one of those where great profits were made and appropriated to the relief of rates, are alleged to have been from 1867 to 1886 a source of loss to the Corporation. In that period it is stated that the expenditure including repayment of loans was 51,251*l.* in excess of receipts. In point of fact then the ratepayers paid that sum of money to keep the market going. Vol. II., Q. 843. Vol. II., Q. 6290.

The Town Clerk of Leeds contends that the markets of that Borough cause to the town a loss of 100*l.* a year, though this fact was not proved to the satisfaction of Mr. Chapman. Vol. IV., p. 434.

The case of Luton, as related by Mr. Chapman, though that of a comparatively small market, is illustrative of the point in question. The expenditure (including repayment of loans) is 1,469*l.*; the income is 1,421*l.*, and Mr. Chapman makes this comment on the facts:— Vol. IV., p. 97.

“It is thought that although in nine years there will be a considerable profit on the markets, some return should be made to the ratepayers for their expenditure during 30 years.” Vol. IV., p. 98.

Huddersfield is another place mentioned by Mr. Casson as one where large profits are made out of the markets. Mr. Chapman's investigation shows that “the whole surplus is swallowed up in payment of interest on and redemption of borrowed capital, which it falls short of at present by 100*l.*” Vol. II., Q. 774, 778. Vol. IV., p. 201.

At Hull, though there is a considerable surplus which is carried to the credit of the Borough Fund; this is looked upon as only a fair return in the way of interest on the capital sunk, calculated on the estimated value of the sites occupied by the markets. Vol. IV., p. 458.

At Accrington there has been a deficit of 150*l.* a year for the last 10 years; there is now a surplus balance of about 30*l.* Vol. IX., p. 457.

Beverley, Normanby, Rotherham, Bury (Lanc.), Stalybridge, Preston are all of them similar cases, investigated by Mr. Chapman, of market receipts insufficient to pay interest on and instalment of loan. Vol. IX., pp. 85, 96, 191, 258, 398, 491.

At Belfast we ascertained that the net market income is not more than three per cent. interest on the capital expended, and that though the debt has been considerably reduced, this has been effected by recourse to the corporate funds of the city. Vol. VII., Q. 6978.

RECORDS OF PRICES.

Our attention has been frequently called to the desirability of obtaining from market authorities authentic records of prices of commodities sold in markets.

Although this subject is not specifically mentioned in the Reference to us we have received evidence thereon from several witnesses, and, inasmuch as one of the uses and advantages of markets is to determine by open competition the value of commodities

as between buyer and seller, we directed our Assistant Commissioners to inquire in the several places which they visited whether or not such records were obtained and published by the market authorities or others.

Vol. II.,
Q. 2049.

In England it appears that, if we except the returns of prices of corn obtained by the Board of Trade in certain typical and selected markets, and the prices of hay and straw recorded in the Smithfield Hay Market by the Corporation of the City of London, no information as to prices of a trustworthy character is anywhere supplied to the public.

It is true that the Agricultural Returns annually published contain statements as to prices collected from various sources, more or less to be depended upon for accuracy. In the case of meat sold at the Central Meat Market those statements of prices are based upon the returns of the Registrar-General, which might appear to give to those prices the stamp of official investigation, but upon inquiry we learn that these prices are merely taken from the newspapers of the day.

Major Craigie, formerly Secretary of the Central Chamber of Agriculture, and now Director of the Statistical Department of the Board of Agriculture, gave the following evidence before us:—

Vol. VII.

"11,795. (*Chairman.*) You are strongly impressed with the importance of accurate price records and of official quotations?—In attempted researches that I have endeavoured to make myself, I have been much impressed with the absence in this country of accurate price records, which could be compared from time to time for the purpose of either actual marketing or of discussing economical questions bearing on the variation of prices or the values of produce.

"11,796. Will you state what you consider to be the advantage of accurate price records?—The advantage seems to be two-fold: market reports if inaccurate may mislead farmers and producers in sending forward their supplies to the market; again, inaccurate or incomplete market reports are misleading to the consumer as showing the wholesale prices to be on a totally different level from that on which they really stand, preventing fair comparison with what is charged in retail trade for commodities and generally hindering business.

"11,797. As a matter of fact is the complaint at present that the records of prices that exist are inaccurate, or that they are imperfect?—I think both complaints are made. They are certainly imperfect, for they are not at all exhaustive; they are not vouched for by any official authority; they may be often supplied by what are designated rings or bodies of persons in the market whose interests are not the same as the interests of the producers or consumers transacting business in that market. Dealers or middlemen have really to a large extent the control of the quotations that appear in the papers, and which are adopted for Parliamentary purposes in the Government returns.

"11,798. It is obvious that a perfectly accurate record would be of advantage to statisticians and persons concerned in economic inquiries?—I think one of the great difficulties of those inquiries in the past has been the absence of good records of prices of food at different dates, properly comparable records; and without a different form of quotation in the case of cattle and meat from that which is now in vogue, I do not see how such records can be obtained. The records of prices which we now have are estimated prices, a very different matter from records of the actual business done; and no record in the case of cattle would be complete unless something more definite than the individual animal was taken as the unit; the live weight, or something equivalent to it, must be imported into the transaction before you can get an accurate result in the case of live stock. Complete and official market returns would also be useful in such questions as are now agitated again of a return to produce rents.

"11,799. Will you explain that phrase 'produce rents'?—The question has been very much agitated of recent years whether there might not be a recurrence to some extent to the old practice of paying rents for farms, not in a fixed money payment as is customary, but on a sliding scale, depending on the value of the produce. At one time these produce rents, which still exist in some parts of the country, were wholly dependent upon corn, but now the sale of meat from a farm is a so much more important element in many cases than corn, that any new sort of produce rent would have to embrace much more than corn. Therefore it would be useful to have accurate price records of meat for the purpose of settling such produce rents. In the case of Ireland particularly the question of the method of obtaining prices I believe is a very serious one. The scale of prices recently adopted on which rents are revised by official authority has been, I am told, or is likely to be challenged

" as an unfair representation of the prices prevailing in particular localities. If some such system as I suggest were adopted it might aid in the obtaining of accurate records both of local values and of general averages for rental and for other purposes."

As an illustration of market quotations of current prices collected by private enterprise assuming the character of official records, we may instance the statistics of prices of meat at the Central Meat Market in London. The agricultural returns contain annually statistics of comparative prices at this market, and these statistics are said to be compiled from the returns of the Registrar-General. The Registrar-General, upon our application as to the source of his returns, states that "the quarterly average prices of meat at the Metropolitan Meat Market given in his quarterly return are the means of the weekly quotations published each week in the 'Mark Lane Express.'"

We may state the result of our inquiries as to returns of prices in Metropolitan markets.

In the Central Meat Market no official return of prices is made.

Vol. II.,
Q. 127.

In Billingsgate Market the superintendent returns "a monthly official statement to the Board of Trade of the prices and the weight of water-borne fish." As regards the weight, he obtains information from the different Steam Carrying Companies; but it does not appear that the return of prices is more than an estimate.

Vol. II.,
Q. 1904.

In the Central Fish Market an official takes note of the prices marked on the stall boards and makes inquiries of the salesmen.

Vol. II.,
Q. 1980.

At the Islington Market the clerk and collector furnishes the Board of Agriculture with the market prices on Mondays and Thursdays. He explained that he obtained these by inquiring in the market from salesmen and buyers. He admitted that as the quantity of meat to be yielded by any animal was not ascertained, the prices which he returned as being at the rate of so much per stone must be estimates, and that his information was derived almost entirely from commission agents and butchers. In the various country markets which our Assistant Commissioners visited, it was found that such returns as were made were due to the enterprise of local newspapers; but very generally these reports were regarded as of little value.

Vol. II.,
Q. 2214.

In Ireland, in consequence of the general practice of bringing produce into the market in bulk, and weighing it at a public weigh-house, there is evidence of some systematic efforts to record prices of various commodities.

At Belfast the clerk of the markets keeps a record, obtained by inquiry from sellers, and a copy is furnished daily to the newspapers. The Town Clerk produced an agreement between a provision merchant and a farmer for the supply of "potatoes, butter, milk, oats, meal, and chaff" at stated periods at the current market prices in "Belfast on the day of each such delivery." He spoke of these agreements as not uncommon, and he instanced them as evidence of the confidence which was placed in the records.

Vol. VII.,
Q. 6888-90.

Mr. Hugh Crawford, the clerk of the markets, gave evidence as to the means employed for ascertaining prices. The weighmasters ask the sellers the price of the articles weighed and make a note of it. It is believed that the information is fairly correct; at least a number of quotations of prices are obtained, and the clerk, after examination of the accounts sent in, records the highest and lowest prices without attempting to strike an average.

Vol. VII.,
Q. 7403,
7536.

One of the weighmasters also gave evidence which scarcely tended to inspire confidence in the accuracy of the returns of prices.

Vol. VII.,
Q. 7433-34.

At Cork the peculiar system of fixing prices of butter of different grades of quality, which is elsewhere described, enables the clerk to the market trustees to record actual prices, and we have obtained and printed a complete return of prices in the months of June and December in the years 1851-1888, inclusive.

Vol. VII.,
Q. 7551-64.

In the course of our Assistant Commissioners' inquiries it was occasionally stated that accurate records of prices were kept, but an examination of the evidence shows that the more important of these records chiefly relate to butter; and as they are kept by weighmasters whose practice in weighing seems to be very lax, no great dependence can be placed upon them.

Vol. VII.,
pp. 111-114.

In addition to the evidence of Major Craigie on this subject, we have received valuable information from Mr. Westley Richards, Sir J. B. Lawes, Bart., Mr. Albert Pell, and Mr. Thomas Swan, with special reference to the desirability and possibility of obtaining records of the actual prices realised in markets for living animals per unit of live weight. These witnesses urge that meat is of all agricultural products the one of greatest value; that the quotations of market prices are fallacious and misleading,

Vol. V.,
Q. 7902-3.
Vol. X.,
Q. 19,881-4.

Vol. II.,
Q. 6499, et
seq.;
Q. 6598, et
seq.;
Q. 6657, et
seq.;
Q. 6704, et
seq.

Vol. II.,
Q. 6583.

that these quotations are based on estimates of the quantity of meat to be yielded, and that they are generally based on information derived from those whose interest it is to represent prices as greater than they really are.

Markets
and Fairs
(Weighing
of Cattle)
Act, 1887.

They contend that the result of these exaggerated statements of value is injurious to the consumer and also to the producer, and they point out that inasmuch as the owners of all cattle markets where toll is taken are compellable by law to provide a weighing machine for ascertaining the weight of cattle, it would be practicable to obtain from a number of important markets returns of a sufficient number of weights of live animals and prices realised for them to indicate the value per stone or hundredweight of live weight. Such statistics would represent facts which are not now obtainable, and as the ratio of the weight of meat to the weight of the live animal can be determined within narrow limits, a record of the live weight prices would indicate the prices of meat far more accurately than any existing returns can do.

Vol. II.,
Q. 6599, *et*
seq.

Mr. Westley Richards handed in carefully constructed tables showing the exaggerated character of price quotations of meat as now currently rendered.

Vol. VII.,
Q. 13,163,
et seq.

Sir J. B. Lawes spoke as to the practicability of carrying out the scheme and as to the limits of deviation in the rates of meat to live weight.

Vol. II.,
Q. 6635.
Vol. II.,
Q. 6664.
Vol. II.,
Q. 6743.

Mr. Albert Pell described the system universally adopted in the United States of selling cattle by live weight, and Mr. Thomas Swan, a large seller of cattle in Scotland, testified to the advantages of the system of selling by weight and to the willingness with which he would furnish statements of price and weight to an official charged with the duty of collecting statistics. The witnesses concur in the view that a record of sample sales in certain important markets could without difficulty be collected and would be beneficial to both producer and consumer.

Vol. II.,
Q. 6518,
6650, 6680.

Considerable dissatisfaction was expressed by these witnesses and others who gave evidence before our Assistant Commissioners as to the manner in which many market authorities have ostensibly complied with the provisions of the Act requiring them to put up weighing machines. Many of the authorities are said to have put their machines in inconvenient places, others have not supplied sufficient machines, and it is suggested that every market authority should be required to have sufficient and suitable accommodation for weighing, and that these conditions should be enforced by inspectors under the Board of Trade or the Board of Agriculture.

Vol. VII.,
Q. 11,782,
11,327,
12,265,
13,191.

Vol. VII.,
Q. 11,832.

Vol. VII.,
Q. 13,197,
11,811.

SCOTLAND.

Vol. VII.,
Q. 14,280,
&c.

Mr. W. N. Lindsay called our attention to the misleading method adopted in Edinburgh of obtaining the average prices of corn and other grain.

A large quantity is sold by sample, and only a small quantity from grain actually in the market, so that only a very small proportion of the grain sold in the Edinburgh Market is recorded in the average.

As an illustration of this, Mr. Lindsay stated in reply to the Chairman (Lord Balfour of Burleigh):—

" 14,288. You have put in your statement, a cutting from a newspaper of the 3rd of April 1889; does that cutting in any part illustrate the point you are now wishing to make?—Yes, exactly.

" 14,289. Will you point out to me in what part it does so?—For instance, the total sales of wheat in the Edinburgh Market are stated to be 24 quarters, of barley 87 quarters, of oats 767 quarters, and of beans 20 quarters. If you look at it, there are 104 quarters of wheat sold, that is not in the market, and only 24 quarters are sold of what is in the market.

" 14,290. The statement is that 30 quarters of wheat are in stock; that of the wheat in stock there were sold 24 quarters, and from sample bags 80 quarters; do I understand from you that in striking the average price only the price of the 24 quarters would be taken into consideration, and not the price of the 80 quarters?—Quite so.

" 14,291. Do you desire to represent to the Commission that there is a likelihood of any error except this: that a smaller average quantity is regarded than if the whole were taken into account? Do I understand you to indicate that the 24 quarters was of worse quality, or of better quality, than the 80 quarters?—I should say that

“ the average of the whole would make a more correct average of the grain in the district sold on that day than the 24 quarters.

“ 14,292. Because the larger the quantity you get the more likely you are to be correct?—Certainly.

“ 14,293. But you do not suggest to the Commission that the average of 80 quarters would be better than the average of the 24 quarters?—No; I should suggest that all the grain bought at the market should be put together. There is another head, grain which is sold on stools, which is taken no notice of. A farmer brings in 7 lbs., or 10 lbs. of grain, and he exposes it on the top of a stool, and that is not taken into consideration at all.

“ 14,294. Is there not an argument on the other side, that, if you are going to strike an average price, the grain should be seen to make sure that it is actually of the quality that it is said to be; because is it not conceivable that somebody might have a bad quality of grain which he wished to sell, and which, if brought into the market, would lower the average price, and so do harm to the market, whereas if it was brought in and seen, the price of the day would be lower, while if it was kept out and still taken into account and not seen, the average of the market would not be brought down by what is bad quality grain?—No, it cannot be sold at all unless it is seen.

“ 14,295. But the sample only is seen?—Yes.

“ 14,296. And a dishonest person might for his own purposes bring in an unfair sample?—In that case it would fall upon himself again. If he did not sell what was represented by the sample it would come back upon himself again, so that it is not for his interest to do anything of that sort.”

Again he points out that at the last meeting of the Commissioners of Supply at Vol. VII, Edinburgh, they complained very much of the “fiars” prices, and recommended that Q 14,351. if this average was struck correctly, it would be a more reliable return than the “fiars” prices.

The method of obtaining the record of prices is as follows:—

“ 14,354. How is the record of prices kept?—It is kept in an office in the market, and there is a clerk there for the purpose. He keeps a book, and when a person brings in a sample he has to record the quantity that he has for sale, and he gets a ticket accordingly. Then, when his half hour is up for selling, he has to come back and report what he has sold it for, or if he has not sold it.

“ 14,355. Do you rely entirely upon the word of the man who sells?—Certainly.

“ 14,356. Have you any reason to suppose that they give wrong prices?—None whatever.

“ 14,357. There is no objection on the part of the sellers and buyers to the prices being known?—None whatever. If you asked the people who are more intimately connected with the trade of the day they would say: ‘I do not want to know the prices, I know them already.’ It is more beneficial to people outside, but not to the people inside. For purposes of statistical information it is very desirable that the record of prices should be complete and accurate; but it is not for the interest of people who are in the trade, and who are buying every day, that everything should be known.

“ 14,358-9. You think the prices are correct?—I think so. I have no reason to doubt it.

“ 14,360. And that they are at the present moment a correct index of the prices of home grain?—If they were all taken; but they are not all taken, only a very small proportion of the prices of home grain are taken, and that is what I complain of—their not being all taken.

“ 14,361. I understood you to say that the home grain was brought in bulk, and that the foreign grain was brought in sample?—Only a small proportion of the home grain that is brought to the market and sold there is taken into consideration at all for the average price.

“ 14,362. Then there is a good deal of home grain sold also by sample?—Yes.”

He concludes by saying that if an average were struck on the whole of the transactions that take place it would be a great advantage to all parties, and there would be correct averages. Vol. VII. Q. 14,351. 14,365.

FOREIGN MARKETS.

Vol. VII.,
pp. 211, 238.

Vol. VII., pp. 231, 248, *also* Vol. XIV. In connexion with the subject of price records we would draw attention to the reports and evidence of Major Craigie on the markets of Paris and Brussels, and also to the reports of Mr. Egerton and Mr. Gosselin on those markets.

Vol. XIV.

It will be seen that the system of management of these markets is such as to afford much greater facilities than exist in this country for obtaining accurate information as to quantities of commodities brought into the markets, and as to the actual prices realised. The octroi duties of Paris supply information as to the quantities of a very large proportion of the commodities entering the city, and these statistics are supplemented by those of the markets. Sellers in the markets of Paris are subjected to an amount of interference and control which would seem strange and arbitrary to people in this kingdom. For instance, "In each section of the Halles according as they arrive the packages have a number assigned to them by a police agent, which number settles the order in which they are to be put up for sale."

Mr. Egerton's report,
Vol. VII.,
p. 231.

Consignees of goods, whether commission agents, auctioneers, or dealers, have to make daily declarations of the number of packages received, the amount of goods liable to charge, and of the amount of the charge. As the rate of charge varies considerably according to the class in which the commodity is placed, the declarations of the dealers and others supply information in detail as to the supply of each class. Tables given in Major Craigie's report (pp. 47-51) show how minute are the details of market records.

Vol. VII.,
p. 211, *et seq.*

Vol. VII.,
p. 331,

Mr. Egerton's report.

With regard to sellers in the markets—

"There is no limitation to the right of individuals under the decree of 1878 to make direct sales in the markets.

"But it is necessary that the person conducting any auction should be inscribed as a 'facteur' in a register kept at the Commercial Tribunal of Paris, nobody but 'facteurs' having the right of selling in the market by public auction. Such person must be French, of not less than 25 years of age, and must have been recommended by the 'maire' of his place of residence, and by five commercial men, consular electors of Paris, and further he must have deposited in the city treasury security to the amount of 10,000 francs. The Commercial Chamber can refuse or assent to the demand of the would-be 'facteur,' and the latter on admission has to take an oath that he will honestly fulfil his duties.

"Before entering into these duties he must get his certificate countersigned both by the Prefect of the Seine and the Prefect of Police, and in case of any infraction by the 'facteurs' of the administrative regulations or of the police regulations, the Prefect of the Seine or the Prefect of Police has to take action according as the offence regards the municipality, or it be question of public morality, order, or health, and the 'facteurs' may be accordingly reprimanded, suspended, or dismissed by either of the above-mentioned authorities. In the latter case, however, the sentence must be confirmed by the Minister of Commerce."

The "facteurs" are bound to furnish a copy of all their proceedings to the Prefect of the Seine and the Prefect of Police, and thus "in the case of sales by auction an actual record of transactions is obtained each day."

Vol. VII.
Q. 12,463,
12,483.

Major Craigie draws attention to some curious and unexplained change in the method of sales adopted in different classes of commodities in the markets of the Halles. Thus auction sales of meat in 10 years have decreased from 46 per cent. to 14 per cent. of the total quantity, while in other commodities, excepting fish, auction sales seem to be as much resorted to as before. Butter is sold entirely, and poultry to the extent of four-fifths by auction.

Vol. VII.,
Q. 12,464.

With regard to prices of live stock, sold at the great market of La Villette, the same witness describes the efforts which have been made by agricultural associations and prominent individual agriculturists to obtain records of price according to the real weight of the live animal, and the progress of public opinion in favour of such records, but he states that opposition is offered by those whose interests are interfered with by the reform, and that, except in the case of pigs, these efforts and the provision of weighing machines "have not largely influenced the course of trade."

There are, however, two authoritative statements of the prices of the cattle market at La Villette published. The market authorities collect and publish information daily showing the quantities on the market, the sources of supply, the destination of the stock sold, with an official estimate of the mean live weight per animal and of the highest and lowest prices in each class. But it is observed with reference to these records: "It is a prominent complaint among producers that an accurate record is not obtained, notwithstanding the official form in which this seems secured, seeing that the net weight must be no more than an estimate while so little use is made of the weighbridge in the market."

Vol. VII.,
p. 211, &c.

An alternative form of official price record is prepared at the Ministry of Agriculture in the form of a weekly statement, giving particulars for each day of the number of oxen, cows, calves, sheep, and pigs, the estimated average weight, the daily price in three grades of quality; total and average results for the week, with similar particulars for the same period in the four preceding years.

The means which the market authorities take to secure accuracy in their own report are described at length by Major Craigie. The Ministry of Agriculture obtains its information through the police. These two reports, although derived from different sources, exhibit only slight discrepancies.

Vol. VII.,
Q. 12,487.

The markets of Brussels are fully described by Major Craigie. A portion of the Central Halles devoted to sales by auction is let to one auctioneer who is bound to receive all goods sent to him, and to put them up for sale as far as possible in the order of their arrival. The classification of articles and the order in which each class is to be put up are minutely laid down. The maximum commission of the auctioneer is fixed, and he is bound to submit his books to examination by the City Controller when required. In the fish market the Municipal Receiver directs all the operations of the auction sale, receives the sale money, and pays it over to the consignor after deducting market dues.

Vol. VII.,
p. 238.

In the cattle market of Brussels weighbridges are very largely used, and purchase by live weight is very general in the case of animals of the better class. "All the best stock are, it may be said, placed on the scales as a regular matter of business. The negotiations between the buyers and sellers turn on the question of the price to be given per kilo. of the live weight, that being greater or less according to the judgment arrived at as to the quality, condition, and per-centage of meat carried by each animal. When agreement is reached on the price the beast is placed on the weighbridge by the seller, who pays 50 c. for the record of weight, which is given him in the form of a ticket or bulletin, of which I append a copy, the weight being recorded also on a counterfoil retained at the office, where it is available for the record of mean weights entered in the weekly statements rendered to the municipality by the chief inspector of the market."

Vol. VII.,
p. 240.

"Returns are furnished of animals sold in the market and received into the abattoir, wherein both the prices per kilo. of live weight and the prices per kilo. of dead meat are set out in three qualities in each case, and as respects each class of stock, together with the mean or average price of both live and dead weight. In the absence of officially recorded prices from actual transactions by registered auction sales—as in the wholesale fish market—the price of each day must be computed by simple inquiry in the market by the responsible officers. I append a form of the table which is prepared and published monthly by the municipal authorities, the college of the burgomaster and 'echevins' which indicates the extent of information given, and the authority which vouches for its accuracy."

It is worthy of note that in the abattoir a rigid inspection of meat is carried out, and meat certified as wholesome by the inspector is officially stamped on each quarter. Similar means are taken to secure the wholesomeness of all dead meat brought into the city of Brussels.

The information as to prices obtained from the cattle market is made use of in official publications, which are quoted from by Major Craigie, who concludes his Report with these observations:—

"The general use of the weighbridge by the Belgian agriculturists in the sale of other stock than sheep, even although the practice is, as I have shown, optional and not obligatory in the market of Brussels, is evident from the form in which references are made to current quotations of value in all agricultural reports and discussions. Many examples could be quoted on this point, and the use of the live-weight quotations even for store stock as well as fat stock illustrated."

“But I have submitted, in the figures already given, sufficient data to show the value of market quotations of a relatively accurate and at least definite nature, such as the use of the weigh-bridge renders possible. I have indicated the practice of the Belgian authorities in calling for and making use of the market returns; and the importance, from a public point of view, of the information thus rendered available must be obvious. I cannot, however, fail to point out how materially the preparation and comparison of all such records is facilitated by the advantage which both France and Belgium possess in the use of the decimal system both in the currency of the country and in the metric system of weights employed.”

CONCLUSIONS AND RECOMMENDATIONS.

The conclusions at which we have arrived, founded on the evidence taken before us, and summarised in our Report as above, are the following:—

I. It is obvious that the restriction, the removal of which is now proposed, belongs to a state of society wholly different from that of the present day. The distance fixed as that within which no market is to be allowed to compete with any other is assumed to be that which the local residents would not exceed when bringing their produce for sale. It seems to have been thought desirable that each locality should have its own commercial centre, and it was desired that all sales and purchases should take place there (*vide* p. 9, *ante*). The existence of railway communication, and generally the changed conditions of modern life, have rendered this limitation arbitrary and inconvenient.

Where, however, the monopoly rights, which we desire to abolish, have existed from time immemorial, created and protected by law, we consider that the owners of these rights are entitled to fair compensation for the legal abolition of their privilege; following in this respect the precedent which has been universally adhered to in similar cases.

We have resolved therefore—

(1.) That it is desirable to put an end to the system under which no person is allowed to hold a market within a certain distance of an already existing market; due regard being had to the interests of the present possessors of the monopoly rights.

(2.) That when monopoly rights, as above described, are done away, the amount of compensation equitably due for the abolition of such rights should be determined by a Commission appointed for the purpose; and that the sums so adjudged should be paid to the holders of the rights in question out of the Public Funds.

II. It does not appear to us to lie within the scope of our functions to advise as to the precise source from which compensation should be supplied; whether from the general revenue of the State, or from local funds derived from the county or borough in which the markets affected are situated. It may be that the most satisfactory solution would be found in a combination of the two.

Considering the vagueness and uncertainty of the law regulating these monopoly rights, it is not probable that the amount required for their redemption would be of such magnitude as to place serious difficulties in the way of the operation.

Where little or no accommodation has been provided for the public by the owner of the monopoly right, the question will undoubtedly arise whether he can be held to have fulfilled the legal condition on which such right was granted.

The circumstances of each case would require separate investigation, and this would be best undertaken by a special tribunal appointed for the purpose.

When the monopoly of market rights is done away, the objection to markets in private hands will be greatly diminished, since free competition cannot fail to act as a check on local abuses.

But the desire that markets, whether actually existing or about to be created, shall be placed in the hands of Local Authorities is in our belief general, and the existence of this feeling cannot be ignored; and there must be many cases in which action on the part of the Local Authorities will be necessary in order to supply the wants of the district.

We are therefore of opinion—

(3.) That the Local Authorities, whether in county or borough, ought to be empowered to purchase markets now in private hands, either by agreement or by compulsion, the price in the latter case to be fixed by arbitration.

III. We do not consider that under any circumstances Local Authorities, being actually in possession of a market, ought to part with their rights and responsibilities in regard to such market.

Where a market is so leased the persons using it are in a worse position than if it were wholly in private hands. For, in the latter case, they would have the resource of appealing to the Local Authority to protect them against abuses; whereas in the case of a market owned and leased out by the Local Authority, the Authority itself is interested in maintaining an arrangement which tends to raise the value of the property so leased or to protect it from diminution.

We are therefore of opinion—

(4.) That Local Authorities should be prohibited from leasing out markets, saving existing leases for periods not exceeding seven years. That Local Authorities having leased out markets for long periods or in perpetuity should have power to resume possession upon payment of compensation to be settled by arbitration.

We do not think that any compulsion should be placed on the Local Authorities in cases where they, and therefore presumably the people of the district, are content that markets should remain in private hands. It is for them rather than for the State to determine a question of a character so entirely local.

IV. We have therefore resolved—

(5.) That no Local Authority ought to be compelled to purchase a market now owned by any private person or company, but should be free to exercise or abstain from exercising the powers proposed to be given.

V. We hold—

(6.) That the rights to be abolished ought to include octrois, transit tolls, and all restraints whatever, of an analogous character, on free sale, purchase, and carriage.

VI. It is evident that inasmuch as a market is used by other persons besides the residents in the borough in which it is situated, cases may and will occur in which the interests of such residents and those of the more distant users of the market will be at variance. The urban ratepayers may gain more by the profits of the market than they will lose by the increased price of commodities. The farmer who supplies the market receives no advantage from the profits which the Local Authority may make out of it.

It seems therefore just and necessary that some power of appeal against excessive tolls should be given; and we think that this power may be most fitly entrusted to the County Council.

We therefore advise—

(7.) That where compulsory powers to take land, &c. have been or may be hereafter granted to Local Authorities owning markets, *e.g.*, a municipality, the tolls should not be raised without the consent of the County Council; and in future cases shall be fixed on agreement with the County Council.

VII. We think it also reasonable that a Local Authority desiring compulsory powers to take land should be able to obtain such powers with as little cost and delay as possible, and we think that the right of granting such powers would be most fitly vested in the County Council, subject to an appeal to the Local Government Board.

We therefore recommend—

(8.) That County Councils should be empowered to grant to Local Authorities owning markets compulsory power to take land, &c., subject to an appeal to the Local Government Board.

(9.) That where the Local Authority is itself a County Council, the power under these two clauses should be exercised by the Local Government Board.

VIII. In cases where markets continue to be held by private persons it is desirable that some provision should be made against oppressive or inconvenient regulations, and for the securing of equal treatment to all classes concerned. This can best be done by enforcing the establishment of fixed rules to be approved by some competent and impartial Authority, to which the frequenters of the market shall be able to appeal.

We have therefore concluded—

(10.) That all market owners should be required to make byelaws for the administration of their markets. Such byelaws shall be subject to the approval of the Local Government Board.

IX. For reasons already given, we consider—

(11.) That the Local Authority for the purpose of the acquisition of market rights should be—

- i. In cities and boroughs, the Municipal Council.
- ii. In Local Board districts, the Local Board, until superseded by a District Council, and then the District Council.
- iii. In other places, the District Council when established, and until that time the County Council.

X. We are further of opinion—

(12.) That in cases where markets are held by Trustees for public purposes, powers should be given to the Market Rights Commission, at the instance of the Local Authority, to transfer to such Authority the market with its assets and liabilities, subject to the provisions of the trust.

(13.) That all markets in hands of Local Authorities should be subject to the provisions of the Markets and Fairs Clauses Act and Public Health Act.

XI. The following further resolutions are either consequent on those already explained or relate to matters of detail which are dealt with in the Report:—

(14.) That market rights formerly belonging to Corporations now dissolved, and vested *pro tempore* in the Charity Commissioners, should be vested in District Councils when established, and until that time in the County Council.

(15.) That where market owners have exercised no rights or received no tolls or other charges during the seven years preceding the date of this Report, such rights should be considered as having lapsed.

Considering the length of time during which our sittings have continued, the date fixing the resolution might with advantage be changed to that of the warrant appointing this Commission, viz., the 5th day of July 1887.

(16.) That market owners levying tolls or other charges without statutory powers should be required to submit to the Market Rights Commission within a certain specified time a scale of such charges; and that after such scale has been confirmed, section 37 of the Markets and Fairs Clauses Act, imposing a penalty for charging unauthorised tolls, should apply.

(17.) That market owners not having statutory powers should be required to publish a scale of tolls and other charges and byelaws, as required in the case of markets established under the Public Health Act.

(18.) That all powers given to Local Authorities in respect of markets by the Public Health Act should be extended so as to include fairs.

(19.) That Local Authorities owning fairs should have power, with the consent of the Local Government Board, to abolish wholly or partially such fairs or to remove the same.

(20.) That Local Authorities owning markets should be required to keep a separate account of income and expenditure, distinguishing capital expenditure, and in a form to be prescribed by the Local Government Board; and that such accounts should be furnished to the Local Government Board.

(21.) That all inequalities of charges in respect of persons or trading classes should be prohibited, except upon account of special advantages of position or accommodation. All exemptions of persons from market charges to cease.

(22.) That money payments in all cases should be substituted for tolls in kind.

(23.) That markets which are now required to be provided with machines for weighing cattle should be furnished with sufficient and suitable accommodation for the same; the question of sufficiency and suitability to be determined by the Board of Agriculture, after inspection.

(24.) That a Market Rights Commission, to endure for such time as may be necessary, and to be constituted in such manner as Parliament may determine, be appointed to hear and decide all questions referred to or arising out of the foregoing resolutions.

25. That it is desirable to collect statistics of market prices of commodities, through the agency of market owners, as far as may be possible.

26. That it is desirable to collect statistics of the market prices of meat, and in particular that the prices of cattle at per stone live weight should be collected (in the same manner as the prices of corn are now returned) in such markets as may be selected for the purpose by the Board of Trade.

All which we humbly submit to Your Majesty under our hands and seals.

DERBY.

* BALFOUR OF BURLEIGH.

* HUGH C. E. CHILDERS.

*† JAMES P. CORRY.

* THOS. MARTINEAU.

CHARLES I. ELTON.

FRANCIS W. MACLEAN.

SPENCER CHARRINGTON.

J. J. HARWOOD.

* WILLIAM C. LITTLE.

* J. ALLANSON PICTON.

* PIERCE MAHONY.

HENRY A. P. ROOKE,
Secretary.

15th January 1891.

* These gentlemen while agreeing to the general principles contained in the Report and conclusions, object to certain conclusions, and have pointed out their reasons for doing so in the Supplementary Reports which follow, and to which they have subscribed their names respectively.

† Sir James P. Corry took part in the whole of the proceedings and deliberations of the Commission, but being obliged to leave England before the Report was ready for signature, he authorised the Secretary to sign for him.

Note by The Lord Balfour of Burleigh.

I am unwilling to add to the number of those who are indicating their dissent from portions of the report, but I feel bound to place on record my opinion that it is not wise to suggest that any grant of money from Imperial funds could under any circumstances be made to any locality for the purchase of market rights, or for compensation to any holder of such rights. I am unable to see under what circumstances such matters could be regarded as other than of purely local concern, and am of opinion they should be dealt with accordingly. On all other points I agree with the report.

BALFOUR OF BURLEIGH.

Supplementary Report by the Right Hon. Hugh C. E. Childers, M.P.

With regard to the following resolution that has been passed by my colleagues—

(2.) That when monopoly rights, as above described, are done away with in this manner, the amount of compensation equitably due for the abolition of such rights should be determined by a Commission appointed for the purpose; and that when the new market is established by a local authority the sums so adjudged should be paid to the holders of the rights in question out of the public funds under the charge of the local authority concerned.

I do not think that the market monopoly right (that is to say, the power to prevent another market from being held within a certain distance) should, when abolished, be compensated for by a pecuniary payment. It is not a right in the nature of the ownership of land, but approaches more nearly to (although it is not on all-fours with) the right to build a bridge, or to construct a railway, or to establish a ferry; rights which, although often spoken of as monopolies, do not necessarily involve payment of compensation when interfered with.

In point of fact, Parliament has frequently allowed the establishment of new markets, in infringement of monopoly rights, without any compensation whatever.

I would therefore in no case compensate the existing owners of markets by pecuniary grants; and I feel sure that the House of Commons would never sanction such payments either from the Consolidated Fund or from the funds of county or town councils.

I think, however, that it would be reasonable to allow in certain cases to the holders of these rights (especially when they may be deemed to form some part of the security for loans obtained for building or enlarging markets) extension of the monopoly for a limited period of years.

The duration of these extensions should in each case be settled by the temporary Commission which we recommend, and no claim for such extension should be entertained unless put forward within a very short time after the establishment of the Commission, a *maximum* amount of extension being prescribed by statute.

HUGH C. E. CHILDERS.

Supplementary Report by Sir James P. Corry, Bart., M.P., and Sir Thomas Martineau.

For the reasons stated below we dissent from the views and conclusions stated in the paragraphs numbered 1 and 2.

1. We think that the scheme therein proposed for the abolition of monopoly rights, compensation being given to the holders out of public funds, would be inoperative.

We do not agree with the opinion expressed in paragraph 2 that it is improbable that the amount required for the redemption of such rights "would be of such magnitude as to place serious difficulties in the way of the operation." On the contrary, we believe that in many cases the sums required would be large, and, in some, very large indeed.

The question then arises on whom is the burden of such claims to fall?

We apprehend that it is highly improbable that any money would be forthcoming from the general revenue of the State for any such purpose; and we submit that it is contrary to sound principle that such appropriation of national funds should be made, considering that the supposed advantages to be gained are entirely local, and, as between different localities, quite unequal.

On the other hand we submit that it would be most objectionable to compel Local Authorities, where the rights in question are in private hands, to increase their existing burdens by incurring further debts, not for the purchase of a valuable privilege, but for an unproductive payment in respect of rights that have disappeared. And where the rights are the property of the Local Authority itself, it is obviously absurd to suppose that the ratepayers can, by any mode of keeping their accounts, compensate themselves out of their own rates for the loss they have sustained by the abolition of their own property.

We therefore consider that the proposal for compensation breaks down, and as the conclusions of the Commission do not contemplate abolition of the rights without such compensation, the scheme for abolition seems to us to fail with it.

2. While we hold that it is undesirable, as a matter of public policy, that exclusive rights of this kind should be in the hands of private individuals, we submit that when they are vested in public bodies representing the local communities, and to be exercised in the sole interest of the inhabitants at large, the main objections to such monopolies cease to exist.

3. We submit, moreover, that in the nature of the case it is impossible in practice to avoid market monopolies altogether. It must be remembered that a market essentially differs from a shop, the former depending on a concourse of both sellers and buyers. It is therefore impossible to make an indefinite increase of markets in any particular place, and any attempt to do so, while it might inflict serious injury on established markets, would confer no corresponding benefit on the community.

4. It is important also to bear in mind how closely the management of markets is connected with various branches of municipal administration. The control of the streets in or near which markets are held—the inspection of articles offered for public food—the regulation of slaughter-houses, (a question which presents constant and serious difficulties)—the enforcement of sanitary regulations,—are all duties to be performed by Local Government Authorities, and all experience shows that they are performed with most efficiency where the same body on which these duties fall has also in its own hands the control of the market with respect to which they arise.

5. The inquiries made by this Commission show that market undertakings, some of them of vast magnitude and involving the most serious responsibilities, when in the hands of Local Authorities, have on the whole been well administered in the interest of the community, and the cases of serious complaint in their management are very rare.

6. For the reasons above stated we are of opinion that the most practical and effective reform lies in the direction, not of the abolition of market monopolies, but of the transfer of all of them now in the hands of private individuals, or self-elected trustees, to the responsible representatives of the inhabitants in their different local areas of government.

We have read the memorandum prepared by Mr. Little, and concur in the views he has there expressed.

JAMES P. CORRY.

THOS. MARTINEAU.

Supplementary Report by Mr. William C. Little.

I am unable to agree with the conclusions of my colleagues and their recommendations with regard to the monopoly or privilege attached to market rights, and I wish to state the opinions which I entertain on that subject and the grounds upon which these opinions are based.

Whatever may have been the origin of the market monopoly, or the objects with which it was established, the question of its continuance or removal must be determined upon the consideration whether on the whole the result of it is advantageous or otherwise.

On the broad question of the policy of granting such monopolies it may be pointed out that the State has frequently conceded to the promoters of works of public utility privileges which restrain competition. The State itself demands a monopoly as the condition upon which it will carry out the postal and telegraph business of the country, and Parliament constantly grants to local authorities and to trading companies monopoly rights protecting undertakings for the supply of gas and water and for other objects which could not be carried out without some security against competition. The case of markets appears to be analogous to that of a gas or water undertaking. They exist for the convenience and advantage of the public; they are frequently established and developed at considerable cost of capital for which no immediate return can be expected, and no extension of the public market system can be looked for if the privilege which has hitherto attached to markets be withdrawn. The monopoly is the security upon which local authorities and private persons have expended very large sums of money, and its abolition would give rise to universal claims for compensation and might very probably ruin many markets.

The market monopoly is complained of (a) as standing in the way of the establishment of other markets within a certain distance; and (b) as acting in restraint of trade by prohibiting sales of goods which may be sold in the market elsewhere than in the market or in shops or dwelling-houses.

As regards the establishment of new markets in the vicinity of existing markets it may be observed that the operation of the ancient monopoly right has been very greatly modified by the provisions of the Public Health Act which in effect endows urban sanitary authorities with the power to establish markets subject only to market rights existing within the district of their authority and without regard to existing markets which lie outside of such district. It would appear that any growing community which has reached a stage when it can be organised as a district of local government has the power to establish a market if there are no market rights existing there.

As regards the restrictions imposed on sales by the market monopoly it may be observed that these restrictions chiefly apply to the hawking and vending of goods in the streets, and to the establishment of auction marts for the sale of animals. We have received evidence of serious injury which has been done to public markets in certain places by the establishment of private auction marts in their immediate neighbourhood. The practice of hawking is generally permitted under certain conditions, but some amendment of the law in this particular seems desirable. I would suggest that local authorities being market owners, should have the power of regulating hawking, by issuing permits or licences to hawkers under conditions approved by the Local Government Board.

The evidence which we have received is overwhelmingly in favour of markets being most satisfactorily managed by local authorities, acting under some control by a department of the State. If in cases where the market rights do not belong to the local authorities compulsory powers to acquire such rights were given, they would probably be made use of in all cases where an increasing population demanded new or more extensive markets, if only the possession of the rights thus acquired were secured to the purchasers. But it would be hopeless to expect that the ratepayers, with whom the decision must rest, would ever sanction the expenditure of money in purchasing, establishing, or enlarging markets if the market monopoly be abolished.

Finally, it may be urged that the possession of an exclusive privilege by the owners of markets may be made the ground for imposing upon them considerable restrictions in the exercise of their rights and regulations for the management of markets. It would be difficult to justify, and still more difficult to enforce on market owners not invested with any privilege some of the provisions of the Markets and Fairs Clauses Act and the Public Health Act, and conditions with regard to market charges, byelaws, production of accounts, [restraint as to leasing, &c., as proposed in the recommendations of this Commission.

In view of the opinions previously expressed, I do not feel it necessary to criticise the proposals of the report with regard to compensation. I am however in entire accord with the views expressed by Sir James P. Corry and Sir Thomas Martineau in their supplementary report, both as regards the subject of compensation and the policy of abolishing the market monopoly. I will only add that if that monopoly were maintained the question of compensation would only arise when a local authority exercised the compulsory powers of purchasing with which it is proposed to endow them.

WILLIAM C. LITTLE.

Supplementary Report by Mr. J. Allanson Picton, M.P., and Mr. Pierce Mahony, M.P.

We are unable to join in the recommendations to abolish market rights. It seems to us inconsistent with the further recommendation that local authorities should be empowered to buy up those rights. For if the rights are abolished there is nothing to purchase, except land and buildings, the value of which is largely dependent on those rights. But it is clearly implied in the recommendations, to which we object, that the local authorities should pay compensation for the rights to be extinguished. There are many cases in which it would be quite equitable to hand over market rights to local authorities without any compensation whatever to present owners. Such are the cases in which no accommodation has been provided, or any other service afforded; because there seems to be good reason for believing that the original charters were granted on condition of certain services to be rendered. Thus in Bacon's Abridgement, vol. iii., p. 556, we read: "The king after he has granted a fair or market may grant that the patentee may have a reasonable toll. But this must be in consideration of some benefit accruing from it to those who trade and merchandise in such fair or market." In rude times the "benefit accruing" was we presume the protection afforded by the patentee. Such service is no longer rendered by him in these days; and where no other benefit is substituted it would seem to follow that the toll is unjustifiable. But even in such cases we think the public interest would be better served by vesting the rights in local authorities than by simply abolishing them. For the advantages of a market to the community very much depend on the concentration of business in one place; and this is largely contingent on the existence of these ancient rights. They may be objectionable when in private hands; but when held by representatives of the whole community they may be so used as to facilitate local trade. Our dissent on these points necessarily affects our view of most of the other recommendations of the majority, and we therefore desire to append a series of alternative suggestions which we would venture to recommend as a better solution of the questions submitted to the Commission.

1. All public markets now in the hands of private persons, trading companies, or corporations, other than municipal, should be taken over by local authorities; and the latter, if necessary, should be compelled by legislation to acquire them.

