ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

Cap. xliv.

An Act for making and maintaining a Market in the Parish of *St. Mary, Lambeth,* in the County of *Surrey.* [25th *June* 1868.]

WHEREAS the Population of the Parish of *Saint Mary, Lambeth,* in the County of *Surrey,* and also of the several Parishes near or adjoining to the said Parish, has been greatly increasing for many Years past, and the Establishment of a Market for the Sale of Butchers Meat, Poultry, Game, Fish, Butter, Cheese, Milk, Vegetables, Hay, Corn, Flour, and other Animal and Vegetable Products, Goods, Wares, Merchandise, Manufactures, and other marketable Commodities, and the erecting, providing, maintaining, and regulating a Market, Market Places, Market Houses, Shops, and Stalls, would be highly advantageous to the Inhabitants of the said Places: And whereas a Plan with a Book of Reference thereto describing the Lands, Houses, and Places intended to be taken and appropriated for the Purposes of this Act has been deposited with the Clerk of the Peace for the County of *Surrey,* which Plan and Book of Reference are in this Act referred to as the deposited Plan and Book of Reference: And whereas the Persons in this Act named, with others, are willing to provide such Accommodation, and it is expedient that they be incor-

porated into a Company, and the necessary Powers conferred upon them for that Purpose; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "*Kennington* Market Act, 1868."

8 & 9 Vict. cc. 16. & 18., 10 & 11 Vict. c. 14., and 23 & 24 Vict. c. 106. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Markets and Fairs Clauses Act, 1847," (except Sections Thirty-one and Thirty-two thereof,) shall, so far as not expressly varied by this Act, be incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meaning, unless excluded by the Subject or Context.

Incorporation of Company.

4. *John Wildy*, *Frank Haddan*, and *Edwin De Nops*, and all other Persons and Corporations who have subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purposes of making and maintaining the *Kennington* Market according to the Provisions of this Act and the Acts incorporated herewith, and for that Purpose are by this Act incorporated by the Name of "The *Kennington* Market Company" (herein-after called "the Company"), and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase and hold Lands for the Purposes but within the Restrictions in this Act contained.

Power to construct Market House, &c.

5. Subject to the Provisions in this and the incorporated Acts contained, the Company may, upon the Site shown on the said Plan, construct a Market, Market Houses, and Market Places, with all necessary Buildings, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands and Buildings delineated on the said Plan and described in the said Book of Reference as shall be necessary for the Purpose of their Undertaking.

Company may acquire Lands by Agreement.

6. The Company may for the Purposes of this Act, but for the Purposes of this Act only, acquire by Agreement any Easement, Liberty,

Liberty, Privilege, Power, or Authority in or over the Lands described on the deposited Plans, and the Provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Lands and Rentcharges, as far as the same are applicable in this Behalf, shall extend to such Easements, Liberties, Privileges, Powers, and Authorities.

Capital.

7. The Capital of the Company shall be Eighty thousand Pounds, in Eight thousand Shares of Ten Pounds each.

As to vesting of Shares.

8. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Calls.

9. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Three Months at least shall intervene between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

10. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Nineteen thousand five hundred Pounds, but no Part thereof shall be borrowed until the whole Capital of Eighty thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver,

11. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in respect of Principal, or

Principal

Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Three thousand Pounds in the whole.

Application of Monies raised under Act.

12. All and every Part of the Money raised under this Act, whether by Shares or by borrowing, shall be applied only for the Purposes authorized by this Act.

First Meeting.

13. The First General Meeting of the Company shall be held within Six Months after the passing of this Act.

Quorum of General Meetings.

14. The Quorum of General Meetings of the Company shall be Ten Shareholders present personally or by proxy, holding in the aggregate not less than Three thousand Pounds in the Capital of the Company.

Shareholders may convene Extraordinary Meeting.

15. Ten or more Shareholders, holding in the aggregate not less than Five thousand Pounds of the Capital of the Company, may require that an Extraordinary Meeting of the Company shall be held.

