



CHAPTER cxliv.

An Act for the Establishment and Regulation of a Market
in South London (near the Elephant and Castle Tavern)
in the parish of Saint Mary Newington in the county of
Surrey and for other purposes. [24th July 1882.]

A.D. 1882.

WHEREAS the establishment of a market for the sale of fish
and other provisions articles and commodities in a convenient
position near the Elephant and Castle tavern in the parish of Saint
Mary Newington in the county of Surrey would be advantageous to
the inhabitants of that neighbourhood and of the southern part of
the metropolis generally :

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

And whereas it is expedient that the Company may agree
with the London Chatham and Dover Railway Company and the
Great Northern Railway Company and any other railway company
or railway companies lawfully using or running over the railway
of the London Chatham and Dover Railway Company or having
access to the said market with respect to the conveyance of traffic
to and from the market and with respect to the laying of rails for
that purpose into the market by the aforesaid railway companies
or any or either of them :

And whereas plans of the lands houses and other property to
be acquired for the purposes of this Act with a book of reference
to such plans containing the names of the owners and lessees or
reputed owners and lessees and of the occupiers of those lands
houses and other property have been deposited with the clerk of
the peace for the county of Surrey and with the clerk of the vestry
of the said parish of Saint Mary Newington (which plans and book

A.D. 1882. of reference are hereafter in this Act referred to as the deposited plans and book of reference) :

And whereas the objects of this Act 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 as the South London (Elephant and Castle) Market Act 1882.

Incorporation of Acts.

8 & 9 Vict.
c. 18.

23 & 24 Vict.
c. 106.

32 & 33 Vict.
c. 18.

10 & 11 Vict.
c. 14.

2. The following Acts (as far as the provisions thereof respectively are applicable for the purposes and are not inconsistent with the provisions of this Act and subject as herein-after mentioned) are hereby incorporated with this Act namely the Lands Clauses Consolidation Acts 1845 1860 and 1869 and the Markets and Fairs Clauses Act 1847 :

(1) With reference to section twelve of the last-mentioned Act the publication in a newspaper thereby required shall be made in some daily morning newspaper published in London or Surrey ;

(2) With reference to the provisions of the same Act with respect to weighing goods and carts it shall not be obligatory on the Company to provide weighing-houses or places for weighing or measuring commodities unless and until and as far as the Company consider that the nature or quantity of the commodities sold in the market is such as to require the provision of such houses or places ;

(3) Section thirty-one thirty-two and fifty of the same Act shall not be incorporated with this Act.

Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act the following provisions shall have effect viz. :

(1) In this Act and in any Act incorporated wholly or in part with this Act the expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means the market by this Act authorised the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which that term is used was an ordinary simple contract debt and not a debt or demand created by statute and the term "superior court" shall be taken to include any court of competent jurisdiction within the meaning of this Act.

4. Samuel Plimsoll Samuel Redmayne William Edwards Bartlett Samuel Hall Russell Spencer Edward Leigh Joseph Bramall and John Bowden Maddock (being subscribers to the undertaking) and all other persons and corporations who have already subscribed or shall hereafter subscribe to or become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the market and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the South London Fish Market Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

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Company
incorporated.

5. Subject to the provisions of this Act the Company may upon the site shown on the deposited plans construct a market market place and market houses with all necessary shops buildings works and conveniences connected therewith and may enter upon take and use such of the lands and buildings delineated on those plans and described in the deposited book of reference as may be necessary for that purpose Provided that nothing herein contained shall authorise the Company to acquire the reversion of any lands or buildings which is now vested in the Ecclesiastical Commissioners for England without the consent of the said commissioners in writing under their seal first had and obtained and in case the same shall be acquired with such consent the land shall be subject to such restrictive covenants if any as to the use of any part thereof as a coal depôt as may be mutually agreed upon between the said commissioners and the Company at the time of the purchase thereof.

Power to
construct
market.

Saving rights
of Eccle-
siastical Com-
missioners.