2. The local authorities in Great Britain should be borough and county councils, provided that the latter should be empowered to delegate the immediate control to district councils when such bodies are created. In Ireland the local authorities should be, for the towns, corporations and town commissioners; for the rural districts, boards of guardians, until such time as other popularly elected bodies are created, when the markets should pass to them with powers of delegation analogous to those suggested for Great Britain.

3. If the market owner has laid out no money on the market, and has no proprietary rights over the land on which it is held, the local authority should be empowered to take over that market without pecuniary consideration; but equitable compensation should be given for all improvements, less depreciation, and for all substantial proprietary rights over land, provided that these shall not be held to include merely titular claims involving no power to let or sell the land in question for other uses.

4. Where compensation is given the amount should be settled by a properly qualified commission to be appointed *ad hoc*, and to be continued until all markets at present in private hands have been transferred to local authorities.

5. Local authorities should not be allowed to apply the profits of markets to the reduction of rates; but beyond a small margin for contingencies all excess of profit over expenses, interest and sinking fund should go to reduce rates, tolls, and stallages, and to improve accommodation.

6. "Through" and "gate" tolls should everywhere be abolished.

7. Hawkers should be freed from the charges imposed on them in the interest of markets, and the sales of shopkeepers should not be restricted, as they are in some places, on market days.

8. Local authorities should not be permitted to let their markets, or to farm their market tolls, or to delegate their management to anyone, except as above suggested.

9. We consider that all sales in markets should be conducted openly, at any rate so far as sales by brokers and salesmen are concerned, and that the object of the transaction should be the obtaining of the best price possible for each lot.

10. We are further of opinion that all sales taking place in public markets should as far as possible be sales by weight according to a uniform standard, and that a record of all such sales should be kept by a competent authority.

11. Generally, market rights should be subordinated to public convenience in buying and selling, and trade should not be forced into a particular channel for the purpose of raising a local revenue.

12. AS REGARDS IRELAND, in cases where the authorities mentioned in the recommendations do not exist in Ireland, and are not represented in that country by any analogous authority, we would suggest that the authorities chosen to exercise the powers referred to, should, as far as possible, be authorities subject to popular control.

13. We further consider it to be of great importance as regards Ireland that all the recommendations should, as far as applicable, extend to fairs.

14. If it were made compulsory to sell in all markets, in the manner recommended by us in paragraph 9, the objectionable method of sale at present adopted in the Cork Butter Market would cease. That method appears to us directly to discourage efforts for the improvement of the quality of butter beyond a certain point, all butters in the same class having to be compulsorily sold at a uniform price although consisting of various grades of quality.

15. We believe this system tells heavily against Cork butter in the British market, where it has to compete with foreign supplies.

16. If the system of branding is to be continued in the Cork Butter Market, we are very strongly of opinion that the brand ought to bear the date of the day of inspection.

J. ALLANSON PICTON.
PIERCE MAHONY.

APPENDIX.

Specimen Extracts of Grants of Markets and Fairs as Enrolled on the Patent Rolls during the Reigns of George II., George III., George IV., and Victoria.

PATENT ROLLS. 14 GEORGE II., Part 2, No. 18.

George the Second &c. To all greeting. Whereas by an Inquisition indented taken by virtue of our Writ ad quod damnum issued out of and returned into our High Court of Chancery it is found that it will not be to the damage or prejudice of Us or any other if we should grant licence to Abraham Dixon that he may hold a Market on every Tuesday in every week in the year for ever and also that he may hold two Fairs yearly and every year and that he may take and receive all tolls and profits issuing and arising from the said Market and Fairs as by the said Writ and Inquisition may more fully and at large appear Now Know Ye that We of our especial grace have given and granted and by these presents for Us our heirs and successors do Give and Grant unto the said Abraham Dixon our especial licence that he shall and may have hold and enjoy one Market upon every Tuesday in every week in the year for ever and two Fairs yearly and every year for ever upon Tuesday before Whitsunday and upon the 12th day of August unless the said day shall happen to be Sunday and then on the Monday following at Belford in our said county of Northumberland for the buying and selling all and all manner of goods wares and merchandises commonly bought and sold in markets and fairs together with a Court of Pye Powder and the profits arising therefrom And all tolls and profits issuing and arising from the said Market and Fairs To have hold and enjoy the said Market and two Fairs the Court of Pye Powder and all other the premises above by these presents granted or mentioned to be granted unto the said Abraham Dixon his heirs and assigns for ever and this without any account or other thing to be therefor rendered Wherefore We Will and do strictly Charge and Command that the said Abraham Dixon shall and may freely lawfully and quietly have hold and enjoy the said Market and two Fairs for ever together with the said tolls and profits thereof and all other the premises without molestation of Us our heirs and successors or of any sheriff escheator bailiff officer or minister of Us and this without any other warrant writ or process hereafter to be procured lastly We Will that these our Letters Patent or the inrolment or exemplification thereof shall be in and by all things good firm valid sufficient and effectual in the law according to the true intent and meaning thereof In witness &c. Witness the King at Westminster the 23rd day of April.

By Writ of Privy Seal.

PATENT ROLLS. 2 GEORGE III., Part 4, No. 25.

George the Third &c. To all greeting. Whereas by an Inquisition indented taken by virtue of our Writ ad quod damnum issued out of and returned into our High Court of Chancery it was found that it will not be to the damage or prejudice of Us or of any other or of the fair held in the neighbourhood of the Parish of Woborn if we should grant to John Duke of Bedford and his heirs the special liberty power and faculty that they their heirs and assigns for ever should hold and enjoy within the Manor of Woborn aforesaid whereof the said John Duke of Bedford is lord yearly and every year for ever one Holyday and Fair together with one Pye Powder Court to be held there at the same time of holding the said Holyday and Fair as by the said Writ and Inquisition may more fully appear And Whereas our right trusty and right entirely [well-beloved] cousin and councillor the said John Duke of Bedford hath by his Petition humbly prayed that We would be

(These words
are not on
the Roll.)

graciously pleased to grant to him our royal letters patent for holding one other fair in the neighbourhood of the Parish of Woborn above mentioned together with a Court of Pye Powder and the tolls and profits arising thereby We are graciously pleased to condescend to his request Now Know Ye that We of our especial grace have given and granted and by these presents for Us our heirs and successors do Give and Grant to John Duke of Bedford our especial licence they he and they shall and may have and hold one other fair yearly for ever to be held upon the feast of the Circumcision (unless the said feast day shall happen to be a Sunday and then to be held on Monday following) within the Manor of Woborn in the Parish of Woborn in our said County of Bedford for the buying and selling of all and all manner of horses sheep cattle and all manner of live stock provisions goods wares and merchandises commonly bought and sold in fairs together with a Court of Pye Powder and the profits arising therefrom and all reasonable tolls picage and stallage for goods wares and merchandises sold or exposed for sale in the fair aforesaid To have hold and enjoy the said Fair the Court of Pye Powder and all other the premises above granted or mentioned or intended so to be and this without account Wherefore We Will and do strictly Charge and Command that the said John Duke of Bedford his heirs and assigns shall and may freely lawfully and quietly have hold and keep the said fair together with the said tolls and profits and all other the premises without molestation and this without any other warrant writ or process and lastly We Will and do Grant to the said John Duke of Bedford that these our Letters Patent or the enrolment thereof or the exemplification thereof shall be in and by all things good firm valid In Witness &c. Witness Ourself at Westminster the 9th day of July.

By Writ of Privy Seal.

PATENT ROLLS. 34 GEORGE III., Part 2, No. 13.

George the Third To all greeting. Whereas by an Inquisition indented and taken by virtue of our Writ ad quod damnum issued out of and returned into our High Court of Chancery by the oaths of honest and lawful men of our said County [Pembroke] it was found that it will not be to the damage or prejudice of Us or of any other if We should grant licence to William Knox to have a free and public Market on Thursday in every week within the Town of Fishguard alias Fiskard which will be more convenient to the inhabitants than Wednesday for the buying and also to hold a public Fair in the same place thrice in every year for one day's continuance each on the several days for that purpose in the said Writ mentioned except in the substitution of the 17th of November for the 17th of October as by the said Writ may more fully and at large appear Now Know Ye that We of our especial grace have given and granted and do Give and Grant unto our trusty and well-beloved William Knox our especial licence that he shall and may have a free and public Market on Thursday in every week within the said town of Fishguard alias Fiskard for the buying and selling of all sorts of corn and grain and of all manner of horses cattle sheep beasts and other commodities usually bought and sold in markets and also to hold a public Fair in the same place for the like purposes thrice a year in every year for one day's continuance each that is to say on the 5th day of February on Monday in the Whitsun Week and on the 17th day of November with the tolls and profits thereof To have the said Market and Fairs above by these presents granted or mentioned to be granted together with the tolls and profits thereof unto the said William Knox and his heirs for ever and this without any account to be therefor rendered to Us for the same. Wherefore We Will and strictly Charge and Command that the said William Knox and his heirs by virtue of these presents shall and may freely lawfully and quietly have the said Market and Fairs yearly and the tolls and profits thereof for ever without molestation of Us or of any sheriff escheator and this without any other warrant Lastly We Will and do Grant that these our Letters Patent or the enrolment or exemplification thereof shall be in and by all things good firm valid In Witness &c. Witness Ourself at Westminster the 12th day of August 1794.

By Writ of Privy Seal.

PATENT ROLLS. 4 GEORGE IV., Part 14, No. 4.

George the Fourth To all greeting. Whereas by an Inquisition indented taken by virtue of our writ of ad quod damnum issued out of and returned into our High Court of Chancery and filed in the office of the Petty Bag there, it hath been found that it will not be to the damage or prejudice of Us or of any other if We should grant unto the Mayor and Commonalty and Citizens of the City of London governors of the possessions revenues and goods of the Hospitals of Edward King of England the Sixth of Christ Bridewell and St. Thomas the Apostle lords of the Manor of Pewsey in our said County of Wilts licence to have an open and public Market in every week on Tuesday within the Town of Pewsey together with reasonable tolls and together also with stallage and piccage and all liberties privileges to the same Market belonging as by the said writ may more fully and at large appear Whereupon the said Mayor and Commonalty and Citizens of our said City of London, governors have by their Petition humbly prayed that we would be graciously pleased to grant unto them our licence and permission Now Know Ye that We of our especial grace have given and granted and do Give and Grant unto the said Mayor and Commonalty and Citizens of our City of London governors their successors and assigns our especial licence that they the said Mayor and Commonalty and Citizens governors may have for ever an open and public Market in every week on Tuesday within the town of Pewsey in our said county of Wilts for buying and selling of corn grain and hay and such like commodities and all manner of provisions of victual for mankind and all goods wares and merchandises commonly bought and sold in markets together with reasonable tolls and together also with stallage and piccage and all liberties privileges remedies emoluments and incidents to the same Market To have the said Market with the said tolls stallage and piccage liberties without any account Wherefore We Will and do Charge and Command that the said Mayor and Commonalty and Citizens governors their successors and assigns by virtue of these presents shall and may freely lawfully and quietly have the said Market for ever without molestation of Us or of any sheriff escheator and without any other warrant and lastly We Will and do Grant unto the said Mayor and Commonalty and Citizens governors that these our Letters Patent or the inrolment or exemplification thereof shall be in and by all things good firm valid sufficient and effectual in the law according to the true intent and meaning thereof any omission imperfection defect or other matter cause or thing whatsoever to the contrary thereof in anywise notwithstanding. In Witness &c. Witness &c. the 1st day of January.

By Writ of Privy Seal.

PATENT ROLLS. 7 GEORGE IV., Part 2, No. 4.

George the Fourth To all greeting. Whereas by an Inquisition indented taken by virtue of our Writ of ad quod damnum issued out of and returned into our High Court of Chancery and filed in the office of Petty Bag there upon the oath of good and lawful men of our said County [Southampton] it hath been found that it will not be to the damage or prejudice of Us or any other if We should grant to Henry John Viscount Palmerston lord of the manor of Romsey Infra in our said County of Southampton licence to have on Thursday in every week instead of Saturday an open and public Market and that the said Market should hereafter commence at the hour of 11 of the clock in the forenoon and end at the hour of 2 in the afternoon and it hath been found that it will not be to the damage or prejudice of Us or of any other or to the hurt of the neighbouring markets and fairs as by the said Writ and Inquisition more fully appear Whereupon our right trusty and well-beloved Cousin and Councillor the said Henry John Viscount Palmerston hath by his Petition most humbly prayed that We would be graciously pleased to grant our royal licence and permission under the Great Seal of our said United Kingdom to have on Thursday in every week instead of Saturday an open and public Market Now Know Ye that We of our especial grace have given and granted and do Give and Grant unto the said Henry John Viscount Palmerston his heirs and assigns for ever our especial licence and permission

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to have an open and public Market on Thursday in every week instead of Saturday within our Town of Romsey Infra in our said County of Southampton for buying and selling all and all manner of cattle and pigs corn grain hay and other agricultural produce and of flesh fish fowl vegetables fruits herbs and other provisions of victual for mankind hardware and other goods wares and merchandises and such like commodities usually bought and sold in markets together with reasonable toll and also with stallage piccage and all liberties to the same Market belonging and heretofore immemorially received and taken by the lord of the Manor of Romsey Infra on Saturday in every week and therefore due and of right accustomed and that the said Market shall hereafter commence at the hour of 11 of the clock in the forenoon and end at the hour of 2 in the afternoon. To have the said Market on Thursday in every week together with the said toll stallage piccage liberties without account Wherefore We Will and strictly Charge and Command that the said Henry John Viscount Palmerston shall and may freely have the said Market together with the said toll without molestation of Us or of any sheriff and this without any other warrant lastly We Will and Grant unto the said Henry John Viscount Palmerston that these our Letters Patent or the enrolment or exemplification thereof shall be in and by all things good firm valid In Witness &c. Witness &c. the 15th day of April.

By Writ of Privy Seal.

PATENT ROLLS. 9 VICTORIA, Part 22, No. 4.

Victoria To all greeting. Whereas by an Inquisition taken by virtue of our Writ ad quod damnum issued out of and returned into our High Court of Chancery and filed in the Office of Petty Bag there it hath been found that it will not be to the damage or prejudice of Us or any other nor to the hurt of the neighbouring markets or fairs if we should grant to George Crawhall and Joseph Beck and their heirs licence to hold at the Chapelry of St. John in the higher part of Weardale an open and public Market Now Know Ye that We of our especial grace have given and granted and do Give and Grant unto the said George Crawhall and Joseph Beck their heirs and assigns our especial licence that they the said George Crawhall and Joseph Beck their heirs and assigns shall and may have for ever an open and public Market on Saturday in each and every week and also a Fair on the Third Wednesday in April and the Second Wednesday in September in each and every year at the Chapelry of St. John in the higher part of Weardale in the Parish of Stanhope in our said County of Durham for the buying and selling both at the said Market and Fairs respectively of all manner of living cattle hardware and all other goods wares and merchandises usually sold at markets and fairs and may receive such reasonable toll stallage and other emoluments of what kind and nature soever of such public markets and fairs and arising therefrom and incident or belonging thereto respectively as is usual and customary to be taken and received To have the same Market and Fairs together with such toll and stallage and other emoluments as aforesaid to the said George Crawhall and Joseph Beck their heirs and assigns without any account for the same Wherefore We Will and Charge and Command that the said George Crawhall and Joseph Beck shall and may freely lawfully and quietly have the said Market and Fairs together with such toll stallage and other emoluments without molestation of Us or of any sheriff and this without any other warrant lastly We Will that these our Letters Patent or the enrolment or exemplification thereof shall be in and by all things good firm valid In Witness &c. Witness &c. the 20th day of January.

By Writ of Privy Seal.

C A L E N D A R

OF THE

APPLICATIONS FOR GRANTS OF
MARKETS AND FAIRS, AND OF THE GRANTS THEREOF
ENROLLED ON THE PATENT ROLLS,

BETWEEN

1700 A.D. and 1846 A.D.

The list of Applications for Grants is, as regards the entries for the years from 12 William III. to 23 George III., prepared from the Writs and Inquisitions *ad quod damnum* filed in the Petty Bag Office and now preserved at the Public Record Office. The entries for the years from 24 George III. to 9 Victoria are compiled from two Manuscript Volumes in the Public Record Office which are believed to contain complete lists of the Brevia Regia, including the Writs *ad quod damnum*, filed in the Petty Bag Office during that period.

The list of Grants of Markets and Fairs has been prepared from twelve Manuscript Volumes in the Public Record Office which are believed to contain complete lists of the Grants enrolled on the Patent Rolls for the whole period between 1700 and 1846, but, where necessary, the entries have been supplemented by a reference to the Patent Rolls.

In this list the letters "M" and "F" signify Market and Fair respectively, and the letters P.R.O. denote the Public Record Office.

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
				(The application for this Grant was made prior to 1700.)	12 Wm. III., 28th Feb.	Grant to Matthew Wetherall and his heirs of M. on Tuesday in each week at Hawes, Yorkshire, and of two F. annually, (1) on 28th and 29th April, (2) on 17th and 18th September, in trust for the inhabitants and free tenants of the town.	—
12 Wm. III., 12th March.	Martin Meere -	Lancashire -	Thomas Fleetwood -	Three F. annually, (1) on 23rd and 24th April, (2) on 22nd and 23rd June, (3) on 27th and 28th September, (unless any of these days a Sunday, and then on Friday and Saturday preceding), for cattle and merchandise.	12 Wm. III., 19th April.	Grant to Thomas Fleetwood and his heirs of three F. annually at Merton Meere, Lancashire, (1) on 23rd and 24th April, (2) on 22nd and 23rd June, (3) on 27th and 28th September.	—
12 Wm. III., 28th March.	Egton -	Yorkshire -	Henry, Viscount Longueville.	M. each week on Tuesday. Four F. annually, (1) on 24th August (unless a Sunday, and then on Monday following), (2) on Tuesday next before Feast of St. Martin the Bishop in Winter, (3) on Tuesday next before Feast of Purification of Virgin Mary, (4) on Tuesday next before 1st of May, for cattle, beasts, merchandises, with tolls and profits.	12 Wm. III., 5th June.	Grant to Henry, Viscount Longueville and his heirs of M. on Tuesday each week at Egton, Yorks., and of four F. there annually, (1) on 24th August, (2) on Tuesday next before Feast of St. Martin the Bishop in Winter, (3) on Tuesday next before Feast of Purification of Virgin Mary, (4) on Tuesday next before 1st of May.	—
				(No application for this Grant was found at the P.R.O.)	12 Wm. III., 18th July.	Grant to Henry, Earl of Romney and his heirs of M. at Greenwich on Wednesday and Saturday each week.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
13 Wm. III., 2nd Nov.	Kellygare	- Glamorgan	- Thomas Lewis	M. each week on Wednesday for victuals and merchandises. Four F. annually, (1) on 18th April (if a Sunday, then on Monday following), (2) on Wednesday before Feast of Pentecost, (3) on Wednesday before Feast of John the Baptist, (4) on Wednesday before Feast of St. Luke the Evangelist, for horses, merchandise &c., with tolls.		(No Grant recorded.)	
	(No application for this Grant was found at the P.R.O.)				1 Anne, 11th Feb.	Grant to John Conyers and his heirs of M. at East Grinstead, Sussex, for cattle, goods, and merchandise, on first Wednesday in each month.	---
1 Anne, 25th Feb.	Wareham	- Dorset	- Mayor and Burgesses of Wareham.	Three F. annually, (1) on 6th April, (2) on 24th June, (3) on 31st August, (if any of these days a Sunday, then on Monday following), for cattle, merchandise &c. with tolls and profits.	2 Anne, 23rd Aug.	Grant to Mayor, Chief Burgesses, and Assistants of borough of Wareham, in Dorset, and their successors, of two F. within the borough each year, (1) on 6th April, (2) on 31st August.	By the Inquisition it was found that the F. on 24th June would be to the hurt of F. held in Dorchester from time immemorial. The grant is contained in a charter of incorporation to the Mayor &c. of Wareham.
1 Anne, 3rd June.	Westerham	- Kent	- Sir Edward Gresham, Bart.	M. on second Tuesday each month. F. on 22nd and 23rd April (if 22nd a Sunday or Saturday, then on Monday and Tuesday following), for cattle, merchandise &c., with tolls and profits.	1 Anne, 5th Sept.	Grant to Sir Edward Gresham, Bart., and his heirs of M. on second Tuesday each month in Westerham, Kent, and of F. there on 22nd and 23rd April.	---
1 Anne, 19th Nov.	Horsham	- Sussex	- John Wicker	M. last Tuesday each month for cattle and merchandise.	1 Anne, 17th Feb.	On nomination of John Wicker, grant to the Bailiff and Burgesses of borough of Horsham of M. on last Tuesday each month for cattle, merchandise &c.	---

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
2 Anne, 22nd Mar.	Winster	Derby	Thomas Eyre	M. each week on Saturday for goods and merchandises. Four F. annually, (1) on 29th January, (2) on 16th March, (3) on 16th October, (4) on 27th November, (if any of these days a Sunday, then on Monday following), for goods and merchandise, with tolls and profits.	- - -	- - - - -	No Grant on this application is recorded; but a fresh application was made in 9 Anne, on which a grant followed. See <i>post</i> .
2 Anne, 3rd April.	Witham	Essex	John Bennett	M. each week on Tuesday. Two F. annually, (1) on Monday before Feast of Pentecost for three days, (2) on 14th September for three days (if any day a Sunday, then on Monday following), for cattle, sheep and goods.	2 Anne, 25th June.	Grant to John Bennett and his heirs of M. each week on Tuesday to continue until the fourth hour after noon and no longer, at Witham, in the manor of Newland, Essex, and of two F. there annually, (1) on Monday next preceding Feast of Pentecost to last for three days, (2) on 14th September for three days (if any of these days a Sunday, then on Monday following).	—
2 Anne, 6th April.	Hellywell	Flint	Sir John Egerton	M. each week on Friday for goods, merchandise &c. Three F. annually, (1) on 23rd April, (2) on Tuesday next after week of Pentecost, (3) on 2nd September (if any day a Sunday, then on Monday following), for cattle and goods.	2 Anne, 20th Jan.	Grant to Sir John Egerton and his heirs of M. each week on Friday in Hellywell, Flint, and of three F. there, (1) on 23rd April, (2) on Tuesday after Feast of Pentecost, (3) on 2nd September, (if any of these days a Sunday, then on Monday following).	—
2 Anne, 13th July.	Stansted Causey, Parish of Ockley.	Surrey	John Evershed	Three F. annually, (1) on 16th October, (2) on 10th May, (3) on 23rd June (if any day a Sunday, then on Monday following), for cattle and goods.	2 Anne, 23rd Nov.	Grant to John Evershed and his heirs of three F. at Stansted Causey, Ockley, Kent, (1) on 16th October, (2) on 10th May, (3) on 23rd June, (if any of these days a Sunday, then on Monday following).	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
2 Anne, 8th Oct.	Topsham	Devon	William Mathews	M. each week on Thursday for sheep. F. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday in Easter week, for cattle, goods &c.		(No Grant recorded.)	
3 Anne, 11th Jan.	Leominster	Hereford	Bailiff and Chief Burgesses of borough of Leominster.	Two F. annually, (1) on 2nd February, (2) on 2nd May (if either day a Sunday then on Monday following), for cattle and goods, with tolls and profits.	4 Anne, 16th March.	Grant to the Bailiff and Burgesses of the borough of Leominster, and their successors, of two F. annually, (1) on 2nd February, (2) on 2nd May, together with Court of Pie Powder, and with reasonable piccage and stallage for goods and merchandises sold or exposed for sale.	The grant is contained in a Charter granting various liberties and privileges to the Bailiff and Burgesses of Leominster. There is a proviso that all the Queen's subjects are to be exempt from payment of toll on buying or selling of cattle, goods and merchandises, but contracts, agreements &c., may be inscribed and noted in a book fit for the purpose to be kept by the Bailiff or common clerk of the borough for the time being, who is authorised to take such fee as is usual in like cases in other boroughs. Pat. Rolls, 4 Anne, Pt. 1, No. 23.
3 Anne, 18th Jan.	Ashburton	Devon	Andrew Quicke	Two F. annually, (1) on first Thursday in March, (2) on first Thursday in June, for cattle, sheep, goods &c.	4 Anne, 14th Dec.	Grant to Andrew Quicke and his heirs of two F. annually at Ashburton, Devon, (1) on first Thursday in March, (2) on first Thursday in June.	—
3 Anne, 16 Feb.	Braintree	Essex	Herman Olinius	F. on 27th, 28th, and 29th April (if any of these days a Sunday, then on Monday, Tuesday, and Wednesday following), for cattle and goods.	4 Anne, 30th Oct.	Grant to Herman Olinius and his heirs of F. in Braintree, Essex, on 27th, 28th, and 29th April.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
3 Anne, 24th April.	Waste ground called the Hill or Cow Cross outside Smith- field Bars in St. John Street, parish of St. Sepulchre.	Middlesex	- Dorothy Rokeby, widow.	M. each week on Tuesday, Thurs- day, and Saturday, for sale of sheep-skins and lamb-skins, and to have and take a certain toll, not exceeding 6d. for every 20 skins in the M. sold and bought, to be paid by the purchaser.	—	- - - - -	By the Inquisition it was found that the M. would be a great obstruction to the Queen's highway and would be to the damage of the Queen's sub- jects wishing to cross there &c.
3 Anne, 23rd Nov.	Tarporley	Cheshire	- Sir John Crewe	- M. each week on Thursday for corn, flesh, fish, provisions, mer- chandise. Three F. annually, (1) on 20th April, (2) on Mon- day next after Feast of St. Bartholomew, (3) on 11th December, (if any day a Sunday then on Monday following), for cattle, sheep &c.	4 Anne, 19th May.	Grant to Sir John Crewe and his heirs of three F. annually in Tar- porley, Cheshire, (1) on 20th April, (2) on Monday next after Feast of St. Bartholomew, (3) on 11th December, (if any day a Sunday then on Monday fol- lowing).	—
3 Anne, 14th Dec.	Wincanton	Somerset	- Philip Bennett and others, inhabitants of town of Win- canton.	F. on 18th September (unless it be a Sunday and then on Monday following), for cattle, merchandise &c.	5 Anne, 12th Dec.	Grant to Christopher Farewell and others, inhabitants of the town of Wincanton, Somerset, of M. each week on Monday, and of two F. there annually, (1) on Tuesday next after Easter, (2) on 18th September, in trust that the issues and profits of the M. and F. should be applied to the public good of the town.	—
3 Anne, 19th Dec.	Churchtown, or elsewhere with- in parish of Cam- borne.	Cornwall	- Robert Hooker	- Three F. annually, (1) on 10th, 11th, and 12th November, (2) on 24th, 25th, and 26th February, (3) on 28th, 29th, and 30th June, (if any of these days a Sunday, then on Monday, Tuesday, and Wednesday following), for cattle, merchandise &c.	7 Anne, 1st June.	Grant to Robert Hooker and his heirs of three F. in Churchtown, parish of Camborne, Cornwall, (1) on 10th, 11th, and 12th No- vember, (2) on 24th, 25th, and 26th February, (3) on 28th, 29th, and 30th June.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
4 Anne, 4th April.	Parish of St. Udy	Cornwall	- Anthony Nicholl and Edward Trelawney.	Two F. annually, (1) on 9th May, (2) on 3rd September, (unless either day a Sunday, then on Monday following), for cattle, grain, wool, and goods.	4 Anne, 19th July.	Grant to Anthony Nicholl and Edward Trelawney and their heirs of two F. annually, within parish of St. Udy, Cornwall, (1) on 9th May, (2) on 3rd Septem- ber, in trust for the better sustenance of the poor inhabitants of the parish of St. Udy.	—
4 Anne, 24th May.	Aylsham -	Norfolk	- Sir John Hobart, Bart.	M. each week on Tuesday, in place of Saturday, for merchandise &c. F. to last for two days annually, on second Tuesday in September and Wednesday next following, for goods &c.	4 Anne, 26th Oct.	Grant to Sir John Hobart and his heirs of M. each week on Tues- day, in lieu and stead of M. held on Saturday, in Aylsham, Nor- folk, and of F. there annually for two days, viz., on the second Tuesday in September and the Wednesday next following.	—
5 Anne, 28th Feb.	In or near the township and parish of St. Agnes, within the manor of Trematon.	Cornwall	- Thomas Jenkins -	M. each week, on Thursday for corn, flesh, fish, provisions, and goods. Two F. annually, (1) on 15th May, (2) on 9th October, (unless either day a Sunday, and then on Monday following), for cattle, sheep &c.		(No Grant recorded.)	
5 Anne, 6th July.	Romford - -	Essex - -	- Charles Hore and Richard Hore.	M. each week on Tuesday, for cattle &c. M. each week on Wednesday, for merchandise &c. Three F. annually, (1) on 25th March, (2) on 24th June, (3) on 29th September, (if any of these days a Sunday, then on Monday following), with tolls and profits.		(No Grant recorded.)	

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
5 Anne, 18th Oct.	The Vinegar Ground, parish of St. James', Clerkenwell.	Middlesex -	Charles Hore and Richard Hore.	M. each week on Tuesday, Thurs- day, and Saturday for a term of 40 years, for sale of raw and un- dressed skins of all oxen, sheep, and lambs killed within the circuit of the bills of mortality, with reasonable toll, piccage, and stallage.	6 Anne, 1st July.	Grant to Charles Hore and Richard Hore of M. on Tuesday, Thurs- day, and Saturday in each week, on the Vinegar Ground in the parish of St. James', Clerkenwell, for a term of 40 years.	—
6 Anne, 13th Jan.	Settle - -	Yorkshire -	Richard, Earl of Burlington.	F. on Tuesday next before Palm Sunday for cattle, F. on 15th April (unless a Sunday, and then on Monday following) for sheep &c., F. on Tuesday next after Feast of Pentecost for cattle and goods, F. on 23rd June (unless a Sunday, and then on Monday following) for lambs, F. on 12th October (unless a Sunday, and then on Monday following) for sheep, F. on Tuesday fol- lowing the 16th of October for cattle and goods, F. on Friday in each other week during three successive months each year, beginning on the Friday next before Easter in each year, for cattle, with tolls and profits.	7 Anne, 26th May.	Grant and confirmation to Richard, Earl of Burlington, of M. each week on Tuesday and F. on eve, day and morrow of St. Laurence at Settle, Yorks., granted 12th April, 33 Hen. . . . to Henry de Percy, and further grant to the Earl and his heirs of (1) F. at Settle on Tuesday next before Palm Sunday, (2) F. on 15th April, (3) F. on Tuesday next after Feast of Pentecost, (4) F. on 23rd June, (5) F. on 12th October, (6) F. on Tuesday next following the 16th of October, and (7) F. on Friday in each other week during three succe- ssive months in each year, com- mencing on Friday before Easter Day in each year. (Pat. Rolls, 7 Anne, Pt. 2, No. 7.)	The Patent Roll does not set forth the reign in which the grant to Henry de Percy was made.
6 Anne, 4th Feb.	Lambert Castle and Hawkchurch Down, parish of Whitchurch.	Dorset - -	John Henley - -	F. annually on the Wednesday next before Feast of St. John the Baptist for cattle and merchan- dise, with tolls and profits.	7 Anne, 14th Feb.	Grant to John Henley and his heirs of F. on Lambert Castle and Hawkchurch Downs, in the parishes of Whitchurch, Hawk- church &c., in county of Dorset, on Wednesday next before Feast of St. John the Baptist.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
7 Anne, 17th March.	Knaresborough -	Yorkshire -	The Seneschal, Bailiffs and Burgesses of Knaresborough.	F. on Wednesday next after the 1st March for cattle and beasts, F. on day next following such Wednesday for sheep, F. on 25th April for cattle and beasts, F. on day next following for sheep (if either of these days a Sunday, then on day or days immediately following), F. on Wednesday next after the 1st August for cattle, F. on day next following for sheep, F. on Monday next after 29th Septem- ber for cattle and beasts, F. on day next following such Monday for sheep, F. on day next before the Wednesday which follows the 14th December for sheep, F. on Wednesday last men- tioned for cattle and beasts, F. on day before the Wednesday follow- ing the 20th day after the Feast of the Nativity for sheep, F. on the Wednesday last mentioned for beasts; with tolls and profits.	7 Anne, 9th Sept.	Grant to the Seneschal, Bailiffs, and Burgesses of the borough of Knaresborough, Yorkshire, of (1) F. on Wednesday next after the 1st day of March, (2) F. on 25th April, (3) F. on Monday after 29th September, (4) F. on day before the Wednesday next following the 14th December, (5) F. on the day next before the Wednesday next following the 20th day after the Feast of the Nativity in each year.	—
7 Anne, 24th April.	Wednesbury -	Stafford -	John Hoo -	2 F. annually, (1) on 25th April, (2) on 23rd July, (unless either day a Sunday, then on Monday following) for cattle &c. M. each week on Friday for grain, flesh, fish, and other provisions and merchandise.	7 Anne, 9th July.	Grant to John Hoo and his heirs of two F. annually at Wednesbury, Stafford, (1) on 25th April, (2) on 23rd July, and of M. each week on Friday. (Pat. Rolls, 7 Anne, pt. 3, No. 16.)	—
7 Anne, 19th May.	Milverton -	Somerset -	William Hulett -	2 F. annually, (1) on Tuesday next after Feast of Easter, (2) on 25th July, (unless a Sunday, and then on Monday following), for cattle and sheep. M. each week on Friday for grain, flesh, fish, and other provisions.	7 Anne, 18th Oct.	Grant to William Hulett, and his heirs, of two F. annually in borough of Milverton, Somerset, (1) on Tuesday after Feast of Easter, (2) on 25th July, and of M. each week on Friday.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
7 Anne, 26th June.	Brackley -	Northampton	Scroope, Earl of Bridgwater.	Four F. annually, (1) on Wednesday next after Feast of St. Valentine the Bishop, (2) on the second Wednesday in April, (3) on the Wednesday next after the Feast of St. Barnabas the Apostle, (4) on the Wednesday immediately before the Feast of St. Michael, for cattle, sheep, and merchandise.	7 Anne, 22nd Nov.	Grant to Scroope, Earl of Bridgwater, and his heirs, of four F. at Brackley, Northampton, (1) on Wednesday next after Feast of St. Valentine the Bishop, (2) on the second Wednesday in April, (3) on the Wednesday next after the Feast of St. Barnabas, (4) on the Wednesday immediately preceding the Feast of St. Michael.	—
7 Anne, 18th August.	Hounslow and Isleworth.	Middlesex -	Charles Shales -	M. at Hounslow each week on Tuesday, for cattle, sheep &c. M. at Isleworth each week on Thursday, for grain, flesh, fish, and other provisions, with tolls and profits.	—	- - - - -	By the Inquisition it was found that a M. at Hounslow would prejudice Smithfield Market, and that a M. at Isleworth would prejudice Brentford Market.
8 Anne, 23rd Feb.	Lansdowne -	Somerset -	William Blathwayt -	F. annually on 11th and 12th August (unless either day a Sunday and then on Monday following) for term of 95 years from Michaelmas 1708, for cattle, goods &c.	9 Anne, 15th July.	Grant to William Blathwayt and his heirs of F. at Lansdowne, Somerset, on 11th and 12th August, for 95 years from Michaelmas 1708.	—
8 Anne, 23rd July.	Donnington -	Lincoln -	Thomas Cowley and Edward Bridge.	Two F. annually, (1) on 15th May, (2) on 6th October, (unless either day a Sunday and then on Monday following), for horses, cattle, goods and merchandise, with tolls and profits.	8 Anne, 22nd Dec.	Grant to Thomas Cowley and Edward Bridge and their heirs of two F. at Donnington, Lincoln, annually, (1) on 15th May, (2) on 6th October.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
8 Anne, 17th Oct.	Parish of Chagford.	Devon	Andrew Davy, Charles Hore and others as trustees for the parishioners of the parish of Chagford.	M. each week on Tuesday for flesh, fish, and other provisions and goods, with tolls and profits.	8 Anne, 21st Jan.	Grant to Andrew Davy, Charles Hore, and divers others, of M. each week on Tuesday within the parish of Chagford, on trust and for the use and benefit of the parishioners of the parish of Chagford.	—
9 Anne, 31st March.	The Downs, within the Manor of Norton Downey.	Devon	John Harris	Two F. annually, (1) on 10th, 11th and 12th April, (2) 10th, 11th, and 12th October, (unless any of these days a Sunday, and then on Monday, Tuesday, and Wednesday following), for cattle, sheep &c., with tolls and profits.	9 Anne, 15th July.	Grant to John Harris and his heirs of two F. annually on the Downs within the manor of Norton Downey, Devon, (1) on 10th, 11th, and 12th March, (2) on 10th, 11th, and 12th October.	—
9 Anne, 9th Oct.	Winster	Derby	Thomas Eyre	M. each week on Saturday for goods and merchandises. Four F. annually, (1) on 23rd June, (2) on 16th October, (3) on 28th November, (4) on 20th April, (if any of these days a Sunday, then on Monday following), for goods, merchandises &c., with tolls and profits.	10 Anne, 9th Nov.	Grant to Thomas Eyre and his heirs of M. each week on Saturday in town of Winster, Derby, and of four F. there annually, (1) on 23rd June, (2) on 16th October, (3) on 28th November, (4) on 20th April.	—
11 Anne, 4th March.	Shefford	Bedford	Robert Bruce	M. each week on Friday for cattle and sheep. Three F. annually, (1) on Monday next after Easter Day, (2) on 8th May, (3) on 12th January, (if either of two last days a Sunday, then on Monday following), for cattle, sheep, and goods, with tolls and profits.	12 Anne, 2nd July.	Grant to Robert Bruce and his heirs of M. each week on Friday in Shefford, Bedford, and of three F. there annually, (1) on Monday next after Easter Day, (2) on 8th May, (3) on 12th January.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
11 Anne, 7th March.	Alphington	Devon	Sir William Courtenay, Bart.	F. on Wednesday in first week after Feast of St. Michael, F. on Wednesday in first week after Epiphany, F. on Wednesday in first week after close of Easter F. on Wednesday in first week after the Translation of St. Thomas the Martyr, for cattle, goods &c., with tolls and profits.	11 Anne, 11th July.	Grant to Sir William Courtenay, Bart., and his heirs of F. in Alphington, Devon, on Wednesday in first week after Feast of St. Michael, another F. on Wednesday in first week after Epiphany, another F. on Wednesday in first week after close of Easter, and another F. in first week after Translation of St. Thomas the Martyr.	—
11 Anne, 16th April.	Snaith	Yorkshire	Henry Dawney	Four F. annually, (1) commencing on 14th February, (2) commencing on 23rd April, (3) commencing on 10th August, (4) commencing on 10th September, each to continue for three days (if any day a Sunday, then on Monday following); also four other F., each to commence on the Friday in the week next following the first day of each of the separate fairs respectively, to last for two days, for horses, cattle, goods &c., with tolls and profits.	- - -	- - -	By the Inquisition it was found that the F. would be to the loss of the Queen, as lady of the manor of Snaith, and of James Yarborough, as farmer of the manor.
11 Anne, 28th April.	Nottingham	Nottingham	The Mayor and Burgesses of Nottingham.	F. commencing on Thursday next before Feast of Easter, to last for eight days, F. on Friday next after the Tuesday immediately after the Feast of Epiphany, to last for eight days, for animals, cattle, and merchandises, with tolls and profits.	11 Anne, 30th Aug.	Grant to the Mayor and Burgesses of Nottingham of F. to commence on the Thursday next before the Feast of Easter, and to continue for the space of eight days next following, and of another F. to commence on Friday next after the Tuesday immediately after the Feast of Epiphany, to last for the space of eight days next following.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
11 Anne, 4th Dec.	Parish of Hope -	Derby - -	— Balguy - -	M. each week on Saturday for cattle and merchandise, with tolls and profits.		(No Grant recorded.)	
12 Anne, 26th Feb.	Stamford - -	Lincoln - -	Mayor, Aldermen and Burgesses of Stamford.	Two F. annually, (1) on each Tuesday next preceding Candlemas Day, (2) on Monday next before 1st of May, for cattle, sheep &c., with a court of piepowder and tolls and profits.	13 Anne, 15th June.	Grant to the Mayor, Aldermen and Burgesses of the borough of Stamford, and their successors, of two F. annually within the borough, (1) on Tuesday next preceding Candlemas Day, (2) on Monday next preceding 1st of May.	—
12 Anne, 26th Feb.	Parish of Homersfield.	Suffolk - -	Robert Buxton -	Two F. annually, (1) on last Monday in May for three days, (2) on 19th October (unless a Sunday, and then on Monday following,) for three days, for cattle, merchandise, with court of piepowder, and tolls and profits.	13 Anne, 11th June.	Grant to Robert Buxton and his heirs of two F. annually in the parish of Homersfield, Suffolk, (1) on last Monday in May to continue for three days, (2) on 19th October to continue for three days.	—
12 Anne, 2nd June.	Bankside, parish of St. Saviour's.	Surrey - -	John Williams -	M. each week on Tuesday, Thursday, and Saturday, to be continued throughout the whole of these days respectively, for sheepskins and lambskins, together with all the liberties and profits to markets of that nature belonging.	4 Geo. I., 15th March.	Grant to John Williams and his heirs of three M. each week on Tuesday, Thursday, and Saturday, at the place called the Bankside, in the parish of St. Saviour's, Surrey.	—
13 Anne, 27th April.	Whittlesey, Isle of Ely.	Cambridge -	George Downes -	M. each week on Friday, for corn, flesh, fish, and other provisions and merchandises. Three F. annually, (1) on 11th June for three days, (2) on 25th October for three days, (3) on 25th January for three days, (if any day a Sunday, then on Monday following), for goods and merchandises, with court of piepowder, with tolls and profits.	1 Geo. I., 11th Feb.	Grant to George Downes and his heirs of M. each week on Friday, in Whittlesey, Cambridge, and of three F. annually there, (1) on 11th June, to continue for three days, (2) on 25th October for three days, and (3) on 25th January for three days.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
13 Anne, 13th May.	Newcastle-under-Lyme.	Stafford	Mayor and Burgesses of Newcastle-under-Lyme.	Three F. annually, (1) on Monday in Easter week, (2) on Monday in Whitsun week, (3) on Monday before 15th July, for cattle, sheep, and merchandise, with court of piepowder, and tolls and profits.	2 Geo. I., 15th May.	Grant to the Mayor, Bailiffs, and Burgesses of the borough of Newcastle-under-Lyme, Stafford, of three F. annually, (1) on Monday in Easter week, (2) on Monday in Whitsun week, (3) on Monday next before the 15th of July.	From the writ <i>ad quod damnum</i> , it would appear that the inquisition was to proceed on the footing that the F. which was then held by the Mayor &c., was to be surrendered.
2 Geo. I., 21 Feb.	Silsoe and Harrold	Bedford	Henry, Duke of Kent	F. at Silsoe annually on 10th September (unless a Sunday, and then on Monday following). M. at Silsoe each week on Wednesday. Three F. at Harrold annually, (1) on Tuesday next before Feast of St. Philip and St. James, (2) on Tuesday next before Feast of the Nativity of John the Baptist, (3) on Tuesday next before Feast of St. Michael. M. at Harrold each week on Thursday for cattle and sheep. M. for horses commencing on Thursday next after Feast of Epiphany, and to continue every Thursday after that up to the Feast of Purification of Virgin Mary. With tolls and profits.	2 Geo. I., 6 July.	Grant to Henry, Duke of Kent, and his heirs of F. annually at Silveshoe otherwise Silsoe, Bedfordshire, on the 10th of September, and of M. there each week on Wednesday, and also of three F. at Harrold annually, (1) on Tuesday next before Feast of St. Philip and St. James, (2) on Tuesday next before Feast of the Nativity of John the Baptist, (3) on Tuesday next before Feast of St. Michael, and of M. there each week on Thursday for cattle and sheep, and of M. for horses commencing on Thursday next after Feast of Epiphany and continuing every Thursday after that up to the Feast of Purification of Virgin Mary. (Pat. Rolls, 2 Geo. I., pt. 5.)	—
2 Geo. I., 21 April.	Manor of Widley	Southampton	Richard Turner	F. annually on 15th July (unless a Sunday, and then on Monday following), to last for three days, for cattle, sheep, and merchandise, with court of piepowder and tolls and profits.	2 Geo. I., 29 June.	Grant to Richard Turner and his heirs of F. within Manor of Widley in county of Southampton, annually on 15th July, to last for three days.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
2 Geo. I.,	Manor of Treworlis, parish of Breag.	Cornwall	John Trelawney	Two F. annually, (1) on Feast of the Ascension, (2) on Feast of St. Mathew the Apostle (unless a Sunday, and then on Monday following), each to last for three days, for cattle, sheep, and merchandise, with court of piepowder and tolls and profits.	4 Geo. I., 9 Sept.	Grant to John Trelawney and his heirs of two F. annually within the Manor of Treworlis in the parish of Breag, Cornwall, (1) on Feast of the Ascension, (2) on Feast of St. Mathew the Apostle.	—
2 Geo. I., 16th Dec.	Thorney	Cambridge	Wriothesley, Duke of Bedford.	M. each week on Thursday for corn, flesh, fish, and other provisions and merchandises. Two F. annually, (1) on 20th June, (2) on 10th September, (unless either day a Sunday, and then on Monday following), for cattle, sheep &c.	2 Geo. I., 26th May.	Grant to Wriothesley, Duke of Bedford, and his heirs of M. each week on Thursday at Thorney, Cambridge, and of two F. there, (1) on 20th June, and (2) on 10th September.	—
3 Geo. I., 6th March.	Gosport	Southampton	John, Bishop of Winchester.	Two F. annually, (1) on Feast of St. George (being 23rd April), (2) on Feast of St. Michael, (unless either day a Sunday, and then on Monday following), for cattle and sheep, with court of piepowder and tolls and profits. Three M. each week on Tuesday, Thursday, and Saturday for flesh, fish, provisions, and goods, with tolls and profits.	3 Geo. I., 10th April.	Grant to John, Bishop of Winchester, and his successors of two F. at Gosport, in the county of Southampton, (1) on the Feast day of St. George (23rd April), (2) on Feast day of St. Michael, and of three M. each week on Tuesday, Thursday, and Saturday.	—
4 Geo. I., 23rd Sept.	Yarnborough Castle, parish of Steeple Langford.	Wiltshire	Sir Richard Howe, Bart.	F. annually by name of Yarnborough Castle Fair on 23rd and 24th September (if 23rd a Sunday, then on Monday and Tuesday following; if 24th a Sunday, then on Saturday before and Monday after such Sunday), for cattle, sheep, and merchandise, with court of piepowder and tolls and profits.	5 Geo. I., 26th Dec.	Grant to Sir Richard Howe, Bart., and his heirs of F. annually by the name of Yarnborough Castle Fair in the parish of Steeple Langford in Wiltshire on the 23rd and 24th of September.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
5 Geo. I., 11th April.	Much Wenlock -	Salop	Nicholas Harrison, Bailiff of the Vill and Liberties of Much Wenlock.	Two Fairs annually, (1) on 1st May, (2) on 23rd November, (unless either day a Sunday, and then on Monday following), for cattle, sheep, and merchandise, with court of piepowder and tolls and profits.	6 Geo. I., 5th Aug.	Grant to Nicholas Harrison and his successors, Bailiffs of the Vill and Liberties of Wenlock, in the county of Salop, of two F. annually, (1) on 1st May, (2) on 23rd November.	—
6 Geo. I., 21st May.	Parish of St. James's, West- minster	Middlesex	William Lowndes	Three M. each week on Tuesday, Thursday, and Saturday, for flesh, fish, fowls, roots and herbs, and goods &c., with tolls, cus- toms, tributes, and profits.	8 Geo. I., 12th July.	Grant to Wm. Lowndes and his heirs, of three M. each week within the parish of St. James's, Westminster, on Tuesday, Thurs- day, and Saturday, and of licence to change certain stables and to build a market-house with shops and other new buildings.	—
9 Geo. I., 18th Jan.	Nantwich -	Cheshire	Hugh, Earl of Chol- mondeley.	Three F. annually, (1) on 15th March, (2) on 4th December, (unless either day a Sunday, then on Monday following), with tolls and profits.	9 Geo. I., 3rd April.	Grant to Hugh, Earl of Cholmon- deley, and his heirs of licence to hold in Nantwich, in county of Chester, two F. annually, (1) on 15th March, (2) on 4th December, for cattle, sheep, and merchandise.	—
9 Geo. I., 9th March.	Westhill, parish of West Coker.	Somerset	Sir Philip Sydenham	Three F. annually, (1) on 6th May, (2) on 3rd June, (3) on 3rd September, (unless any of these days a Sunday, then on Monday following), for cattle, sheep, and goods, with court of piepowder and tolls and profits.	9 Geo. I., 9th July.	Grant to Sir Philip Sydenham and his heirs of three F. annually on the Westmount, in the parish of West Coker, in the county of Somerset, (1) on 6th May, (2) on 3rd June, (3) on 3rd Sep- tember.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
10 Geo. I., 3st Oct.	Hawarden	Flint-	Sir Stephen Glynn, Bart.	Four F. annually, (1) on 27th April, (2) on Monday before Feast of Pentecost, (3) on 20th September, (4) on 10th December, (unless 27th April, 20th September, or 10th December, a Sunday, and then on Monday following), for cattle, sheep, and goods, with court of piepowder, and tolls and profits.	10 Geo. I., 15th April.	Grant to Sir Stephen Glynn and his heirs of four F. annually at Hawarden, in Flint, (1) on 27th April, (2) on Monday before Feast of Pentecost, (3) on 20th September, (4) on 10th December.	—
11 Geo. I., 4th March.	Bushey Leaze, parish of Fackham.	Southampton-	James Deare	Two F. annually, (1) on 4th and 5th April, (2) on 11th and 12th October, (if any of these days a Sunday, then on Monday following), for cattle, sheep, and merchandise, with tolls and profits.	13 Geo. I., 22nd Dec.	Grant to James Deare and his heirs of two F. annually on Bushey Leaze, in parish of Fackham, in the county of Southampton, (1) on 4th and 5th October, and (2) on 11th and 12th October.	—
11 Geo. I., 12th March.	Parish of Hadley	Suffolk	John Colt	Two F. annually, (1) on 18th, 19th, and 20th August, (2) on 1st, 2nd, and 3rd November, (if any of these days a Sunday, then on Monday following), for cattle, sheep, and merchandise, with court of piepowder, and tolls and profits.		(No Grant recorded.)	
12 Geo. I., 2nd March.	Manor of Westcott.	Surrey	Sir John Evelyn, Bart.	Two F. annually, (1) on 15th April, (2) on 28th October, (unless either day a Sunday, and then on Monday following), for cattle, sheep, and goods, with tolls and profits.	12 Geo. I., 22nd June.	Grant to Sir John Evelyn and his heirs of licence to hold in any place in his manor of Westcott, parish of Dorking, Surrey, two F. annually, (1) on 15th April, (2) on 28th October.	