Number and Qualification of Directors.

16. The Number of the Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

First Directors.

17. *John Wildy*, *Frank Haddan*, and *Edwin De Nops*, and any other Three qualified Persons to be chosen by the before-named Directors, or by a Majority of them, shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by proxy, may continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible to be elected as Members of such new Body.

Subsequent Election of Directors.

18. At the First Ordinary Meeting of the Company to be held in every subsequent Year the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845," or by this Act, or either of them.

19. The

19. The Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

20. The Limits within which this Act may be put in force shall comprise and include the Area of the said intended Market, Market House, and Market Places as shown on the deposited Plan. Limits of Act.

21. The Undertaking hereby authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of such Period the Powers of this Act and the Acts incorporated herewith shall cease to be exercised, except as to so much of any Market, Market House, or Market Place as shall then be completed: Provided always, that the Company may within the said Period open such Portion or Portions of the Market, Market House, or Market Place as shall from Time to Time be completed and suited for the Accommodation of the Public, and thereupon demand and receive Stallages, Rents, and Tolls in respect of the Portion or Portions of the Market, Market House, or Market Place so from Time to Time completed, not exceeding the Stallages, Rents, and Tolls authorized by this Act. Period for Completion of Works.

22. The Powers for the compulsory taking of Lands and Property shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases Limited.

23. If at any Time or Times hereafter any Market, Market House, or Market Place to be established under the Provisions of this Act shall be found to be not sufficiently commodious or capacious, it shall be lawful for the Company to enlarge and improve the same from Time to Time; and all and singular the Powers and Provisions of this Act and the said incorporated Acts, except the Powers for the Purchase of Lands and Property otherwise than by Agreement, shall be applicable for the Purposes of enlarging and improving the same, and of regulating and maintaining the same when enlarged and improved. Power to enlarge Market Places from Time to Time.

24. From and after the Commencement of this Act the Company and their Lessees may from Time to Time demand and take from any Person occupying and using any Shop, Stall, Stand, Bench, or Ground Space in either of the Market Places such Tolls or Rents as the Company or their Lessees may from Time to Time appoint, not exceeding the several Tolls specified in the Schedule to this Act annexed. Power to levy general Market Tolls as in Schedule.

25. The Company and their Lessees from Time to Time may demand and take for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in such Market Place from Weighing and measuring Tolls as in Schedule.

from any Persons having any such Article weighed or measured at the Weighing Houses or Places provided by the Company any Tolls not exceeding those specified in the Schedule to this Act annexed.

Tolls and Rents to be payable by successive Occupiers of Shops.

26. The several Tolls and Rents in the Market payable with respect to the Occupation of any Shop, Stall, Bench, Compartment, or Space of Ground shall be paid not only by the original Taker or Occupier thereof for a Part of a Day or other Time, but also by any subsequent Taker or Occupier thereof for any other Part of the same Day or other Time.

Receipt of Tolls by Officers.

27. The Tolls, Rents, Stallages, and other Payments authorized to be received by the Company may be demanded and taken by the Officers of the Company and of their Lessees respectively.

Powers to erect Dwelling Houses and Shops.

28. The Company may, in addition to the said Market, Market Houses, and Market Places, erect Dwelling Houses and Shops on the Frontage or other Portion of the Property by this Act authorized to be acquired by them, and may let to any Corporation, Person, or Persons, upon such Conditions and for such Rent as shall be mutually agreed upon between them and the Company, the whole or any of the said Dwelling Houses and Shops, or Part of any such Dwelling House, by the Year or for any Term of Years not exceeding Seven; and any such Lessee or Tenant may, but not without the Consent of the Company, assign his Lease or the Benefit of his Tenancy for the unexpired Residue thereof.

Leases of Markets, Tolls, &c. and Assignment of Leases.