6. Provided further that if the Company shall acquire the right title and interest of the aforesaid Samuel Plimsoll in and to certain lands held by him under a lease dated the eleventh day of March one thousand eight hundred and sixty-nine and made between the said commissioners of the one part and the said Samuel Plimsoll of the other part the Company shall until they have acquired the reversion of the said commissioners hold the same lands subject to the terms and conditions of the said lease so far as the same are consistent with the provisions of this Act and shall not without the consent of the said commissioners as aforesaid as to so much of the said lands upon which shops or dwelling-houses shall be standing at the time of the acquisition thereof by the Company use the same

Saving rights
of Eccle-
siastical Com-
missioners in
leasehold
property.

A.D. 1882. lands except as sites for shops or dwelling-houses and the Company shall not in the exercise of their powers under this Act pull down or remove any shops or dwelling-houses comprised in the said lease without leaving a gross rack rental from the other shops and dwelling-houses therein comprised of at least one hundred pounds over and above the rent payable under the said lease.

Capital. 7. The capital of the Company shall be two hundred and fifty thousand pounds in ten thousand shares of twenty-five pounds each.

Shares not to be issued till one-fifth paid up. 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 two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow. 10. The Company may in respect of the capital of two hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eighty-five thousand pounds in manner following (that is to say) in respect of each sum of one hundred and twenty-five thousand pounds of the said capital any sum not exceeding in the whole forty-two thousand five hundred pounds but no part of any such sum of forty-two thousand five hundred pounds shall be borrowed until shares for the portion of capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half of that portion of capital 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 shares for the whole of that portion of capital have been issued and accepted and that one-half of that portion of capital has been paid up and not less than one-fifth part of the amount of each separate share in that portion of capital has been paid on account thereof before or at the time of the issue and acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable

for the same and upon production to such justice of the books of the Company or such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

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11. The mortgagees of the Company may enforce payment of arrears of interest of principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Arrears may be enforced by appointment of a receiver.

12. All moneys raised under this Act whether by share or borrowing shall be applied for the purposes of the undertaking only.

Application of moneys.

13. All moneys raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company over all other claims on account of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made by the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Priority of mortgages over other debts.

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

First ordinary meeting.

15. The quorum of general meetings of the Company shall be five shareholders holding in the aggregate not less than one-twentieth of the capital of the Company.

Quorum of general meetings.

16. The number of directors shall be eight but it shall be lawful for the Company from time to time to reduce the number provided that the number be not less than three.

Number of directors.

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Qualification
of directors,
Quorum.

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

18. So long as the number of directors is more than five the quorum of a meeting of directors shall be four and if the number of directors is reduced to five or four the quorum of a meeting of directors shall be three.

First
directors.

19. Samuel Plimsoll Samuel Redmayne William Edwards Bartlett Samuel Hall Russell Spencer Edward Leigh Joseph Bramall and John Bowden Maddock shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 contained and the several persons elected at any such meeting being neither removed nor disqualified nor having resigned shall continue directors until others are elected in their stead in manner provided by the same Act.

Powers for
compulsory
purchases
limited.

20. The powers of the Company for the compulsory purchase of land for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for
the comple-
tion of the
market.

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

The Com-
pany may

22. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell or convey or release lands may if they think fit subject

to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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acquire easements by agreement.

23. The Company may from time to time extend the limits of the market place and market houses and the buildings and conveniences connected therewith in order to accommodate the business of the market and may acquire by agreement any lands not exceeding altogether two acres which may be requisite for that purpose.

Additional land.

24. Subject to the provisions of this Act the Company may stop up and inclose the following roads streets courts yards passages and other places within the parish of Saint Mary Newington (that is to say) Arch Street and Inman's Buildings or all or part thereof but so far only as the same are within the boundaries of the property taken by the Company and the ground and soil of such roads streets courts yards passages and places or such parts thereof respectively as shall be so stopped up and inclosed and the fee simple and inheritance thereof shall be vested in the Company.

Power to stop up certain roads &c.

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

Notice to be given of taking houses of labouring classes.

26. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging

Accommodation to be provided for labouring classes displaced.

A.D. 1882. — to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands.

Application of moneys arising from sales of land.