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Sought.	Date.	Particulars of Grant.	Notes.
12 Geo. I., 17th May.	Town Malling (West Malling).	Kent - -	Isaac Honeywood -	M. on Tuesday in last week of each month for cattle, sheep &c.	13 Geo. I., 16th Jan.	Grant to James Honeywood and his heirs of M. in Town Malling (West Malling), Kent, on Tuesday in last week of each month for sale of sheep and cattle.	—
1 Geo. II., 12th April.	Marybone Fields, parish of St. Marylebone.	Middlesex -	Edward, Earl of Oxford &c., and Henrietta Cavendish Holles, Countess of Oxford &c.	M. each week on Monday, Wednesday, and Saturday, for flesh, fish, fowls, roots, and herbs, and provisions for human food (excepting live cattle, grain, wheat, flour, seeds, hides, and skins), with tolls and profits.	5 Geo. II., 22nd Nov.	Grant to Edward, Earl of Oxford &c., and Henrietta Cavendish Holles, Countess of Oxford &c. his wife, and to the heirs of the said Countess, of M. on Monday, Wednesday, and Saturday each week in Marybone Fields in parish of St. Marylebone, Middlesex, for sale of flesh, fish, fowls, roots and herbs.	—
1 Geo. II., 19th June.	Great Conduit Fields, parish of St. Marylebone.	Middlesex -	Philip Baker - -	M. each week on Tuesday and Saturday for flesh, fish, fowls, roots, herbs, and other provisions (excepting live cattle, grain, wheat, flour, and seeds), with tolls and profits.	(o Grant recorded.)		
1 Geo. II., 29th Nov.	Manor of Neston Magna, Hundred of Wirrall.	Cheshire -	Sir Roger Mostyn, Bart.	M. each week on Monday. Three F. annually, (1) on second Tuesday in February for three days, (2) on Tuesday next after Feast of Pentecost for three days, (3) on Tuesday preceding Feast of St. Matthew for three days, for cattle, sheep, flesh, fish, fowls, grain, roots, herbs, and provisions and goods, with tolls and profits.	2 Geo. II., 25th Sept.	Grant to Sir Roger Mostyn, Bart., and his heirs, of licence to have within the manor of Neston Magna, in the Hundred of Wirrall, in the county of Chester, M. each week on Friday, and three F. annually, (1) on second Tuesday in February for three days, (2) on Tuesday next after Feast of Pentecost for three days, and (3) on Tuesday next before Feast of St. Matthew for three days.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
2 Geo. II., 2nd July.	Mundays Green, in parish of St. Collombe Minor.	Cornwall	Francis, Earl of Godolphin.	Three F. annually, (1) on 1st April, (2) on 29th May, (3) on 3rd September, for cattle, goods, and merchandise, with tolls and profits.	2 Geo. II., 20th Feb.	Grant to Francis, Earl of Godolphin, and his heirs of licence to hold on Mundays Green, in parish of St. Collombe Minor, Cornwall, three F. annually, (1) on 1st April, (2) on 29th May, (3) on 3rd September.	—
3 Geo. II., 15th Nov.	Spalding - -	Lincoln -	Anne, Duchess Dowager of Buccleuch, lady of the manor of Spalding.	Two F. annually, (1) on 16th April (unless 16th a Sunday, and then on 17th), (2) on 18th June (unless a Sunday, and then on 19th), for cattle and merchandise, with court of piepowder, and such and such-like reasonable tolls, piccage and dues as were due and payable to the lord of the said manor and belonging to his fairs in Spalding from time immemorial.	4 Geo. II., 13th July.	Grant to Anne, Duchess of Buccleuch, of licence that she and her heirs may have in Spalding, Lincoln, two F. annually, (1) on 16th April, (2) on 18th June, (unless either day a Sunday, and then on Monday next following).	—
4 Geo. II., 9th March.	Cartmell Church Town.	Lancashire -	Sir Thomas Lowther, Bart.	M. each week on Tuesday for cattle, sheep, and goods, with tolls and profits.	4 Geo. II., 27th May.	Grant to Sir Thomas Lowther, Bart., and his heirs of licence to hold at Cartmael Church Town, in county of Lancaster, M. each week on Tuesday for sale of all sorts of cattle and sheep.	—
4 Geo. II., 9th March.	Parish of Llan- vyrnach.	Pembroke -	James Lloyd -	Three F. annually, (1) on 7th April, (2) on 5th August, (3) on 19th October, (unless any of these days a Sunday, and then on Monday following); M. each week on Wednesday, for cattle, sheep, and merchandise, with tolls and profits.		(No Grant recorded.)	

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
5 Geo. II., 12th Nov.	Stamfordham (Stannerton).	Northumber- land.	Sir John Swinburne, Bt., and Master of College of Balliol in the University of Oxford, and the Scholars of the same college, lords of the manor of Stamfordham, (Stan- nerton).	M. each week on Thursday. F. on Thursday next after 15th August, for cattle, sheep, flesh, fish, fowls, roots, herbs, provisions and mer- chandise, with court of piepow- der, and tolls and profits.	5 Geo. II., 9th May.	Grant to John Swinburne and his heirs, and to the Master of the College of Balliol, in the Uni- versity of Oxford, and the Scholars of the same college and their successors, lords of the manor of Stamfordham (Stannerton), in Northumberland, of M. each week on Thursday at Stannerton, and of F. on Thursday next after 15th of August	—
6 Geo. II., 18th Jan.	Derby -	Derby	Mayor and Burgesses of borough of Derby.	Two F. annually, (1) on 16th, 17th, and 18th September, (2) on Feast of St. Paul, and on day preceding and on day following, (if any day a Sunday, then on Monday following), for cattle, sheep, and merchandises, with court of piepowder, and tolls and profits.	6 Geo. II., 7th June.	Grant to the Mayor and Burgesses of the borough of Derby and their successors of licence to hold two F. annually in the borough, (1) on 16th, 17th, and 18th September, (2) on Feast of St. Paul, and the day next preceding and the day next succeeding the said feast day.	—
6 Geo. II., 20th April.	Chapel Street, St. Margaret's, Westminster.	Middlesex	Mark Frecker and John Lawton.	Three M. each week on Monday, Wednesday, and Friday, for a term of 31 years, for hay and straw, with tolls, customs, tributes and other profits, juris- dictions and emoluments.	7 Geo. II., 1st Oct.	Grant to Mark Frecker and John Lawton, their executors, adminis- trators and assigns, in trust for the poor of the parish of St. Margaret's, Westminster, of M. on Monday, Wednesday, and Friday in each week in Chapel Street, in the parish of St. Margaret's, Westminster, for 31 years, for hay and straw.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
6 Geo. II., 24th July.	Mould -	Flint -	Anthony L. Swymer	M. each week on Wednesday. Four F. annually, (1) on 22nd July, for two days, (2) on 11th November, for two days, (3) on 10th March, (if any of these days a Sunday, then on Monday following), (4) on Wednesday immediately preceding Ascension Day, for cattle, flesh, fish, fowls, wheat, corn, roots, herbs, and merchandises, with court of piepowder, and tolls and profits.	6 Geo. II., 14th Dec.	Grant to Anthony Langley Swymer, lord of the manor of Mould, in Flint, and his heirs of licence to hold, at the vill of Mould within the said manor, M. each week on Wednesday, and four F. annually, (1) on 22nd July, to continue for two days, (2) on 11th November, for two days, (3) on 10th March, and (4) on Wednesday immediately preceding Ascension Day.	—
9 Geo. II., 10th Dec.	Greenhill's Row, near Smith- field Bars.	Middlesex -	John Greenhill -	M. each week on Tuesday, Thursday, and Saturday, for flesh, fish, fowls, roots, herbs, and other provisions for human victuals (excepting live cattle, grain, bread, corn, seeds, hides, and skins), with tolls and profits.	- - -	- - -	By the Inquisition it was found that the M. would be to the damage of Newgate Market and Honey Lane Market in the City of London, and of Brook Market in the parish of St. Andrew, Holborn, Middlesex.
10 Geo. II., 25th May.	Abingdon -	Berkshire -	Mayor, Bailiffs and Burgesses of borough of Abingdon.	M. each week on Tuesday, Wednesday, Thursday, and Saturday for beasts, cattle, flesh, fish, fowls, corn, grain, roots, herbs, and other provisions and merchandise, with tolls and profits.	12 Geo. II., 20th March.	Grant to the Mayor, Bailiffs and Burgesses of Abingdon, in Berkshire, and their successors, of licence that they may have in the borough, M. each week on Tuesday, Wednesday, Thursday, and Saturday, for corn and grain over and above such markets as they were then entitled to.	By the Inquisition it was found that the M. would not be to the prejudice of anyone over and above the markets which the Mayor &c. had on Monday and Friday, provided the grant was made to the Mayor &c. on condition: (1) that no toll was to be taken for corn and grain sold in M. on Monday and Friday; (2) that the Mayor &c. should release right to take toll on corn and grain brought to or sold in borough on Monday and Friday; and (3) that the time of sale of corn and grain on Monday and Friday should begin at 10 o'clock in forenoon.

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
11 Geo. II., 20th March.	New Radnor	Radnorshire	Burgesses of borough of New Radnor.	Two F. annually, (1) on 29th April, (2) on 1st October, (un- less either day a Sunday, and then on Monday following), for cattle and merchandise, with tolls and profits.	12 Geo. II., 31st March.	Grant to the Bailiff, Aldermen and Burgesses of the borough of New Radnor, confirming M. each week on Tuesday and three F. annually, (1) commencing on Tuesday after Feast of Holy Trinity and to con- tinue for two days next following, (2) commencing on 3rd August and to continue for two whole days next following, (3) com- mencing on Feast of St. Luke and to continue for two whole days next following, and in addi- tion granting two other F., (1) on 29th April, and (2) on 1st October, with court of piepowder, and with stallage and piccage.	This grant is con- tained in a charter of incorporation to the Bailiff, Alder- men and Burgesses of the borough of New Radnor, con- firming their an- cient liberties, and granting further privileges in addi- tion. Among the privileges granted is that of a mer- chant guild. (Pat. Rolls, 12 Geo. II., pt. 2, No. 13).
13 Geo. II., 7th March.	Great Brookfield, near Grosvenor Square, in parish of St. George's, Ha- nover Square.	Middlesex	Sir Nathaniel Curzon, Bart.	M. each week on Monday, Wednes- day, and Saturday, for flesh, fish, fowls, roots, herbs, and other pro- visions (except live cattle, grain, bread, corn, seeds, hides, and skins), with all tolls and profits.	13 Geo. II., 5th May.	Grant to Sir Nathaniel Curzon, Bart., his heirs and assigns, with- out account, of licence to hold a M. on Monday, Wednesday, and Saturday in Great Brookfield, lying south of Grosvenor Square, in the parish of St. George's, Hanover Square, in the county of Middlesex, for flesh, fish, fowl &c.	
(No application for this Grant was found at the P.R.O.)					14 Geo. II., 23rd April.	Grant to Abraham Dixon, his heirs and assigns, without account, of license to hold M. each week on Tuesday, and two F. annually, (1) on Tuesday before Whitsun Day, and (2) on 12th August, at Belford, in the county of Northumberland, for all goods, wares, and merchandise.	[See extract from Grant among Spe- cimen Extracts from Grants, <i>post.</i>]

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
15 Geo. II., 11th Feb.	Spittle Square, parish of St. Mary.	Middlesex	Robert Moore -	M. each week on Tuesday and Thursday, for flesh, fish, fowl, roots, herbs, and other provisions for human food, with all tolls.	-	-	By the Inquisition it was found that the M. for flesh, fish, and fowls would be to the prejudice of the Mayor, Commonalty and Citizens of London, proprietors of Leadenhall Market, but that a M. for roots, herbs and garden stuffs would not prejudice anyone.
19 Geo. II., 3rd Sept.	The Math, lying between River Ouse and Downham (or St. John's) Eau.	Norfolk	Sir Thos. Hare, Bart.	M. each week on Monday for butter. Two F. annually, (1) on the Math on 23rd April, (2) on the Howdale, Downham, on 28th October, for cattle and other goods.	19 Geo. II., 15th Jan.	(No Grant recorded.)	—
19 Geo. II., 6th Nov.	The Math and Downham.	Norfolk	Sir Thos. Hare, Bart.	M. each week on Monday on the Math for butter. Two F. annually, (1) on 27th April, on the Math or the Howdale, at the option of Sir Thomas Hare, (2) on 2nd November, on the Howdale and another piece of waste ground belonging thereto, or on the Math, at the option of Sir Thomas Hare, for cattle and goods. Licence to change M. at Downham from Saturday to Thursday.		Grant to Sir Thomas Hare, Bart., his heirs and assigns, of licence to hold M. each week on Monday, on the Math, for butter, and two F. annually, (1) on 27th April, (2) on 2nd November, and of further licence to change market day at Downham, in county of Norfolk, from Saturday to Thursday.	
24 Geo. II., 6th Feb.	The Vinegar Ground, parish of St. James', Clerkenwell.	Middlesex	James, Earl of Northampton.	M. each week on Tuesday, Thursday, and Saturday for raw and undressed skins of sheep and lambs killed within the limits of the bills of mortality, together with reasonable toll, piccage, and stallage.	24 Geo. II., 17th April.	Grant to James, Earl of Northampton, and his heirs of licence to have M. each week on Tuesday, Thursday, and Saturday, on the Vinegar Ground, parish of St. James', Clerkenwell, Middlesex, for raw and undressed skins of all sheep and lambs wheresoever they shall be killed, within the limits of the bills of mortality, together with reasonable toll, piccage, and stallage.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
24 Geo. II., 8th March.	Otterton - -	Devon - -	John Duke - -	M. each week on Wednesday. Two F. annually, (1) on first Wednesday after Easter Day, (2) on first Wednesday after Michaelmas Day, for sheep and cattle.		(No Grant recorded.)	
24 Geo. II., 19th Dec.	Maidstone -	Kent - -	Mayor, Jurats and Commonalty of King's Town and Parish of Maidstone.	M. on second Tuesday in every month for sheep and cattle.	24 Geo. II., 13th April.	Grant to the Mayor, Jurats and Commonalty of King's Town and Parish of Maidstone, Kent, and their successors, of licence to have M. within the said town and parish on the second Tuesday of every month for sheep and cattle.	—
31 Geo. II., 8th April.	Barnet - -	Hertford -	John Tomlinson -	To alter days of holding M. and two F. and court of piepowder granted by Queen Elizabeth, and to hold M. each week on Wednesday, 1st F. on 8th, 9th, and 10th April, and 2nd F. on 4th, 5th, and 6th September, with a court of piepowder.	32 Geo. II., 7th Dec.	Reciting a royal licence bearing date 6th February, 20 Elizabeth, granted to Charles Butter, his heirs and assigns, for holding of M. weekly, and two F. annually in town of Barnet, otherwise Cheping Barnet, in the county of Hereford, renewal of licence &c., and grant to John Tomlinson to hold M. on Wednesday and two F. annually, (1) on 8th, 9th, and 10th April, (2) on 4th, 5th, and 6th September, together with court of piepowder on the several days of holding the M. and F.	—
2 Geo. III., 18th Nov.	Manor of Woborn	Bedford -	John, Duke of Bedford.	Holiday and F. on the Feast Day of the Circumcision, for horses, cattle, sheep, and provisions, with court of piepowder.	2 Geo. III., 9th July.	Grant to John, Duke of Bedford, his heirs and assigns, of licence to have a F. upon Feast of the Circumcision within the manor of Woborn in the parish of Woborn, in the county of Bedford, for cattle, with a court of piepowder, and the profits thereof.	[See extract from Grant among Specimen Extracts from Grants, <i>post.</i>]

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
6 Geo. III., 16th July.	Canterbury	- Kent	- Mayor, Aldermen and Commonalty of city of Canterbury.	M. each week on Wednesday, toll free, for hops by wholesale and retail in bags, pockets, or other- wise.	6 Geo. III., 18th Aug.	Grant to the Mayor, Aldermen and Commonalty of the city of Canter- bury, and their successors of M. each week on Wednesday within the city for sale of hops by wholesale or retail in bags, pockets, or otherwise.	—
6 Geo. III., 16th July.	Maidstone	- Kent	- Mayor, Jurats and Commonalty of town and parish of Maid- stone.	M. each week on Thursday, toll free, for hops by wholesale and retail in bags, pockets, or otherwise.	6 Geo. III., 18th Aug.	Grant to the Mayor, Jurats and Commonalty of the King's town and parish of Maidstone, in Kent, and their successors, of licence to have within the town and parish a M., toll free, on Thursday in each week, for buying &c. of hops by wholesale or retail in bags, pockets, or otherwise.	—
7 Geo. III., 14th Sept.	Mulberry Gar- den or Lay Stall, in parish of St. George the Martyr.	Surrey	- Charles Johnson	- M. each week on Tuesday, Thurs- day, and Saturday, for raw and undressed skins of sheep and lambs together with all reasonable tolls and other emoluments what- soever incident and belonging thereto.	8 Geo. III., 2nd Jan.	Grant to Charles Johnson and his heirs of licence to hold M. each week on Tuesday, Thursday, and Saturday, in Mulberry Garden or Lay Stall, in parish of St. George the Martyr, in the county of Surrey, for sheep-skins and lamb- skins, with reasonable tolls belonging to such a M.	—
8 Geo. III., 12th Feb.	Camborne	- Cornwall	- Francis Bassett	- M. each week on Tuesday -	- - - -	- - - -	By the Inquisition it was found that the M. would be of very inconsiderable damage to M. at Redruth.

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
8 Geo. III., 30th April.	Kilmaenllwyd Rhose, in parish of Kilmaenllwyd.	Carmarthen -	James Phillips -	Three F. annually, (1) on 19th July, (2) on 27th September, (3) on 30th October, (unless any day a Sunday, and then on Mon- day following), for cattle, sheep, swine, and merchandise, with tolls and profits.	9 Geo. III. 5th Jan.	Grant to James Phillips, his heirs and assigns, of licence to hold on Kilmaenllwyd Rhose, within parish of Kilmaenllwyd, in county of Carmarthen, three F. annually, (1) on 19th July, (2) on 27th September, (3) on 30th October, (unless any day a Sunday, and then on Monday following), for cattle, together with a court of pie- powder and all manner of tolls, piccage, and stallage.	—
13 Geo. III., 28th July.	Rochester -	Kent - -	Mayor and Citizens of Rochester.	Licence to change market day, held on Friday each week, to Saturday.	- - - -	- - - -	The Inquisition states that, "No notice "having been "given to the pub- "lic, the jurors "say that they "have been at- "tended by only "one evidence who "had particular "notice"; and on this it was found that the change would not be to the prejudice of anyone. No grant, however, is recorded, but see 24 Geo. III., <i>post.</i>
15 Geo. III., 12th Jan.	Lechlade -	Gloucester -	Sir Jacob Wheate, Bart., lord of the manor of Lechlade, and others.	Licence to change M. from Tuesday each week to Friday.		(No Grant recorded.)	

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
16 Geo. III., 9th July.	Margate	- Kent -	Francis Cobb and John Baker, wardens of the pier at Margate.	Free open and public M. in building then being erected on the Pier Green, for corn, grain, flour, flesh, fish, poultry, eggs, butter, fruit, vegetables, and other provisions.	17 Geo. III., 16th May.	Grant to Francis Cobb and John Baker, wardens of the pier of Margate, and their successors, of licence to hold an open M. in the town of Margate.	—
17 Geo. III., 25th June.	Pickering	- Yorkshire -	Josiah Maynard and Richard Hill, lords of the manor of Pickering.	Three F. annually, (1) on Monday next before Old Candlemas Day, (2) on Monday next before Old May Day, (3) on Monday next before Old Martinmas Day.		(No Grant recorded.)	
22 Geo. III., 9th July.	Ripley	- Surrey -	George, Baron Onslow.	Two F. annually, (1) on 6th and 7th November, (2) on 23rd and 24th April, for living cattle, hardware goods, and merchandise.	- - -	- - -	By the Inquisition it was found that the F. would be of some small damage to F. at Guildford on 4th and 5th May, and to F. at Kingston on 13th, 14th, 15th, 16th, and 17th November, but the public good from the grant would "greatly overbalance the small damage aforesaid." No grant, however, is recorded.
24 Geo. III., Trinity.	Rochester	- Kent -	Mayor and Citizens of city of Rochester.	Public M. on the fourth Tuesday in every month.	25 Geo. III., 12th Jan.	Grant to the Mayor and Citizens of the city of Rochester, Kent, and their successors, of licence to hold M. on the fourth Tuesday in every month at the common near the High Street, parish of St. Nicholas, Rochester.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
24 Geo. III., Trinity.	Parish of St. Pancras. The brickfield on east side of Tottenham Court Road.	Middlesex -	Hans Wintrop Mortimer.	Public M. - - - -	25 Geo. III., 16th Dec.	Grant to Hans Wintrop Mortimer of licence to hold M. on east side of Tottenham Court Road, in the parish of St. Pancras, Middlesex.	—
26 Geo. III., Easter.	Somersham -	Huntingdonshire.	Robert Burton -	Free and public M. each week on Friday.	26 Geo. III., 30th June.	Grant to Robert Burton of licence to hold public M. within town and manor of Somersham, Hunts., and a public F. there twice a year.	—
27 Geo. III.	Gisborough in Cleveland.	Yorkshire -	William Chaloner -	Free and public M. on Fridays instead of Mondays, for corn, cattle, &c.	- - - -	- - - -	No Grant on this application is recorded, but a fresh application on which a grant followed was made in 50 Geo. III.
30 Geo. III.	Fishguard -	Pembrokeshire	William Knox -	Free and public M. on Wednesdays for corn, grain, horses, cattle, sheep, beasts, &c. Public F. thrice a year, for one day's continuance each, for the like purposes.	34 Geo. III., 12th Aug.	Grant to William Knox and his heirs of licence to hold M. each week on Thursday in Fishguard (Fiskard), in county of Pembrokeshire, and also a public F. in the same place thrice a year, (1) on 5th February, (2) on Monday in Whitsun week, (3) on 17th November, for one day each.	[See extract from Grant among Specimen Extracts from Grants, <i>post.</i>]
32 Geo. III.	Leintwardine -	Herefordshire	Richard P. Knight -	Two F. annually, (1) on 15th May, (2) on 6th November, for horned cattle, horses, sheep, pigs, hops, butter, cheese, and cutlery ware, linen and woollen cloth.	32 Geo. III., 26th Mar.	Grant to Richard Payne Knight and his heirs of licence to hold at the village of Leintwardine, in the county of Hereford, two F. annually, (1) on 15th May, (2) on 6th November.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
32 Geo. III.	Butcher's Close, otherwise the Tenter-ground on east side of Upper Moorfields, parish of St. Leonard's, Shoreditch.	Middlesex -	John, Earl of Darnley	Free open and public M. on every day of the week (Sunday excepted).	- - -	- - - - -	No grant on this application is recorded, but a fresh application on which a grant followed was made in 42 Geo. III.
36 Geo. III.	Ravenglass -	Cumberland -	Lord Muncaster -	Public M. on Wednesdays and Fridays.	36 Geo. III., 29th July.	Grant to Sir John Pennington, Bart., Lord Muncaster, of the Kingdom of Ireland, and his heirs of licence to hold a free and public M. on Wednesday and Friday in each week within Ravenglass, in the county of Cumberland, for corn, grain, hay, horses, cattle, &c., and also public F. there thrice a year, (1) on 11th March, (2) 14th April, and (3) on 12th October (Pat. Rolls 36 Geo. III., part 13, No. 2).	—
42 Geo. III.	The Butcher's Close, otherwise the Tenter-ground, parish of St. Leonard's, Shoreditch.	Middlesex -	John, Earl of Darnley	M. - - - -	42 Geo. III., 17th Aug.	Grant to John, Earl of Darnley, of licence to hold M. upon every day of the week on Butcher's Close, otherwise the Tenter-ground, on the east side of Upper Moorfields, Middlesex.	—
43 Geo. III.	North Shields -	Northumberland.	Hugh, Duke of Northumberland.	M. F. - - - -	43 Geo. III., 23rd May.	Grant to Hugh, Duke of Northumberland, of licence to hold M. in every week and two F. annually at town of North Shields, parish of Tynmouth, Northumberland.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
43 Geo. III.	Ilfracombe -	Devon -	Sir Bouchier Wrey, Bart.	M. F. - - -	43 Geo. III., 8th Mar.	Grant to Sir Bouchier Wrey, Bart., and others in trust for the inhabitants of Ilfracombe, in the county of Devon, of licence to hold M. each week and F. annually within Ilfracombe.	—
47 Geo. III.	Manor of Stalbridge.	Dorset -	Henry, Earl of Uxbridge.	M.		(No Grant recorded.)	
48 Geo. III.	Starminster, Newton Castle.	Dorset -	George, Lord Rivers	M. once a week.		(No Grant recorded.)	
50 Geo. III.	Bawtrey -	Yorkshire -	Bridget, Viscountess Galway.	To change market day -	50 Geo. III., 7th May.	Grant to Bridget, Viscountess Galway, of licence to discontinue M. held at Bawtrey, Yorks., each week on Wednesday, and to hold the same on Thursday each week.	—
50 Geo. III.	Dewsbury -	Yorkshire -	John Carr -	M.		(No Grant recorded.)	
50 Geo. III.	Cleveland -	Yorkshire -	Robert Chaloner -	To hold M. on Tuesdays instead of Friday.	54 Geo. III., 18th April.	Grant to Robert Chaloner of licence to hold free and public M. each week on Tuesday instead of Friday, within town of Gisborough in Cleveland, Yorkshire, and also two free and public M., (1) on last Tuesday in June for buying &c. of long wool, and (2) on last Tuesday in July for buying, &c. of short wool, and also two public F.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
59 Geo. III.	Stratford - upon-Avon.	Warwickshire	Mayor, Aldermen and Burgesses of the borough of Stratford-upon-Avon.	To hold M. on Friday instead of Thursday, together with court of piepowder, and other privileges as they had been accustomed to enjoy so far as relating to M.	59 Geo. III., 20th Jan.	Grant to the Mayor, Aldermen and Burgesses of the borough of Stratford-upon-Avon, in county of Warwick, of licence that they may hold for ever a M. each week on Friday instead of Thursday, with a court of piepowder.	—
2 Geo. IV.	Ironville Meadows, parish of Alfreton.	Derbyshire -	John Wright and Wm. Jessop.	M. on Saturday.		(No Grant recorded.)	
3 Geo. IV.	Pewsey - -	Wiltshire -	Mayor and Commonalty and Citizens of city of London, governors of hospitals of Christ Bridewell and St. Thomas, lords of manor of Pewsey.	Public M. - - -	4 Geo. III., 1st Jan.	Grant to the Mayor &c. of the city of London, governors of the possessions of hospitals of Christ Bridewell and St. Thomas, lords of manor of Pewsey, in county of Wilts, of licence to hold an open and public M. each week on Tuesday within town of Pewsey.	[See extract from Grant among Specimen Extracts from Grants, <i>post.</i>]
4 Geo. IV.	Ironville Meadows, parish of Alfreton.	Derbyshire -	John Wright and Wm. Jessop.	M.		(No Grant recorded.)	
5 Geo. IV.	Parish of St. Ann's, Limehouse.	Middlesex	Thomas Brunton -	Public M. every day of the week (Sunday excepted).	5 Geo. IV., 9th Dec.	Grant to Thomas Brunton, his heirs and assigns, of licence to hold an open and public M. on every day of the week on certain piece of land in parish of St. Ann, Limehouse, in county of Middlesex, for goods, merchandises &c.	—

APPLICATIONS FOR GRANTS.					GRANTS MADE.		
Date.	Place.	County.	Applicant.	Grant Solicited.	Date.	Particulars of Grant.	Notes.
6 Geo. IV.	Romsey	- Southampton	Henry John, Viscount Palmerston.	M. each week on Thursday instead of Saturday.	7 Geo. IV., 15th April.	Grant to Henry John, Viscount Palmerston, his heirs and assigns, of licence to hold on Thursday each week, instead of Saturday, an open public M. in town of Romsey Infra, in county of Southampton, for cattle &c.	[See extract from Grant among Specimen Extracts from Grants, <i>post.</i>]
5 Will. IV.	Poyntz Pool	- Gloucester	- James Pullen	- M.		(No Grant recorded.)	
4 Vict.	Herne Bay	- Kent	- George Belshaw	- Open and public M. on every day of the week (Sunday excepted).	5 Vict., 4th Sept.	Grant to George Belshaw, and his heirs and assigns, of licence to hold an open and public M. on every day of the week (Sundays excepted) at Herne Bay, in the parish of Herne, in the county of Kent.	—
9 Vict.	Chapelry of St. John, parish of Stanhope.	- Durham	- George Crawhall and Joseph Beck.	- A weekly M. Two F. annually, (1) on third Wednesday in April, (2) on second Wednesday in September.	9 Vict., 20th Jan.	Grant to George Crawhall and Joseph Beck, and their heirs, of licence to hold an open and public M. on Saturday each week, and also two public F., (1) on third Wednesday in April, (2) on second Wednesday in September, at chapelry of St. John, parish of Stanhope, county of Durham.	[See extract from Grant among Specimen Extracts from Grants, <i>post.</i>]

Digest of the provisions of the Public Health Act, 1875, and of the Markets and Fairs Clauses Act, 1847, with respect to Markets in England and Wales.

Rights to establish and hold markets and to take tolls in them are conferred by Charters, by private or local Acts and, so far as regards urban sanitary authorities, by the Public Health Act, 1875.

Provisions of the Public Health Act, 1875, as to Markets.

Power of Urban Sanitary Authority to provide Markets and Market Conveniences, and to take Tolls.

A local board or improvement commissioners, with the consent of the owners of property and ratepayers in their district, and a town council, with the consent of two-thirds of their number, may do any or all of the following things *within their district*, viz. :—

Provide a market-place, and construct a market-house and other conveniences, for the purpose of holding markets :

Provide houses and places for weighing carts :

Make convenient approaches to the market :

Provide all matters and things that may be necessary for the convenient use of the market :

Purchase or take on lease land, and public or private rights in markets and tolls for any of the foregoing purposes :

Take stallages, rents, and tolls for the use by any person of the market. (38 & 39 Vict. c. 55. s. 166.)

Rights of other persons in Markets not to be interfered with by Urban Sanitary Authority.

No market is to be established by the urban sanitary authority under the Public Health Act, 1875, so as to interfere with any rights, powers, or privileges enjoyed within the district of the authority by any person or body of persons, corporate or unincorporate, without his or their consent. (38 & 39 Vict. c. 55. s. 166.)

Compulsory Acquisition by Urban Sanitary Authority of Lands for providing Markets.

If the Local Government Board by Provisional Order empower an urban sanitary authority to do so, they may acquire lands compulsorily for the purpose of providing a market.* The Provisional Order must, however, first be confirmed by Parliament. (38 & 39 Vict. c. 55. ss. 166, 176, 297.)

Power of Market Companies to Sell their Undertakings to Urban Sanitary Authority.

The urban sanitary authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members, passed in the manner provided by that Act, and in the case of any other company, in pursuance of a resolution passed by a majority of three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to the urban sanitary authority, on terms agreed upon between them, all the rights, powers, and privileges, and all or any of the markets, premises, and things which at the time of the purchase are the property of the company, subject, however, to all liabilities attached to the undertaking at the time of the purchase. (38 & 39 Vict. c. 55. s. 168.)

*.It is doubtful whether this power would extend to a compulsory purchase of market rights.

Incorporation of the Markets and Fairs Clauses Act, 1847.

For the purpose of enabling any urban sanitary authority to establish or to regulate markets, there are incorporated with the Public Health Act, 1875, the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets, that is to say—

- With respect to the holding of the market or fair, and the protection thereof;
 - With respect to the weighing goods and carts; and
 - With respect to the stallages, rents, and tolls. (38 & 39 Vict. c. 55. s. 167.)
- These provisions will be found at pp. 3 to 7 of this digest.

Tolls.

All tolls leviable by an urban sanitary authority in pursuance of the Public Health Act, 1875, must be approved by the Local Government Board. (38 & 39 Vict. c. 55. s. 167.)

Byelaws.

An urban sanitary authority may, with respect to any market belonging to them, make byelaws for any of the purposes mentioned in section 42 of the Markets and Fairs Clauses Act, 1847,* so far as those purposes relate to markets. (38 & 39 Vict. c. 55. s. 167.)

The byelaws must be under the common seal of the urban sanitary authority, and any of them may be altered or repealed by a subsequent byelaw. (38 & 39 Vict. c. 55. s. 182.)

The urban sanitary authority may by byelaws impose on offenders against them reasonable penalties not exceeding 5*l.* for each offence, and in the case of a continuing offence a further penalty not exceeding 40*s.*, for each day after written notice of the offence from the authority. All byelaws imposing any penalty are, however, to be so framed as to allow of the recovery of any sum less than the full amount of the penalty. (38 & 39 Vict. c. 55. s. 183.)

The byelaws will not take effect until they have been confirmed by the Local Government Board, who are empowered to allow or disallow them as they think proper.

Before byelaws can be confirmed notice of the intention to apply for confirmation must be given in one or more of the local newspapers circulated within the district to which the byelaws relate, one month at least before the making of the application; and for one month at least before the application a copy of the proposed byelaws must be kept at the office of the urban authority, and be open during office hours at the office to the inspection of the ratepayers of the district to which the byelaws relate, without fee or reward.

The clerk of the authority, on the application of any ratepayer in the district to which the byelaws relate, must furnish the latter with a copy of the proposed byelaws, or any part of them, on payment of sixpence for every hundred words contained in the copy. (38 & 39 Vict. c. 55. s. 184.)

The byelaws are to be printed and hung up in the office of the urban sanitary authority, and printed copies are to be conspicuously exhibited in the market.

A printed copy is to be given to any ratepayer of the district to which the byelaws relate on application by him for it. (38 & 39 Vict. c. 55. ss. 167, 185.)

Provisions of the Markets and Fairs Clauses Act, 1847, as to Markets.

The following provisions of the Markets and Fairs Clauses Act, 1847, so far as they relate to markets, are incorporated with the Public Health Act, 1875, so that the urban sanitary authority may have the powers given by those provisions for establishing or regulating markets, viz., the provisions headed:

- With respect to the holding of the market or fair, and the protection thereof;
- With respect to the weighing goods and carts; and
- With respect to the stallages, rents, and tolls. (38 & 39 Vict. c. 55. s. 167.)

* The purpose for which byelaws may be made under this section will be found stated on p. 7.

Moreover these provisions apply not only to urban sanitary authorities who have established markets under the Public Health Act, 1875, or under the Local Government Act, 1858 (for which the Public Health Act, 1875, has been substituted), but also to bodies who are authorised by local or private Acts to establish and hold markets if such Acts incorporate the Markets and Fairs Clauses Act. The term "market authority" in the following part of the digest means the persons empowered to construct or regulate a market by an Act with which the Markets and Fairs Clauses Act is incorporated, and includes urban sanitary authorities.

PROVISIONS WITH RESPECT TO THE HOLDING OF THE MARKET AND THE PROTECTION THEREOF.

Notice of opening of Market to be given.

Before the market is open for public use the market authority are to give not less than 10 days' notice of the time when it will be opened. The notice is to be given by being published in a newspaper circulating within the limits for which the market is established, and by printed handbills posted on some conspicuous place within those limits. (10 Vict. c. 14. s. 12.)

Market Days.

After the market-place has been opened for public use the market authority are to hold the markets in it on the days (if any) prescribed by the Act relating to the market, and on such other days as they appoint from time to time by a byelaw. (10 Vict. c. 14. s. 14.)

Prohibition of outside Sales, except in certain cases.

After the market-place is opened for public use any person, not being a licensed hawker, who sells or exposes for sale in any place within the limits for which the market is provided, except in his own dwelling-place or shop, any articles in respect of which tolls are by the Act authorising the market authorised to be taken in the market, will be liable for every offence to a penalty not exceeding 40s. (10 Vict. c. 14. s. 13.)

Exposure for Sale of Unwholesome Food.

Any person who sells or exposes for sale in the market any unwholesome meat or provisions will be liable to a penalty not exceeding 5l. for every offence.

Any inspector of provisions appointed by the market authority may seize the unwholesome meat or provisions, and carry them before a justice of the peace, who is forthwith to order the same to be further inspected and examined by competent persons. In case, upon the inspection and examination, the meat or provisions are found unfit for the food of man, the justice is to order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man.

Any person who obstructs or hinders the inspector from seizing or carrying away the unwholesome meat or provisions will be liable to a penalty not exceeding 5l. for every offence. (10 Vict. c. 14. s. 15.)

Obstructing Market Keeper—Penalty.

Any person who assaults or obstructs any person appointed by the market authority to superintend the market, or to keep order in it, whilst in the execution of his duty, will be liable for every offence to a penalty not exceeding 40s. (10 Vict. c. 14. s. 16.)

PROVISIONS WITH RESPECT TO THE WEIGHING GOODS AND CARTS.

Provision of Weighing Houses and Measures.

The market authority are to provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in the market, and keep in them proper weights, scales, and measures according to the standard weights and measures for the time being for weighing those commodities. They are also to appoint proper persons to attend to the weighing or measuring at all times during which the market is holden. (10 Vict. c. 14. s. 21.)

Weighing and Measuring by Scales and Measures of Market Authority.

Persons selling or offering for sale any articles in the market, if required so to do by the buyer, must cause the articles to be weighed or measured by the weights and scales or measures provided by the market authority. Any person who refuses, on demand, to cause such articles to be thus weighed or measured will be liable to a penalty not exceeding 40s. (10 Vict. c. 14. s. 22.)

Penalty on Officers of Market Authority who refuse to Weigh or Measure.