29. The Company may from Time to Time demise and let the Market, Market Houses, Market Places, Shops, Stalls, Stands, Benches, Ground Spaces, and Machines for weighing and measuring from Time to Time, and the Tolls, Rents, and Stallages, or any of them, for any Period not exceeding Seven Years, upon such Terms and Conditions as are mutually agreed on; and any such Lessee or Tenant may, but not without the Consent of the Company, assign his Lease or the Benefit of his Tenancy for the unexpired Residue thereof.

Lessee to have same Powers, & c. as the Company.

30. Such Lessee or Lessees, or his, her, and their Executors, Administrators, or Assigns, shall during the Term of his, her, or their Lease, but subject to such Exceptions or Restrictions, if any, as may be expressly contained in any such Lease, have and enjoy the respective Rents, Stallages, Tolls, and Dues authorized to be taken by this Act, or by virtue of any Rule, Order, or Byelaw made in pursuance thereof, as the said Company would have been entitled to if such Lease had not been made, and shall also during the Term of his or her Lease have and enjoy all the Powers, Privileges, and Advantages,

Advantages, and be subject to all the Obligations, in respect of the said Market and Buildings, or such Part thereof as shall be comprised in the said Lease, which the Company would have had and enjoyed, or been subject to, by virtue of this Act or otherwise, if such Lease had not been made.

Saving Rights of the City of London.

31. Whereas by an Act of Parliament passed in the Reign of King *Edward* the Third it was provided that no Charter should be granted for establishing a Market within Seven Miles of the City of *London*, but the Mayor, Commonalty, and Citizens of the City of *London*, the Owners of several Markets in the City and the Vicinity, are willing to consent to the passing of this Act, with the following Proviso: Provided always, and be it enacted, that nothing in this Act contained shall extend, or shall be deemed or construed to extend, to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, save and except as is by this Act expressly provided and enacted.

Saving Rights of Metropolitan Board, Vestries, and District Boards.

32. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, Privileges, or Authorities vested in the Metropolitan Board of Works, or any Vestry or District Board constituted under "The Metropolis Local Management Act, 1855," or any Act or Acts amending the same or extending the Powers thereof, but all such Rights, Powers, and Authorities shall remain as completely unimpaired and unaffected as if this Act had not passed, anything herein contained to the contrary notwithstanding.

Expenses of Act.

33. The Costs, Charges, and Expenses of and incidental to the preparing and passing of this Act shall be paid by the Company.

The

The SCHEDULE referred to by the foregoing Act.

TABLE OF TOLLS.

SHOPS.

From the Occupier of every inclosed Shop, whether for the Sale of Butchers Meat, Game, Poultry, Fish, Vegetables, Fruit, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of such Shop, namely, for each Lineal Foot of the Frontage thereof:

	£	s.	d.
If let by the Year, any yearly Sum not exceeding -	3	0	0
If let by the Half Year, any half-yearly Sum not exceeding -	1	10	0
If let by the Quarter, any quarterly Sum not exceeding -	0	15	0
If let by the Week, any weekly Sum not exceeding - -	0	1	6

STALLS.

From the Occupier of every Stall, according to the Size and Dimension of the same, namely, for each Lineal Foot of the Frontage thereof:

If let by the Year, any yearly Sum not exceeding - -	2	0	0
By the Half Year, any half-yearly Sum not exceeding - -	1	0	0
By the Quarter, any quarterly Sum not exceeding - -	0	12	0
By the Week, any weekly Sum not exceeding - - -	0	1	0
If otherwise taken or occupied, for each Market Day or other Day in the Week any daily Sum not exceeding - -	0	0	6

WEIGHING AND MEASURING TOLLS.

For weighing every Piece of Meat or other Thing weighing not more than 20 lbs. Avoirdupois - - - - -	0	0	1
For weighing every Piece of Meat or Thing weighing more than 20 lbs. and not exceeding 240 lbs. - - - -	0	0	2
And so in proportion for any greater Quantity than 240 lbs. in Weight.			
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel - - - - -	0	0	1
For measuring every Quantity more than One Bushel and not exceeding Two Bushels - - - - - -	0	0	2
And for every Bushel beyond Two Bushels - - -	0	0	1

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1868.