27. All moneys which shall be received by the Company for the sale by them of any superfluous land shall be applied in and towards the discharge of the principal moneys borrowed under the authority of this Act and subject thereto shall be carried to the account of the capital of the Company.

Power to hold market &c.

28. Subject to the provisions of this Act the Company may in the market place and market houses provided by them hold a market for the sale of fish and other provisions articles and commodities whatsoever Provided that the Company shall not under any circumstances without the consent in writing of the said Ecclesiastical Commissioners for England under their seal previously had and obtained use or employ any part of the lands delineated on the deposited plans and the reversion whereof belongs and at the time of such user shall belong to the said commissioners for the deposit or sale of coals except within the limits of the existing coal depôt.

Market to be a public market.

29. The market when provided by the Company shall be and continue a public market for the purposes and subject to the provisions of this Act.

Limits of Act as to market.

30. The limits of this Act shall be co-extensive with the limits for the time being of the market place and market houses and the buildings and conveniences connected therewith.

Power to levy tolls &c.

31. The Company may from time to time demand and receive stallages rents tolls and other charges in respect of the market not exceeding those specified in the schedule to this Act and make all such exemptions remissions and allowances as the Company shall deem fit.

Weighing and measuring.

32. The Company may demand and take from time to time for the weighing or measuring of any article sold or brought for sale by weight or measure in the market from any person having any such article weighed or measured at the weighing-houses or places provided by the Company and for the weighing of every waggon and cart (whether loaded or not) thereat any tolls not exceeding those specified in the Schedule.

Tolls to be paid by successive occupiers.

33. The several stallages rents tolls and other charges payable with respect to the occupation of any shop stall bench compartment or space of ground in the market shall be paid not only by the original taker or occupier thereof for a part of a day or other time

but also by any subsequent taker or occupier thereof for any other part of the same day or other time. A.D. 1882.

34. The tolls rents and stallages authorised to be received by the Company may be demanded and taken by the officers of the Company. Receipt of tolls by officers of Company.

35. Provided also and be it further enacted that nothing in this Act contained shall be 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 or their successors or the lord mayor of the said city for the time being save and except as is by this Act provided and enacted. Saving the rights of the mayor &c. of the city of London.

36. Before the Company alter the position of any water main or pipe laid down or used in any street or public place affected by this Act by the Southwark and Vauxhall Waterworks Company (herein-after called "the water company") they shall give notice of their intention specifying the time at which they will begin to make such alteration (such notice to be given seven days at least before the commencement of the work for effecting such alteration) and such work shall be done under the superintendence of the engineer of the water company to whom such main or pipe belongs unless such engineer refuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work and the Company shall execute such work to the reasonable satisfaction of the engineer of the water company but at the sole cost and expense of the Company and the Company shall save the water company harmless from any damage or injury arising or consequent upon the execution of such work. As to interference with water mains and pipes.

37. Notwithstanding anything in this Act contained it shall not be lawful for the Company to purchase or acquire except by agreement the property or interest of Edmund James Piggott of and in the lands and hereditaments in the parish of Saint Mary Newington numbered eighteen on the deposited plan and book of reference. For protection of Edmund James Piggott.

38. And whereas it is desirable to make provision for proper approaches to the said market and a plan showing the same has been prepared and has been signed by the clerk to the vestry of the parish of Saint Mary Newington on behalf of that vestry and by the said Samuel Plimsoll on behalf of the Company and has been deposited with the said clerk to the said vestry and it has been Approaches.