Any person appointed by the market authority to weigh or measure any articles sold in the market who refuses or neglects to weigh or measure the same when required will be liable to a penalty not exceeding 40s. (10 Vict. c. 14. s. 23.)

As to Weighing Carts.

The market authority are to provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within the market, or the limits of the Act authorising the market, and keep in those places machines and weights proper for that purpose. They are also from time to time to appoint a person in every such building or place to afford the use of the machines to the public by weighing the carts with or without their loading, as may be required. (10 Vict. c. 14. s. 24.)

The driver of every cart in which goods are brought for sale as above is required, at the request of the buyer or seller of the goods, or his agent, to take the cart, with or without its loading, to the nearest of the weighing machines, and to permit it to be weighed. If the cart be weighed with its load, the driver, if required, is to take the cart after its load has been discharged to the weighing machine nearest to the place of discharge, and permit it to be re-weighed without the load. If any driver for the purposes mentioned is required to take the cart a greater distance than half a mile, including the going to and returning from the respective machines, the owner of the cart is to be paid for every horse used in drawing the cart twopence for the first half mile and a like sum for every additional half mile; and this payment is to be made by the person requiring the cart to be weighed before the driver can be obliged to take it for the purpose of having it weighed. (10 Vict. c. 14. s. 25.)

The driver of a cart who does not, upon being requested and having the proper payment made or tendered, take it to the weighing machine, or who refuses to assist in the weighing, will forfeit to the person requiring the cart to be weighed a sum not exceeding 20s. (10 Vict. c. 14. s. 26.)

If a driver of a cart weighed at the weighing machine provided by the market authority commits any of the following offences, he will be liable to a penalty not exceeding 5l. for each offence:

If at the time of weighing he knowingly has anything in or about the cart other than its proper loading:

If he alters any ticket denoting the weight of the cart or its loading:

If he makes or uses or is privy to making or using any ticket falsely stating the weight of the cart or its loading:

If after the weighing of the cart with its loading, he removes any part of the loading, and afterwards disposes of or attempts to dispose of or represents the residue of the loading as being the full loading denoted by the ticket:

If between the time when the cart and its loading have been weighed and the time when the cart is weighed without the loading he changes the wheels of the cart, or makes any other change upon it after being required to allow the cart to be weighed without the loading:

If he is guilty of any other fraudulent contrivance to misrepresent the weight of the cart or of its loading. (10 Vict. c. 14. s. 27.)

If the buyer or seller of any goods brought in any cart for sale within the market, which is required to be weighed, does anything to the cart or its loading whereby the true weight of either is altered before the weighing, he will for every offence be liable to a penalty not exceeding 5l. (10 Vict. c. 14. s. 28.)

The person for the time being appointed to keep a weighing machine provided by the market authority will be liable to a penalty not exceeding 5l. in any of the following cases; (that is to say,)

If he wilfully neglects, on application, duly to weigh any cart, with or without its loading, as the case may be, that is brought to the machine kept by him to be weighed;

If he does not fairly weigh every such cart, with or without its loading, as the case may be ;

If he does not deliver to the buyer or seller of any such loading, or to any person interested, on application, a ticket or account specifying the true weight of the cart, with or without its loading, as may be required ;

If he gives to the driver of the cart a false ticket or account of the weight of the cart, with or without its loading ;

If he weighs any cart, with or without its loading, knowing that anything had been done to the cart or to its loading to alter the true weight of either ;

If he knowingly assists in or connives at any fraud concerning the weighing of any cart or its loading, or makes or connives at making any false representation of the weight of either. (10 Vict. c. 14. s. 29.)

Any person who knowingly acts or assists in committing any fraud respecting the weighing or weight of any cart, or its loading, will for every offence be liable to a penalty not exceeding 5*l*. (10 Vict. c. 14. s. 30.)

PROVISIONS WITH RESPECT TO THE STALLAGES, RENTS, AND TOLLS.

Market Place to be completed before Stallages, Rents, or Tolls can be taken.

Unless otherwise provided by the special Act* relating to the market, the market authority are not to demand or receive any stallage, rent, or toll until the market place or slaughter-house in respect of the use of which the same is demanded is completed and fit for the use of the persons resorting to it. (10 Vict. c. 14. s. 31.)

Evidence of Completion.

A certificate under the hand of any two justices will be conclusive evidence that the market place or slaughter-house is completed and fit for public use. Any two justices are to sign this certificate on proof being adduced to them that the market place or slaughter-house is completed and fit for public use. (10 Vict. c. 14. s. 32.)

When and to whom Stallages, Rents, and Tolls are to be paid.

The stallages, rents, or tolls payable in respect of the market or slaughter-house are to be paid from time to time, on demand, to the market authority or the collector, or other person authorised by them to receive the same (10 Vict. c. 14. s. 33.)

Tolls for Weighing and Measuring to be first paid.

The tolls payable in respect of weighing or measuring marketable commodities, or carts with or without goods, are to be paid to the person authorised by the market authority to weigh or measure the same by the persons bringing the commodities or carts to be weighed or measured, before the same are weighed or measured. (10 Vict. c. 14. s. 34.)

Tolls with respect to Cattle.

The tolls in respect of cattle brought to the market for sale become due as soon as the cattle are brought into the market place, and before the cattle are put into any pen, or tied up in the market place. If the cattle are not removed within one hour after the close of the market, another toll will become due in respect of the cattle omitted to be removed. (10 Vict. c. 14. s. 35.)

Stallages, Rents, and Tolls, may be changed from time to time.

The market authority may from time to time change the stallages, rents, and tolls to be taken in respect of the market or for the slaughter-house, or for weighing and measuring, but the stallages, rents, and tolls must in no case exceed the amounts authorised by the special Act* referring to the market. (10 Vict. c. 14. s. 36.)

* By "the special Act" is meant any Act authorising the construction or regulation of a market, and with which the Markets and Fairs Clauses Act, 1847, is incorporated. (10 Vict. c. 14. s. 2.) The special Act in the case of an urban sanitary authority is the Public Health Act, 1875. (38 & 39 Vict. c. 55. s. 316.)

Penalty for charging unauthorised Tolls.

Any person who demands or receives a greater toll than that authorised to be taken under the provisions of the Markets and Fairs Clauses Act, 1847, or the special Act* referring to the market, will, for every offence be liable to a penalty not exceeding 40s. (10 Vict. c. 14. s. 37.)

Recovery of Amounts due for Stallages, Rents, and Tolls.

If any person liable to the payment of any stallage, rent, or toll authorised by the Markets and Fairs Clauses Act, 1847, or the special Act* referring to the market to be taken, does not pay the same when demanded, the market authority or their lessee,† or any person authorised by either to collect the same, may levy it by distress of all or any of the cattle or other articles in respect of which the stallage, rent, or toll is payable, or of any other cattle or other articles in the market belonging to the person liable to pay the stallage, rent, or toll, or under his charge, or the tolls may be recovered in any court having competent jurisdiction. (10 Vict. c. 14. s. 38.)

Settlement of Disputes as to Stallages, Rents, and Tolls.

If any dispute arises concerning any stallage, rent, or toll, it is to be determined by a justice. The justice, on application made to him, is to determine the same, and make such order and award such costs to either party, as seems proper to him. In default of payment, on demand, of the money awarded, and of the costs, the money and costs are to be forthwith levied by distress, and the justice is to issue his warrant accordingly. (10 Vict. c. 14. s. 39.)

Assaults on Collectors.

Any person who assaults or obstructs any person authorised to collect any authorised stallage, rent, or toll, for every such offence will be liable to a penalty not exceeding 40s. (10 Vict. c. 14. s. 40.)

Table of Stallages, Rents, and Tolls, to be exhibited in Market.

The market authority or their lessee‡ from time to time are to cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, a list of the several stallages, rents, and tolls from time to time payable, and to cause a board containing such list to be conspicuously set up and continued in the market, and in each weighing house and slaughter-house provided by the market authority to which each such list relates, and no stallage, rent, or toll will be payable during the time this list is not thus set up, or for anything not specified in it. If, however, the list should be destroyed, injured, or obliterated, the stallages, rents, and tolls will continue to be payable during the time that may be reasonably required for its restoration, in the same manner as if the list had continued in the state required. (10 Vict. c. 14. s. 41.)

PROVISIONS WITH RESPECT TO BYELAWS.

The market authority may make byelaws for all or any of the purposes following, viz. :—

For regulating the use of the market-place, and the buildings, stalls, pens, and standings in it, and for preventing nuisances or obstructions in it, or in the immediate approaches to it:

For fixing the days and the hours during each day on which the market is to be held:

For inspection of the slaughter-houses, and for keeping them in a cleanly and proper state, and for removing filth and refuse at least once in every 24 hours, and for requiring them to be provided with a sufficient supply of water, and preventing the exercise of cruelty in them:

For regulating the carriers resorting to the market, and fixing the rates for carrying articles carried from it:

For regulating the use of the weighing-machines provided by the market authority, and for preventing the use of false or defective weights, scales, or measures:

For preventing the sale or exposure for sale in the market of unwholesome provisions. (10 Vict. c. 14. s. 42.)

* See note on page 165.

† It may here be observed that the Urban Sanitary Authority are not empowered to let the market provided or acquired by them under the Public Health Act, 1875.

Byelaws as to markets made by urban sanitary authorities are subject to the provisions of the Public Health Act, 1875, as to byelaws. These are given at page 2.

The following provisions apply to byelaws as to markets made by market authorities other than urban sanitary authorities:—

The market authority may from time to time, as they think fit, repeal or alter any byelaws.

The byelaws are to be in writing and under the common seal of the authority, if it is a corporation, and if it is not a corporation, under the hands and seals of two members of the authority. If the byelaws affect other persons than the officers and servants of the authority, they are to be printed and published. (10 Vict. c. 14. s. 42.)

The clerk of the market authority must give, without charge, a printed copy of the byelaws to every person who applies for it, and a copy of the byelaws must be painted or placed on boards, and put up in some conspicuous part of the principal office of the authority, and also in a conspicuous place in the market-place; and the boards with the byelaws on them must be renewed from time to time as necessary, and be open to inspection without fee or reward. If the clerk does not permit them to be inspected at all reasonable times he will for every offence be liable to a penalty not exceeding 5*l.* (10 Vict. c. 14. s. 47.)

The market authority by the byelaws may impose reasonable penalties, not exceeding 5*l.* for each breach of the byelaws; but the byelaws are to be so framed as to allow the court before which any penalty is sought to be recovered, to order the whole, or part only, of the penalty to be paid. (10 Vict. c. 14. s. 43.)

The byelaws (except those which relate solely to the officers or servants of the market authority) must be approved by the Local Government Board.

Before, however, the byelaws can be allowed, notice of the intention to apply for allowance must be given in one or more newspapers of the county in which the market is situated, or if there is no such newspaper, in one or more newspapers of the adjoining county, one month at least before the hearing of the application.

Any party aggrieved by a byelaw may, on giving notice of the nature of his objection to the market authority 10 days before the hearing of the application for allowance, by himself, or his counsel, attorney, or agent, be heard; but only one party may be heard on the same matter of objection. (10 Vict. c. 14. ss. 44, 45; 38 & 39 Vict. c. 55. Sch. 5. Part 3; 47 Vict. c. 12. s. 3.)

For one month before the application for allowance a copy of the proposed byelaws must be kept at the principal office of the market authority, and be put up in some conspicuous place in the market place. All persons at all reasonable times may inspect the copy without fee or reward, and the authority are required to supply every person who applies for it with a copy of the byelaws, or any part of them, on payment of 6*d.* for every 100 words copied. (10 Vict. c. 14. s. 46.)

The following provisions of the Markets and Fairs Clauses Act, 1847, are not incorporated with the Public Health Act, 1875, or made applicable by that Act to urban sanitary authorities.

PROVISIONS WITH RESPECT TO THE CONSTRUCTION OF THE MARKET, AND THE WORKS CONNECTED THEREWITH.

Taking of Lands.

Where by the special Act* authorising the construction or regulation of the market the market authority are empowered, for the purpose of constructing the market, to take or use any lands otherwise than with the consent of the owners and occupiers of the lands, the authority in exercising this power are subject to the provisions and restrictions contained in the Markets and Fairs Clauses Act, 1847, and in the Lands Clauses Consolidation Act, 1845. The market authority are to make to the owners and occupiers of and all other parties interested in any lands taken or used for the above purposes, or injuriously affected by the construction of the works, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other persons by reason of the exercise, as to those lands, of the powers vested in the authority by the Markets and Fairs Clauses Act, or the special Act* authorising the construction or regulation of the market, or any

* See note on page 165.

Act incorporated with the latter Act. Except where otherwise provided by the Markets and Fairs Clauses Act or the special Act,* the amount of the compensation is to be determined in the manner provided by the Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under its provisions; and all the provisions of the last-mentioned Act are applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction of it. (10 Vict. c. 14. s. 6.)

Taking of Lands.—Correction of Errors of Description.

If any omission, mis-statement, or wrong description is made of any lands, or of the owners, lessees, or occupiers of any lands, described or purporting to be described in the special Act,* or in the schedule to it, the market authority, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, may apply to two justices for the correction of the omission or error. If it appears to the justices that the omission, mis-statement, or wrong description arose from mistake, they are to certify accordingly, and in the certificate to state the particulars of the omission, mis-statement, or wrong description. The certificate is to be deposited with the clerk of the peace of the county in which the lands affected are situated, and is to be kept by him with the other documents to which they relate, and thereupon the special Act* or schedule is to be deemed to be corrected according to the certificate; and the market authority may make the works in accordance with the certificate as if the omission, mis-statement, or wrong description had not been made. (10 Vict. c. 14. s. 7.)

Copies of Corrections.

Copies of the alteration or correction, or extracts from it, certified by the clerk of the peace, in whose custody it is, are to be received in all courts of justice and elsewhere as evidence of the contents of the certificate of alteration, or correction. The clerk of the peace is required to give the certificate as to the copies, when called upon to do so, to all parties interested. (10 Vict. c. 14. s. 8.)

Purchase or appropriation of additional lands for Slaughter-Houses, Market Approaches, and other Purposes.

The market authority, in addition to the lands authorised to be taken compulsorily or to be appropriated by them for the purposes of the market under the powers of the Markets and Fairs Clauses Act, and the special Act,* may appropriate any lands vested in them, or may contract with any person willing to sell for the purchase of any land within the limits of the special Act,* not exceeding in the whole the number of acres prescribed by the special Act,* for the following extraordinary purposes;

For providing slaughter-houses, (if the undertakers are authorised by the special Act* to provide slaughter-houses,) and houses and places for weighing carts:

For making convenient roads and approaches to the market:

For any other purpose which may be necessary for the formation or convenient use of the market. (10 Vict. c. 14. s. 9.)

Execution of Works.—Compensation for Damages.

Subject to the provisions in the Markets and Fairs Clauses Acts and the special Act,* and any Act incorporated with those Acts, the market authority, for the purpose of constructing a place for holding the market, may execute any of the following works:—

They may enter upon any lands described in the special Act,* or the schedule to it, and other lands purchased by them or belonging to them, and set out such parts as they think necessary for the purposes of the market, and upon these parts from time to time build and maintain such market places and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting the market, and for weighing and measuring goods sold in the market, and for weighing carts, as they may think necessary.

They may from time to time on the lands referred to make and maintain all such roads and approaches as they may think necessary for the convenient use of the persons resorting to the market.

* See note on page 165.

But in exercising the powers granted by the Markets and Fairs Clauses Act or the special Act,* the market authority are to do as little damage as can be, and to make full satisfaction to all parties interested for all damages sustained by them by reason of the exercise of those powers. (10 Vict. c. 14. ss. 10, 11.)

PROVISIONS WITH RESPECT TO SLAUGHTER-HOUSES.

Where by the special Act* authorising the construction or regulation of the market the market authority are empowered to provide slaughter-houses, they may from time to time erect, on any land purchased by them under the provisions of the Markets and Fairs Clauses Act or the special Act,* or any Act incorporated with those Acts, any buildings, or set apart and improve any buildings belonging to them, for the slaughtering of cattle. As soon as the buildings are ready for public use the authority are to give notice to that effect by publication in some newspaper circulating within the limits of the special Act,* and by printed handbills posted on some conspicuous place within those limits.

Nothing, however, in the Markets and Fairs Clauses Act or in the special Act,* or any Act incorporated with those Acts, will protect the market authority from an indictment for nuisance, or from any other legal proceeding in respect of any such slaughter-house as is mentioned above. (10 Vict. c. 14, ss. 17, 18.)

After the expiration of ten days from the publication and posting of the notice referred to above, no person may slaughter any cattle or dress any carcase for sale as human food or food of man in any place within the limits of the special Act,* except in a slaughter-house which was in use as such before and at the time of the passing of the special Act,* and has so continued ever since, or in the slaughter-houses made in pursuance of the Markets and Fairs Clauses Act and the special Act.* Any person who, after the notice, slaughters any cattle or dresses for sale any carcase within the limits of the special Act,* in any place other than one of the slaughter-houses referred to, will be liable to a penalty not exceeding 5*l.* for every offence. (10 Vict. c. 14. s. 19.)

Inspection of Slaughter-Houses.—Destruction of unwholesome Meat.

The inspector of provisions, or any officer appointed by the market authority for that purpose, may at all times of the day, with or without assistants, enter into and inspect all buildings erected or set apart by the authority for slaughtering cattle, and examine whether any cattle or the carcase of any cattle is deposited there. If the officer finds any cattle, or the carcase or part of the carcase of any cattle, which appears unfit for the food of man, he may seize and carry it before a justice, and the justice is forthwith to order it to be further inspected and examined by competent persons. If, upon inspection and examination, the cattle carcase, or part of a carcase, is found unfit for the food of man, the justice is to order the same to be immediately destroyed or otherwise disposed of in such way as to prevent it being exposed for sale or used for the food of man. Any person who obstructs or hinders the inspector or other officer in the discharge of any of these duties will be liable to a penalty not exceeding 5*l.* for every offence. (10 Vict. c. 14. s. 20.)

ACCOUNTS OF MARKET AUTHORITY.

The market authority in every year are to cause an annual account in abstract to be prepared, showing the whole receipt and expenditure of all rents and other moneys levied by virtue of the Markets and Fairs Clauses Act or the special Act* for the year ending the 31st day of December, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of the account, duly audited or certified by the chairman of the authority, and by the auditors, if any, and are to send a copy of the account, free of charge, to the clerk of the peace of the county in which the market is situate, on or before the expiration of one month from the day on which the accounts end. The account is to be open to the inspection of the public at all seasonable hours, on payment of the sum of 1*s.* for every inspection. If the authority omit to prepare or send the account they will forfeit for every omission the sum of 20*l.* (10 Vict. c. 14. s. 50.)

* See note on page 165.

TENDER OF AMENDS FOR INJURIES.

If any person has committed any irregularity, trespass, or other wrongful proceeding in the execution of the Markets and Fairs Clauses Act, or the special Act* or any Act incorporated with those Acts, or by virtue of any power or authority thereby given, and if before an action is brought in respect of the offence he makes tender of sufficient amends to the person injured, the last-mentioned person will not be able to recover in any action. If no tender has been made the defendant may, by leave of the court where the action is pending, at any time before issue is joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings are to be had as in other cases where defendants are allowed to pay money into court. (10 Vict. c. 14. s. 51.)

PROVISIONS WITH RESPECT TO THE RECOVERY OF DAMAGES AND PENALTIES, AND TO THE DETERMINATION OF ANY OTHER MATTERS REFERRED TO JUSTICES.

Recovery of Damages and Penalties.

The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to justices, are to be incorporated with the Markets and Fairs Clauses Act and the special Act.* Those clauses are to apply to the market and the market authority respectively, and are to be construed as if the words "market authority" had been inserted in the clauses instead of the word "company." (10 Vict. c. 14. s. 52.)

*Recovery and Application of Penalties in Metropolitan Police District.—
Appeals against Orders.—Witnesses and their Expenses.*

Every penalty or forfeiture imposed by the Markets and Fairs Clauses Act, or the special Act,* or any Act incorporated with them, or by any byelaw in pursuance of those Acts, in respect of any offence which takes place within the metropolitan police district is to be recovered, enforced, accounted for, and, except where its application is otherwise specially provided for, to be paid to the receiver of the metropolitan police district, and applied in the same manner as penalties or forfeitures other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the third year of the reign of her present Majesty, intituled An Act for regulating the police courts in the metropolis. Every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty is subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the last-mentioned Act. Every magistrate by whom any order or conviction has been made is to have the same power of binding over the witnesses who have been examined, and such witnesses will be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the last-mentioned Act. (10 Vict. c. 14. s. 56.)

Penalties for giving False Evidence.

Any person who upon any examination upon oath under the provisions of the Markets and Fairs Clauses Act, or the special Act,* or any incorporated Act, wilfully and corruptly gives false evidence, will be liable to the penalties of wilful and corrupt perjury. (10 Vict. c. 14. s. 57.)

Saving of Crown Rights.

Nothing in the Markets and Fairs Clauses Act, or the special Act,* is to be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of customs or excise, or any other revenue of the Crown, or to extend to or affect any claim of Her Majesty in right of Her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty in any part of the United Kingdom of Great Britain and Ireland. (10 Vict. c. 14. s. 54.)

* See note on page 165.

Magistrate to have Power to act in place of Two Justices.

All things in the Markets and Fairs Clauses Act, or in the special Act,* or any Act incorporated with them authorised or required to be done by two justices, may and are to be done by any one magistrate having by law authority to act alone for any purpose with the powers of two or more justices. (10 Vict. c. 14. s. 55.)

PROVISIONS WITH RESPECT TO ACCESS TO THE SPECIAL ACT.

The market authority at all times after the expiration of six months after the passing of the special Act* are to keep in their principal office of business a copy of the special Act,* printed by the printers to Her Majesty, or some of them, and also within that space of six months to deposit in the office of the clerk of the peace of the county in which the market is situate, a copy of the special Act* thus printed. The clerk of the peace is to receive, and he and the market authority respectively are to keep these copies of the special Act,* and to allow all persons interested to inspect them, and make extracts or copies from them, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of Her Majesty intituled An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament. (10 Vict. c. 14. s. 58.)

If the market authority fail to keep or deposit, as mentioned above, any of these copies of the special Act,* they will forfeit 20*l.* for every offence, and also 5*l.* for every day afterwards during which the copy is not thus kept or deposited. (10 Vict. c. 14. s. 59.)

Local Government Board,
June 1887.

* See note on page 165.

Digest of Legal Decisions on Cases relating to Markets.*

I.—Cases relating to Questions as to Market Rights and Privileges generally.

1. A market franchise can be granted by the Crown over land not belonging to the grantee, but such franchise cannot be exercised against the will of the owner of the land.

Where the grant specifies certain days on which the market is to be held, no length of user will entitle the grantee to hold markets on other days. Attorney-General *v. Horner*, 33 W. R. 93 (C.A.); L.R. 14 Q.B.D. 245; 54 L.J. Q.B. 227; 49 J.P. 326.

2. By letters patent in 34 Charles II. the King granted market rights "in sive juxta" a certain place called "Spital Square" to one who was lessee of the square and had acquired the greater part of the reversionary interest in it. The grantee or his successors in title laid out the square as a market-place with four internal streets. The land immediately surrounding the square was afterwards laid out in four external streets, but it did not appear to whom the property in this surrounding land at any time belonged. There was evidence of a usage from the time of living memory to grant licenses and take tolls for the sale of marketable articles over parts of the external streets, as well as over the market-place and the internal streets.

Held, affirming the decision of the Court of Appeal, that under the grant "in sive juxta" the market rights extended into the four external streets as well as over the market-place and the four internal streets; and that the inference from the documents and evidence was that the streets were dedicated to the public subject to the exercise of the market rights.

Quære, how far a grant "in or near" a place can lawfully extend. Attorney-General *v. Horner*, L.R. 11 App. Cas. 66; 55 L.J. Q.B. 193; 54 L.T. 281; 34 W.R. 641; 50 J.P. 564 (H.L.E.).

3. Where a place had been used as a fair or a market to which persons resorted to expose articles to sale:—*Held*, to be sufficient answer to an indictment for a nuisance that the same had been enjoyed more than 20 years without interruption. *Rex v. Smith*, 4 Esp. 111, Ellenborough.

4. To entitle a party to exemption from penalties for an offence against the 50 Geo. 3. c. 41.,† on the ground that the place where the hawker exposed his wares for sale was a public market, it must be shown that it was a legally established market by grant from the Crown, and not merely a market *de facto*. *Benjamin v. Andrews*, 5 C.B., n.s. 229; 4 Jur., n.s. 41; 27 L.J., M.C. 310.

5. A byelaw made under a local Act for regulating markets is not unreasonable or in restraint of trade by reason of it setting apart a part of a market for sale by wholesale only and providing a penalty for selling by retail in that part. *Strike v. Collins*, 55 L.T. 182; 34 W.R. 459; 50 J.P. 741.

6. A District Board of Works having given notice that they proposed (under s. 108 of the Metropolis Local Management Act, 1855,) placing permanent posts on the sides of the footways and carriageways leading into, and forming part of the area of, a market, the plaintiff, lessee of the market, brought an action against the Board, claiming an injunction:—*Held*, at the trial by Bacon V.C., that as the plaintiff had established market rights over the entrance streets, which would be interfered with by the posts, and as s. 91 of the Act excepts market rights from its operation, the Board must be restrained from putting up posts in the entrance streets. *Horner v. Whitechapel District Board of Works*, 51 L.T. 414; 54 L. J. Ch. 148.

This decision was affirmed by the Court of Appeal. 55 L.J. Ch. 289; 53 L.T. 84 (2C.A.).

* This Digest has been compiled from the following works:—
Fisher's Common Law Digest, 1756–1880.
Law Reports Digests, 1865–1885.
Emden's Digests, 1883–1886.

† This statute relates to hawkers and pedlars.

II.—Cases relating to Questions as to Improvement, Enlargement, and Removal of Markets.

Improvement and Enlargement.

A grant of a right to hold a market "in or near" a certain place is not a grant by metes or bounds. Per Brett, M.R., "Such a market may extend as far as reasonable convenience from time to time requires, provided that the market overflows honestly." Attorney-General v. Horner, 33 W.R. 93 (C.A.); L.R. 14 Q.B.D. 245; 54 L.J. Q.B. 227; 49 J.P. 326.

2. In the Cambridge Market Act, 1850, power was given to the mayor, aldermen, and burgesses in council, to enlarge as well as to improve the market of that borough:—

Held, that the meaning of the word was not restricted to merely extending the market to streets theretofore forming parts of its sides, but authorised them to extend the market to other streets in its immediate neighbourhood, even though such streets were not mentioned in the Act. Attorney-General v. Cambridge (Mayor, &c.), L.R. 6 H.L. 303; 22 W.R. 37.

The general object of the Act being to enlarge and improve the market of the borough, the mayor and aldermen, who had the right to hold markets in the borough, though by the Act not authorised to enlarge an existing corn exchange, were authorised to erect a new corn exchange, and to make it adjoin the borough market, such being in their opinion, a matter of public convenience, and an enlargement and an improvement of the market. *Ib.*

3. A market company obtained an Act the preamble of which recited that a convenient site might be obtained between certain streets on the east and certain other streets on the west, and which enacted that the Markets and Fairs Clauses Act, 1847, was incorporated therewith. The special Act authorised the erection of a market-house on land described on the deposited plans, and the company was enabled to alter and widen streets in the way pointed out on the deposited plans, and to buy additional lands not exceeding two acres. A. was owner of land on the west side of one of the streets on the western boundary of the area spoken of in the preamble, and his land was described on the deposited plans, but it did not thereby appear that more was intended to be taken than enough to widen one of the streets. The company proceeded to take the whole land of A. compulsorily, and to build upon it a covered building in addition to the market-house authorised by the Act; whereupon A. filed a bill for an injunction, which was granted, the Master of the Rolls deciding that the company could only erect one market-house, and not two, and that on the east side; and that although the preamble could not control the enactments, it might be resorted to to remove obscurity:—*Held*, that as the land of A. was described in the plan, and as therefore it might be wanted, the company was authorised to take it; and, as by the general Act "the singular may mean the plural," the company was not restricted by the word a market-house; that the enactments of the special Act did not require a reference to the preamble to explain them, and the injunction must be dissolved, the company being the proper judges of what lands were necessary for the works. Richards v. Scarborough Public Market Company, 23 L.J., Chanc. 110.

Removal.

4. In an action by a lord of a manor for disturbance of a market, if the lord proves a market immemorially holden in certain places within the manor, it is not a necessary legal inference (no grant being produced) that the market was granted to be holden in those places only, but a jury may presume from circumstances that the market was granted to be holden in any convenient place within the manor. De Rutzen v. Lloyd, 5 A. & E. 456; 6 N. & M., 776.

5. The lord of a manor to whom a grant of a market is made *infra villam de W.*, may hold it anywhere *infra villam de W.*, and whether villa extends to the town of W., or the township or parish of W., the lord has a right to remove the market-place from one situation to another within the precinct of his grant; and though he shall have holden it for above 20 years within the township of W., when the grant only gave it him within the town properly so called at the time, yet if he afterwards gives notice of removal to another place in the township, the public has no right to go upon his soil and freehold in the old market-place, and any person going there is liable to an action of trespass by the lord. Curwen v. Salkeld, 3 East 538.

6. Charles the Second by a charter granted to a corporation two fairs to be holden annually within the borough and foreign, and confirmed to them all markets which they then held, with a reservation of the rights of the lord of the manor. A market had been holden immemorially in the High Street until a very late period, when the corporation, finding it inconvenient, removed it out of the High Street to another and more convenient place within the borough; the corporation exercised acts of ownership in pulling down an old market-house and erecting a new one; the clerk of the markets, however, had been appointed by the lord of the manor, but he did not receive any toll from the persons frequenting it. The defendant having been indicted for a nuisance in erecting stalls in the High Street after the removal of the market, the judge left it to the jury to say whether the corporation was owner of this market, adding, that if so, the right of removal was incident to the grant. The jury having found in the affirmative, the Court refused to grant a new trial. *Rex v. Cotterill*, 1 B. & A. 67.

7. Although there is a clear right at common law for a corporation to change the site of a market held in a borough, yet if the members of the corporation avail themselves of the 21 & 22 Vict. c. 98.* and, as a local board rather than in their corporate capacity, proposes to transfer and regulate the market, they will be held to the provisions of the Act, and their powers will be limited to that extent. *Ellis v. Bridgnorth (Mayor, &c.)*, 2 Johns. & H. 67; 9 W.R. 331; 4 L.T., N.S. 112.

In what Cases Removal would be illegal.

8. *B.* being entitled to a market in the manor of *K.*, which was held in the public street on *B.*'s soil, removed it to another site in *K.*, which site he had demised, without demising the franchise, for a term of years:—*Held*, that the removal was bad, unless the public had the same privilege in the new market as in the old. *Rex v. Starkey*, 7 A. & E. 95; W., W. & D. 502.

A person indicted for a nuisance in erecting a stall in the old market place, after a wrongful removal of the market, may set up the wrongfulness of the removal as a defence, and need not proceed by *scire facias* to repeal the grant of the market. *Ib.*

9. A corporation was owner of an ancient market, and also lord of the manor in which the borough was situate. The market had from time immemorial been held in and near the High Street. A person had a house in that street, and he and the previous owners and occupiers of the houses in which he lived, as well as several other occupiers of houses in the street, had from time immemorial erected, on market days, stalls opposite their houses, and either used the stalls themselves or let them to others. No tolls were ever taken in respect of the goods sold at these stalls, though they were formerly taken for similar produce exposed in the market elsewhere. In an action against the corporation for removing the market to another place within the borough:—*Held*, that the right to the stalls was a right which might reasonably be supposed to have been granted by the owners of the market to the owners and occupiers of the houses, and that it was sufficiently connected with the enjoyment of the houses to be claimed as appurtenant thereto.

Held, also, that if the original grant was presumably to hold the market at any place within the borough, still the corporation could not remove it, as to do so would be in derogation of their own grant of the right claimed. *Ellis v. Bridgnorth (Mayor, &c.)*, 9 Jur., N.S. 1,078; 15 C.B., N.S. 52; 32 L.J., C.P. 273; 12 W.R. 56; 8 L.T., N.S. 668.

III.—Cases relating to Questions as to disturbance of, or interference with Markets and Market Rights.

As to illegal Trading outside Market.

1. The grant of a market does not of itself imply a right in the grantee to prevent persons from selling marketable articles in their private shops within the limits of the franchise on market days. *Macclesfield (Mayor, &c.) v. Chapman*, 12 M. & W. 18; 7 Jur. 1,041; 13 L.J., Ex. 32.

* The Public Health Act, 1875, is now substituted for this Act.

2. A right by custom to exclude persons from selling marketable articles in their shops on market days without the limits of the market, is valid.

Where a market for meat was proved to have been in existence in the reign of James I., proof that the grantees of the market had for the last 100 years appointed market brokers, that no butchers' shops had existed out of the market-place until 1810, and that the shops then set up were objected to by the grantees, was held to be sufficient evidence of such immemorial right. *Macclesfield (Mayor) v. Pedley*; 1 N. & M. 708; 4 B. & Ad. 397.

3. The grant of a market, with the addition of the words "with all liberties and free customs to such a market belonging," does not imply a right in the grantee to prevent persons selling marketable articles on market days within the limits of the franchise. *Penryn (Mayor, &c.) v. Best*, L.R. 3 Ex. D. 292; 48 L.J. Ex. 103; 38 L.T. 805; 27 W.R. 126 C.A.

Such a right may be gained by immemorial enjoyment or prescription. *Id.*

A corporation claimed to be entitled by prescription to a meat market within the borough, and as incident thereto they claimed the right to prevent butchers from selling meat in their own shops on market days within the limits of the franchise. The evidence was that from the time of living memory down to 1862 butchers who had shops in the borough closed them on market days, and resorted to the market and sold there, paying stallage; that in 1862 two butchers refused to do this, but on actions being brought submitted, and thenceforth paid toll for keeping their shops open on market days, and that the defendant had paid a similar toll for some years before 1875, when he declined to continue the payment.

It was held that the evidence was sufficient to support the claim to prevent the owners of shops from selling in them on market days. *Id.*

4. Where part of the space granted for a market was used for other purposes than those specified in the grant, and the remaining part became insufficient for the public accommodation:—*Held*, that the lord of the market could not maintain an action against an individual for selling vegetables in the neighbourhood of his market, and thereby depriving him of toll, even at a time when there was room in the market, without showing that on the day when the sale took place he gave notice to the seller that there was room within the market. *Prince v. Dewis*, 5 B. & C. 363; 3 D. & R. 121; 2 C. & P. 66.

5. A sale of goods on a market day, "within the prescribed limits" of a town is not within s. 13 of the 80 Vict. c. 14, unless the bulk of the goods sold is, at the time of such sale, substantially "within the prescribed limits." *Newtownards Town Commissioners v. Woods*, 11 Ir. L.R., C.L. 506-C.P.

6. *H.* was charged before the magistrates of a city for having infringed a private Market Act, which imposed a fine on any person selling, offering, or exposing for sale any carcases or meat within the limits of the city and county, except within the market. It was proved on 12th January 1877 *H.* delivered certain carcases at a door within the limits, and that the carcases were then weighed and paid for, but it was alleged they were delivered in pursuance of a previous contract entered into between the same parties at the same place on the 5th of the same month. The summons was taken out for the 12th January, and the magistrates found that there had been a previous sale and purchase on the 5th.

Held, that they should have convicted on the above facts, and that if they had thought it necessary they should have amended the summons by altering the date on which the offence was alleged to have been committed from the 12th to the 5th of the month. *Exeter (Mayor, &c.) v. Heamen*, 37 L.T. 534.

7. In order to exempt from the penalty under 10 Vict. c. 14. s. 13, the party must be shown to have sold the marketable articles in what is really his own private shop, and in not any such way as to constitute a different market from the legal one; and in order to determine this question, all the elements of the case must be taken into consideration, although not one of them alone might be conclusive upon it. *Pope v. Whalley*, 6 B. & S. 303; 11 Jur., n.s. 444; 34 L.J., M.C. 76; 13 W.R. 402; 11 L.T., n.s., 769.

8. A sale by sample on a market day near to but without the limits of the market is not a disturbance of the market, unless done designedly and with the intention to evade payment of toll. *Brecon (Mayor, &c.) v. Edwards*, 1 H. & C. 51; 8 Jur., n.s., 461; 31 L.J., Exch. 368; 6 L.T., n.s. 293.

9. A person brought sheep to a public-house 40 yards out of the limits of a market, left them there, went into the market in search of customers, whom he brought back to the public-house and there sold the sheep to them:—*Held*, that this

was a fraud upon the market, for which the seller was liable to an action by the lessee of the market. *Brigland v. Shapter*, 15 M. & W. 375.

10. A pedlar holding a pedlar's certificate and trading within the district for which it was granted, but using a horse and cart, and therefore not acting as a pedlar within the definition in section 3 of the Pedlars Act, 1871, was yet within the exemption of section 13 of the 10 Vict. c. 14. as extended by section 6 of the Pedlars Act, and was not liable to a penalty for selling within the limits prescribed by the special Act constituting the market articles in respect of which tolls were by the special Act authorised to be taken in the market. *Howard v. Lupton*, L.R. 10 Q.B. 598; 44 L.J., M.C., 150; 40 J.P. 7.

11. A local Market Act prohibited the selling within certain limits of the market corn, grain, fish, meat, poultry, or other provisions, or any bulls, sheep, swine, or other live cattle which are usually sold in public markets.

It was held that a shopkeeper selling potatoes came within the statute, these being "provisions," and also "usually sold within markets." *Shepherd v. Folland*, 49 J.P. 165.

12. An improvement Act passed subsequently to 10 Vict. c. 14. enacted that the local board and their lessees might from time to time demand and take from any person occupying or using any shop, stall, stand, bench, or ground space in any market-place for the time being under the management of the local board, and used as a general market, such tolls as the local board or their lessees from time to time appointed, not exceeding the several tolls specified in a schedule annexed to the Improvement Act, and the schedule in terms imposed the toll on the occupier of every shop, stall, or ground space in the market, and not upon the commodities sold or exposed for sale there.

It was held that a person who sold fruit and fish, which were marketable articles, from door to door within the limits of the Improvement Act did not thereby become liable to the penalty imposed by 10 Vict. c. 14. s. 13. *Caswell v. Cook*, 11 C.B., n.s. 637; 31 L.J., M.C. 185.

13. Under the powers of an Act of 1844, the Corporation of Manchester purchased the manorial rights of the manor of Manchester, which was coextensive with one of the six townships included in the borough. Among these rights was an ancient franchise to hold a market, which appeared to have been a Saturday market. After this, by the Manchester Market Act, 1846, the corporation were empowered to hold markets on such days as they should think fit at any places within the borough which they should appropriate as market places, and to charge any tolls not exceeding those mentioned in the schedule to the Act (which were higher than the old accustomed tolls), and to make certain charges for weighing, which could not have been made under the old franchise:—*Held* (affirming the decision of the Vice-Chancellor of the County Palatine of Lancaster), that there being under the Act a change of time, a change of place, an alteration of the old charges, an imposition of new charges, and an extension of the market from the township to the borough, the effect of the Act was to give the corporation new rights of holding markets in substitution for the old franchise, and that the old franchise was extinguished.

The corporation brought an action to restrain the defendants from selling eggs and dried fish on market days in their shop. The shop was situate in a street which adjoined one side of one of the plaintiffs' markets, and was on the opposite side of the street from but not opposite to the entrance from that street to the market. The defendants only sold their own goods in their shop in the ordinary course of business:—*Held* (affirming the decision of the Vice-Chancellor), that this was no disturbance of the statutory right of market. *Manchester (Mayor of) v. Lyons*, L.R. 22 Ch. D. 287; 47 L.T. 677 (C.A.).

14. A market for a town was established under a local Act. A section, for preventing any encroachment on it, enacted that any person who shall sell, or offer or expose to sale (among other things) any roots, fruit, or garden stuff in any other place within the town should be liable to a penalty, with a proviso excepting the sale by inhabitants in their houses, shops, or premises. A party bought vegetables from a wholesale dealer in the market who had previously on the same day paid the toll for them; he then offered them for sale in the streets:—*Held*, that this was an offence within the section. *Black v. Sackett*, 10 B. & S. 693.

15. By a local Act any person who sells fish within the town of Rochdale, except in the market place (unless such sale take place from a shop or dwelling-house), is liable to a penalty not exceeding 5*l.* *H.* sold four herrings in an open street not in the market-place. The street was a main thoroughfare with houses on both sides, in a

populous part of the ancient municipal borough of Rochdale, and there was a continuous line of buildings from the market-place to the street where the sale took place. When the Act was passed the street in question was not made, and the site of it was, in fact, green fields. There was no definition in the Act of the meaning of the expression "town of Rochdale." The justices refused to convict, being of opinion that those words were limited to the town as it then existed.

Held, that the justices were wrong in refusing to convict, inasmuch as the section was intended to apply to all parts of what might be fairly termed the town of Rochdale, whether in existence at the time of the passing of the Act or not. *Collier v. North*, 35 L.T. 345. *See also Killmister v. Fitton*, 53 L.T. 959.

16. A local Market Act enacted that every person who should sell or expose for sale at any place within the limits of the Act (other than in his own dwelling-house, or in any shop attached to and being part of any dwelling-house), any article in respect of which tolls were by the Act authorised to be taken, should forfeit and pay any sum not exceeding 40 shillings. By a schedule a toll was imposed upon horses.

It was held that a horse was an article within the Act.

It was also held that a sale by auction of horses by *A.*, a licensed auctioneer, in a yard attached to the dwelling-house of *B.*, within the district was an offence against the Act. *Llandaff and Canton Market Company v. Lyndon*, 8 C.B., n.s. 515; 30 L.J., M.C. 105; 6 Jur., n.s. 1344; 8 W.R. 693.

17. Where an Act enacted that every person who should sell or expose for sale at any place within the limits of the Act (other than his own dwelling house, or in any shop attached to and being part of any dwelling-house), any article in respect of which tolls were by the Act authorised to be taken, should incur a penalty of 40 shillings—

It was held that to bring it within the exemption the shop need not be attached to any part of the dwelling-house of the party himself.

It was also held that a sale by auction in a shop attached to and being part of any dwelling-house was privileged. *Wiltshire v. Willett*, 11 C.B., n.s. 240; 31 L.J., C.P. 8; 10 W.R. 44; 5 L.T., n.s. 355.

18. By a local Market Act every person who should sell or expose for sale at any place within the limits of the Act (other than in any existing market-place, or the market house and market-places to be established under the Act, or in his own dwelling-house, or in any shop attached to and being part of any dwelling-house), any article in respect of which tolls were by the Act authorised to be taken, other than eggs, butter, and fruit, should forfeit 40 shillings.

It was held that a vessel moored to a wharf on the old canal, within the limits, was not a shop within the exemption. *Wiltshire v. Baker*, 11 C.B., n.s. 237; 31 L.J.C.P., 10 n.; 10 W.R. 89; 5 L.T., n.s. 355.

19. *A.* was the tenant of a dwelling-house and shop, and a piece of ground in front of the shop, in the town of *B.*; there was a wooden shed affixed to the house and supported on wooden posts, which had been erected over the piece of ground for 18 years, and previous to the erection of the shed stone flags had been built into and formed part of the house, the flags projecting 3 feet from the house, and these flags helped to support the wooden shed. *A.*, after a market had been opened for the town, exposed vegetables for sale outside his house and shop upon the piece of ground and beneath the wooden shed, and was convicted by justices on an information charging that he had contravened s. 13 of the 10 Vict. c. 14.

On a case it was held that the facts showed that the shed was part of *A.*'s dwelling-place or shop, and the justices were wrong in convicting him. *Ashworth v. Heyworth*, L.R. 4, Q.B. 316; 38 L.J., M.C. 91; 20 L.T., n.s. 439; 33 J.P. 565.

20. A local Market Act of 1867 incorporated the 10 Vict. c. 14., and also provided that no unlicensed person should sell in any open place within the limits of the market, not being the new market-place or his own dwelling-house or shop, any articles, &c. *A.* sold articles of the description mentioned in the Market Act in a skittle ground let to him for two days. The place where the sale took place was covered with a roof, and enclosed, but had a door leading into the street.

It was held that the place of sale was not *A.*'s shop within the exception in s. 13. of the 10 Vict. c. 14. *Hooper v. Kenshole*, L.R. 2, Q.B.D. 127; 46 L.J., M.C. 160; 36 L.T., n.s. 111; 41 J.P. 182.

21. In 1871 a local board duly opened a market established by them under the Local Government Act, 1858, and the 10 Vict. c. 14. The former Act conferred upon local boards powers in this matter similar to those now contained in the Public Health

Act, 1875. *A.* was charged with infringing s. 13 of the 10 Vict. c. 14. by selling 12 sheep in a place other than the market not being his own dwelling-house or shop. The justices refused to convict under the following facts: *A.* had, in 1865, under the approval of the local board, erected a large building called the "Agricultural Hall," capable of holding 100 head of cattle, with a large open yard with fixed pens capable of holding 1,400 sheep. The hall and yard were *A.*'s private property, and in his own occupation. *A.*'s dwelling house adjoined and communicated with the yard. *A.* was in the habit of advertising and holding sales by public auction every Monday, which is the market day, the average sale each Monday being about 100 cattle and 1,000 sheep. The cattle and sheep so sold were the property of farmers and others, *A.* charging the vendors a commission, and guaranteeing payment of the amount of the sales. The offence proved was the sale of 12 sheep in the hall on a Monday, the hall being within the district of the local board, and tolls been taken for the sale of sheep in the market.

It was held, on appeal, that the justices ought to have convicted, for that the sale was not within *A.*'s own shop within the meaning of s. 13 of the 10 Vict. c. 14.

It was held also that *A.* by the establishment of his business under the approval of the local board, had not acquired any right, power, or privilege within s. 50 of the Local Government Act, 1858. *Fearon v. Mitchell*, L.R. 7, Q.B. 690; 41 L.J., M.C. 17; 27 L.T., n.s. 33; 36 J.P. 804.

22. There was a local Act similar in language to s. 13. of the 10 Vict. c. 14. *A.* resided in a street within the limits of market jurisdiction, and occupied a large yard adjoining his residence, in which were sheds and other places for sale of cattle and sheep, and he exposed there for sale 200 sheep. The entrance to the yard was from the street through double doors. After passing through the doors there was a place about 30 feet by 20 feet, covered in by beams and flooring. *A.* resided in a small house supported by pillars on either side of this place, the floor of his house forming the ceiling of this under space; the yard extended further back without a ceiling to about 158 feet from the doors. There were stairs from the dwelling-house down into the covered space, and this was the communication between the yard and sheds and the house.

Held, that the yard and sheds were not the dwelling-place or shop of *A.*, and he was rightly convicted of an offence under the local Act. *McHole v. Davies*, L.R. 1 Q.B.D. 59; 45 L.J., M.C. 30; 33 L.T., n.s. 502; 40 J.P. 548.

As to Establishment of rival or other Markets within Limits of Market Rights.

23. The plaintiffs were owners of the franchise of the S. fruit and vegetable market, deriving their title from grants of letters patent in the reigns of Charles II. and James II. The defendants, a railway company, established at their goods station at B., less than a quarter of a mile from the S. market, a new market for fish, fruit, and vegetables, which they at first advertised as a "market," but afterwards substituted the title of "depôt." The plaintiffs having brought an action for an injunction to restrain the Company from carrying on their market on the ground that it was a disturbance of the plaintiffs' market rights and a fraud upon their market, and prejudicial to the ownership thereof, the defendants alleged that the S. market was wholly inadequate to the wants of the neighbourhood, and that such inadequacy was increased by the fact that the plaintiffs devoted the whole space of the S. market to tenants by the year and for other periods, thus depriving the public of accommodation.

It was held that the injunction must be granted, for the defendants would not be justified in establishing a market which interfered with the plaintiffs' legal rights, even if there were evidence that the accommodation of the S. market was insufficient, which was not proved to be the case. *Goldsmid v. Great Eastern Railway Co.*, L.R. 25 Ch. Div. 511; 49 L.T. 717; 53 L.J. Ch. 371.

This decision was confirmed on appeal to the House of Lords. See *Great Eastern Railway Company v. Goldsmid*, L.R. 9 App. Cas. 927; 33 W.R. 81 (H.L., E.); 54 L.J., Ch. 162; 52 L.T. 270; 49 J.P. 260.

24. The plaintiffs were, down to 1855, seised in fee of an ancient market for the sale of cattle, known as Smithfield Market, and were entitled to certain tolls in respect of cattle exposed for sale in the market. In 1855 the Smithfield Market was, under the authority of an Act of Parliament, removed to Islington, but all privileges were expressly reserved to the plaintiffs, and it was enacted that no new market for the sale of cattle should be opened within seven miles from St. Paul's Cathedral. One of the defendants became in 1854 lessee of certain premises about 600 yards distant

from the Islington Market, and within the distance of seven miles from the Cathedral, and converted them into lairs and receptacles for cattle, containing accommodation for about 400 head. Some of the cattle were from time to time sold by the defendants upon the premises between the market days, which were held on Mondays and Thursdays. Beyond a uniform charge of lairage, there was nothing in the nature of a toll upon sales effected by other persons than the defendants; but where the defendants themselves acted as salesman, they charged the same commission as if the cattle had been sold in the plaintiff's market. The cattle thus sold in the interval between the two markets would, if there had been no opportunity for sale between the two markets, have found their way to, and been sold in, the plaintiff's market.

Held, on the above facts, that an action was maintainable against the defendants for a disturbance of the plaintiff's market. *London (Mayor) v. Low*, 49 L.J., Q.B. 144.

25. In boroughs, the limits of which for the purposes of parliamentary representation have been fixed by 2 & 3 Will. 4. c. 64. s. 35. sch. O., and which are included in the first section of schedules A. and B. to the 5 & 6 Will. 4. c. 76. s. 7., all places within the limits so fixed are by section 8 of the latter Act, parts of the borough for all purposes, and an ancient borough market may be lawfully held within such limits, although outside the limits of the old municipal borough. A market held in the same town with an old market, if held upon the same day, is a disturbance by intendment of law, but if it is held on a different day it is only evidence of disturbance for the jury. To support an action for disturbance of a market, it is not necessary that the defendant should have actually sold; any active interference by him in the conduct of the new market, or participation in its profits or risk, is sufficient. *Mayor, &c. of Dorchester v. Ensor*, L.R. 4, Ex. 335.

26. The plaintiffs were owners of the tolls of an ancient cattle market held weekly on Thursday. The defendants, who were auctioneers, fitted up with stalls and pens a neighbouring piece of ground, and issued circulars stating that weekly sales of cattle by auction would be held there on Mondays. The plaintiffs brought their action to restrain the defendants from holding their proposed sales, as being an interference with the plaintiff's market.

Held, by the Master of the Rolls that, having regard to modern facilities for traffic, a market on Monday was *prima facie* an injury to a market on Thursday; that what the defendants were doing was in fact the establishment of a rival market, and that an interlocutory injunction ought to be granted. *Elwes v. Payne*, L.R. 12 Ch. D. 468; 48 L.J., Ch. 831; 41 L.T. 118; 28 W.R. 234, C.A.

On appeal, *held*, that the defendants undertaking to keep an account, an interlocutory injunction ought not to be granted, for that if an injunction was granted and it turned out that the defendants were in the right, there would be great difficulty in ascertaining the compensation to which they would be entitled; whereas, if an injunction was refused, and the plaintiffs succeeded at the trial, there would be no difficulty in giving them compensation, and their market would suffer no permanent injury from the sales by the defendants in the meantime. *Id.*

27. If the grantee of a market under letters patent from the Crown suffers another to erect a market in his neighbourhood and uses it for the space of 24 years without interruption, he is by such use barred of his action for disturbance of his market. *Holcroft v. Heel*, 1 B. & P., 400.

28. An action will lie for erecting a market near the plaintiff's ancient market, though the defendant only took money in the nature of rent for his stalls, which is a lawful act, but took no toll, and had no pretence to a pie-poudre court, or anything that amounted to a usurpation of a franchise of the Crown. *Mosley v. Chadwick*, 7 B. & C. 47, n.; 3 Doug. 117.

29. Where a corporation held a market by prescription, and the Crown afterwards granted to the corporation a charter with these words, "quod nullum mercatum infra septem leucas in circuitu burgi prædicti per nos vel hæredes nostros alieno concedatur:"—*Held*, that such prohibition, if it could be considered to extend beyond that which is attached by the common law to the grant of a market, was void. In *re Islington Market Bill*, 2 C. & F. 513.

30. The establishment of a new market, to be holden within the same times, within the common law distance of the old market, is *prima facie* injurious to the latter, and therefore void; the convenience of the public would not, under such circumstances, justify the grant of a new market. In *re Islington Market Bill*, 2 C. & F. 513.

And where a charter purported to be granted "de assensu prælatorum, comitum, &c., in instanti parlamento convocati," a new charter granted to hold the market within the prescribed distance would be void, and would be repealable by *scire facias*.

The words stated would have the effect of giving the first charter the authority of an Act of Parliament. Such a charter could only be repealed by Act of Parliament. *Ib.*

If the market created by the first charter had not sufficient space for the accommodation of the public, and also if part of the space originally allotted to it was employed, or suffered by the grantee to be employed for other purposes without his providing a convenient place for the public to buy and sell in elsewhere within the limits of his grant, such circumstances would form a good defence to an action brought by him against any person for selling out of the market. They might also furnish ground for a *scire facias* to repeal the patent. *Ib.*

Quere, whether such circumstances would not render the grantee liable to an indictment for a misdemeanour? If they would, an action would lie also against him for his default, but while such grant remains unrepealed, no other market could be granted within the limited distance. *Ib.*

If by the terms of the grant the market was to be held in a fixed place, defined and known by metes and bounds, should those limits not be sufficient, and the owner of the market have no power to enlarge them, a new market might be granted to such an extent as to supply the deficiency, but no more. *Ib.*

IV.—Cases relating to Questions as to Stalls and Stallages.

1. Trespass lies for setting tables in a market-place for the sale of good thereon without leave of the owner of the soil. *Norwich (Mayor, &c.) v. Swan*, 2 W. Bl. 1,116.

2. Ejectment cannot be maintained against a person for having a stall in a street, the proper remedy is an action of trespass by the owner of the soil on which the stall was erected. *Doe d. St. Julian Shrewsbury (Minister, &c.) v. Cowley*, 1 C. & P. 123, *Hullock*.

3. Stallage is a payment due to the owner of a market in respect of the exclusive occupation of a portion of the soil. *Yarmouth (Mayor, &c.) v. Groom*, 1 H. & C. 102; 32 L.J., Exch. 74; 8 Jur., n.s. 677; 7 L.T., n.s. 161.

Therefore, where a person used a market with a chair and a ped, that is, a wooden or wicker basket, 4 feet long, 2½ feet wide, and 2 feet high, with a lid, which, being turned back and supported by pieces of wood not fixed in the soil, formed a table on which he exposed his provisions for sale:—*Held*, that he was liable for stallage. *Ib.*

The question whether a particular structure constitutes a stall is a question of fact for a jury. *Ib.*

4. An action may be maintained by the owner of a market for stallage, and that without showing any contract in fact between him and the occupier of the stall. *Newport (Mayor, &c.) v. Saunders*, 3 B. & Ad. 411.

5. A person who exposes goods for sale in a public market has a right to occupy the soil with baskets necessary and proper for containing the goods. *Townend v. Woodruff*, 5 Exch. 506; 19 L.J., Exch. 315.

6. Charles I., by letters patent, in 1639, granted to *H.* and his heirs a weekly market at *E.*, with all tolls and profits. By deed in 1646, between *H.* of the first part and certain persons on behalf of the inhabitants of *E.* of the second part, the inhabitants "having considered the great charge *H.* had been at in procuring the "market," and for other considerations, did grant unto him the court-house and the waste ground adjoining the market-place, together with the market-place, and *H.* covenanted that the inhabitants should have a market toll free:—*Held*, that in the absence of any evidence of an ancient market or of any reference to a custom or an exemption from stallage in the charter of 1639, there was no origin to which such exemption could be referred but the deed of 1646. *Lockwood v. Wood*, 6 Q.B. 31; 10 Jur. 158; 15 L.J., Q.B. 37.

The word toll in a grant may include stallage. *Ib.*

If the Crown grant to *H.* and his heirs that they may have and hold a market in the town of *E.*, with all tolls and profits thence arising, but neither the Crown nor *H.* has any right of soil in the town, if *H.* afterwards acquires the soil on which the market is held he may claim stallage by virtue of the grant. *Ib.*

A modern grant by *H.*, a subject holding under the Crown as before mentioned, to which certain persons, styled inhabitants of *E.*, are parties, granting that the inhabitants of *E.*, their heirs and assigns for ever, shall enjoy the market as freely as *H.* held it of the Crown, and containing a covenant by *H.* that they shall do so, does not exempt from stallage an inhabitant not privy to such grant. *Ib.*

Such an exemption for the inhabitants of a town can be only by way of custom, not of grant or prescription. *Ib.*

7. Charles I. granted, by letters patent to the lord of the manor of Swindon, his heirs and assigns, full and absolute license and authority to hold a market within the town of Swindon, with all liberties and free customs, tolls, stallage, piccage, fines, and all other profits, commodities, and emoluments whatsoever to such market appertaining. In 1866 the lord of the manor of Swindon, being seized of and entitled to the rights granted by Charles I., demised to a company for 21 years all the tolls, rates, dues, and duties arising and to be collected and received at the Swindon Market. The market was held in the public street, and no stalls or pens had ever been erected for the standing or separation of the cattle. Up to the time that the company acquired their rights, in 1866, no payment was ever demanded except upon the sale of cattle, when a small sum was paid per head, either by the buyer or the seller. The company made a charge upon the vendors for stallage upon all cattle brought to the market in lieu of the tolls charged on the sale.

Held, in an action against a vendor of cattle to recover this stallage, that the company had no right to make such charge. *Swindon Central Market Company v. Panting*, 27 L.T., 578.

V.—Cases relating to Questions as to Tolls.

As to rights to take Tolls.

1. A claim of toll to be taken in specie for goods sold in a market is supported by evidence of a right to toll for goods brought into the market and there sold, without showing any right to toll for goods sold in the market without being brought there. *Mosley v. Pierson*, 4 T.R. 104.

2. To support a claim of toll traverse a special consideration need not be shown. *Rickards v. Bennett*, 2 D. & R. 389; 1 B. & C. 223.

3. In an action for toll traverse, evidence that a party on a market day sold 41 quarters of corn by two sacks pitched in the market is not sufficient to authorise a verdict against him. *Vines v. Reading (Mayor, &c.)*, 4 Bing. 8; 12 Moore, 201, 1 Y. & J. 4.

4. A claim of toll-thorough cannot be supported without showing a beneficial consideration moving to the person from whom it is claimed. *Hill v. Smith. S.P. Yarmouth (Mayor)*, 3 Burr. 1402.

5. A prescription for toll of corn brought into a town to be there sold on a market day, any part of which is pitched within the market for sale, and which shall be there sold, is bad, as there cannot be any toll in respect of goods not actually brought into the market. *Wells v. Miles*, 4 B. & A. 559.

6. A prescription for toll in respect of goods sold by sample in a market, and afterwards brought into the city to be delivered, cannot be supported. *Hill v. Smith*, 4 Taunt. 520. But see S.C. 10 East, 476.

7. A seller of corn by sample in a market is benefited by the market as well as the seller of corn which is pitched there in bulk and sold, and if he refuses to pay the same toll which is paid by the seller of corn in bulk, an action lies against him for the injury done to the market in selling by sample. If a grantee of a royal franchise, as toll, grants an immunity thereout, and the franchise of toll afterwards becomes extinct by unity of possession in the Crown, the immunity does not thereby cease; and if the Crown re-grants the toll, the grantee must take it still subject to the immunity. *Tewkesbury (Bailiff) v. Bricknell*, 2 Taunt. 120.

8. Upon the construction of a local Act establishing a market for corn, &c. in the city of Cork and its suburbs:

Held, that market toll was not leviable upon a sale, made in the vendor's own house or premises situate within the city, of corn then being outside the city and its suburbs. *Webber v. Adams*, 5 Ir. R., C.L. 146, Exc. Ch.

Held, also, that market toll was not leviable upon such a sale, though the corn sold was then actually within the city or its suburbs. *Ib.*

9. *B.*, a farmer, living outside the limits of the T. market, was in the habit of supplying a greengrocer within the limits of the market with vegetables, in pursuance of orders, payment being made monthly:—*Held*, by Matthew and Day, J.J., that *B.* was liable to pay the tolls for selling marketable goods. *Torquay Market Co. v. Burridge; Same v. Middleton*, 48 J.P. 71.

10. An action by the owners of a market, who had a prescriptive right of toll on all corn brought into the market to be sold, and there sold, alleging that the defendant, intending to deprive them of their toll fraudulently bought corn in the market by sample, knowing that the commodity was not there in bulk at the time of the sale, whereby the owners were prevented from taking their toll, is not sustained by evidence of the mere fact of such purchase by sample in the market, though with knowledge of the owner's claim to toll, coupled with the fact of not paying the toll on demand afterwards when the corn was delivered to the defendant in the same borough, but out of the market. *Tewkesbury (Bailiff, &c.) v. Diston*, 6 East, 438 ; 2 Smith, 508.

11. An Act for the better regulating a market enacted, that it should be lawful for the owner thereof to take all such tolls as were usually collected or taken, or which were payable within the market: *Held*, that such owner, although not entitled at common law to any toll, might under that Act recover such tolls as, at the time of passing thereof, were usually paid in any part of the market: although the tolls then usually paid in respect of the same articles were different in other parts of the market. *Bedford (Duke) v. Emmett*, 3 B. & A. 366.

12. Where a corporation was entitled by a general grant of toll, explained by usage to be due for all commercial goods passing in and out of their city on horses, or in carts or waggons (that is, at the rate of 1*d.* for every horse load, and 2*d.* for every cart load drawn by one horse, and 2*d.* more for each additional horse):—*Held*, that any alteration of the carriage by which the goods were so conveyed, as by taking them in stage coaches, instead of carts or waggons, could not vary the right of toll in the proportion of 2*d.* for each horse drawing the coach, although the number of horses was estimated by the weight of passengers rather than of goods. *Carlisle (Mayor) v. Wilson*, 5 East, 2 ; 1 Smith, 297.

13. By a private Act, passed in 1835, the market of Devonport, belonging to A., was enlarged into a market for cattle, sheep, &c., and A. was empowered to let the erections, buildings, &c. on the ground whereon the market should be held, and to demand and take certain tolls of and from any person or persons bringing any goods or articles to the market. There was also a clause providing that if the owner should demise or lease the market, or the site, and all or any of the erections or buildings thereon the lessee should, subject to such exceptions or restrictions as might be expressly contained in the lease, take and enjoy the rents and tolls authorised to be taken by the Act, as the owner would have been entitled to do if the lease had not been made:—*Held*, that a lessee of the market, under a parol demise, was entitled to demand and receive the tolls. *Brigland v. Shapter*, 5 M. & W. 375.

14. In a high street in a town and manor there was a market-house belonging to the lord. This manor, together with the market, belonged to the Crown in the reign of Henry III. As far back as living memory extended, various tolls had been paid for the use of the market for articles hawked about the town, and for stalls and standings for the sale of articles erected in the street. One of these tolls was 1*s.* for every cartload of fish, fruit, and vegetables hawked about the town for which no toll had before been paid in the market:

Held, first, that there was evidence that the toll had been paid from time immemorial, so that a legal origin of the claim would, if possible, be presumed. *Lawrence v. Hitch*, 37 L.J., Q.B. 209 ; L.R. 3 Q.B. 521, Exch. Cham.

Held, secondly, that if any objection was made to the antiquity of the toll on the score of rankness, it might still be supported as a reasonable toll, the amount varying from time to time according to the varying value of money. *Ib.*

Held, thirdly, that if such an objection was unanswerable, the claim might be sustained as to a toll granted or reserved within time of memory by presuming a dedication by the Crown of the street to the public since the time of Henry III., which would be a good consideration for a grant or a reservation of the toll claimed, as it was not toll-thorough, or a toll for the mere use of the way, but imported a license to rest and stay upon the land for the purpose of selling marketable commodities. *Ib.*

15. The Brecon Markets Act, 1862, vested in the plaintiffs certain tolls, which under the name of drift tolls had been immemorially received by the corporation of Brecon for cattle, goods, and carriages passing to, through, or from the borough. A railway company, under the sanction of an Act passed in the same session, acquired land, not being a highway, on which they constructed a railway and station within the borough of Brecon, whence passengers, goods, and cattle were conveyed by other lines of railway to other places beyond the limits of the borough. The rights of the corporation and of the plaintiffs were expressly reserved by the Railway Act,

but there was no provision either in that or in the Markets Act expressly enabling the plaintiffs to levy tolls on the railway.

It was held that the plaintiffs were not entitled to toll in respect of cattle, goods, or carriages passing along the railway. *Brecon Markets Company v. Neath and Brecon Railway Company*. L.R. 7 C.P. 555; 8 C.P. 157; 42 L.J. C.P. 63, Ex. Ch.

As to the amounts of Tolls.

16. A grant of a fair or a market, with an express grant of toll, passes reasonable toll, though no amount of toll is specified. *Stamford (Corporation) v. Pawlett*, 1 C. & J. 57, 400; 1 Tyr. 291.

17. A toll of one penny for every pig brought into a market is not necessarily unreasonable. *Wright v. Bruister*, 4 B. & Ad. 116.

18. Where a toll of corn has been customarily taken by dipping into the sack, so as to bring out a certain quantity, and the collector varied from the proper mode (by sweeping instead of lifting the toll) so as to take more:—*Held*, that trover lay against him for the excess. *Norman v. Bell*, 2 B. & Ad. 190.

19. In 1220, the manor of Cheltenham with a market and fair was granted by Henry III. to the inhabitants for four years. Charles I. granted the manor in fee to persons through whom the plaintiff claimed, with all and singular the tolls due by reason of markets, &c., within the lordship. From time immemorial until 1786 there was a market-house in the High Street of Cheltenham belonging to the lord of the manor, and 1*d.* per basket for butter sold there, and 1*d.* per pot for butchers meat hawked about the town was paid, and from 1*s.* 6*d.* to 2*s.* 6*d.* per day was paid to the occupiers of houses for stalls erected before the houses and 1*d.* to the lord. From 1786 down to the present time different local Acts have been passed, under which a new market-house has been erected; but in all the Acts the rights of the lords of the manor were strictly preserved. As long as living witnesses can remember, a board has been fixed in the market with the market tolls, and the “tolls payable by all persons” “hawking about the town fish, fruit, vegetables, or other articles for which no toll” “has been taken in the market,” *inter alia*, 1*s.* for every waggon, cart, horse, or ass load. These tolls were proved to have been collected regularly, as of right, since 1810 till 1863, when the defendant refused to pay the plaintiff, the present lessee of the tolls, the toll of 1*s.* for a cartload of vegetables and fruit brought into and hawked about the town. On a case in which the Court were to draw inferences of fact:—*Held*, that on the facts it ought to be presumed that the toll of 1*s.* had been taken from time immemorial, and that if the doctrine of rankness applied, the other facts went to show that 1*s.* for a cartload of vegetables was not unreasonable in the time of Richard I. *Held*, also, that the claim might be sustained as a claim to a reasonable toll, which might vary in amount with the value of money. *Held*, also, that a lawful origin of the toll might be presumed within legal memory, by means of a dedication of the streets to the public and a contemporaneous reservation of this toll on the part of the Crown, between the time of Henry III. and Charles I. *Lawrence v. Hitch*, L.R. 2 Q.B. 184, n.; 3 Q.B. 521.

Remedy for Frauds upon Market Tolls.

20. An action on the case is the proper remedy for a fraud upon the toll of a market. *Blakey v. Dinsdale*, Cowp. 664.

VI.—Miscellaneous Cases on Questions referring to Markets.

1. Spreading rumours with intent to enhance the price of hops, in the hearing of hop planters, dealers, and others, that the stock of hops was nearly exhausted, and that there would be a scarcity of hops, with intent to induce them not to bring their hops to market for a long time, and thereby greatly to enhance the price, is an offence at common law, notwithstanding the repeal of the 5 & 6 Edw. 6. c. 14. by 12 Geo. 3. c. 71. *Rex v. Waddington*, 1 East, 143, 166.

2. A sale by sample is not entitled to the privileges of a sale in market overt. *Crane v. London Dock Company*, 5 B. & S. 313; 10 Jur. n.s. 984; 12 W.R. 745; 10 L.T., n.s. 372.

To constitute a sale in market overt, the goods sold must be present in the market during the whole of the transaction, from the making of the contract to the delivery. *Id.*

3. Defendants, owners of a market for sale of cattle, had, some three years before the action, erected some railings round a statue in the street of the town where the market was held, and near to the site which plaintiff, who was in the habit of bringing cattle to the market, occupied and paid a toll for. A cow of plaintiff's was killed in trying to jump the railings, and in an action brought against defendants to recover damages for her loss, the jury found that the railings were of insufficient height:—*Held*, by Lush., J., on further consideration, that plaintiff was entitled to recover, on the ground that the owners of the market were under an obligation to keep the market-place free from danger to those who lawfully frequented it; and that by erecting the railings of insufficient height, they had been guilty of a misfeasance, resulting in damage to plaintiff, who was not a mere licensee of a particular site, but entitled to use the whole of the market-place, subject to the regulations and control of the owners. *Lax v. The Mayor, &c., of Darlington*, 48 L.J., Q.B. 143.

On appeal it was held that the defendants, having received toll from the plaintiffs, and invited them to come to the market with their cattle, a duty was imposed on them to keep the market in a safe condition, and, therefore, an action would lie against the defendants for the loss sustained by the plaintiffs. *Ib.* 5 Ex. D. 28; 49 L.J. Ex. 105; 41 L.T. 489; 28 W.R. 221, C.A.

Local Government Board,
June 1887.

FAIRS AND MARKETS' COMMISSION, IRELAND.

REPORT.

TO HIS EXCELLENCY, GEORGE GRANVILLE, EARL OF ST. GERMAN'S, LORD
LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY,

HIS Excellency the late Lord Lieutenant, having been pleased to issue a warrant, bearing date the 27th September, 1852—"authorising and directing us to examine into the state and condition of the fairs and markets held at the several towns and places in Ireland, and to inquire by what authority the same are so held, and the days and hours for holding such fairs and markets, respectively, and whether the same are held in the streets of a town, or in some green or other place appropriated thereto, and the general fitness, convenience, and propriety of such place for the purposes thereof; and to make inquiry into the modes by which sales have been usually effected at such fairs and markets, whether by sample or bulk; and into the several tolls, duties, customs, stallage, piccage, cranage, beamage, and all other charges, which are usually made and levied thereat, and the nature and amount thereof, and by whose authority, or under what right, or pretence of right, the same are levied, demanded, or claimed, and whether from the buyer or seller, or otherwise; and also to inquire into all frauds, abuses, or impositions that have of late been practised at such fairs or markets, or in respect of the sales and dealings thereat, and into all reasonable and proper means for correcting and remedying the said frauds, abuses, or impositions, or any of them; and instructing us to call and summon before us, and examine all such persons as we should judge competent in that behalf, and by whom we might be the better informed in respect of these matters, and signifying his Excellency's pleasure that we should report fully what we should find concerning the premises, with our opinion thereon together with the evidence of such persons as we should so examine as aforesaid":—we have now the honour to submit to your Excellency the following Report of our proceedings, and of what we have found concerning the premises upon such inquiry, together with the opinions which our investigations have led us to form.

HIS Excellency's warrant was accompanied by a letter of instruction from Lord Naas, dated the 27th September, 1852, in which his Lordship directed us to proceed to certain market towns in different parts of Ireland, and there institute inquiries into all matters connected with the conduct and management of the markets therein; and as it would be impossible to visit each town where a market was held, we were directed to select those where we were likely to acquire the fullest information, and where the most remarkable abuses were said to exist. In addition to the subjects for inquiry mentioned in his Excellency's warrant, his Lordship further directed us to inform ourselves fully on two points:—

1st. The inconvenience that arises from the diversity of weights and measures used in different parts of Ireland.

2nd. The possibility of Government obtaining from officers connected with the markets, accurate yearly returns of all articles of agricultural produce sold therein during the year.

Having obtained, through the assistance of the constabulary, a correct list of the several towns and places in Ireland at which markets are held (No. 1, appended to this Report), we left Dublin on the 28th September, and in the course of four months, visited, and held inquiries in ninety-four of the principal market towns (No. 2, appended), situated in thirty different counties in Ireland, and examined upwards of seven hundred witnesses, the whole of whose evidence will be found in the Appendix forwarded with this Report.

We endeavoured to give every publicity to our investigations, by writing to the officers of constabulary in each town, informing them of the time fixed for holding the inquiry, and requesting them to acquaint all persons officially connected with the market, of our intention, as well as all other parties who were qualified to afford us information, or who felt interested in the matter. We also caused public notices to the same effect to be posted throughout each town, some days previous to our commencing the investigations.

A great number of memorials were forwarded to us during our tour, from corporate bodies, town commissioners, boards of guardians, and private individuals, praying us to visit and examine into the state of their several markets; and we made our arrangements so as to enable us in every instance to comply with these requisitions, and took care to communicate beforehand specially with the memorialists, giving them due notice of the time appointed, so as to enable them to attend and produce the evidence which they were anxious to lay before us.

Our inquiries, which we held in open court, were, with one or two exceptions, very numerous and respectably attended by the magistrates, country gentlemen, merchants and farmers of the

neighbourhood, who appeared to consider the subject one of vast interest to all classes, mercantile and agricultural, and were most anxious to afford us every assistance and information in their power.

Our usual course of proceeding in each town was, first to inspect the markets in person, and then to examine the officers connected with them, and afterwards various parties frequenting such markets for the purpose of buying or selling; and we did not experience any difficulty in obtaining all the necessary information on the subject of our inquiry, with the exception of the particulars as to the patents or authorities under which some of the markets were held, which we were not always able to discover.

In submitting to your Excellency a detailed statement of the results of our inquiry, it will be convenient to arrange them under the distinct heads pointed out in Lord Naas's letter of the 27th September, in the following order, namely:

- I. The existing state of the markets in Ireland, and all matters connected therewith.
- II. The diversity of weights and measures used in different parts of Ireland.
- III. The possibility of Government obtaining accurate returns of the quantity and price of all agricultural produce sold in each market.
- IV. The existing state of fairs in Ireland.
- V. Summary and recommendations.

I.—THE EXISTING STATE OF THE MARKETS IN IRELAND, AND ALL MATTERS CONNECTED THEREWITH.

In describing the existing state of the markets in Ireland, our Report must necessarily embrace a great variety of subjects; and as we shall have to allude to each separately, we deem it advisable to arrange them in the following order:—

- 1st. Patents or authorities under which markets are held.
- 2nd. Proprietors.
- 3rd. Tolls, customs, and other charges.
- 4th. Market accommodation.
- 5th. Weighmasters.
- 6th. Cranage fees.
- 7th. The system of weighing, and the deductions and charges made by the purchasers.
- 8th. The frauds practised under various forms.
- 9th. The butter trade in Ireland.
- 10th. The Dublin and other markets held under special Acts of Parliament.
- 11th. The hours for holding markets.
- 12th. The regulations affecting the sale of bread.

1. PATENTS OR AUTHORITIES UNDER WHICH MARKETS ARE HELD.

The markets in Ireland are held under various authorities.

The greater number, under Letters Patent, to individuals.

Others by a special clause in a charter of incorporation to public bodies.

And some few by special Act of Parliament.

Many appear to have been established without any right or authority whatsoever, as no record of any grant or charter can be discovered.

It appears that Letters Patent, granting the liberty of holding fairs and markets with the right of levying toll on the articles of traffic sold therein, were first issued in the reign of King James I., and have been granted since that time by each successive sovereign. They are nearly all in the same form, and grant to the patentee the right to hold certain fairs and markets on specified days in certain places, together with a court of "Pie Poudre," and to levy the "usual and accustomed toll," or "the reasonable tolls and customs established," or the "tolls, customs, privileges, profits, emoluments," &c., &c., to such courts, fairs, and markets appertaining or belonging; but, except in a very few instances, the amount of toll was not found to be specified either by schedule or otherwise in the patents.

The vague, indistinct, and undefined wording of these grants has given rise to many of the abuses which it will be our duty to detail when we are alluding to the subject of "tolls and customs."

The patents reserve to the Crown a yearly rent of 3s. 4d. for each fair, and 6s. 8d. for a weekly market (late Irish currency), for the securing of which they are required to be enrolled in the Record Branch of the office of Paymaster of Civil Services, and for which a small fee is payable.

The exaction of toll having occasioned numerous disturbances in different parts of the country, the Government for the last 16 years have invariably refused to grant a right to levy toll or custom in any patent issued during that period; but the Crown still reserves the same quit-rent as in the old patents.

The following are the official steps which it is necessary to adopt for the purpose of obtaining a grant for the establishment of either a fair or market:—

Application by memorial must be made by the proprietor in fee of the lands upon which it is intended that the proposed fairs and markets shall be held to the Lord Lieutenant, stating the days

upon which such fairs or markets are to be held, and praying the issue of a writ of "ad quod damnum" to the sheriff of the county in which the lands are situate.

The memorial is referred by the Lord Lieutenant to the Attorney General for report, whether he sees any objection to the issue of such writ; and upon his report, if favourable, the Lord Lieutenant's warrant issues to the Lord Chancellor, requiring his Lordship to issue a writ of "ad quod damnum" to the sheriff, to inquire whether the holding of the proposed fairs and markets will be any hurt or prejudice to Her Majesty, or any of Her Majesty's subjects, who may already hold fairs and markets in the neighbourhood.

Upon the finding of the inquisition, so held by the sheriff, being returned to the Clerk of the Hanaper, if it appear therefrom that no injury will accrue to anyone from a grant to hold the proposed fairs or markets, the Lord Lieutenant issues his warrant to the Attorney General, to prepare a fiat for a grant of Letters Patent to the memorialist to hold the fairs and markets desired, on the days and at the place mentioned in his memorial. The fiat on being prepared is returned to the Chief Secretary's office, and, when signed by the Lord Lieutenant, and passed under the Privy Seal, it is sent to the Clerk of the Hanaper for the Letters Patent to be prepared and passed the Great Seal. The Patent is then enrolled and delivered to the party.

The fees payable to the several public departments, on passing Letters Patent for fairs or markets, are as follow, viz. :—

	£	s.	d.
Attorney General, for report. [This sum is required to be deposited with memorial]	-	-	-
Do. for fiat	-	-	-
Chief Secretary's office, fee fund	-	-	-
Clerk of the Hanaper, preparing patent	-	-	-
Lord Chancellor, for seal	-	-	-
Secretary, for seal	-	-	-
Rolls Office, enrolling patent	-	-	-
Stamp duty	-	-	-
Enrolling grant in Paymaster of Civil Services' office	-	-	-
	£71	10	3

All the above items are now carried to the credit of the public with the exception of those payable to the Attorney General, and a fee of 12s. 5d. to the Chancellor's pursebearer, and 3s. 8d. to his trainbearer, out of the sum of 1l. 4s. 4d. paid over to the Secretary.

This mode of proceeding appears to us to be quite unsuited to the present time, and well deserving of the attention of Parliament. In the session of 1852 (15 and 16 Vict., c. 83.), the Law of Patents for Inventions was altered, and the cost of proceedings with respect to them greatly lessened; but these patents for fairs and markets seem, hitherto, to have been overlooked.

On general principles, the greatest facilities for buying and selling should be given, but, under the present system, it is necessary to incur heavy expenses, not for any real or substantial services, but for the petition, the references, the issue of a writ, "ad quod damnum," the supposed inquiry, all of which appear to be, in most cases, unnecessary and expensive formalities.

We are far from suggesting that some protection against an unauthorized assumption of right, or an invasion of existing rights, may not be required; but the present mode of proceeding appears rather to defeat this object.

If a patentee be anxious to change the day of holding his market or fair, or to establish additional fairs or markets in the same place, he is obliged to adopt the same expensive course for the purpose of obtaining a new patent; the consequence is, that a great proportion of the fairs and markets are, at present, held without any authority, as the markets are held on other than the days mentioned in the original patent; and additional fairs have been established in numberless instances by general consent, without any new patent having been sought for or obtained.

We forward, in the Appendix attached to this Report (No. 3), a Return, the particulars of which we obtained from the Record Office of the Paymaster of Civil Services and the officers of the Constabulary, showing the towns in which fairs and markets are now held, and the days on which each are held respectively, and specifying those that are held by grant from the Crown, of which any record can be discovered in the public offices, with the date of each grant, and the particulars as to the days mentioned in each patent for holding such market or fair.

It appears from this return, that markets are, at present, held in 349 towns and villages in Ireland.

In 125 instances no patents can be discovered authorizing the holding of the markets; and in 103 towns, as to which patents exist, the markets are held on different days from those mentioned in the grants.

Fairs are held at 1,297 different towns and places in Ireland.

In 485 instances no patents can be traced, and in 324 the fairs are held on other days than those granted by the patent.

This naturally leads to the consideration of some important legal questions, upon which we are unable to offer any opinion, viz. :—

1st. Whether it is necessary to obtain a grant from the Crown to establish a fair or market, and whether markets and fairs held without any such authority are illegal, even if no toll is levied?

2ndly. Whether fairs or markets held on other days than those mentioned in the Letters Patent are illegal?

These questions are of considerable importance, as so great a number of the fairs and markets at present held in Ireland are brought under either one denomination or the other.

We also forward in the Appendix (No. 4) a letter addressed to us on the subject of Letters Patent, by Mr. Harding, of the Record Office of the Paymaster of Civil Services, and which contains some interesting information on the subject of the forfeitures of these grants to the Crown at different periods.

The grants of fairs and markets to corporate authorities in charters of incorporation are generally worded in much the same way as the Letters Patent to individuals, and rarely define, specifically, the charges to be made. Some few very old charters contain grants of "murage, pavage, pontage, keyage," and other customs, and have schedules of the tolls to be levied for these purposes attached to the charters. But these instances are very rare, and the collection of tolls under such charters or grants has been long abandoned in every town visited by us, and we believe in Ireland, with the exception of Galway.

The following is a list of the markets held under special Acts of Parliament, viz. :—

Dublin—Under the 12 & 13 Vict. c. 97., called the "Dublin Improvement Act."

Belfast—8 & 9 Vict., 21st July 1845, & 10 Vict. sess. 1847, "Belfast Improvement Acts."

Cork—(Corn, Hay, Straw, and Pork Market) under 3 Geo. IV. c. 79.

Limerick—Under 15 Vict. sess. 1852, "Limerick Improvement and Market Act."

Galway—6 & 7 Will. IV. sess. 1836, "Galway Improvement Act."

Londonderry—11 & 12 Vict. c. 161. "Londonderry Improvement Act," 14th August 1848.

Athlone—15 Vict. sess. 1852, "Athlone Markets and Customs Act."

2. PROPRIETORS.

In prosecuting our inquiries in the order we had proposed to your Excellency, a description of "the proprietors" who derive under any of the three above-mentioned authorities, is the next portion of the subject which commands our attention. They may be classed under the following heads, viz. :—

1. Private individuals holding under letters patent.
2. Corporate bodies holding under charters, letters patent, or local Acts of Parliament.
3. Town commissioners, as the successors of corporations.
4. Trustees under local Acts.

In some towns we found two or more individuals claiming to be proprietors of the fairs and markets held on different days under separate patents (*vide* Skibbereen evidence); and in other towns we found, in the same manner, public bodies and private individuals exercising the rights of ownership on different days (*vide* Tralee, Clonmel, Thomastown, Strabane, &c.).

The proprietors of markets under letters patent are generally the owners of the greater portion of each town, and the lords of the manor. And it must be supposed that they were so in all cases when the patents were originally granted, as "the application to the Lord Lieutenant in the first instance must be made by the proprietor in fee of the lands upon which the proposed fair or market is to be established." There are, however, now several markets where the proprietor has little or no interest in the town; the property that was in the hands of the original patentee having been sold or leased away for ever, and little remaining but the patent for the market or fair. Some other patentees have sold their patent rights to persons who have no interest in the town beyond the profit which they may derive from the tolls and customs (*vide* Gort, Roscrea, &c. evidence).

With regard to corporate bodies and town commissioners who have the control of the markets and fairs, it appeared to us that they generally exercise their authority more with a view of deriving a revenue for the purpose of reducing local taxation, than with a view of either improving the market or granting adequate accommodation to those whose property and industry contribute so largely to the tax.

The only markets under the management of trustees are the Cork corn market and the Limerick market. The latter only obtained their Bill last session, and, consequently, it is not yet in operation. The trustees of the Cork corn market are composed of members of the town council, merchants of the city of Cork, and landholders presented by the grand jury, in all 34 in number, and are supposed to represent fairly the different parties interested in the welfare of the market. This market appears to work well and to give general satisfaction.

The Limerick trustees, under their new Act, are a body constituted somewhat similarly to the Cork trustees, but are not so numerous, being only 27 in number.

3. TOLLS, CUSTOMS, AND OTHER CHARGES.

The exaction of "unreasonable tolls, not warranted by law, charter, or usage," has been complained of for a number of years, and repeatedly made the subject of parliamentary inquiry, and yet remains to this day without adequate remedy.

It may be useful here to take a short review of the inquiries which have been instituted on this subject by committees of the House of Commons within the last 30 years, and to state the result of their several investigations.

In 1826 a select committee was appointed to consider the return of tolls and customs taken in seaports, fairs, and markets in Ireland. They proceeded to consider, 1st. The laws which regulate tolls and customs, and other duties on the sale of commodities in markets, fairs, and seaports in

Ireland. 2ndly. The tolls, customs, and other duties which, by the papers referred to them, appeared to be actually claimed and received. 3rdly. The additional remedies against abuse and illegal exaction, which it might be expedient to provide. The committee, in concluding their Report, "agreed " in thinking the subject to be one requiring the most serious and the earliest attention; and earnestly " hoped that the consolidated and amended Bill recommended by them would correct existing abuses, " and prevent their future recurrence."

So the matter rested till 1830, when the subject again attracted the attention of Parliament; and we find a select committee "on the state of the poor in Ireland," recommending, as one of their remedial measures, "a correction of the abuses incidental to the system of tolls and customs." The Committee, when referring to this subject, observe, "During the present session a Bill has been " introduced for the correction of the evils incidental to the system of tolls and customs, and at a " later period a select committee has been appointed for the purpose of instituting a full and complete inquiry into the entire subject. Under these circumstances, your committee withhold any " more specific and direct recommendations, in full confidence that evils and abuses practised to the " extent that is apparent on the face of the parliamentary returns, will not be allowed to continue " without an early and an effectual remedy."

The Bill referred to in the above Report never became law, and the select committee appointed in the same year (1830) "to inquire into the tolls and customs at fairs and markets in Ireland, and to report their observations thereon to the House," were unable to make any Report. "They examined witnesses at considerable length, but, in consequence of the late period of the session, finding themselves unable to conclude their inquiry, they laid the evidence already taken before the House, and earnestly recommended the renewal of the investigation in the ensuing session of Parliament."

This recommendation was not carried out; and, in 1835, we find the commissioners appointed to report on the state of the municipal corporations in Ireland—after describing the objectionable nature of the tolls and customs within the receipt and management of corporations, and the disgraceful scenes of turbulence and riot which not unfrequently resulted therefrom—stating, "We cannot conclude our remarks on this branch of the inquiry, without observing on the necessity that appears " to exist, as far as our observations extended, of a thorough revision, by legislative authority, of the " entire system."

Notwithstanding the unanimity of opinion which prevailed among the various committees who considered this subject, no practical measure has been, as yet, devised by Parliament to correct the many grievances and evils complained of; and the law remains, to this day, in the same ambiguous and unsatisfactory state as in 1826, when the first committee was appointed to report on the subject.

Meanwhile, tolls and customs, excessive and unreasonable in amount, were frequently exacted, and their collection effected in an arbitrary and oppressive manner. The law offered no means of redress but by proceedings which were tedious, uncertain, and so expensive as to be quite beyond the reach of the poorer classes. There appeared no prospect of legislative interference. All these circumstances, combined, gave rise, about twenty-five ago, to an organized system of resistance to the payment of these charges, in many parts of the country, which eventually resulted in toll being abolished, by mob force, in a great number of market towns in the provinces of Leinster, Ulster, and part of Munster.