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agreed that the following provisions shall have effect and be binding on the Company—Be it therefore enacted That the said Company shall by the thirty-first day of March one thousand eight hundred and eighty-six for the purpose of widening Falmouth Road on the west side and of constructing a new street from Falmouth Road to Rockingham Street as shown in the said plan acquire the lands houses and property shown thereon and coloured red and such further lands on the north side of Rockingham Street from the end of the said new street to be made from Falmouth Road as aforesaid and in continuation therefrom to Wellington Street as are also shown on the said plan and thereon also coloured red so as to make the said new street from Falmouth Road and also Rockingham Street from thence to Wellington Street when such lands shall have been thrown into the said street of the uniform width of forty feet Provided nevertheless that in the event of the Company being unable to acquire all the lands on the north side of Rockingham Street necessary for such widenings the Company shall give up sufficient land on the south side of the street so as to make the said street of the uniform width of forty feet as hereinbefore provided And it shall be lawful for the said Company for such purpose to purchase such lands by agreement and to apply thereto any moneys authorised to be raised by the Company under the provisions of this Act And in the event of the said Company failing to make such new street and the widening of Falmouth Road as aforesaid and to clear the lands necessary for the widening of Rockingham Street as before described within the time hereinbefore specified the said Company shall forfeit a sum of fifty pounds for each and every month or part of a month during which the said Company shall fail to have made such new street or shall have failed to have cleared the said lands necessary for the widening of Rockingham Street and Falmouth Road as aforesaid and have delivered over such lands so cleared to the vestry of Saint Mary Newington to enable them to complete such widenings and such penalty shall be paid to the said vestry and be applied in reduction of the general rates of the parish and shall by such vestry be recoverable with costs by action in the High Court of Justice And be it further enacted that if at any time within ten years from the passing of this Act the said vestry shall widen Rockingham Street between Wellington Street and Newington Causeway to a width of not less than forty feet the Company shall contribute towards the necessary expenses of the said vestry in such matter a sum of two thousand pounds should such sum be expended by the said vestry in purchasing the land for such widening And the Company may apply their corporate funds for such purpose And

such sum of two thousand pounds shall become payable to the said vestry within six months from the date of the certificate of the surveyor of the said vestry that such widening has been completed. A.D.1882.

39. The Company may agree with the London Chatham and Dover Railway Company and the Great Northern Railway Company and any other railway company or railway companies lawfully using or running over the railway of the London Chatham and Dover Railway Company or having access to the said market with respect to the conveyance of traffic to and from the market and with respect to the laying of rails for that purpose into the market and with respect to the rent toll or other consideration to be paid for such accommodation as aforesaid or the deduction rebates or other allowance to be made granted or remitted by or to such railway companies or any or either of them and may carry into effect any contracts agreements or arrangements with reference thereto. Agreements with Railway Companies.

40. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Company. Expenses of Act.

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The SCHEDULE to which the foregoing Act refers.

MAXIMUM STALLAGES RENTS AND TOLLS
AUTHORISED.

PART 1.

GENERAL MARKET TOLLS.

Stalls Stands or Benches in any Part of Market.

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

	£	s.	d.
If taken by the year any yearly sum not exceeding - -	0	12	6
If taken by the half-year any half-yearly sum not exceeding - -	0	6	6
By the quarter any quarterly sum not exceeding - -	0	3	6
By the week any weekly sum not exceeding - -	0	0	6
If otherwise taken for each market-day or any other day in the week any daily sum not exceeding - - -	0	0	4

PART 2.

WHOLESALE MARKET TOLLS.

For every waggon used by any person for exposing or in which shall be brought for sale any article commodity or thing for each market day or other day the daily sum per ton of -	0	2	0
For every cart used by any person for the like purpose for each market day or other day any daily sum not exceeding if drawn by one horse or other animal the sum of per ton -	0	2	0
If drawn by two or more horses or other animals the sum of -	0	2	0
For each compartment or space on the surface of the ground used by any person for the like purpose according to the size or dimensions of the same namely for each superficial square foot thereof the daily sum of - - -	0	0	3
For each package basket sack or box according to the size and weight thereof from one halfpenny up to the maximum sum of - - - - -	0	0	4

PART 3.

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WEIGHING AND MEASURING TOLLS.

For weighing every piece of meat or thing weighing not more than twenty pounds avoirdupois	-	-	-	-	0	0	1
For weighing every piece of meat or thing weighing more than 20 lbs. and not exceeding 112 lbs.	-	-	-	-	0	0	2
And so in proportion for any greater quantity than one hundred and twelve pounds 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

PART 4.

CART-WEIGHING TOLLS.

For weighing every waggon whether loaded or unloaded	-	0	0	6
For weighing every cart whether loaded or unloaded	-	0	0	3