The tolls were also, in many places, about the same time, the subject of expensive and angry litigation, and many proprietors voluntarily abandoned them, rather than expend money in defending a description of property so unpopular, and of such doubtful legality; or—as in the case of the Duke of Devonshire, in the market towns of Lismore, Tullow, Dungarvan, and Bandon—desisted from the collection of them, in the expectation that Government would introduce some measure to settle, finally, this much-disputed question.

It is curious to trace the progress and result of this agitation. It commenced in the counties Meath, Kildare, Dublin, King's and Queen's Counties, and soon spread to other parts of the country. If a straight line be drawn down the centre of Ireland, from the city of Londonderry to the town of Youghal, it will be found that, with a few exceptions on the east side of the line, toll has been entirely abolished; while, on the west of the line, with, also, a few exceptional cases, toll is still exacted.

Why a line of geographical demarcation should separate between submission and resistance, may, perhaps, be accounted for by the former condition of the country; but the inquiry might appear somewhat speculative and fanciful, and we, therefore, submit the fact to the consideration of your Excellency, without any commentary of our own.

To exemplify this more fully, we forward, in the Appendix (No. 5), a map of Ireland, showing the places visited by us, and distinguishing between those where toll is abolished, or still levied, at either the fairs or markets. Though we did not visit one-fourth of the market towns, still we have reason to believe that the towns which we inspected may generally be considered as fair examples of those in their immediate neighbourhood.

It might, perhaps, be imagined, that in those places where toll was suppressed, the wisest plan was adopted, in allowing matters to take their course, and that, the tolls being wholly abolished, a remedy was thereby provided, which legislative interference would scarcely have ventured so fully to effect; but inquiry has led us to form directly an opposite opinion. The worst markets we visited, during our tour, were those where toll had been abolished by violence and opposition, and where there was, in consequence, no proper accommodation, and an absence of efficient supervision and control. There the grossest frauds were committed on the ignorant and poorer classes, exceeding twenty-fold the amount of the toll previously so grievously complained of. It would have been far better, in our

opinion, to have defined and upheld by legislation, fair and reasonable charges, at the same time taking care that out of them should be defrayed the necessary expenses of "proper market accommodation, and of supporting an honest and efficient staff.

The tolls and customs now collected in Ireland may be divided into three classes:—tolls claimed originally as "toll thorough," by corporate bodies, in consideration of services performed in the repairs of the walls, streets, and bridges of corporate towns; tolls deriving their origin from grants of fairs or markets; and tolls authorised to be levied, according to specified schedules, in special Acts of Parliament, for stated purposes.

"Toll thorough" was, of all species of tolls, the most objectionable and unpopular. The considerations for which it was granted were rarely performed; and the toll was collected at the entrance of the towns, on everything passing, whether sold or not—a practice clearly in violation of the provisions of the 4th Anne, c. 8. The opposition we have mentioned was at first principally directed against this species of toll, and succeeded in abolishing it in all the corporate towns in the east of Ireland.

The only two instances of this kind of impost, which we are aware of, being still exacted at the entrance of the towns, are in Galway and Cork.

The tolls of Galway are now sanctioned by special Act of Parliament, but they may still be considered in the nature of a "toll thorough," as the Act is little more than a confirmation of the right to levy "in-gate" and "out-gate" toll, which they previously claimed by charters from Richard II. and Queen Elizabeth, with an extension of the objects to which the application was restricted by these charters.

The charter of Richard II., granted in the 19th year of his reign, to the provost and bailiffs, and communities of the town, and their successors, that they might take, for all saleable things coming to the town, by land or water, or passing from the same, certain customs or tolls, enumerated in the charter; "provided always the income arising therefrom should be faithfully expended on the murage and pavage of the said town, and not otherwise."

Queen Elizabeth, in the 20th year of her reign, granted a new charter to the corporation of Galway, which, after reciting at length the former charters, confirms to them the right to levy the customs therein mentioned, which are the same as those granted by Richard II.: "provided always, that the moneys arising thereout shall be faithfully expended in the murage and pavage of the town, and not elsewhere or otherwise."

The walls have, long since, fallen into decay, and but a small portion of the revenue of the tolls or customs was applied in the repairs of the streets, by far the greater portion being expended in the payment of corporate officers, or being retained by the mayor, for his own use, without rendering any account thereof to the corporation.¹

This gave rise to legal proceedings; and, in the year 1818, an information was filed by the Attorney-General, at the relation of two freemen, on behalf of the inhabitants of Galway, against the corporation.²

The proceedings lasted for many years, and the cause was heard, for the last time, on the 1st November, 1828, when, by the final decree made by Sir Anthony Hart, it was declared that the tolls and duties were vested in the corporation for the purpose of paving the streets, and supporting the walls of the town, according to the terms of the charter of Richard II.; and that the application thereof in payment of the officers of the corporation was a misapplication and a breach of trust. A receiver was appointed, and the tolls were let for some years under the Court. The proceeds appear to have been more than were necessary for the repairs of the streets; and in the session of 1836 an Act of Parliament was obtained, the 6 and 7 William IV., (called the Galway Improvement Act,) which recited the charter of Queen Elizabeth, slightly altered the schedules of toll, vested them in town commissioners, and directed the proceeds in future to be applied in paving, lighting, cleansing, and watching the town; and in the event of any surplus, after paying these charges, the residue to be expended in watering the town, erecting fountains therein, and in providing fire-engines; and, lastly, in erecting a market-house and shambles, and also public cranes and weighing places within the city.

It is scarcely necessary to observe, that after paying all the items mentioned, there has never been any surplus to apply to market purposes. The markets and fairs are held in the public streets. The tolls are collected at the several entrances to the town on all articles of agricultural produce entering or leaving the town, whether sold or not. The town commissioners were in the habit of letting these tolls by public auction but at present they are in their own hands. The last time they were let they produced £1,700 per annum.

This toll is exceedingly unpopular. It is, in fact, a tax levied upon the agricultural produce of the surrounding country, for the purpose of defraying expenses, which should, in justice, be borne by local taxation; and no part of it is applied in affording any accommodation or equivalent to those who contribute almost exclusively to its production.

In Cork the same description of toll is exacted on all kinds of grain and produce entering the city or suburbs; but we find that toll on cattle is not now charged, unless they are slaughtered or sold in the town. Cattle exported or returning unsold are allowed to pass free. It is called a "gateage toll," and is collected at the entrance to the town. We believe the corporation claim their right to this toll by prescription, and cannot produce any charter specially granting it, as in the case of Galway.

This toll was, till within the last twenty years, always collected as a "toll thorough," and described as such in the schedules; but the difficulty of supporting the claim to the "toll thorough" led to

¹ See Report of Commissioners on Municipal Corporations.—Galway.

² Attorney-General v. Corporation of Galway.—1 Beatty's Reports, 298.

an assertion on the part of the corporation of the right to the customs, claimed by them as "toll traverse," on the ground that the property in the soil or place where they demanded toll was originally theirs, and, that in dedicating it to the public as a highway, they reserved the right to toll for passing over it; the corporation succeeded in establishing their title on this ground, in an action tried about twenty years ago, and retain the enjoyment of them to the present day. As to the legality of these charges, we shall not venture, nor, indeed, are we qualified to offer any opinion, but we are informed that they are likely to become again the subject of legal proceedings, as the Great Southern and Western Railway, when their line shall be complete, intend contesting with the corporation the right to levy these charges.

A considerable portion of the revenue of the corporation is derived from these tolls. The following is a statement of what they produced for the last two years, ending August, 1851 and 1852:—

Gateage toll for year ending August 23, 1851:—

								£	s.	d.
Gross entries	-	-	-	-	-	-	-	4,710	15	3
Freedoms	-	-	-	-	-	-	-	803	19	10
Gross cash								3,906	15	5
								£	s.	d.
Expenses of collection	-	-	-	-	-	-	1,012	1	1	
Rents	-	-	-	-	-	-	76	6	11	
Repairs	-	-	-	-	-	-	10	1	4	
								1,098	9	3
Net produce								2,808	6	2

Gateage toll for year ending August 21, 1852:—

								£	s.	d.
Gross entries	-	-	-	-	-	-	-	4,863	18	11
Freedoms	-	-	-	-	-	-	-	842	17	5½
Gross cash								4,021	1	6
								£	s.	d.
Expenses of collection	-	-	-	-	-	-	1,039	19	0	
Rents	-	-	-	-	-	-	76	16	9	
Repairs	-	-	-	-	-	-	19	12	7	
								1,136	8	4
Net produce								2,884	13	2

If the Galway "toll thorough" be objectionable in its nature, where some public service is performed in return, this "gateage toll" is infinitely more so. The revenue derived from it is entirely appropriated to corporate purposes, and no value whatsoever is given to the public in return, but the liberty of entering or passing along the streets of the city of Cork, which are repaired by public presentment; besides which, freemen are exempt from the tax, which contributes still further to its unpopularity. There are also very heavy charges under the head of market tolls, in Cork, and both market toll and gateage toll are payable on almost every article of agricultural produce. But were it as sound in principle as it is otherwise, a serious objection to this species of toll is to be found in the expense and wastefulness inseparable from its management, as will be seen by a reference to the above account. The expenses of collection, amounting to two-fifths of the net amount of revenue obtained, and nearly one-third more than the corporation receives, is levied off the public.

As these are the only two instances of this description of charge being still made at the entrances of towns, we have thought it right to enter as fully into the details of each case as the limits of a general report would permit, and we will now proceed to describe the tolls and customs which are levied under the authority of patents for holding fairs or markets, and which come under the denomination of market tolls.

By the 57th George III., c. 108, all persons and corporations claiming a right to any toll, duty, or custom, at any fair, market, or port in Ireland, are required to exhibit at the place where such tolls are demanded, a painted board, having thereon a schedule in large and legible characters, specifying distinctly the custom, toll, or duty claimed on each and every article sold at such fair or market, and the names of the person or persons collecting the same, and of the person or persons, or corporation, claiming the right to the same, so that such boards may be referred to and examined by all persons desirous of so doing.

The provisions of this Act are in many places wholly disregarded, and in others but very imperfectly observed. We met but very few instances in which they were strictly and properly fulfilled. In some towns there is no toll-board, nor has there ever been one,¹ in others there are only one or two, while the toll is collected in a number of different places; and these boards are frequently so defaced as to be quite illegible.² When in existence they rarely contain correct information of the actual amount to be paid, as the charges have in numerous instances been lowered, in others raised, and the collection of many items abandoned altogether, and still no alteration made in the schedule.

¹ Vide Ballinrobe Evidence.

² Vide Nenagh, Killarney, Gort, Tralee, and Skibbereen Evidence.

Tolls are also frequently exacted, of which no entry appears on the board,¹ and the schedules frequently conclude with general statements of a vague and uncertain character, such as the following, viz.:—"Any article not previously mentioned," or, "upon a car-load, horse-load, or basket of any commodity," or "any goods not particularly named." By these several means the intention of the Legislature, which evidently was to protect the public against extortion, by giving to buyers and sellers full notice of the precise amount of all charges payable "on each and every article," is almost totally defeated.

But this enactment, even if strictly complied with, would be but little protection to the public, as there is no legal definition of a "fair and reasonable toll." It is not a fixed charge—it varies in every town—and from the vague and undefined manner in which the grants of tolls are conveyed in the letters patent, it would appear to be left to the discretion of the patentee to interpret the words "fair and reasonable" as he might see good, and to charge what amount he pleased as toll, and insert such in his painted schedule, the publication of which schedule has thus an operation directly the reverse of that contemplated by the Act (57 Geo. III., c. 108), as the country people are accustomed to consider charges lawful because they are posted in pursuance of an Act of Parliament, which is conspicuously set forth on the top of the board, and the arbitrary schedule thus gives authority, and the apparent sanction of the law, to the very injustice it affects to suppress.

The market tolls differ from "tolls thorough," inasmuch as they profess to be only a charge on articles when sold on a market day. They are mostly levied by a small money charge on every barrel or hundred weight of grain, every firkin or crock of butter, every carcase of dead pork, and on each horse and head of cattle, sheep, pigs, &c. But we found in one town we visited² the toll on corn was an *ad valorem* charge, being $2\frac{1}{2}$ per cent. on the value of the article sold; and in another,³ the toll on frieze was "three pence to the crown value," or five per cent. We also found that a toll in kind was claimed on several toll boards, such as at "Gort," one-sixtieth part of all corn sold; and at Skibbereen, "one-sixteenth part of all meal or potatoes sold;" but although these charges are allowed to remain on the boards, the toll levied is generally a fixed charge in money, which does not vary with the price of the article. In several places custom is charged on fowl, eggs, butter, milk, fish, apples, and small quantities of provisions brought into market by country women in baskets in their hands, even though such articles be not enumerated in the schedule.⁴ For instance, the stockings that girls carry to market for sale are subject to tollage.⁵ At Gort, a poor woman carrying a bundle of straw on her back, which she sold for four pence, was charged one penny toll. In Skibbereen, a woman bringing in three fish to sell on a Sunday morning, was stopped, and one of her fish seized by the toll-collector, because she was unable to pay one penny, the toll demanded, although the value of the fish was only about one shilling.⁶ These exactions, oftentimes wholly unauthorised by law, on small articles of food, are particularly galling, and a most unprofitable wrong, as they rarely do more than cover the expense of collection. In Mallow, the toll-collector (an old woman, who could neither read nor write) informed us that the largest amount she ever collected in one day on these small commodities, all of which are sold in the public street, was five shillings, and it frequently does not exceed one shilling and eight pence.⁷

The enforcement of these market tolls is not confined to the market days, but they are levied in many places on every day in the week (which is manifestly illegal), and in some places even on Sunday.⁸ Toll, moreover, is frequently charged two or three times in one day on the same article—first on entering the market, when sold in a large quantity; and then, again, on being retailed, a fresh toll is charged, when a sale of the separate portions takes place.⁹ A cart-load of furniture, for example, consisting of common wooden chairs and stools, is charged sixpence tollage, and each article after being purchased is compelled to pay an additional toll.¹⁰ The same occurs with fish, apples, and any other articles which are first sold in bulk, and then divided.

Many other illegal charges are imposed. Such extortions are generally practised on the poorest and most ignorant classes, who are peculiarly unprotected, and quite unable to seek redress by legal proceedings; besides, they are collected in a coarse and offensive manner by the toll-gatherers, who are often persons of the lowest class, and of bad character; and who, perhaps, exasperated by the reluctance with which their demands are paid, often enforce them with brutal violence.¹¹ Women even are not safe from their outrages, but are often roughly handled, and their persons searched in an indecent manner for the purpose of ascertaining whether they have any small articles, such as eggs or butter, concealed under their clothes.¹² It is also a common practice to impound some article of dress belonging to the women in the morning, on their entering the town, as a pledge to secure the payment of the toll when they have sold their goods.¹³

Toll is also frequently levied on articles expressly forbidden by Act of Parliament, such as one penny per load on turf, at Tipperary;¹⁴ and frequently the collectors appear to disregard all Acts of Parliament, and schedules of tolls: and (as has been already observed) without confining themselves to the prescribed days, insist on levying exorbitant toll on every day in the week.¹⁵ An instance was given in evidence at Roscrea, of the collector demanding four-pence toll on a goat, which was sold, and only produced two shillings and sixpence. The purchaser refused to pay, on the ground that there was no such charge on the schedule. The collector seized the goat, and insisted on his right to exact the charge of four-pence, as he asserted the goat came under the head of "horned cattle."¹⁶

¹ Vide Gort and Nenagh Evidence.

² Vide Charleville Evidence.

³ Vide Skibbereen Evidence.

⁴ Vide Gort, Loughrea, Mallow, Skibbereen, Nenagh, and Charleville Evidence.

⁵ Vide Gort Evidence.

⁶ Vide Mallow Evidence.

⁷ Vide Gort and Skibbereen Evidence.

⁸ Vide Nenagh, Gort, and Charleville Evidence.

⁹ Vide Gort, Skibbereen, and Thomastown Evidence.

¹⁰ Vide Nenagh, Gort, Loughrea, and Skibbereen Evidence.

¹¹ Vide Loughrea Evidence.

¹² Vide Tipperary Evidence.

¹³ Vide Nenagh and Skibbereen Evidence.

¹⁴ See Roscrea Evidence.

Particulars such as these may appear to be more ludicrous than grievous, but we were forcibly impressed with the conviction that this petty system of uncertain taxation, levied almost at the will of vulgar, unscrupulous peasants, is an insupportable vexation, and very prejudicial to the welfare and to the domestic industry of the poorer classes.

It is unnecessary for us here to enumerate instances of the abuses on which we found this opinion. It will be sufficient for us to state that they exist, more or less, in almost every town where toll is collected, as will be seen by a perusal of the evidence; and we think the origin and continuance of these abuses may, in a great measure, be attributed to the undefined wording of the patents, which leaves the patentee to place his own construction upon the meaning of the grant, whilst he is amenable to no practical control.

The necessity for legislative interference on this particular part of the subject has been long felt, and was made the matter of parliamentary inquiry in the Irish House of Commons as early as the year 1635.¹ During subsequent sessions various inquiries were instituted, and summary proceedings taken against individuals claiming tolls considered to be oppressive and illegal.²

In the year 1640, a Bill was carried through the House of Commons "for establishing and reducing to certainty, customs, fees, and tolls in fairs and markets."³ But this Bill never became law—for what reason we are unable to say.

In the years 1697, 1698, and 1703 these inquiries were renewed in Parliament; and on two occasions Bills were ordered to be brought in, the leading members of the Government, the Chancellor of the Exchequer, and the Solicitor-General, appearing to have been engaged in the furtherance of these measures.⁴

Again, in the year 1764, a committee of the Irish House of Commons was appointed "to consider what tolls and customs were taken, and what entitled to take;" but whether that committee ever reported or not, does not appear from the journals of the House.⁵

We also find the select committee on the state of the poor in Ireland, in 1830, alluding to this subject in their report. The committee conclude their observations on tolls and customs, by observing:—"The committee feel it their duty to call the attention of the House to the vague and unsatisfactory manner in which patents for fairs and markets are now worded, so undefined as to lead, in many cases, to all the abuses complained of. A grant of a new fair or market, with a right of taking the 'reasonable tolls and customs established,' seems in itself a contradiction in terms; and it may be doubted whether from its indistinctness it can be held to create or convey any legal right. If it should be considered expedient, on the grounds of public policy, that the Crown should be advised to make further grants of tolls and customs—respecting which your committee entertain the most serious doubts—it undoubtedly is necessary that the law officers should frame the patents in such a mode as may protect the public from the abuses incident to an improper extension of the franchise beyond its legal import, by setting forth in distinct terms the tolls authorized to be taken."

This recommendation has been so far carried out, that the Government have not made any grants of tolls and customs in patents issued since 1836, but no remedy has been as yet provided for the illegal and unreasonable charges made in consequence of the vague wording of patents granted prior to that date.

A measure similar to the one introduced in 1640, for establishing to a *certainty* the amount of tolls which should be levied, is as essentially requisite at the present time as it was upwards of two hundred years ago, and nothing short of this will, in our opinion, redress the many and grievous evils complained of.

In the greater number of the markets which we visited where tolls are still enforced, we found that the proprietors, whether private individuals or public bodies, had either leased away their rights for a long period, or let them by the year to parties whose sole object appeared to be to derive the largest possible amount of revenue in return for the least possible accommodation. It was in these places in which the proprietor had, as it were, deputed his responsibility to others, that the most excessive and illegal charges were generally made.

The system of leasing the tolls appears to us to be open to very serious objections. It almost invariably operates injuriously to the market, and frequently results in annoyance to the proprietor. The uncertainty as to the legal rights of the patentee renders it almost impossible for him to demise them to another person, except in so vague a manner as to enable a fraudulent tenant to take advantage of that circumstance to practise every kind of extortion; and in the event of the lease terminating, or the rent being unpaid, or if, from any other reason, the proprietor be anxious to regain possession, it is, from the peculiar nature of this sort of property, exceedingly difficult for him to do so. This not unfrequently gives rise to legal proceedings, which occupy considerable time; and the public, meanwhile, are the sufferers, by prolonged uncertainty, and, it may be, by aggravated injustice.⁶

Again, as long as the tolls, customs, and other charges are let, it is needless to look to the lessee for any judicious or proper application of the proceeds, or any improvement in the market accommodation. When they are let for only a short period, a remedy may possibly be looked for when the proprietor shall have resumed possession; but when they have been leased away for any considerable length of time, as at Monaghan, Portadown, or Armagh, for the lives of the patentees; or, as at Cootehill and Omagh, for a great number of years; or where, as at Skibbereen, they are leased and sublet over and over again, and there are a great number of different persons each claiming or

¹ Vide 1 Com. Jour. 114.

² Vide 31 March, 1640.—1 Com. Jour.

³ Vide 7 Com. Jour. 284.

a 56125.

⁴ 30th March, 1640.—1 Com. Jour. 1st April, 1640.—ib.

⁵ 2 Com. Jour., pp. 215, 264, 281, 284, 291, 328.

⁶ See Evidence taken at Skibbereen, Bullinamore, and Roserea.

deriving small interests out of them—the settlement of the question becomes a very complicated and difficult matter, and the prospect of any improvement in the system becomes very remote indeed.

It will be seen by a reference to the Appendix (No. 6) that, in forty-three markets out of the ninety-four which we visited, tolls are still levied, and that, in twenty-nine instances they are either leased or otherwise let, and in fourteen cases only they are collected by the proprietor. It will also appear, from the same return, that, in thirty-six of the markets exempt from tolls, cranage fees are charged—seventeen of which are leased and let for long and short periods, and nineteen in the hands of the proprietor; and in fifteen markets there was no charge either for toll or cranage, and consequently no market accommodation, public beams or scales, or any proper supervision or control.

4. MARKET ACCOMMODATION.

The patents for fairs or markets do not define or allude in any way to the accommodation, if any, which it was intended the patentee should afford the public in return for the tolls and customs; and, in consequence, we find as little uniformity in this particular as in the schedules of charges: some proprietors convert the tolls into a source of revenue, levy them on all articles of agricultural produce and cattle sold on the public roads, and give no value whatsoever in return,¹ others afford but very indifferent and inadequate accommodation, while, we regret to say, the instances in which the tolls have been exclusively appropriated to market purposes are very rare indeed.

In some markets, where the tolls are vested in public bodies, such as town commissioners, the country people receive but little value in return for the heavy charges they are obliged to pay. The tolls are expended for other than market purposes, either in the general improvement of the town, the payment of corporate officers, lighting, cleansing or watching, and, in some places, in even a more objectionable manner. At Tuam, for example, the tolls appeared to us to be very excessive. There was scarcely any market accommodation: all agricultural produce was sold in the public streets; and the tolls, which were leased by the town commissioners to a collector for nearly £350 per annum, were disposed of in paving the town, defraying the expenses of the town commissioners, paying an annual subscription to the races, and in contributing towards the erection of the Roman Catholic cathedral. The only payment from which the farmers, who contribute solely to this tax, derived the slightest benefit being a rent of thirty pounds per annum for a fair-green, which was obtained only lately, and with very considerable difficulty.

At Tralee, the town commissioners lease the tolls of the fairs and markets belonging to them, whereby they derive a small revenue, but afford no accommodation in return. In Strabane (county Tyrone), the town commissioners give fair accommodation to the farmers; but the revenue they derive from the markets is so considerable that they are able, after paying all market charges and expenses, to light, watch, pave, and cleanse the town, and pay all other expenses connected with their office, without requiring any local tax.

When once the tolls are appropriated for other than market purposes, it is perfectly immaterial to those who contribute to the tax whether it be converted into a source of revenue to a private individual, or disposed of by public bodies for the benefit of the townspeople. Both appear to be equally unjust in principle, and a misapplication of the grant.

We cannot conceive that it was ever intended, when conferring patents, that the tolls should do more than indemnify the proprietor or patentee from loss in providing accommodation. And this appears the more probable, as the right of the Crown to grant to one subject, or to the corporation of a town, the power of taxing the community for the purpose of revenue, and not for services rendered, may reasonably be questioned. We would, therefore, strongly recommend that any legislation on the subject should at once deprive these patents of their present character of personal or corporate monopolies, by defining strictly the nature and amount of the charges to be imposed, securing the application of the funds to market purposes; nor need we apprehend that there will be any superfluity of revenue which must needs be applied, as at present, to extraneous purposes; when we consider the present state of most of our Irish markets, the filth, the confusion, nay, the actual danger, women and children thrown down, the passengers obstructed by horses and cows, sheep and pigs, all indiscriminately mixed up together, or by the stall of an apple-woman, or the covered standing of some little vender of calico and ribbands, who has erected his temporary shelter in the thoroughfare, whilst at every outlet, toll-collectors, armed with bludgeons, are clamouring and enforcing their obnoxious claims; compare all this with the civilisation of continental markets: the secure pens for cattle, the secluded *abattoirs* for slaughtering, the comfortable booths for merchandise, the market-places for agricultural produce, and for fish, meat, fruit, vegetables, &c., and the respectable demeanour of market officers in uniform; and it is clear that no superfluity of funds in Ireland will ever do more than approximate to such a state of things. It should also be remembered that the towns would profit by every step of this onward progress, as well as their rural neighbours and customers.

A somewhat striking instance of the inherent evil of the present system, and how little remedial measures of the Legislature can effect, so long as the foundation on which they are based is still undisturbed, may be seen in the case of Athlone. By the "Athlone Markets and Customs Act," passed last session, sec. 18, the town commissioners have power to build market-places, &c., but it is provided, that until such new market-places, or places for fairs, shall be opened for public use, it shall be lawful for the said commissioners to demand and levy in respect of the present fairs and markets, within the limits laid down in the Act, the tolls, duties, and customs they are authorised to levy, not exceeding the rates specified in the schedule attached to the Act.

¹ Vide Gort, Skibbereen, and Tralee Evidence.

² Vide Evidence taken in Loughrea, Nenagh, Roscrea, Kilrush, Ballinrobe, Castlebar, Parsonstown, Thurles and Ballina.

We do not find that the town commissioners have ever taken any steps to provide proper market accommodation. The fairs and markets are held in the streets, which are exceedingly narrow, and the thoroughfare is thereby entirely blocked up on market and fair days. The accommodation for weighing grain is quite insufficient; and, in consequence, the greater portion is weighed at the merchants' stores. The tolls and customs specified in the schedule attached to the Act have been let to a toll-farmer, by the six months, for one hundred pounds; and, though the toll on corn is expressly described in Schedule C as a toll to be taken for weighing, the toll-collector has made an agreement with the merchants, allowing them to weigh the corn in their own stores, and to pay him the toll, which they stop from the farmer.

The charge for weighing is thus converted into a market toll, for which no value whatever is given in return. Very many complaints were made to us of the fraudulent system of weighing in the merchants' stores; and the intention of the Act, which evidently was, to insure to the farmer that his produce should be fairly weighed in return for this charge, is entirely defeated.

As to Limerick, however, under the Act passed last session, called the "Limerick Improvement and Market Act," a different course is adopted. The trustees of the market are restrained from levying any charge until the markets to be provided shall be open for public use.

The foregoing remarks refer almost exclusively to markets where toll is levied. The general market accommodation in the 94 towns we inspected may be described as follows:—

In 25 markets, the accommodation provided was fair, though, in many, it would of course have been much better if the tolls had not been applied to other than market purposes.

In 51 markets, the accommodation provided was bad, in a great number consisting only of an old beam and scales erected in the public streets.

In 18, there was no market accommodation whatever provided by the proprietor, no market-house or place, or public beams and scales, everything being sold in the streets, and weighed at the merchants' stores or elsewhere.

And applying this classification to the towns where toll is either levied or not (as described in return No. 6 in Appendix), we shall find it stand in the following manner:—

	Accommodation.		
	Good.	Bad.	None.
In 43 towns where toll is levied - - - - -	14	26	3
In 36 towns where cranage fees only are levied - - -	11	25	—
In 15 towns where neither toll nor cranage fees are levied -	—	—	15
94	25	51	18

The absence of all accommodation in some markets, and the insufficient accommodation in others, must be attributed, as we have already stated, to the insecurity and uncertainty of a proprietor's rights under letters patent, and the defective state of the law on the subject.

We met many owners of markets who expressed their anxiety and readiness to expend any amount that might be necessary in procuring proper and suitable accommodation for the public, provided their rights were clearly defined, and some simple mode of redress afforded against those who infringed upon them; but who stated that it was both needless and unreasonable to expect that, circumstanced as they are at present, they should incur any expense for that purpose, as their markets may, at any moment, be deserted from political, fraudulent, or personal motives, and their rights otherwise invaded or interfered with, leaving them without means of procuring redress, save by legal proceedings, which, under the present state of the law, must be expensive and uncertain.¹

Thus it will be seen, that to the same cause may be traced the existence of two defects of a dissimilar nature, viz., "excessive toll" and "insufficient accommodation." The present defective state of the law, and the undefined wording of the grants, affording as many obstacles to the punishment of him who imposes and extorts an excessive and illegal toll, as they interpose difficulties in the way of proprietors upholding their fair and reasonable rights.

5. WEIGHMASTERS.

6. CRANAGE FEES.

These two subjects next require to be noticed, and are so intimately connected, that we think it will be more convenient to class and consider them together.

The only statutes which refer to them are two Acts of the Irish Parliament, the 4th Anne, c. 14, and 25th Geo. II., c. 15.

The 4th Anne, c. 14, s. 3, enacted, that there should be appointed in every city, borough, or market town in this kingdom, by the chief magistrate of the same, except in places where the tolls and customs belong to any other person, and in such case by the person or persons to whom the tolls and customs belong, one honest and discreet person as weighmaster for the said city, borough, or market town, who should be sworn, justly, truly, and indifferently, to weigh all goods, wares, or merchandize, as shall be brought unto him between buyer and seller, for the doing whereof he might

¹ Vide Evidence at Ballynamore.

take and receive for every draught weighing under a hundred weight, a half-penny, and for every draught weighing one hundred pounds and upwards, one penny.

The 25th Geo. II., c. 15, s. 5, requires the chief magistrate for the time being, in certain cities or towns specified, and in all other market towns in this kingdom, to provide one or more just and true balance, or iron beam with scales, and a competent set of weights, under fifty pounds penalty every assizes. Sec. 7 provides, that, for weighing corn or things at such scales, no more shall be paid than one half-penny for every draught weighing under one hundred, and one penny for every draught weighing one hundred or upwards. And sec. 12 enacts, that all potatoes shall be sold by weight and not by measure or otherwise, and that such weight shall be by the avoirdupois pound, fourteen pounds whereof shall make a stone, and eight stone one hundred, and that they shall be weighed without fee or reward at the beams and scales of the said respective places, to be erected and kept pursuant to this Act.

We find that the persons acting as weighmasters are generally appointed by the owners of the tolls and customs, but they are very rarely appointed by deed, or sworn in accordance with the provisions of the 4th Anne, c. 14.

Where the tolls are leased or demised, the cramage fees are almost invariably included in the letting, and the lessee for the time being acts as weighmaster, collecting the cramage as part of the tolls and customs; where tolls have been abandoned, and cramage fees only are charged, they are, in some cases demised, to the weighmaster at a yearly rent. In other markets the proprietors collect them, and give the weighmaster a fixed salary, while in a very few instances the weighmaster is allowed to collect the fees as his own salary.

We conceive that such arrangements were never contemplated, and are quite foreign to the spirit and intention of the Acts, and the benefit and protection which it was sought to confer on the public, by the appointment of independent sworn officers, are both defeated by the cramage fees being let to parties who are constantly changing, and subject to no control.

A more serious violation of the provisions of these statutes we have found to prevail extensively in the exaction of sums exceeding the legal scale of fees prescribed by them.

In the markets where toll is levied, the cramage and toll are generally collected as one charge, thus rendering it impossible to ascertain any overcharge on either, and converting the amount of cramage into a toll which is frequently charged, whether the articles be weighed or not. Where toll has been abandoned we find little change except in name, as the amount levied now under the head of cramage fees is fully equal to the amount of tolls in other towns, and is generally three or four times the amount of the legal charge, and only differs from toll inasmuch as it is optional to make use of the accommodation provided or not, no charge being made *unless* weighed. The express conditions of the statute directing that the weighing of potatoes shall be gratuitous are universally disregarded.

7. THE SYSTEM OF WEIGHING, AND THE DEDUCTIONS AND CHARGES MADE BY THE PURCHASERS.

This subject is, unquestionably, of far more importance to the producer than the imposition of even the most excessive toll, as the deductions pursue him at every turn, and accumulate vexatious and unreasonable penalties. We found the system of weighing both in the public markets and in the private stores vary in almost every market town we visited—in most cases proving a serious loss to the seller. The 25th Geo. II. was evidently framed for the purpose of regulating the system of weighing grain and abolishing all deductions, but has proved quite ineffectual. Section 1 enacts, "that all wheat, rye, meal, peas, beans, barley, bere, oats, shillin, cutlins, meal, flour, and malt, shall be sold and delivered by weight, and not by measure, or in any other manner."

Section 2 enacts, "that such weight shall be according to avoirdupois pound—fourteen pounds whereof shall make a stone, and eight stones one hundred weight, and twenty hundred one ton, to be standing weight with an even and equal beam or balance; and all bargains, contracts, and agreements made for selling such grain by other or different weight, or for selling the same by measure, or for selling thereof in any other manner than by weight, or for giving, adding, or allowing any quantity of such wheat, &c., &c., to the quantity agreed to be sold, or for giving or making any addition or allowance to the stone, hundred, ton, or other weight, shall be and are hereby declared to be void to all intents and purposes whatsoever."

Section 3 further enacts, "that if any brewer, baker, maltster, meal-man, corn merchant, higgler, or any person, or persons, either by him or themselves, or by any other person or persons employed by him or them respectively shall buy, or make, or enter into any contract, bargain, or agreement, for levying or receiving any wheat, &c., any other way than by weight, and in the manner aforesaid, or shall demand, contract for, take, or receive any other or greater quantity thereof than the quantity really and *bond fide* bought and agreed for, or shall demand or take any addition or allowance to the pound, stone, hundred, ton, or other weight over and above the real content thereof, at standing weight as aforesaid, shall forfeit the sum of five pounds."

These very stringent provisions are in many towns evaded, and in others openly violated.

We did not meet a single instance of corn being weighed standing beam, the general mode being to require the scale containing the corn to strike the ground, or, as it is technically called "down weight." This involves a loss to the seller of from two to seven pounds, according to the weight of the draught, and the accuracy of the beam. Again, the smallest weight used in weighing corn differed in almost every market, varying from one pound to seven pounds. It is scarcely necessary to observe, that this may entail a further loss on the seller of any amount short of the lowest weight used: for instance, if seven pounds be the lowest weight used in weighing, and the

weight of the corn be 1 cwt. 1 qr. 6 lbs., the 6 lbs. are not allowed, or, as it is commonly expressed in the markets where this system is followed out, "it must be 7 lbs. or nothing."

We have prepared a return (No. 7), appended, showing the system of buying, of weighing, and the deductions, whether in money or kind, in each of the ninety-four markets we inspected, and a reference to this will show at once the great number of towns in which the system of "down weight," and weighing with no small weights is adopted in direct violation of the provisions of the statute referred to. In other articles of agricultural produce—such as pork, flax, butter, &c.—the system pursued is generally to weigh with as low a weight as 1 lb., but to require "down weight," the purchaser never being satisfied with standing beam.

The deductions from the real weight, made under various names and pretences, require next to be described. They differ so much in various kinds of produce, that we shall take each separately, and allude to the deductions and charges on each as briefly as possible, referring to the return No. 7 in Appendix for full particulars as to the rule adopted in each town.

The deductions on corn are generally made under the name of "beamage," and vary from 2 lbs. to 21 lbs. per barrel, as will be seen by reference to the return mentioned.

This deduction appears to have been originally introduced, when corn was brought to market in a dirty state, in consequence of the farmers being unprovided with the necessary machinery for cleaning it properly, and was supposed to be an equivalent to the weight of sand and the refuse contained in it. Now it is not looked upon in that light; and if the corn be dirty, or badly cleaned, a further deduction, either in money or kind, is made, in addition to the beamage, which is deducted from all alike, whether the corn be clean or dirty. It is customary, also, in many markets (as will be seen in return No. 7) to deduct, according to the usage of the market, a fixed allowance for the weight of the empty sacks or bags, instead of weighing them, and deducting the actual weight, which would be the fair mode of dealing, and, by this means, the seller is generally a further loser of at least 1 or 2 lbs. of corn.

Another practice, equally unjust, exists in many markets, of not paying for any odd lbs. less than half a stone. This is generally done when the ticket is made up for the entire quantity sold; and, in a load of corn, the loss might not be great; but to the poorer and smaller class of farmers, who may have but one or two sacks, it is a serious loss and a grievous hardship.

In addition to these deductions in kind, the merchants frequently charge the seller from one halfpenny to twopence-halfpenny per sack, "portorage," for hoisting the grain into the stores. This far exceeds, in many cases, the value of the labour, and is often a source of emolument to the merchant, who is thus not only indemnified for this portion of his outlay, but paid at the expense of the farmer, for doing his own work.

The loss which the producer suffers, from this system of weighing with no small weight, down to the ground, and from the over-tare of the empty sacks—from beamage, from odd pounds not being paid for, and from, frequently, an additional charge, in money, for portorage, amounts, in the aggregate, to a very considerable item—in many cases, to one-thirteenth part of the quantity sold.

In every market where beamage is deducted, it is done openly, without any attempt at concealment, with the exception of Dublin, where (in consequence of legal proceedings which were instituted some years ago) they now purchase by the pound, to avoid the penalty to which they are liable. Thus, for example, the beamage on wheat is two pounds per barrel of twenty stone, and on oats, two pounds per barrel of fourteen stone; but they now buy wheat by the two hundred and eighty-two pounds, and oats by the one hundred and ninety-eight pounds, which is clearly an evasion of the provisions of the statute.

Firkin butter is weighed down weight, with as low a weight as 1 lb. This generally involves a loss of about one pound from standing beam; and numerous deductions are made, in different places, under the name of beamage, tret, tare, sponges, &c., varying from 2 to 7 lbs. of butter from each firkin, and, in addition, a charge in money is deducted from the seller, varying, in different markets, from 2d. to 1s. 1d. per firkin, under the different names of carriage, portorage, cooperage; and in many places a charge is imposed upon the seller, for the public-house in which the purchaser transacts his business. In some places, it is customary to buy butter by the firkin of 70 lbs., which means that odd pounds over that weight are not paid for, whilst any pounds number of less are deducted from the seller, at the next even higher price. In places where this rule is followed, the seller is unable to tell what amount he loses, as the butter is not weighed out. For instance, if the weight of the empty firkin be 14 lbs., and 4 lbs. beamage is to be deducted, 88 lbs. are put into the scale; and if the scale, with the butter remains on the ground, it is called "full weight," the butter removed, and the seller paid for 70 lbs., being left in ignorance of the weight over 88 lbs. which his firkin contained.

We found markets in which the deductions on butter, both in money and kind (without taking into consideration the probable loss on the over-weight), amounted to one-seventh, or upwards of fourteen per cent. on the gross amount.

Lump and crock butter is generally weighed with 1 lb. weight, and down weight is also required; and the usual deduction for tret is 1 lb. in every 20 lbs.

In pork the deductions are equally unreasonable. Pork is weighed down weight, with 1 lb., and the deductions vary from 6 lbs. to 13 lbs. per pig, irrespective of the weight of each pig; and the seller is also charged from fourpence to eightpence per pig, for portorage, for a public-house to pay in, and for weighing, and under various other names. It is also a common practice to pay for odd lbs. less than 30 lbs. at the next lowest even price. Thus, for example, if a pig be sold at thirty-nine shillings and elevenpence per cwt. of 120 lbs. (pork being generally purchased by the long cwt. of 120 lbs.), and weighed 2 cwt. 0 qrs. 29 lbs., they would pay for 2 cwt. at thirty-nine shillings and elevenpence, and the 29 lbs. at 3½d. per lb., or at the rate of 35s. per cwt. (the next lowest even price).

The difference in the prices at which a weight never exceeding 29 lbs. is sold cannot be very important; but it is worth quoting, as an example of the way in which the seller always suffers, wearing out his patience, and provoking reprisals.

Flax is sold either by the stone, of 16 lbs., or 24 lbs., or else by the cwt., of 120 lbs., or 124 lbs. The usual mode of weighing is to weigh with 1 lb., and to require down weight. And to deduct from $\frac{1}{4}$ lb. to $\frac{1}{2}$ lb., per stone beamage; or from 2 lbs. to 4 lbs. per cwt.; and to charge from one halfpenny to one penny, per stone, storage. The amount received by the purchasers in this way is enormous, greatly exceeding the amount paid by them for rent. At Cootellill, the quantity of flax sold in one market day was stated to be 120 tons, which, at one penny per stone, would amount to £80 sterling, deducted from the sellers for storage.

In the small village of Tandragee it was calculated that the sellers of flax pay, at one halfpenny per stone, upwards of £800 per annum; while the rents of the stores in the town, paid by the purchasers, do not amount to more than £80 per annum.

Wool is purchased by the stone, of 16 lbs., and is weighed with a cast of the beam; and the usual deduction is 4 lbs. per pack, beamage, and 8 lbs. in every 20 stone, or one-fortieth part for tret.

An examination of the return which accompanies this Report will exhibit the nature and variety of these deductions, which are aggravated by the fact of their uncertainty, varying in different market towns according to the caprice of the buyer, or the strength of the combination of which he forms a member. They are a source of perpetual annoyance to the seller, excite suspicion and distrust, and are the cause of endless disputes. To the fair purchaser they are of no advantage, while they offer facilities for practising fraud.

We have heard it contended that, practically, these deductions do not operate injuriously on the seller, as the purchaser takes all these allowances into calculation when fixing the price. We are by no means satisfied that this is always the case. But even if it were so, they tend to keep up a fictitious price, which alone is a great injury to the producer. Thus, for example, when pork is quoted at 49s. per cwt., the seller has, in reality, often to give 132 lbs., and eight pence for each 49s.; and when butter is quoted at 80s. per cwt., the seller has frequently to give 123 lbs. of butter, and one shilling for his 80s.

Mr. Francis John O'Neil, of Limerick, an extensive merchant, and treasurer to the corporation, states in his evidence (page 1036):—"To a certain extent, the Limerick Market Bill provides a remedy for the abuses so long complained of by the fair trader; but nothing, save legislative enactment for all Ireland, can do so effectually.

"There is scarcely an article of agricultural produce that has not to undergo some impost, or some deduction. Grain of all kinds, without exception.

"1st, Wheat.—20 stones 7 lbs., brought in by the farmer, returns but 20 stone—the beamage being 7 lbs. per barrel. And there is also a deduction from the amount of its value of two pence halfpenny per barrel for portorage.

"2nd, Oats.—14 stone 6 lbs., brought in by the farmer, returns but 14 stone—the beamage being 6 lbs. per barrel.

"3rd, Barley.—16 stone 6 lbs. returns but 16 stone.

"4th, Beans.—20 stone 7 lbs. returns but 20 stone.

"5th, Rapeseed.—16 stone 6 lbs. returns but 16 stone.

"Pork.—On each pig, on an average, an allowance of 7 lbs.

"Butter.—5 lbs. to 6 lbs., per firkin (the weight of the butter in the firkin being from 64 lbs. to 72 lbs.).

"The several other articles not enumerated here are subject each to its own deduction. In fact, there is not a hide or skin that, if bought by weight, is not subject to it."

Then referring to the Limerick Market Act, which provides that every article shall be weighed net, and all deductions abolished, Mr. O'Neil proceeds to observe:—

"Now it is obvious, that if Limerick market be partially free from these abuses, and that they are suffered to exist in the several market towns that are tributary to it, there will be established an encouragement to persevere in a mode of dealing so destructive to the public weal. Nay, were it so, that Limerick were, by its local Acts, wholly free, as it ought to be, from any abuse whatsoever, it would become but a 'depôt market' for jobbers in the district.

"Taking into consideration the long existence of the deductions and imposts on agricultural produce in the several markets, how frequently, yet how inefficiently, local enactments have been obtained to regulate them, and how fruitlessly the several statutes against fraud have been brought to bear to abolish them, it is manifest now, that one comprehensive Act of the Legislature ought to be passed to abolish all deductions from the true weight of every article sold in the several markets of Ireland; to establish such markets in every city, town, and village in Ireland, as will give proper security for the operation of the same; to adopt such a scale of market tolls as will be neither oppressive to the producer, on the one hand, nor inefficient for working the markets, on the other, bearing in mind that the larger markets can be worked at a smaller *pro rata* charge than those where the quantity received is limited in extent. To amplify and extend the insufficient powers of such markets as are established by local Acts, so that they shall participate to the full in the general legislation. But, in an object of so much importance to the agricultural, the trading, and the commercial interests of Ireland, to allow no vested rights for which compensation is, as a matter of right, always granted, or individual interests which can never be either satisfied or compensated, to stand in the way of a general Act to regulate the markets of Ireland."

Mr. Francis Spaight, one of the most extensive merchants of Limerick, and President of the Chamber of Commerce, states (in page 1029):—

"Unless a general Act is passed, making the provisions of the Limerick Act general in all the

"markets of Ireland, the Limerick market will, in my opinion, at any rate suffer for the next few years, as corn sold in the manner directed in the Limerick Act will appear to sell at a smaller price per barrel than elsewhere, and the farmers will prefer to sell where they appear to get the greatest price."

Mr. Moses Monds, J.P., and ex-mayor of Sligo, in page 358, states, in his evidence:—

"No weight less than 7 lbs. is used in weighing a sack of oats in this market, and 14 lbs. are usually deducted for the tare of the sack. I would suggest that all grain should be weighed to the one pound, and that the tare of the empty sacks should be taken, and deducted therefrom. Some of the merchants in this town have, to my knowledge, adopted this practice with great benefit to themselves." Again, in page 360—"In butter there is an allowance of from 4 to 5 lbs. taken off for beamage and soakage, which is objectionable: all such deductions cause annoyance and vexation to the farmer, and are of no advantage to the trader; for, if abolished, the prices would soon accommodate themselves to the change." Again, at page 362, "If the Legislature interpose at all between the buyer and seller, the honest trader should be put on a level with the fraudulent. I am strongly in favour of Market Regulations, and of all grain and butter being sold and weighed in the public market, gross weight; no tares or beamage; and a penalty for altering brands and weights. A legislative enactment to insure the weighing of all grain and butter without beamage, taxes, or any other deduction, in the public market; and penalties for frauds, &c., would be one of the greatest boons to the agricultural population of Ireland, and would also be of service to the upright trader."

Mr. Richard Sullivan, of Kilkenny, in page 1762, states:—"The custom in this town, before beamage was agreed upon, was, to weigh with what is called the fall of the beam, which was subject to a great deal of fraud, because sometimes, when 3 or 4 lbs. would bring the side in which corn weighed to the ground, probably 7 lbs., according to the caprice of the person at the scales, was required; but I think it would be better to abolish beamage altogether, and call things by their right names."

At Strabane, the Town Commissioners, through their chairman, represented that "much annoyance is experienced, arising from the allowances in weight to buyers varying in different towns. Some towns thinking it their policy to make large allowances, to encourage the attendance of buyers in their markets, and others thinking it better to make small allowances, to encourage the patronage of farmers."

It is unnecessary to quote further any of the evidence given by other parties, as we found the greatest unanimity of opinion prevail on this subject, and it is a somewhat remarkable testimony in favour of upright dealings, that we found as much solicitude on the part of those who might be supposed to have all the benefit of the present system, that it should be put an end to, as is felt by its immediate victims. Extortion naturally engenders dishonesty in self-defence; thus we frequently found the fraud on one side encountered by antagonist dishonesty, as in wetting corn, mixing with it sand and stones to increase its weight, putting an inferior quality in the bottom of the sack, packing butter in fraudulent firkins, or adulterating its quality; wetting flax, or putting an inferior quality in the centre of the bundles, and such like practices; so that, in the trial of skill, neither party obtained much permanent benefit, whilst both were exasperated and harassed, to say nothing of the demoralization which such a continuous practice induced. An extensive butter merchant at Limerick had the candour to make an acknowledgment to this effect. He states, at page 1051, in the evidence, "We (the merchants) are always trying to deceive the farmer, and the farmer to deceive us."

We conceive the seller should be paid for every pound of his produce, leaving the price to be adjusted between the parties according to the quality of the article. And this can only be effected by a legislative enactment requiring one uniform system of weighing, and abolishing all deductions of every sort, in every market town in Ireland. Cases of isolated reform, such as Limerick, merely have the effect of placing themselves at a disadvantage compared with their neighbouring markets, without effecting any general improvement.

8. THE FRAUDS PRACTISED UNDER VARIOUS FORMS.

The deductions which we have just described are losses, however, of which the seller is cognizant, and, though they are practised openly, yet he is unable to oppose successfully a powerful combination of purchasers. But we must now describe frauds of a very serious nature, which appear to be extensively practised in almost every market town where there is not proper accommodation, or where the corn and other agricultural produce is sold in the streets, and weighed at the stores of the purchasers. We allude to the fraudulent weighing, either by false weights or beams, or by the dishonesty of the person employed; and we regret to state how very universally we found this character of fraud to prevail in diversified shapes. Many instances were related to us of purchasers who were detected with two sets of weights, one for buying and another for selling; of beams with one arm longer than the other; and where all these were apparently correct, a deceptive result was often declared through the dishonesty of the person employed at the scales. We heard, also, of slides for inserting a bar of lead or iron under the scale; of springs and other means of deceiving the ignorant countryman: or of a system pursued in some places, of weighing fairly and calling out the true weight to a collusive clerk, who enters in the ticket a less weight for each sack than that called out by the person weighing. In one large market town, where it was the custom to weigh at the private stores, the weighmaster of the market informed us (as will be seen by a reference to the evidence) that he had detected frauds in every merchant's store in the town. In another town, a purchaser was convicted of having thirty-four barrels of wheat in his store at the end of one market-day, for which he had not paid the sellers, but had obtained by fraudulent weighing.

In some places we found men and women placed in the scales, in the absence of any more artificial measures of weight, and frauds practised in the most original ways.

In some towns we found corn bought in the morning at a certain price, and resold in the evening at a halfpenny per stone less, and a considerable profit derived. In others, we were informed that corn was frequently taken to a distance of fifteen miles to a neighbouring market, and a profit realized, although sold at a lower price than it was purchased at; and this could only be effected by fraudulent weighing.

When these practices are of such general prevalence, as will be seen to be the case by a perusal of the evidence, it can be the better understood how that buyers and sellers, alike wearied and disgusted with the contest, should anxiously desire its termination.

It can be easily seen how peculiarly injurious the present state of things must be to the honest trader. He is quite unable to compete with one who can afford to give so much a higher price, and make it up by dishonesty; and, as described by some of the witnesses in their own words, "a rogue with a few hundred pounds can drive an honest man with thousands out of the market. Capital, intelligence, and information cannot compete with dexterous and systematic dishonesty."

The frauds in weighing are, generally, practised upon the poorest and most ignorant classes, who are the least capable of protecting themselves, as they have rarely the means of weighing at home; and there being no summary means of procuring redress, they generally tamely submit to the first loss, rather than sacrifice the time and money which a public prosecution would involve.

Amongst other frauds which are practised, besides those in weighing, we may mention, that corn is frequently purchased in the morning, and, when the market is over, the purchaser refuses to fulfil his agreement, under the pretence that the article is not equal to the sample exposed. The seller is then obliged to submit to a reduction in price, or else return home, and try another market. Frequently even he is not allowed the latter alternative, as his corn is emptied on a loft among a large quantity, and if he does not agree to take a lower price than was agreed for, he is told "to take back his own," which is impossible.

There is scarcely any commodity with respect to which we did not find that vexatious objections were made, and extortion occasionally practised on this ground, of discrepancy between the sample and the bulk. We are far from claiming universal integrity on the part of the sellers, or denying that the article may not, in some cases, differ from the sample; but what we complain of is, the want of some official authority to determine this point, instead of leaving it, as now, to the decision of one of the parties interested.

The farmers also, in many instances, act with equal dishonesty, by violating their contracts, and unhesitatingly reselling their corn or cattle, if they can obtain the slightest advance in price from any other purchaser.

The 14th and 15th Vic., c. 92, s. 17, called the "Summary Jurisdiction Act," gives magistrates the power of deciding disputes of this nature summarily; but it is almost inoperative, as their jurisdiction is limited to cases where the value of the article sold does not exceed £5 sterling. There is scarcely any article sold in either market or fair which does not exceed that amount. Thus, if two pigs, a cow, or a load of corn be sold, and the amount in dispute be only a few shillings, the magistrates are unable to adjudicate on the matter, and the case must remain over till next quarter sessions, whilst the buyer and seller are, perhaps, both strangers to each other, and residing in different counties. A remedy for frauds of this description, to be effectual, must be prompt and easily procurable. And to make the legislation we have referred to useful, magistrates should be empowered to adjudicate, in cases of disputes arising at fairs or markets, where either the value of the article did not exceed £30, or else, where the amount in dispute did not exceed £5. The latter clause, especially, would give effect to the law; for though the value of the article be often hard to establish, the matter in difference between the litigants and its exact amount are easily understood.

The 7th sec. of the 14th and 15th Vic., c. 92, provides for frauds practised by the wetting or adulteration, or by fraudulent packing of grain; but there is a very general disinclination, on the part of the buyers, to prosecute, arising, in some degree, from the heavy penalties attached to these offences—namely, the forfeiture of all such corn or grain, &c., in addition to a pecuniary penalty not exceeding 40s., or imprisonment for any term not exceeding one month. Many frauds, in other articles of agricultural produce—such as potatoes, hay, straw, &c.—are not reached by the provisions of this Act, and can only be dealt with through the medium of a prosecution by indictment at quarter sessions, a course wholly impracticable, in many instances. If the punishment were lighter, and a power of proceeding summarily before a magistrate existed in all cases, frauds of this description would be much more frequently punished.

Many complaints were made to us, both with respect to buyers and sellers, in the flax markets—viz., of parties buying flax in the morning, on speculation, and, if unable to realize a profit during the day, leaving it on the farmer's hands, who had then to return home with it, or store it in the town till next market day. Farmers, on the other hand, resell, if they can obtain a higher price. The 5th and 6th Wm. IV., c. 27, s. 11, provides for breaches of contract on the part of either the buyers or sellers of flax, but the magistrates have not the power of inflicting a greater penalty than ten shillings, which is considered quite insufficient to put a stop to frauds of this description, in consequence of the high price of the article sold.

We can suggest but one remedy to correct, effectually, the unfair system of weighing, the unreasonable deductions, and the various frauds which we have described—namely, when proper market accommodation is once provided, to oblige all agricultural produce brought to market for sale, to be both sold and weighed in the public market, under the superintendence of sworn weighmasters; to make all sales outside the market void, and both buyer and seller liable to a penalty;

to punish summarily any fraud or breach of contract, on the part of either the buyer or the seller, and make it the duty of the chief officer in each market to prosecute any case of fraud coming under his notice.

We are well aware with what suspicion any measure of a compulsory nature is always looked upon, however salutary and necessary; and we have not ventured to recommend such a course, without the most anxious consideration. We are, however, satisfied that nothing short of this will correct the gross injustice at present exercised upon a class who are, in a great measure, at the mercy of fraudulent and unscrupulous buyers, and who are compelled to submit to the wrong, or to retaliate by counter-fraud. We are well aware of, and acquiesce in the popular feeling that there may be over-legislation, and that trade should be left very much to itself, and men free to deal as they mutually see good. We only recommend that they should be protected in the exercise of this freedom, and guarded against fraud; and we are borne out in this opinion by the testimony of almost every mercantile person of experience and respectability, whom we examined on this subject, in every market town during our tour.

Mr. J. Maley, the most extensive merchant at Ballina, county Mayo, states in his evidence (No. 1,043, p. 310), "I would be strongly in favour of one general market in this town, with sufficient accommodation, an efficient staff, and under proper supervision, in which all the agricultural produce brought into the town should be sold and weighed, as I think such a market would be for the benefit of all parties, both the seller and the honest buyer."

Moses Monds, Esq., J.P., ex-mayor of Sligo (page 358), states in his evidence, "I think it would be advantageous, for all classes, to make it compulsory that all grain should be weighed and purchased in the public market. I have known sellers of grain defrauded in private stores, by buyers, to the extent of thirty stone on a cart-load of oats. In the case to which I allude, I was present at the conviction, and the way in which the fraud was effected was as follows:—the grain was weighed correctly, and the real weight called out to a clerk in an inside room, who took down a different weight from the actual weight. The seller, in that case, had the market docket, and produced it when the fraud was effected. The frauds on the part of the purchasers of butter are so numerous, that nearly all honourable traders are driven out of the market."

In Dundalk, where, at present, nearly all corn is sold and weighed at the merchants' stores, Mr. Peter Russell states, in his evidence (page 10, query 30):—

"Is it your opinion that it would be advantageous that all agricultural produce should be sold and weighed in the public market?"—(Ans.) "I think such a course would be very desirable; but, at present, the market accommodation is totally inadequate to admit of such a course; and I fear that the merchants might be opposed to such an arrangement, unless very ample market accommodation, properly located, were devised."

Mr. William Livingston, the most extensive merchant in the town of Westport, where corn is also sold and weighed at the merchants' stores, states (at page 239, Q. 800):—

Q. "Would you approve of a general market, with sufficient accommodation, in which all the agricultural produce brought into the town should be sold and weighed?"—A. "I think that if a market of that kind were established, it would be a great advantage to all persons. I should, for the public good, be strongly in favour of such an arrangement, although it might be inconvenient to myself; but I do not think I should consider my own convenience, in a matter affecting the public good."

At Galway, where there is no market accommodation, the Rev. Peter Daly states in evidence (page 538, Q. 1,643):—

Q. "What would be your opinion of a general market, in which all the agricultural produce brought into the town should be sold and weighed?"—A. "I would be decidedly in favour of such a market, whatever it might cost, as I think it would be much more satisfactory to the farmers than the present system." Q. "Would the merchants object to such an arrangement?"—A. "Some of them might, but they could have no reasonable objection to it. This, I think is the general impression of the town commissioners, as we have frequently discussed the question."

Again, in Roscommon, where there is no market accommodation, Mr. Charles Blakeney states, in page 460, Q. 1,457:—

"I think a market, in which all agricultural produce should be sold and weighed, would be satisfactory to the farmers; and I do not think the traders could object to it, though they might think it more beneficial to weigh in their own scales."

At Clonmel, where there is no public market, Mr. James Hughes, page 1655, Q. 3,868 to Q. 3,876, states in evidence:—

"Would you be in favour of a public market, provided that proper care was taken to establish one on sound principles, with an active and efficient staff to work it?"—"Unquestionably I would." "Do you think it would be advantageous to both buyer and seller?"—"I do, as it would place each upon an equality." "Do you think it would cause delay?"—"Quite the reverse. It is true we could not get our corn to the stores until after the close of the market, but that trifling delay would be more than overbalanced by the great benefits which it would confer on the buyer and seller in particular, and the public in general." "You consider the present system of weighing in private, offers facilities for practising fraud?"—"Decidedly. If I now choose to commit fraud I can do it, because there is no check upon me." "Have you heard of complaints against buyers for weighing fraudulently?"—"Yes." "Would you be in favour of buying by one uniform weight all over the country?"—"I would." "Do you think the fairest plan would be to abolish all deductions?"—"I think it would be most desirable; and with respect to delay, as stated by a former witness, in the delivery of the corn at the stores, the farmer could deliver his corn after market, and the merchant's men could be there to receive it. If there was a corn market and

"competition the farmer would never go to the private stores, and any ignorant man could tell what was doing. I would wish to see the system carried out here." "Do you think the farmer would object to a charge for weighing his corn in a public market?"—"I do not look upon the cost of weighing any grievance at all on the farmer, and I am certain he would not object to it." "Then you would be for the establishing of a public market, having all produce weighed in it, assimilating the weights all over Ireland?"—"I would."

At Waterford, we find Mr. Hugh Nevins, a corn merchant, strongly advocating a public market, in page 1695, Q. 4,226 to 4,230:—

"I think a public corn market is almost indispensable here. I consider the present system decidedly objectionable; and I think the same objections apply to the butter trade." "You think a public market and public scales the fairest test?"—"I do." "As a buyer you would not object to a public market?"—"As a buyer I would go most frequently into the market, where I cannot go there now." "In a public market all parties would be on an equality?"—"They would." "You think the buyers would not object to a public market?"—"I do not think any one should."

Mr. Porter, Mayor of Kilkenny, and very extensive corn merchant—in page 1758, Q. 5,206, states in evidence:—

Q.—"Would you be in favour of a general market, in a convenient locality, with sufficient accommodation, and under the superintendence of sworn weighmasters, and obliging all agricultural produce to be sold and weighed there?"—"I would. I think by the present system great injury is done both to the buyer and the seller. I think it would be a protection to the honest buyer and the honest seller."

At Sligo, Mr. James Simpson, a farmer, states in evidence, page 372, Q. 1,172:—

"I was once upon a jury, where a partner in a mercantile firm was convicted of defrauding a farmer in the weight of a load of corn, to the amount of forty-five stone. The case was removed by 'certiorari' to the Queen's Bench, and the proceedings quashed for some irregularity."

"A practice is prevalent amongst the buyers of having spies in the public markets, and if a farmer gets his corn weighed there, they give notice to the merchants, who, when the corn comes to be weighed at their stores, will sometimes allow more than the weight in the market. This is done to deceive the farmer, and enable them, the merchants, to keep up the system of fraud which prevails, and they would not do so, if the corn had not been previously weighed."

Again, in Q. 1,174:—"Would you be in favour of a general market, in which all agricultural produce should be sold and weighed?"—"I would, it would be a very great advantage to the farmer."

Mr. Michael Brew, weighmaster at Kilrush, in his evidence, page 1089, Q. 2,943:—

"Do you know of any frauds being committed in the weighing in the merchants' stores?"—"Yes, I have found in every buyer's store in Kilrush, frauds practised, and have exposed them to the country people. The merchants prefer weighing in their own stores; and if a farmer insists upon having his corn weighed in the market scales the merchants will have it weighed there for him, but they will give a halfpenny a stone higher to any farmer who will have it weighed in their own stores. I knew a fraud committed at one of the merchants' stores, where three bags of corn were returned as weighing *four stone and a-half* less than their real weight. Some of the merchants have private marks, by which they know what is weighed in the market, and if the corn has been weighed in the market, they will take care to return it at the same weight."

Q. 2,944.—"Would you be in favour of a general market, under the superintendence of a sworn weighmaster, with sufficient accommodation, and an efficient staff, in which all the agricultural produce brought into the town should be sold and weighed?"—"I would. It is more wanting in Kilrush than in most other towns. The clerk at the merchants' stores enters the wrong weights, and they also thumb the scales there, and in these ways get more weight than they are entitled to."

Mr. John Mullen, farmer and general merchant, at Navan, page 73, Q. 218:—

"Have you any suggestion or information you would wish to offer?"—"I consider that the want of proper market accommodation is a serious loss to the farmer, more particularly to the poorer classes. A merchant said to me a short time ago, that he would give a great deal to know the farmers as well as the old merchants of the town knew them. As he would then know who weighed their corn at home, and who did not, and he would give *sixpence* a barrel more to a man who had not weighed at home."

Q. 219.—"What advantage would that be to the merchants?"—"Why he could make more than that by weighing it himself."

At Ballinrobe, page 291, Q. 959, Mr. John Martin Sheridan, inspector of weights and measures, states:—"In one case I knew a person convicted for placing a man as a weight in the scales. I purchased a sack of corn for the purpose of ascertaining if such was the case, and sent it to be weighed. The sack was returned as weighing six stone short of its real weight, and the way it was made so much less was, that the man that was placed in the scales to represent fourteen stone stood upright in the scale, and by forcing the beam upwards with his hand, made the weight of the sack six stones lighter than it really was."

At Westport, page 251, Q. 825, Mr. John Martin Sheridan, inspector of weights and measures, states:—"Have you obtained convictions against any respectable persons?"—"I have, against almost every respectable person in this town, except Messrs. Livingstone, Pinkerton, and Thompson. I think the greatest frauds are committed in the country at private scales and mills, where they do not charge for weighing, but merely keep scales for the convenience of their customers. In those cases they almost always lean to the buyers; and the man weighing frequently receives money from them, to give them a greater weight than they are entitled to."

" That practice is carried on very extensively at Claremorris, and the poor farmers who cannot take their corn to a distance are robbed." 826, Q. " Are the farmers aware that they are not fairly dealt with ?"—" They are, and cannot help it; and in return practise frauds in the sacking of their corn, to meet the imposition in not having their corn weighed correctly."

At Westport, Mr. Thady Gorman, at p. 253, Q. 830, states:—" In selling butter great frauds are committed by both buyer and seller; by the buyer in sending persons to the country to purchase butter, and promising a much higher price than they will give when it is brought to their store; and by the seller, in fraudulently making up the butter. Very fraudulent weights are also used by the buyer, as the police well know."

Q. 833. " Can you suggest any remedy for the evils you have detailed ?"—" I am strongly in favour of a public market, such as has been described."

At Athlone, Mr. Wm. O'Shaughnessy, p. 707, Q. 2,150, says:—" I wish to state, that in some of the merchants' stores in this town, their scales are hung at a distance exceeding nine inches from the ground. In one instance, I know a scale which is at least two feet from the ground, and the owner of it requires down weight. I think it would require one stone weight to bring those scales from standing beam to down weight."

Q. " Would you be in favour of the establishing a general market such as I described to a former witness ?"—" I would think it would be more satisfactory to the farmer."

In page 1029, Q. 2,865, Mr. F. Spaight, President of the Chamber of Commerce, Limerick, states:—

Q. " Do you consider that the system of weighing in private stores is very objectionable ?"—
A. " I do; I think every thing sold in the town should be weighed in the public scales, which prevents an open for fraud."

We could refer to evidence of a similar nature in almost every market town we visited, as the merchants, with one or two solitary exceptions, expressed themselves of the same opinion, and the sellers were everywhere unanimous in expressing their anxiety and readiness to pay any reasonable charge for good market accommodation, which they all agreed it should be compulsory, when established, to make use of.

Indeed the advantages of a well-conducted public market to both buyers and sellers can scarcely be over-rated. In such the producer is sure to obtain under the influence of fair competition the highest price that the circumstances of the market can afford, and the additional benefit of having his produce fairly weighed. The purchasers, on the other hand, are all placed on an equality in the regard of buying and weighing, and have the advantage of being sure of receiving what they contract for, which at present is any thing but certain. A fair open market is therefore of the greatest benefit to the honest farmer and the fair dealer; is no impediment to the free course of trade, and is a restraint only upon the dishonest purchaser. The first step in the progress of improvement must be the abolition of private and the establishment of public weighing; the cost of the latter would be nothing in comparison to the deductions and losses which we have already fully described as resulting from the former mode. We find the Legislature alive to the importance of public markets, and a precedent in recent legislation for the course we have ventured to suggest.

The 10 Vic., c. 14—" The Fairs and Markets Clauses Act" (which extends only to markets or fairs established under the authority of any Act of Parliament, which should declare this Act to be incorporated therewith), prohibits, in section 13, sales elsewhere than in markets, under a penalty not exceeding forty shillings. The limitation of the Act prevents its full operation, but still the important principle of confining sales to market is recognised.

The Belfast Improvement Acts, the 8 and 9 Vic., sess. 1845, and 10 Vic., sess. 1847, both contain similar clauses; and the " Athlone Market and Customs Act," and " Londonderry Improvement Acts," are incorporated with the " Fairs and Markets Clauses Act of 1847." And sales of agricultural produce are thus prohibited outside the market in both these towns. But these Acts must be considered defective, inasmuch as they make the person selling, or exposing for sale, any market commodity, except in the market places, the only party liable to a penalty.

It was represented to us, that in these towns the sellers frequently commit such offences, by reason of the ignorance of the law, or by reason of inducements held out to them by purchasers who, under the pretext of advising the seller to evade the tolls, are enabled to purchase such marketable commodities at a price below the market rate; and that the penalties provided by the Acts for these offences should be imposed upon the buyer as well as the seller.

At Cork it is made compulsory by the Local Act, 3 Geo. IV., c. 79, to sell all corn, hay, straw, pigs, &c., in the public market; and any person *selling or buying* elsewhere is liable to a penalty not exceeding £5. This Act does not make it compulsory to weigh in the public market; but the trustees by their byelaws, which have the authority of an Act of Parliament, compel all parties to weigh in the public market; and this regulation was made, we are informed, in consequence of the necessity that was felt to put a stop to the frauds which were practised from weighing in private.

But it is impossible to deduce a stronger argument in favour of our recommendation than the case of Limerick. In that town, the necessity for establishing one uniform system of buying and weighing, and abolishing all deductions, and checking the frauds practised in weighing which were of daily occurrence, became so indispensably necessary, that a private Act was obtained last session, at considerable expense, which expressly provides, that all agricultural produce shall be both sold and weighed in the public market, and all produce weighed net, and paid for without any deduction whatsoever. We conceive, where one of the most important trading communities in this country voluntarily place themselves under these regulations, so as to insure fair and upright dealing, this circumstance affords pretty good evidence of the necessity of the measure, and leads us to think that the same provisions may safely be introduced into any general measure for the better management of the markets in Ireland.

9. THE BUTTER TRADE IN IRELAND.

The butter trade has engaged our attention in a degree proportionate to its importance, and requires to be specially noticed.

The export of firkin butter from Ireland to England, Scotland, and foreign countries, for the past year, has been calculated at two millions of firkins, and valued at five millions sterling. This calculation does not include the quantity exported in crocks and lumps from the north of Ireland, which is very considerable. The extent of land thrown out of cultivation of late years has tended greatly to increase the supply of butter, and it is considered by persons well qualified to form an opinion upon the subject, that the quantity of butter produced in Ireland may be nearly doubled in the course of the next few years.

Up to the year 1829, the trade was governed by the provisions of the 52 Geo. III., c. 134. The numerous regulations of this Act were considered at the time an interference with the freedom of traffic and the rights of property. The farmers complained of being obliged to submit to and pay for an inspection which was rarely properly performed, as the inspectors were accused of taking bribes, both in money and drink, and of performing the important duties of their office in a partial and improper manner. The merchants, on the other hand, complained of the heavy penalties which were attached to any alteration of the inspector's brands, and also that butter transmitted from the interior, for shipment at any port (with the exception of Waterford), after having, in compliance with the law, been inspected, weighed, and branded in the country market, was compelled to undergo a repetition of the process at the cranes in the export town.

The regulations also with regard to the manufacture, inspection, and branding of empty firkins, were not properly carried out, and afforded facilities, and created temptations for fraudulent evasions. Such was the state of things in 1829, and all parties then appeared anxious to put an end to restrictions and regulations which had become insupportable from the partial manner in which they were administered, and all the old butter Acts were repealed by the 10 Geo. IV., c. 41, and the trade set free from legislative control.

The change, however, from a system of multiplied restrictions to one of perfect freedom has not proved as successful as was anticipated. The general feeling of the most extensive merchants in the trade appears to be, that the quality of the butter, generally, over the whole country has deteriorated in consequence of the absence of inspection, more particularly that portion manufactured for the foreign market. A number of small markets have also been established throughout the country, and firkin butter is purchased in the south of Ireland in these markets; "by lump," without being either weighed or inspected. This practice has tended more than any other to make the producer careless as to the quality of his butter; and by fraudulent packing and adulterating the article, and other ways, the farmer endeavours to take every advantage of the merchant, who, on his part, seeks to retaliate upon the farmer. In the north, the frauds on the part of both buyers and sellers have almost extinguished the trade in firkin butter, and it is now sold in lumps or crocks. In markets where the butter is sold, inspected, and weighed at the merchants' stores, both parties complained bitterly of the system, and were most anxious for its termination. The merchants complained of fraudulent packing, and of firkins with wrong tares branded on them. The farmers, on the other hand, were equally loud in their accusations of dishonest weighing and inspection, and of unreasonable charges and deductions. In some markets we found that all parties had voluntarily returned to the mode of inspection and weighing, which, under the old Act, was considered so oppressive. And in Limerick, the local Act obtained last session makes it compulsory to have all butter weighed and inspected in the public market.

By far the largest and most important butter market in Ireland is Cork. The quantity sold in that market for the last year exceeded 340,000 firkins, and produced over £800,000. Nearly all the butter for the foreign market which comes from Ireland is supplied from Cork. And we find that, notwithstanding the establishment of new markets in Kerry and in the county Cork, and the increased supply sent to the neighbouring butter markets of Tipperary and Limerick, the butter passing through the Cork weighhouse is steadily increasing every year. Immediately before the passing of the 10 Geo. IV., c. 41 (in 1827), the quantity brought to the Cork weighhouse for inspection was 269,190 firkins. In the year 1850, the number inspected amounted to 342,260. The arrangements and regulations which have fostered and matured the butter trade of Cork are, therefore, well deserving of consideration.¹

The committee of merchants, on the repeal of the old Act which regulated the trade in Cork, established a butter market, which it is optional with the buyer or seller to make use of. All persons who choose to deal in this market are, however, required to subscribe to a series of regulations which have been adopted from time to time for the purpose of restraining fraud and preserving the integrity of the brand. All butter entering the market is subject to the most stringent inspection; but the brand of quality will not be affixed unless the butter be sold to a person who has subscribed to the regulations. The arrangements for inspection and branding are good. The inspection appears to be fairly performed, and the charges in the market are reasonable. Regulations have, within the last few months, been adopted to provide against the soaking of casks, by deducting the actual proof tare of each firkin when it arrives in the market, as it was found that the system under which empty firkins were branded fresh from the block two pounds over their actual weight; and the rule of deducting a per-centage tare, at the rate of twenty pounds per cwt. on the gross weight, even though the crane brand on the firkin should be less, had led to very mischievous results, the farmers trying to meet these deduction by steeping their firkins in water, often in ditches and bogholes; thus rendering them quite unfit to contain so delicate an article as butter.

¹ *Vide Report of Committee of Merchants, Cork evidence.*

Notwithstanding, however, the commendation which we have had the pleasure to be enabled to bestow on the arrangements of this market, we found that the landed proprietors and farmers of the neighbourhood complained that it was not such a voluntary establishment as it was described to be, and they objected to the constitution of the committee, who regulated all matters connected with the market, and on which the agricultural interest was not represented. They also objected to the mode of taring the empty firkins, and to the deduction under the name of beamage or tret. In reply to these objections, we have already observed that the committee have adopted a regulation with regard to the empty firkins, which will prevent any ground of complaint on that head. They also expressed their perfect readiness to place a fair number of country gentlemen on their committee, provided they would attend; and the chief ground of well-founded complaint now appears to be the deduction of two pounds' beamage from every firkin.

We conceive, nevertheless, that the Cork butter weighhouse is fairly conducted, and fraud, in all important particulars, successfully guarded against; and the high estimation in which Cork butter is universally held is undeniable. The most objectionable part of the system is the mode of fixing each day's price, which is done by a committee of the buyers, and the sellers are, in a great degree, bound by their decision. But here, again, we had every reason to believe that a system which might be unsound in principle, and directed to improper ends, had not, in this instance, operated injuriously to the producers, who always receive the full value of their butter. And we must, in justice to this market, observe, that although the appointment of the inspectors and the whole staff is in the hands of the buyers, who frame all the rules and regulations, and though the whole machinery may appear more for the advantage of the merchant than the producer, still the power does not appear to have been abused. The trade appears to have prospered; and we find that the charges in the market are lower, the value given in the shape of accommodation, inspection, weighing, &c., is better, and the deductions from the gross weight for beamage, &c., are less than in any butter market which we visited in Ireland.

The deterioration in the quality of the butter, generally, throughout Ireland, may, in a great measure, be attributed to the improper state of the firkins; as, since the repeal of the statutes prescribing the size, weight, and quality of the empty firkins, the coopers have become less particular, and make the firkins of bad unseasoned timber, and brand on them a fraudulent tare, thus adding a falsification in weight to the depreciation in quality. The farmers, also, are in the habit of soaking the firkins, so as to increase their weight, and these practices are stated to have led to the deductions for tret and beamage, and the charges on the part of the buyers, which we have before described.

All these circumstances combined have given rise to a very general desire among buyers and sellers for the introduction of some system, so constructed as to combine the advantages of free trade with those of regulations which experience has proved to be useful, and which it is now found it was inexpedient altogether to dispense with. We should, therefore, recommend that all butter brought into every market town for sale should be both sold and weighed in the public market, that it should be weighed net, and all deductions abolished but the actual tare of the empty firkin or cask.

We believe inspection, if honestly performed, to be of the greatest benefit to the producer, the exporter, and the consumer, and that the regulations which have been lately adopted at Cork with regard to the inspection and weighing of empty firkins before sale will be productive of the best results. We found also a strong feeling among buyers and sellers in nearly every market, in favour of these regulations; but we are, nevertheless, not prepared to recommend that they should be made obligatory in all butter markets by any legal provision. We are of opinion it will be better to leave the buyers and sellers in each town to follow the example of Cork, and enter into such voluntary arrangements to effect these two objects as they may see good; as we believe, that when once the buying and weighing in the public market becomes conventional, the gross frauds at present practised will, in a great measure, be checked, and that the arrangements, such as have been carried out at Cork with such advantage, will necessarily follow. And these voluntary regulations will have this additional advantage, that they can be varied according to the circumstances of each town, and plans and tests can be adopted from time to time for the detection and prevention of fraud, as new and ingenious devices for fraudulent purposes develop themselves—a result which could not be accomplished by the fixed provisions of one Act of Parliament for the entire country.

But although we are not prepared to recommend compulsory inspection in every butter market, we would strongly urge the necessity of affording to those who voluntarily place themselves under such wholesome regulations, some legal authority to uphold the integrity of the market branch. And we would suggest that where the majority of buyers and sellers of butter in any market are anxious that an inspector should be appointed, they should memorial his Excellency the Lord Lieutenant, who might direct a public meeting to be convened, at which a committee should be appointed, representing fairly the interests of both the merchants and producers; and that this committee should be empowered to select an inspector, and make byelaws to regulate the inspection of the butter, and the weighing and inspection of the empty firkins, subject to the approval of the Lord Lieutenant. We would recommend, that all butter entering such a market, should be inspected and weighed before sale, but not branded; that when sold, each purchaser should be at perfect liberty to deal with his butter as he pleased, and to adopt the market brand or not as he might see good; but if he voluntarily accepts the same, severe penalties should be attached to any alteration of the brand, and to any improper interference with the quality of the butter in the firkin.

That equally severe penalties should be attached to any fraud or imitation of the market brand, which would lead parties to suppose that butter had been branded in the market, when such in reality was not the case.

We conceive that such a course would combine the advantages of wholesome regulation and unlimited freedom; would tend to improve and uphold the character of the Irish butter; and that if

properly carried out, the same desirable result might be obtained in every butter market in Ireland, as at Cork, where the committee assert "that the foreign merchant will buy on the character given to each cask of butter by the inspector's brand, as securely as he would take standard coin at its assigned worth."

10. THE DUBLIN AND OTHER MARKETS, HELD UNDER SPECIAL ACTS OF PARLIAMENT.

The only markets authorized by or held under private Acts of Parliament that have not been noticed by us as yet, are the Dublin, Londonderry, and Belfast markets.

The Dublin Improvement Act of 1848 (the 12 and 13 Victoria, chap. 97), empowers the Lord Mayor and Corporation to establish new markets and compensate existing interests, but as yet no measures have been adopted to accomplish this desirable object, and the markets remain in the same unsatisfactory state as before the passing of the Act.

We find the commissioners appointed in 1835, to inquire into the state of the municipal corporations in Ireland, in their Report on the city of Dublin, describing very fully the state of the several markets, and the patents, charters, and Acts of Parliament relating to each. As little improvement, or change of any sort, has taken place since that period, it is unnecessary for us, therefore, to do more than allude generally to the state of the principal markets, for the sale of agricultural produce.

There is no public corn market in Dublin, such as in Cork, Belfast, Limerick, and other towns, where the farmer brings in his produce in sacks, and exposes it to competition amongst the buyers. All grain is sold by sample at the Corn Exchange, on Burgh-quay, which belongs to a joint stock company, formed and incorporated by royal charter, on the 6th May, 1815, and over which the Lord Mayor and Corporation have no control.

This charter was granted to a number of persons named therein, who were dealers in corn, and residing in the city of Dublin, under the name of the "Corn Exchange Buildings' Company of Dublin," for the purposes of "founding, constructing, regulating, and maintaining all such buildings and other improvements as they or their successors, in their corporate capacity, should deem necessary for the convenience of commercial dealing and intercourse, and for the accommodation of persons exercising trade, and particularly the corn trade, within the city of Dublin."

There is no other market for the sale of grain in Dublin. The commissioners on municipal corporations, in page 226 of their Report on Dublin, state:—"It is worthy of observation, that although the charter of George I. grants to the Corporation the right to hold a corn market, with all tolls; and though the 25 Geo. III., c. 62, directs them to hold a corn market, none such is in fact now held. The Corn Exchange is not, legally speaking, a market, nor is the right to hold a market given to the company by their charter."

The Corn Exchange is open for the sale of grain on Tuesdays and Fridays, from 11 to 1 o'clock, and the business is altogether transacted through brokers, who pay the company £7 10s. each, yearly, for permission to keep a stand therein, and the sellers are obliged to dispose of their produce through one of these brokers, who charge a commission of two and a-half per cent.

We found the inconvenience and uncertainty that necessarily result from a sample market, complained of in Dublin, as well as in other parts of the country. It was stated that where a fall takes place between the time of sale and delivery of parcels, the buyers reduced the price, on the grounds that the bulk is not equal to the sample; in fact the state of the market at the time of delivery frequently regulates the price to be paid, and not the terms of the contract. On the other hand, it appears that when a rise takes place after selling, some farmers are dishonest enough to deliver only a portion of the quantity sold, and in many instances none at all.

We have already pointed out the advantages which we conceive result from the system of selling by parcel and weighing in a well regulated public market; and we believe that it would always be found advantageous to both buyer and seller to have the transaction closed by the article being in the market at the time of sale, and the delivery of it immediately taking place.

The cattle market is held at Smithfield on Monday and Thursday in each week, and is described in the Dublin Improvement Act as a free market. The sales in this market take place through salesmasters, who charge the sellers $2\frac{1}{2}$ per cent. commission. The 10 Geo. I., c. 10 (Irish Act), requires all salesmen to give security by recognizance to the Lord Mayor, to account honestly, and to pay to their employers the amount of sales, and to sell openly and without fraud, and a penalty is imposed on any salesman endeavouring to hinder an owner from selling his own cattle. By the 23 George II., c. 15, the amount of this security is increased to £1,000, and a penalty of £100 is imposed on any salesman who shall act as such, without giving the required security. These two last Acts were made perpetual by the 29 George II., c. 8, and by the 31 George II., c. 8, salesmen are prohibited from being graziers under a penalty of £5 per week.

It appears that the provisions of these Acts are rarely complied with. We were unable to ascertain (in consequence of the confused state of the papers and documents belonging to the old corporation) the exact number of salesmasters who have entered into the required security; but we find that since the new corporation came into office, in 1842, only three salesmasters have executed the bonds required by the Act. And we find the Municipal Corporation Commissioners, in their Report in 1835, stating that, at that time, there were only ten licensed salesmasters; so that we believe the great majority of persons at present acting as salesmen in the market have not entered into the required security; and a very large proportion of them are graziers, in direct violation of the provisions of the 31 Geo. II., c. 8.

The market is nominally free, and owners may sell without the intervention of a salesmaster; but this is seldom practised, owing to the impossibility of obtaining a standing: the entire market being occupied with the pens for sheep and the standings of the salesmen, who rent the houses on each side

of the market at considerably more than their real value, for the right of frontage, which the ownership of the house is supposed to convey. Extensive graziers, who regularly attend the market and dispose of their own cattle, are obliged, therefore, to drive their cattle on to a salesmaster's standing, and to pay the commission of two and a-half per cent. A person who was anxious to become a salesmaster lately, and to charge but three pence in the pound commission, was unable to obtain any standing in the market, and is obliged to sell in one of the streets adjoining the market. To make this market, therefore, in reality what it professes to be, "a free market," it would require to be enlarged to nearly double its present size, so as to secure to any seller who may wish to dispose of his cattle, a standing without interfering with the occupiers of houses on each side of the present market, who claim a vested right in one half of the street opposite each house.

The hay and straw market is also held at Smithfield, on Tuesday and Saturday in each week. The sales in this market are also conducted, in most instances, through the intervention of factors, who charge a commission of two and sixpence per ton on hay, and one and eight-pence per ton on straw. There are nine weigh-bridges in and adjoining the markets, seven of which are the property of private individuals, some of whom, it is stated, were apportioned by former lord mayors, and they all now claim the right to keep a weigh-bridge, and demand weighing fees. Two weigh-bridges belong to the present corporation, who have appointed a weighmaster to each. The recognised charges for weighing are one halfpenny per cwt. for hay and straw on market days, and one farthing per cwt. on other days. These charges are considered exorbitant, and amount altogether, with the commission, frequently to one-sixth of the value of the articles sold.

The statutes of the 4 Anne, c. 14. and 25 Geo. II., c. 15, under which these weighmasters appear to have been appointed, limit the charges for weighing to one penny per draft.

The inspector of this market detailed to us, at our inquiry, many cases of fraud practised on both buyers and sellers by fraudulent weighing and false returns, and, we regret to state, these frauds appear, from the representations which have been made to us from numerous quarters, to be of everyday occurrence—See Evidence of E. Brown, page 754, Dublin Evidence.

There are, in addition, several markets for the sale of pork, bacon, butter, fish, potatoes, vegetables, &c., the greater number of which are private property, and the charges for weighing and standings are regulated by the proprietors, who appear to be subject to no control.

The general feeling with regard to the Dublin markets appears to be that the present Act is sufficient to cure all glaring evils, if the lord mayor had the determination to set it in action; but that vested interests and established usages concur too strongly for an officer of one year to grapple with them, and when unofficial persons attempt any improvement, the crippled finances and cloud of compensations to be afforded, scare away all change. Thus matters are allowed to remain—every one dissatisfied, but no alteration is effected.

In Belfast, a very different state of things is to be found. The corporation have purchased up all the vested interests, and expended in so doing, and in the establishment of markets (according to a statement returned to us by the town-clerk, and annexed to the Evidence) upwards of £95,000. The markets produce, at present, an income of about £7,000 per annum, which is yearly increasing. They are under the superintendence of an efficient staff, and the enlightened and liberal arrangements appear to give general satisfaction.

The Londonderry Improvement Act, passed 12th August, 1848, is incorporated with the Fairs and Markets Clauses Act of 1847; but the corporation have only lately obtained possession of the principal markets which were previously leased, and are now erecting market places, so that the Act cannot be considered to be, as yet, in full operation.

11. THE HOURS FOR HOLDING MARKETS.

The hours for holding the markets is a very important point, and one on which we are directed to report by our instructions. We found few markets where any regularity in this particular was established; but in those where it had obtained, it was found to be productive of the best results; and both buyers and sellers, in every town we visited, were very strongly in favour of the markets commencing by ring of bell, and all sales prohibited before a stated hour under a penalty. We fully concur in these recommendations, as we believe that such an arrangement would create competition, and would, in a great measure, assist in putting an end to forestalling, which is much complained of. We would advise, accordingly, that every market should commence at a stated hour, by ring of bell, leaving the proprietor of the market and the parties interested in each town to fix upon the hour most convenient for such commencement.

12. REGULATIONS AFFECTING THE SALE OF BREAD.

The regulations affecting the sale of bread do not come strictly within the province of our inquiry, but we feel bound briefly to notice the representations which were made to us in the different parts of the country upon this important subject.

The 1 and 2 Vic., c. 28, which repeals all former Acts relating to the sale of bread in Ireland, enacts—"That all bread shall be sold by weight only, and a penalty of £5 is imposed on any baker omitting to keep a beam and scales in his shop, on, or near his counter, for the purpose of weighing bread, or for refusing to weigh any bread sold by him, if required by the purchaser to do so."

This statute has completely failed in effecting the object contemplated, and bread is sold in nearly every part of the country by the loaf, the size and weight of which varies according to the value of flour, while the price of the loaf generally remains the same.

It was suggested to us that it would be a great benefit to the public, if all bakers were required to make bread into loaves of a fixed weight, such as 4 lbs., 2 lbs., &c., and that the weight should always remain the same, leaving the price to vary according to the rise or fall of flour.

—THE DIVERSITY OF WEIGHTS AND MEASURES USED IN DIFFERENT PARTS OF IRELAND.

It now becomes our duty to refer to the weights and measures at present used in different parts of the country, to point out the inconveniences which result therefrom, and to submit to your Excellency, in conformity with our instructions, our views as to the remedies.

We forward in Appendix a Return (No. 7) showing the weights by which agricultural produce is purchased in the ninety-four markets which we visited, and from this Return will be seen how little uniformity exists in this important particular. Grain is purchased by the hundred weight, stone, and barrel. The stone and hundred weight always consist of 14 lbs., and 112 lbs., respectively; but the barrels vary in almost every town. For example, we find that a barrel of oats at Roscrea and Nenagh is 12 stone; at Limerick, Cork, Dublin, &c., it is 14 stone; at Newtownlimavady, 18 stone; at Sligo, 24 stone; at Killarney, 32 stone; and at Skibbereen and Bandon, 33 stone.

A barrel of wheat is everywhere 20 stone.

A barrel of barley nearly everywhere consists of 16 stone; but in Newtownlimavady we found it was 21 stone.

Potatoes are purchased in some places by the stone of 14 lbs., and in others, the stone consists of 16 lbs. In some towns they are sold by "the weight" of 21 lbs., and in others by barrels, consisting in different places of 15, 20, 21, 24, 32, 40, 48, 64, 72, 80, 95, and 96 stone of 14 lbs., or else by the hundred weight of 112 lbs.

A pound of butter in some towns consists of 16 oz., in others of 18 oz.

A stone of flax is in some markets 16 lbs., and in others 14 lbs.; and a hundred weight of flax consists in different localities of 112, 120, and 124 lbs.

Pork is purchased throughout all the north of Ireland by the long "hundred weight" of 120 lbs., and in the south generally by the hundred weight of 112 lbs.

The weights frequently vary completely in markets only a few miles distant from each other, and such is the diversity of them over the whole country, that a person seeing a list of the prices of produce in the principal markets in Ireland would derive but little information, unless he were personally acquainted with the particular usage of each locality.

It is almost unnecessary to add any commentary of our own to this statement: when we read of the greatest legislators of antiquity, and the wisdom of our Parliament for the last 500 years, being directed to establish an uniformity of weights and measures, the importance of the subject must be apparent, and the effects of such a deviation therefrom, as we have described, may be easily anticipated.

We found amongst intelligent persons of all classes whom we examined upon this subject in different parts of the country but one opinion, namely, that the infinite diversity of weights and measures, and the complicated relations involved, make our calculations difficult and obscure; whilst they encourage fraud and deceit, produce uncertainty in all our dealings, and are in many other ways prejudicial to the trading interests of a commercial country.

The necessity for a general assimilation of weights, and for the introduction of a sound system, is now very extensively admitted, and was earnestly pressed upon us during the progress of our inquiry. Two plans were recommended with a view to arrive at uniformity. The first was the abolition of all local and provincial usages, and requiring all transactions in the markets to be computed by the imperial standards of cwts., qrs., and lbs. The second was the adoption of a decimal scale of weights and measures.

We believe that any general assimilation of the weights throughout Ireland, such as recommended by the first of these suggestions, would be a step in the right direction; but we are obliged to declare to your Excellency our decided conviction (a conviction which every stage of our proceedings tended more strongly to confirm), that the whole system of our international traffic is inherently unsound, and that nothing short of a radical change can correct injustice, afford protection to the poor, and wholesome commercial facilities to all classes.

The diversity in our weights and local customs may, we conceive, in a great measure be traced to the want of any sound philosophical principle of calculation, at once uniform and easy. In consequence of this, we think that no partial improvement or amelioration of existing evils will commend itself to the intelligent part of the public; and if effected, will be always liable to relapse into its former, or adopt some other shape of error.

Why, it might be asked, should a stone be 14 instead of 16 or 18 lbs., and why should the usage of one place conform to that of another, instead of *vice versa*? We are led to believe, therefore, that any change from the local customs and weights at present in use to the standard weights would inflict upon those who have been accustomed to use the discarded weights considerable labour and annoyance, without any corresponding advantage; that it would be as difficult to enforce, and would create as much temporary inconvenience as the adoption of a totally new and improved system over the whole country. We are, for these reasons, strongly in favour of the introduction of a decimal scale of weights and measures, which has proved so successful in other countries, and which affords such instant and obvious facilities for calculation, and for the detection of frauds.

Any measure directed to the attainment of uniformity should combine, as far as possible, a minimum of deviation from the present customs of the country, together with such manifest advantages where a change is unavoidable, as would induce all persons readily to conform to the new arrangement. This, we conceive, would be accomplished by a scale proceeding by decimal multiples of the present pound avoirdupois.

At first, no doubt some confusion would result from the alteration, and old prejudice, dislike to change, the unreasoning stupidity of the ignorant, and, above all, self-interest in those who profit by injustice or obscurity in their mode of dealing, would be opposed to the innovation; but the general opinion of those whom we consulted, and who were best qualified to form a correct judgment on the subject, appeared to be, that the great utility of the measure should supersede the consideration of the temporary inconvenience which must necessarily attend any general innovation such as this, and that, (as in the instances of the change of currency, and the introduction of imperial measures,) the inconvenience would soon pass away.

The present condition of the agricultural population in this country appears to us to offer peculiar facilities for the introduction of such a measure.

The poorer and smaller class of farmers have rarely scales and weights of their own. In many parts we were informed that not more than one out of every two hundred possessed any thing of the sort. But as the small holdings are rapidly diminishing in number, we may naturally expect, in a few years, a different state of things. At present, also, the poorer farmers are quite ignorant, in many cases, of what amount they have to receive, in consequence of the complicated nature of the present system; so that no change can cause them greater inconvenience than they at present suffer. In the article of pork, for example, it would be difficult to devise a more confusing mode of buying a pig—so much so, that even well-educated persons are frequently scarcely unable to understand it. Pork is purchased by the cwt. of 120 lbs., but is weighed by the cwt. of 112 lbs., and a ticket is given for the weight accordingly. The purchaser then converts the short hundred weights into long, deducts the beamage or tret from the weight, and an allowance in money for portorage, &c., and calculates the price of the odd pounds less than “a quarter of a cwt.” at the next lowest even price. The farmers are in almost every instance quite ignorant as to whether they are paid the proper amount or not, and are obliged either to trust implicitly to the purchaser, or else get some shopkeeper, or other person who may be capable, to check the ticket for them.

In one large pork market, a school-boy, who was a good accountant, was employed by the farmers to look over and check their tickets, and received a small sum per pig for so doing. There is a mode of converting short hundred weights into long, in both flax and pork, by which the ignorant seller is frequently a loser.

	Cwts.	qrs.	lbs.
Thus:—suppose a pig weighed gross,	2	2	23
The tret deducted,	0	0	11
Leaves,	2	2	12
This weight, being short cwts., is turned into long, by deducting 8 lbs for each cwt.,	0	0	20
	2	1	20

In the foregoing calculation, which would be the natural one for an illiterate seller to adopt, there would be a loss to him of 2 lbs., as, in deducting the 20 lbs. from 2 qrs. and 12 lbs., it should be taken from a quarter of 30 lbs., and not a quarter of 28 lbs.; so that, if correctly deducted, the balance would be . . . 2 1 22

As may be seen by bringing the whole weight into lbs.—2 cwt. 2 qrs. 12 lbs. is 292 lbs.—and divide by 30, the number of lbs. in a long quarter, and the result is 9 qrs. 22 lbs., or, . . . 2 1 22

We merely mention this circumstance, to show how almost incomprehensible the present modes of calculation are to the poorer classes, and to prove that the temporary inconvenience which would attend any change would be of small account compared to the annoyance and distrust which result from the present scheme. And if the recommendation be adopted, which we have suggested in a previous part of our report—namely, the weighing in the public scales, by sworn weighmasters—the inconvenience which would arise from any change in our weights and measures, as far as the agricultural community are concerned, would, in a great measure, be obviated.

The commissioners for the restoration of the standards of weight and measure, in their report, dated December, 1841, state—“Fourthly, we have considered the inconvenience of the weight of 14 lbs., or stone, in common use, and its multiples, 28 lbs., 56 lbs., and 112 lbs. We have already expressed our opinion that the scales which are most convenient are those proceeding by a decimal or binary progression. The stone of 14 lbs., admitting of bisection only once, does not possess the conveniences of the latter, and it is needless to observe, that it cannot be in any way made to assimilate with the former. From the unanimity of opinion among the practical persons to whom we have addressed ourselves, we are persuaded that a scale proceeding by decimal multiples of the pound would be immediately adopted by the public, provided the Government took steps to render the introduction of the new weights nearly simultaneous, and for diminishing the temporary inconvenience as far as possible. We do not wish to conceal the magnitude of this measure. From the information we have received, we think it probable that the quantity of weights of 14 lbs., and its multiples now in use, is not less than 30,000 tons, and that the expense of changing these weights for weights in the decimal scale would be between £100,000 and

"£200,000. We are, however, fully persuaded that the general convenience introduced by the change would be cheaply purchased at this price."

As the commissioners enter very fully into the details relating to the introduction of a decimal scale of weights and measures, and recommend the course to be adopted for effecting the alteration, it is unnecessary for us to allude further to the subject; and we shall content ourselves with expressing our entire concurrence in these recommendations, as far as our experience of the working of the present system in this country has enabled us to form an opinion, and our belief that a change to a uniform decimal scale of weight would be of such manifest convenience to all classes, as to insure its ready and general adoption.

We cannot conclude our observations upon this branch of our inquiry without alluding to the inspection of weights and measures, which has lately devolved upon the constabulary, by the 14 and 15 Vic., c. 92. We found, in many places, that considerable confusion and inconvenience were caused by the doubts which appeared to exist as to whether it was the intention of Parliament, in appointing the constabulary *ex-officio* inspectors, by the 14 and 15 Vic., c. 92, to dispense with the old inspectors, appointed by the grand jury, under the 5 and 6 Wm IV., c. 63. An opinion has been given, by the law officers of the Crown, that the constabulary have only the power, under the 14 and 15 Vic., c. 92, to inspect, and cannot stamp or adjust the weights or measures. The grand jury, in several counties, have discontinued the appointment of inspectors of weights and measures, and in others, where vacancies have occurred by death, no fresh appointments have taken place; and thus parties may be punished for having improper weights or measures, although no means may be available for rectifying them; and traders can be fined for using unstamped weights and measures, while there is no person to perform this duty; and any dishonest person may refuse to fulfil his bargain, or pay for goods he has received, because the trader's weights and measures have not been stamped.

The inspection of weights and measures, by the constabulary, is, for these reasons, almost a dead letter over a great part of the country; and we respectfully submit that this is a subject which requires to be immediately corrected by legislative interference.

III.—THE POSSIBILITY OF GOVERNMENT OBTAINING ACCURATE RETURNS OF THE QUANTITY, AVERAGE PRICE, AND AMOUNT OF ALL AGRICULTURAL PRODUCE SOLD IN EACH MARKET.

From the manner in which the greater number of the markets in Ireland are at present conducted, and the deficient arrangements and accommodation, it would be impossible to obtain any return as to the quantity, average price, or amount of the sales which take place therein.

In the towns visited by us, with few exceptions, returns could not be furnished, as in some (as we have already described) there are no public scales, and the sales take place in the streets, and the weighing at the stores of the purchasers. In others but a small portion is weighed in the public scales, and the residue in the merchants' stores. In many towns, where the produce was all sold and weighed in the public market, books were not kept, nor was even a crane note given to the seller; the weighmaster merely marking the gross weight of each article on the seller's hat in chalk. Even where the arrangements were more enlightened, the staff employed was insufficient, and the books were not kept with that regularity which would enable accurate returns to be furnished from them.

Amongst the few markets which we visited, where any returns can be furnished, we may instance the market of Ennis, in the county of Clare. All the agricultural produce brought into this town for sale is both sold and weighed in the public market, and the particulars as to the weight, price, and amount of each transaction, with the names of the buyer and seller, are entered in the day-books of the market, and the seller furnished with a copy. At the close of each day these books are posted into a ledger, and from the regularity of this system, the weighmaster was able to furnish us with the statistics of the markets for the last seven years.—(*Vide Ennis Evidence.*)

Unless all the agricultural produce brought into every town for sale be sold and weighed in the public market in the manner we have recommended in an earlier part of our Report, any statistics furnished must necessarily be very imperfect; but if these suggestions be carried out, and the books and accounts of the market kept in a proper manner, there can be no difficulty in Government obtaining at any time, from the officer in charge of each market, accurate returns, without entailing any additional expense upon, or inconvenience to, the proprietor.

It would, however, be requisite, before any statistics could be furnished, to establish an assimilation of weights and measures, an uniform mode of weighing, and an abolition of all deductions from the true weight in every market town in Ireland, as, until these improvements are effected, returns from the several markets would be almost unintelligible, unless accompanied by a table showing the local customs and weights used in each market, and the prices returned would be merely nominal, as the deductions from the gross weight would have to be calculated before the actual price of the article could be ascertained.

From the want of any general system of market returns, the state of agricultural affairs in this country (of which the quantity sold in market and the price produced is always the surest test) can only at present be supposed by vague calculations or mere guess work.

The only official publication of the price of corn in Ireland is that inserted in the *Dublin Gazette*, once every week, signed by the clerk of the corn table. This officer attends the Corn Exchange, in Dublin, every Friday, and leaves upon each factor's table a printed form to be filled up by him at the close of the market, specifying the quantity and description of grain sold, and the price.

A great number of the factors neglect to send in any account of their sales, so that the return published is always incorrect as to quantity, whilst the representation of the price depends entirely on the brokers, who have the power of returning a greater or lesser quantity than that actually sold, at a higher or lower price, as it may suit their purpose to impress the public mind, there being no means of ascertaining the accuracy of the returns received by the clerk of the market.

The entire transaction is a voluntary one on the part of both the corporation and the corn factors. The corporation are not required by any Act of Parliament to employ an officer to perform this duty, and they may, if they please, discontinue doing so at any time; nor is there any obligation on the factors either, to furnish any information as to the nature and amount of their transactions, or any penalty for doing so incorrectly.

Sales of grain outside the Corn Exchange are not included in these returns; so that boat corn, which is generally of an inferior description, and sold at the merchant's store at a lower rate than the farmers' parcels, is, therefore, not taken into account, and this must materially affect the general average.

From these returns, as furnished by the brokers, the clerk of the corn table prepares the "Dublin Market Note," which is published weekly in the *Dublin Gazette*.

By the 1 and 2 Vic., c. 109, s. 32, the tithe rent-charges are liable to be varied from time to time according to the average price of corn, as advertised in the *Dublin Gazette*, during the preceding seven years.

We find Mr. William Ford, the town clerk of the city of Dublin, in his evidence before the Devon Commissioners, in 1845, giving the following account of the manner in which these returns in Dublin are prepared:—

"I would suggest, also, because I am against capricious abatements, that there should be a strict average taken of corn. It is really a shame to say, that in the city of Dublin, which regulates all Ireland, there is no correct average taken. The average taken in Dublin regulates the tithe composition and the ecclesiastical leases, by septennial series; and yet the taking of these averages is not upon any fixed data whatsoever. There is a clerk of the market, who has no power to compel the factors to return the quantities. I was concerned in a case about the average of tithes. I went down to the market, about five or six years ago, to get the averages from the clerk who had taken them. He wanted to charge me ten guineas for it; and while I was there, a person came up and gave him a slip of paper, and there were 360 barrels, or some such number sold. 'What is that?' I said to the clerk. He replied, '360 barrels of wheat that gentleman sold to-day.' I said, 'I know that gentleman, and he never sold a barrel in his life. Is that the way in which you take the average?' 'Yes,' said he, 'we take it from any one who comes in. It is voluntary average.' The result is this: I have obtained from Mr. Roe, the extensive distiller, who has permitted me to mention his name, the average prices which he paid for wheat in the public market in the years 1837, 1838, and 1839—that is, for wheat grown in this country, out of which the rent has to be paid. That average does not amount to more than 24s.; and this is corroborated, for the years 1839 and 1840, by the average price of wheat, which I have got from another eminent distiller, whose name I am not permitted to mention, as the use of wheat in distillation is not legal, but tolerated when that grain is unfit for making flour. I had made out a book of the averages, for several years, from the *Gazette*, which I presented to the Attorneys' Society of Ireland, and they have since kept it up; and, by reference to that book, I find the average price of wheat in Dublin, for 1839–1840, as appeared in the *Gazette*, was, for that period, £1 18s.—I mean for 1839–1840, which was the great year for malted wheat. Hence it is that a party would say, in the case of an estate set thirty years ago, 'When I set my land, the average was 35s. a barrel for wheat; what right have you to ask for the rent to be cheaper now, when I find the average £1 18s.—the average given in Dublin, for the years 1839–1840?' And the fact was, this average was the average of the foreign corn that was imported; but the average price of the Irish corn in that year never went into the account of the averages at all. It was all bought up by the distillers, at from 17s., the lowest, to 26s., the highest. In the case of a friend of mine who wanted to renew a lease from a noble English proprietor in Ireland, he met him by the position I have just put. His lordship said 'You claim so and so. When your father had a lease of this land, the average appears, by the *Evening Post*, to have been so and so. I have turned to it, and I find the average, by the same paper, to be the same now. How can you say I ought to set the land cheaper now? I cannot do it.' And here are the false data which regulate the tithes, and which regulates the ecclesiastical leases, founded upon what Mr. Arkins, who belongs to the body which I belong to—namely, the corporation—may put once a week. It is really shameful; and if the commissioners do nothing but have a correct average taken, it will be a great thing. I have kept the exact averages for the last ten years. I have taken them for tithe purposes. I took them originally to prove at a trial, and have kept them since. I can give Mr. Roe's averages, or he can give them himself. The distillers and starch manufacturers bought almost all the wheat grown in Ireland in the harvest of 1839: and yet the Irish landholders scarcely get commiseration when their all is destroyed by the weather, or sold at a ruinous price, and which ruinous price would be apparent if a correct average of corn was kept. There is no way by which to compel a party to give a correct average. The factors ought to be bound to state their prices, and to make their weekly returns, under the

" obligation of an oath. There should be correct averages taken, either in the counties or the principal cities. I beg to hand in the following paper, showing the amount of the average of wheat, between September, 1839, and April, 1840 :—

	£	s.	d.
" Average price of wheat, in <i>Gazette</i> , from 3rd September, 1839, to 1st April, 1840, being the period that damaged corn used by distillers was at market, per barrel of 20 stones	1	19	11
" Average price of wheat, during said period, purchased by George Roe, Esq., distiller, per barrel of 20 stones	1	3	10
" Average price of wheat purchased by another eminent distiller in Dublin during same period	1	2	3

" I aver, from all the information I have had upon this matter—and I have made strict inquiry—that, at the period of the damaged wheat at market, none of it was included in the *Gazette* averages, and that a considerable portion of the corn sold at the Corn Exchange is frequently not returned to the clerk who takes the average. It is a complete voluntary matter, to make the return or not, by the factors."

We conceive that little reliance can be placed on the correctness of these averages, as returned weekly by the clerk of the corn table to the *Dublin Gazette*; and that, in the absence of any legislative enactment, requiring the factors to furnish an account of all corn sold, it would be impossible to obtain such a return with sufficient accuracy to warrant its being adopted as the only basis for the revision and applotment of tithe rent-charge over the whole of Ireland.

IV.—THE EXISTING STATE OF THE FAIRS IN IRELAND

We have, in an earlier part of our Report, described fully the patents and authorities under which fairs are held, and the proprietors who derive under these grants.

It will be seen by a reference to Return No. 3, in Appendix, that two-thirds of the fairs at present held are held either without patents or on different days from those authorized by the patents.

We find that toll is generally levied in fairs in the south and west of Ireland, while in the north and east it has in most cases been abandoned. We have described the oppressive and arbitrary nature of these charges in the markets, and the objectionable manner in which they are enforced, and these observations apply equally to the fairs, as the toll in fairs differs only from market toll, inasmuch as the purchaser always pays toll in the former, and the seller in the latter.

The provisions of the 57 Geo. III., c. 108, requiring schedule boards to be posted at every custom-gap, is rarely complied with.

The 4 Anne, c. 8, s. 3, enacts, "That in all cases where any cattle shall remain unsold at any fair or market it shall be lawful for the owners or drivers thereof to carry away such cattle without paying any toll whatsoever."

We found the persons employed as collectors in many places endeavouring to meet the constant evasion of tolls, by obliging all parties leaving the fair with cattle, and claiming to be exempt as unsold, to go through some form, such as touching a piece of paper pasted on a board, or a book fastened to a pole, and to pledge themselves thereby to the truth of their statements. This is called clearing the cattle, and, we regret to say, is very extensively practised. These several forms are adopted to evade the penalty attached to the illegal administration of an oath; but though not, strictly speaking, oaths, they are looked upon in that light by the lower orders, and we conceive such an objectionable and demoralizing practice cannot be too severely censured. It tends to make the ignorant peasant think lightly of the sacred obligation of an oath, and leads, in addition, to endless disputes, and constant scenes of riot and disorder, in which the cattle are shamefully abused by both the drivers and the collectors—the one endeavouring to force such cattle through the custom-gap, which the others oppose.

Enclosed fair-greens are in some few cases provided by the proprietors of the tolls, and give general satisfaction, but in the great majority of cases the fairs are held in the streets of a town, or on the high road, and no value whatsoever is given in return for the toll. The high road, which is repaired at the public expense, is injured; the thoroughfare is rendered impassable for the day; life and property are in danger; there is no order or regularity; horses, cattle, sheep, and pigs are mingled together, to the great inconvenience of buyers and sellers, and the annoyance of the inhabitants.

We would recommend that proprietors of fairs should be prohibited from levying toll, unless a proper enclosed fair-green were provided; and that instead of the present system of charging a heavy toll on cattle leaving the fair if sold, a very small charge should be made on every animal entering the fair-green. One-half of the present toll would, by this means, produce in most cases as large an income to the proprietor, and there would not be the same difficulty, annoyance, or expense in collecting it. We found the greatest unanimity of opinion on this subject in every part of the country. The sellers of stock expressed their anxiety and readiness to pay any small charge on entering a fair green for good accommodation, and we are satisfied that such a regulation would be of great benefit to all parties.

V.—SUMMARY AND RECOMMENDATIONS.

With a view to alleviate, if not altogether remove the evils set forth in the foregoing Report, and to introduce an uniformity of management and practice in all markets and fairs, we are disposed to suggest the following matters as deserving the attention of the Legislature in any future statutory provision on this subject.

1. We consider it highly important that every fair and market in Ireland (save those which are now regulated by special statutes) should be under the direction of some one or more persons, to be called the owners or undertakers of the fair or market; and that such owner should receive all the profits and tolls of the fair or market, as upon him will devolve the duty of providing proper market accommodation.

2. That it shall be the duty of the owner of every fair or market to provide a proper place or places for the holding thereof with suitable accommodation, subject to the approval of the Lord Lieutenant, or such person as he may direct to inspect the same.

3. That, if necessary, the owner shall be authorised to procure a site for the market, by means of the compulsory purchase clauses in the Land Clauses Consolidation Act.

4. That all agricultural produce or stock as hereafter may be specified should be subject to a small toll, and that this toll should be payable to the owner or undertaker of the fair or market, on all cattle as soon as they shall enter same for sale, and on all agricultural produce or goods when they shall have been exposed for sale in the market-place.

5. That the owner of the market should be entitled to receive a certain sum by way of stallage, for the use of a stall or standing in the market or fair, for the sale of manufactured goods, and other articles not properly tollable.

6. That the tolls and the regulations of the market shall be such as shall be proposed by the owner, and approved by the Lord Lieutenant.

7. That no toll shall be leviable until it shall be certified to the satisfaction of the Lord Lieutenant that suitable accommodation has been provided.

8. That schedules of the tolls and regulations of the market shall be posted at the market-place, and in other conspicuous parts of the town.

9. That no toll whatever shall be paid by the buyer of any article.

10. That after the market-places shall have been opened for public use, and due notice given of the same, every person (other than a licensed hawkers) who shall sell or expose for sale in any place within the limits of the market, other than in the market-places, or in his own dwelling-house, shop, warehouse, &c., any cattle or live stock, or any corn, or any thing whatsoever, in respect of which tolls or rents are payable in the market, shall be liable to a penalty, to be recovered in the same manner as penalties are recoverable under the Markets and Fairs Clauses Act of 1847; and that any person who shall purchase, or treat for the purchase of, any such marketable commodity shall also be liable to the same penalty.

11. That a competent number of beams and scales, with standard weights and measures, shall be provided by the owner, and maintained for the use of the market, with proper persons as weighmasters to attend thereon, to make entries of sales, &c.

12. That such weighmasters shall be sworn to weigh fairly and honestly between buyer and seller.

13. That, upon good grounds being shown, the Lord Lieutenant shall be empowered to dismiss any weighmasters or market officer, and to call upon the owner to make a new appointment.

14. That, after the market-places shall have been opened for public use, all corn, grain, pulses, seeds, butter, pork, and flax, bought or sold in every market-place, shall be weighed in the market scales; and when a person exposing his goods for sale shall have paid the toll to which they are subject, he shall be entitled to have the goods weighed, and to receive a ticket of the weight, without any further expense or outlay by way of crantage, or the like.

15. That all agricultural produce shall be weighed net, standing beam, with as low a weight as one pound, and the price thereof determined according to the full weight, after deducting the weight of the package, sack, bag, or firkin, &c.

16. That all deductions and allowances for tret, beamage, portorage, brokerage, or under any other name, from the true weight or amount shall be illegal, and that any buyer who, by himself or by any other person employed by him, shall demand, take, or receive any other or greater quantity than the quantity really and *bonâ fide* bought, and agreed for at such net weight, shall be liable to a penalty.

17. That a keeper of the market shall also be employed, whose duty shall be to proclaim the commencement and close of the market, to see that no articles be sold or exposed for sale outside the place appointed, and to keep the market free from nuisances.

18. That the owner, or some one of the owners, or a competent person to act as chief officer of the fair or market, shall be present in every fair or market during the hours of holding thereof.

19. That the chief officer shall have power to decide all disputes whatsoever as between buyer and seller forthwith upon complaint being made to him; but shall not have power to administer an oath, or to compel the attendance of witnesses.

20. That any party dissatisfied with his decision, or not wishing to resort to him in the first instance, may have the matter in controversy disposed of by the petty sessions court of the district, where magistrates shall have power to fine any person who shall wilfully make a false statement as to any matter in controversy before the chief officer.

21. That the jurisdiction of magistrates, as limited by the 17th section of the 14 and 15 Vic., c. 92, to articles not exceeding in value £5, shall be increased, and magistrates shall be empowered to adjudicate summarily in all cases of disputes arising at fairs or markets, where the value of the article shall not exceed £30, or the amount in dispute shall not exceed £5.

22. That penalties shall be imposed for frauds, on the part of either buyers or sellers, or breach of contracts, recoverable summarily before one magistrate.

23. That the penalties for frauds on the part of the sellers of grain, as directed by the 7th section of the 14 and 15 Vic., c. 92, shall be limited to a fine not exceeding forty shillings, or imprisonment for any term not exceeding one month, without the forfeiture of the article, and that this section shall be altered so as to embrace frauds in hay, straw, butter, pork, and all other kinds of agricultural produce.

24. That the penalties for frauds or breaches of contract on the part of both buyers and sellers of flax, as directed by the 11th section of the 5 and 6 Wm. IV., c. 27, shall be increased to a penalty not exceeding forty shillings, or imprisonment for any term not exceeding one month.

25. That the chief officer of each market shall cause to be made all proper entries in books, to be provided for the purpose, of sales in the market, of the weight, price, &c.

26. That, at stated periods, returns shall be made to Government by the chief officer of all such sales, showing the amount and quantities sold, the average price, &c., at each fair or market.

27. That an assimilation of weights and measures be strictly enforced, and one uniform system of weighing be adopted in every market town in Ireland.

28. That these recommendations as regards the buying, selling, and weighing of all agricultural produce, and the abolition of all deductions and allowances from the true weight and price, and the punishment of frauds on the part of either buyers or sellers, be applied to every market in Ireland, whether held under private Acts of Parliament or otherwise.

29. That a set of regulations be framed and inserted in any general market Act, and called "the butter-inspection clauses," for the purpose of regulating the inspection of butter in any butter market where an inspector may be deemed desirable, and for affording to those who voluntarily place themselves under these regulations some legal authority to uphold the integrity of the inspector's brand.

For determining the ownership of markets and fairs, and for the notification of any future changes in such ownership, we would venture to submit the following plan:—

30. That an advertisement be published in the *Dublin Gazette*, and other papers, requiring every person claiming to be the proprietor of any market or fair, or to be entitled to the tolls and customs thereof, to send into the Chief Secretary's office at the Castle, before an appointed day, a statement of his claim, and the nature of his title in support of such claim, with the date of his patent, if any, and the particulars of his lease (if he holds by lease), and a statement, showing the days on which the fairs and markets in each place are held.

31. That after the expiration of the appointed time, all the claims shall be referred to a Queen's Counsel, for his consideration and adjudication, with power to call claimants before him, and to inspect patents and other muniments of title, so as to aid him in the determination of the question of ownership in each case.

32. That if any market or fair shall have been usually held for a certain period, and no person shall claim the ownership thereof, whether as patentee, owner of the soil, or otherwise, then a *Gazette* notice shall be published, requiring all persons willing to become the owners of the market, to send in their proposals for so doing, among which proposals the Lord Lieutenant may select some one or more persons to be the owner or owners of the market or fair.

33. That when two or more persons shall be determined to be owners of the market or fair, it shall also be determined in what proportions they shall be respectively entitled; and where the tolls of any fair or market shall be in lease, both lessor and lessee may be declared joint owner; and in such case also it shall be determined in what proportions they shall be respectively entitled, having due regard to the tolls heretofore leviable, the unexpired term of the lease, and all other circumstances proper to be considered.

34. That any person dissatisfied with the decision of the Queen's Counsel, either as to the ownership of the fairs or markets, or the interest of any person therein, or the division or appointment made by him of the tolls, shall be permitted, within a stated time, to appeal to the judicial committee of the Privy Council.

35. That when the ownerships of all the fairs and markets in Ireland (except as aforesaid) shall have been thus determined, the names of the owners, with the days for holding each market or fair, shall be duly published in the *Gazette* and other newspapers, and it shall be declared that from and after the — day of — then next, and after accommodation shall have been duly provided and certified, tolls shall be paid to the owners in respect of their fairs or markets respectively.

36. That if any change of ownership shall at any time thereafter take place, this shall be communicated to the Chief Secretary, by whom the same shall be notified in the *Gazette*. If there be any disputes as to the ownership, the matter shall be decided by a Queen's Counsel, subject to the appeal as before mentioned.

37. That any alteration of the days for holding either fairs or markets as originally published shall be sanctioned by the Lord Lieutenant, and such change notified in the *Dublin Gazette*.

38. That every person on having his ownership declared, shall be entitled to receive from the Chief Secretary to the Lord Lieutenant a certificate thereof on payment of a small fee. And in all courts of justice, when it shall become necessary to prove ownership of any market, the production of such certificate, or of the *Gazette* notice, shall be deemed sufficient evidence.

The foregoing suggestions are submitted merely with a view to show the *general character* of the legislation which we consider it would be advisable to apply to all market towns, as well for the promotion of the public advantage, as for the benefit and security of individuals. Further statutory provisions will naturally suggest themselves, when the business of drafting an Act of Parliament shall be taken in hand, and we would only submit it, as a very desirable thing, that the Act, when framed, should be a substitution for all previous enactments, and should contain within itself a complete code for the regulation of the fairs and markets of Ireland.

We have now brought our duties to their termination, and regret that the extent and importance of the subjects which we have been called upon to examine have rendered so long a report indispensable, but we found ourselves unable altogether to avoid the imputation of being either defective or tedious, and have, therefore, preferred the latter alternative. It only remains for us, in conclusion, respectfully to represent to your Excellency, that the system which we have witnessed, by which the social commerce of the people of this country has been almost uniformly overlaid with vexatious exactions, and they themselves struggling against fraud with counter-fraud, appears to us to be equally injurious to their moral character and their pecuniary interests; that the immediate correction of the abuses we have endeavoured to describe is essentially requisite; and that both the mercantile and agricultural classes entertain the most anxious hope, that when Her Majesty's Government are made fully acquainted with the magnitude of the evils, they will be disposed to encounter the difficulties of their abatement.

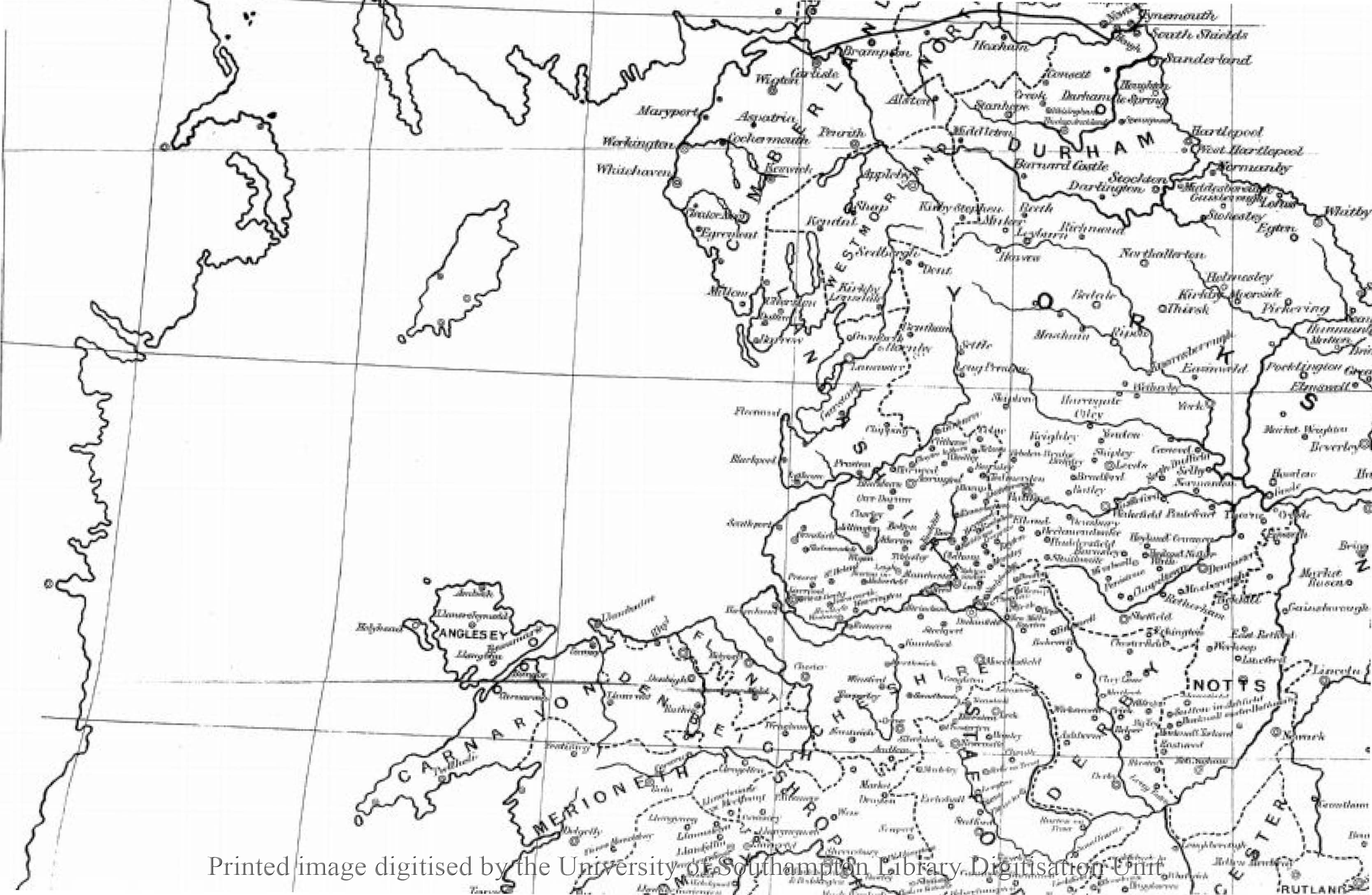
We have the honour to be,

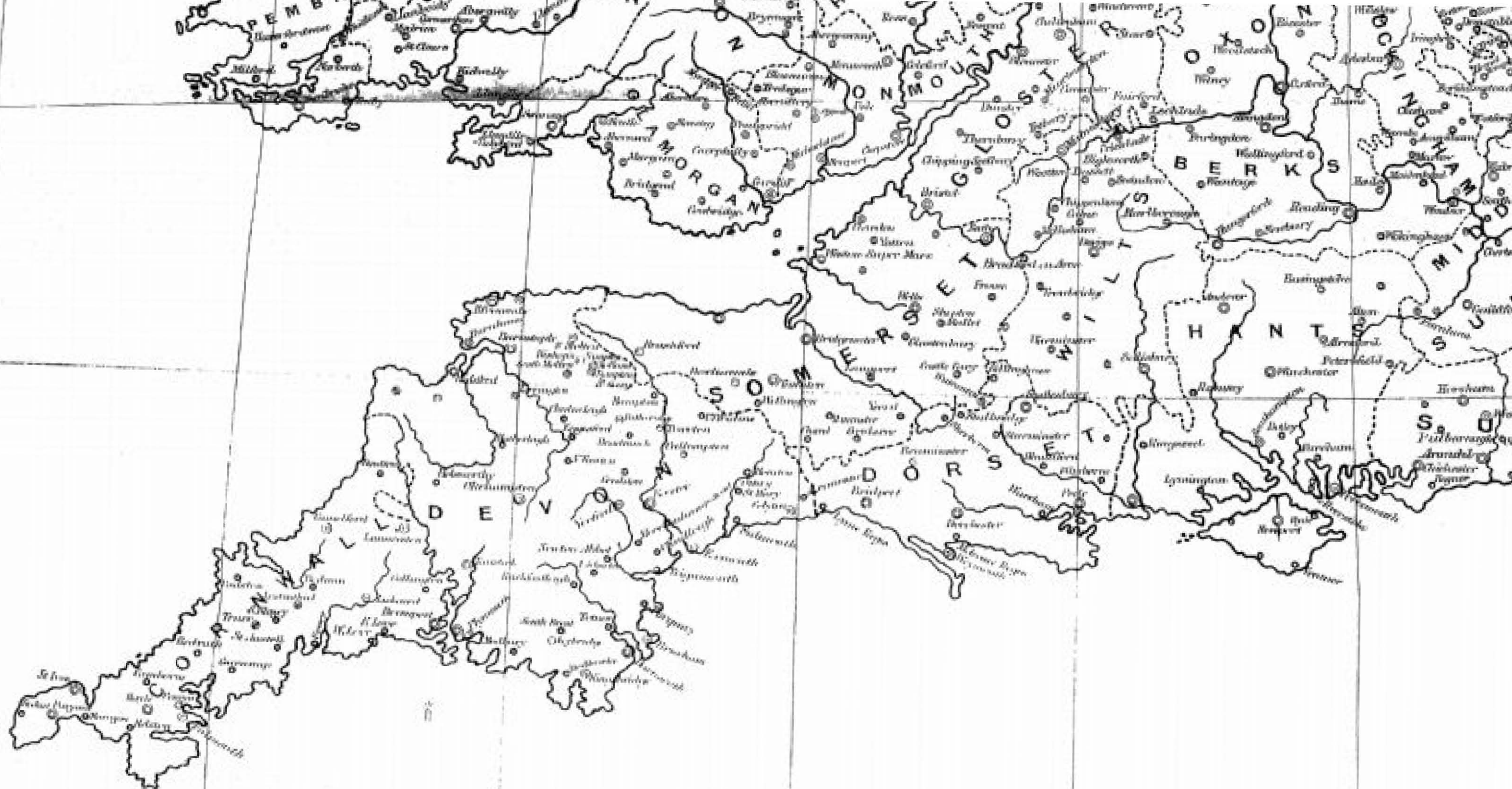
Your Excellency's most obedient servants,

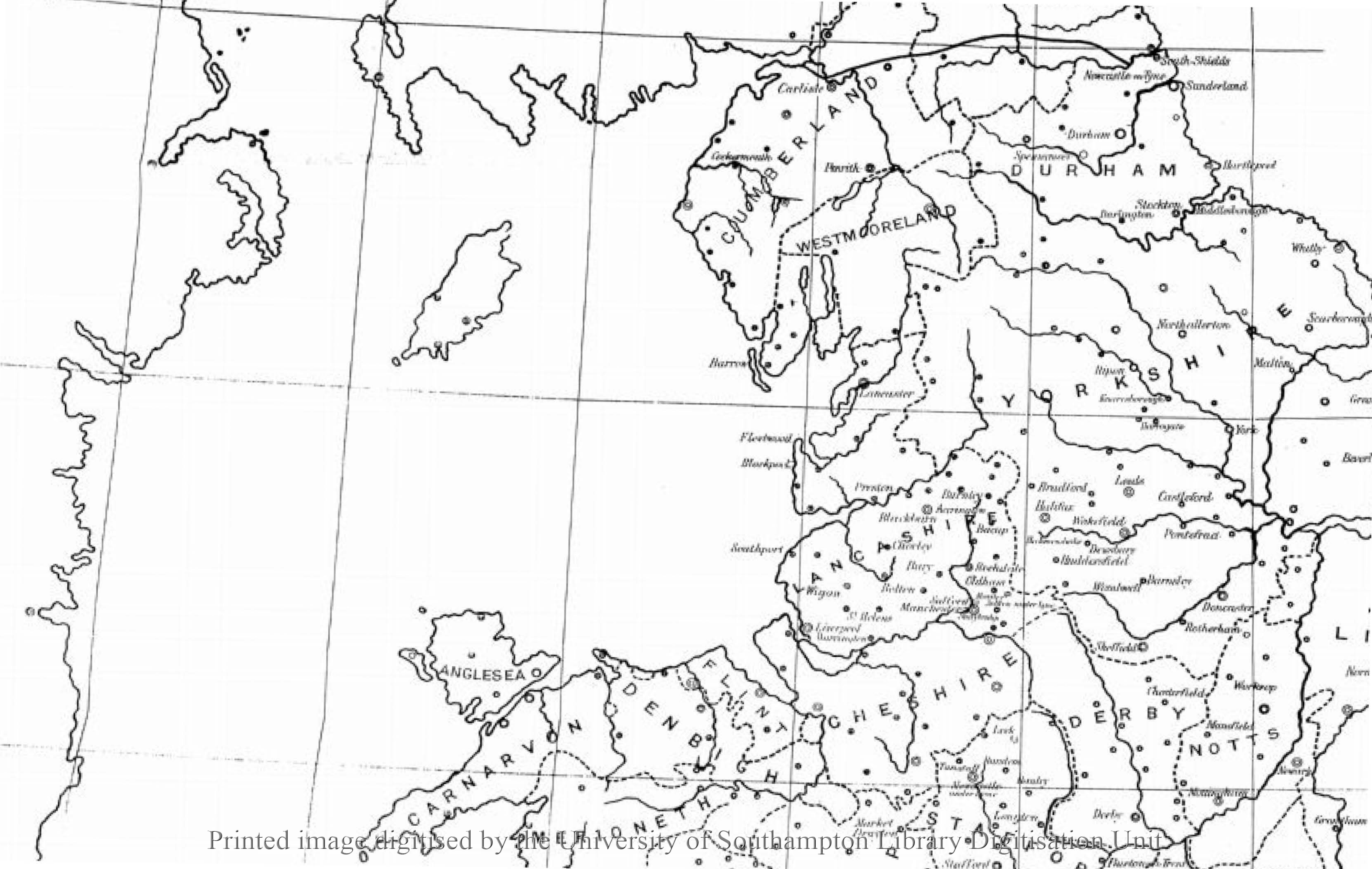
HERCULES G. R. ROBINSON, Commissioner.

JOHN MACBETH, Assistant Commissioner.

Dublin, May 21, 1853.







1738 it was not deemed necessary to issue a map
showing these Inquiries.

