



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. clxii.

An Act for the better Management of the Marsh Estate of the Mayor, Aldermen, and Burgesses of the Borough of *Southampton*, and for authorizing them to establish and maintain new Markets and to raise further Monies ; and for other Purposes.  
 [29th June 1865.]

**W**HEREAS by the Act (Local) of the Session of the Seventh and Eighth Years of Her present Majesty, Chapter Fifty-four, intituled *An Act for improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation within the Town and County of the Town of Southampton*, Provision was made for the Acquisition by the Mayor, Aldermen, and Burgesses of the Borough of *Southampton* (in this Act called "the Corporation") of the Estates and Interests of divers Persons in Parts of the Common Lands in *Southampton*, and (Section One hundred and fifteen) for those Lands being vested in the Corporation as Lords of *Southampton* as Part of the Waste Lands in *Southampton*, and (Section One hundred and sixteen) for all the Waste Lands in *Southampton* being subject to Rights of Common and of Recreation and other public Rights ; but (Section Sixteen) the Corporation were authorized to extinguish Rights of Common and other

7 & 8 Vict.  
c. liv.

[Local.]

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Rights

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Rights over the Waste Lands called the Marsh, except (Section Seventeen) over the North-western Portion thereof, and (Sections Twenty-four and Twenty-five) the Corporation were authorized to appropriate and lease for not exceeding Seventy-five Years for Building Purposes the Marsh, except that Portion thereof, and (Section Thirty-one) the Corporation were authorized to borrow on Mortgage of the Marsh for the Purposes of the Act Twenty thousand Pounds, and (Section Forty-six) with the Consent of the Treasury further Sums, and (Section One hundred and forty-two) it was provided that the Rents from the Marsh should be applied first in Payment of the Interest on the Mortgages and next for Purposes of the Act, and the Surplus (if any) should be carried to the Borough Fund, but (Sections Five and Six) Provision was made for the Satisfaction of all Liabilities of the Corporation under the Act exclusively out of their Lands, Monies, Goods, and Chattels under the Act: And whereas the Corporation accordingly appropriated Parts of the Marsh for Building Purposes and let Parts thereof on Building Leases, but by reason of the Building Leases being by the Act limited to Seventy-five Years they have been unable to let all the Lands so appropriated: And whereas the Corporation have borrowed Thirty thousand five hundred and seventy-five Pounds on Mortgage under the recited Act, and that Sum is now secured by Mortgages accordingly: And whereas the Income of the Corporation under the recited Act is insufficient for the Payment in full of the Interest on the Mortgages and the necessary current Expenses under the Act, and the Interest is getting into arrear: And whereas if the Corporation could grant Building Leases under the Act for One thousand Years they could let the Lands so appropriated and unlet at Rents beneficial to the Corporation, and if they could extend the Terms of the Leases already granted to One thousand Years they could get additional Rents for the Extension of the Terms of the Leases, and if they could offer the Security of their general Corporate Estates and Borough Fund for Monies borrowed under the Act they could re-borrow at a Rate of Interest less than the Rate of Interest now payable thereon the Monies secured by Mortgages under the Act; and it is expedient that they be authorized so to do, and the recited Act be amended accordingly: And whereas the Corporation are the Local Board of Health for the District of the Town and County of the Town of *Southampton* (which is conterminous with the Borough of *Southampton*), and they are desirous and it is expedient that they as the Local Board of Health be authorized to establish and maintain additional Markets in *Southampton* and to provide Market Houses and Market Places for the Purpose, and to take Tolls accordingly: And whereas it is expedient that for the Purposes of this Act with respect to the Markets the Corporation be authorized to appropriate and use the North-western Portion of the Marsh and a Portion of the

Waste

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Waste Lands called *Hoglands*, which several Portions of Land are of scarcely any Value for Purposes of Recreation, and could be so appropriated without any Detriment to any of the Inhabitants of *Southampton* interested in the Lands which under the recited Act are to be kept open for Purposes of Recreation: And whereas it is expedient that further Provision be made with respect to Markets and Fairs in *Southampton*: And whereas it is expedient that the Corporation be authorized to borrow further Monies for the Purposes of this Act: And whereas it is expedient that the recited Act be in other respects amended and further Provision be made with respect to the Corporation: And whereas Plans showing the Lands to be taken for the Purposes of this Act, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands have been deposited with the respective Clerks of the Peace for the County of *Southampton* and for the Town and County of the Town of *Southampton*, and those Plans and Books of Reference are in this Act referred to as the deposited Plans and Books of Reference: And whereas the Objects of this Act cannot be attained 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,)

1. The recited Act and this Act respectively may for all Purposes Short Title. be cited as follows; (that is to say,)

(A.) The recited Act as "*Southampton Marsh Act, 1844*:"

(B.) This Act as "*Southampton Marsh and Markets Act, 1865*:"

(C.) The recited Act and this Act as "*Southampton Marsh and Market Acts, 1844 and 1865*."

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Markets and Fairs Clauses Act, 1847," and the Provisions with respect to the Mortgages to be executed by the Commissioners of the "Commissioners Clauses Act, 1847," (save so far as any of the Sections or Provisions of those Acts respectively are excepted or varied by this Act,) are incorporated with and are Part of this Act.

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

3. In the Construction of this Act the following Words and Expressions have the following Meanings, unless excluded by the Subject or Context; (that is to say,)

Interpre-  
tation of  
Terms.

"The Public Health Acts" means and includes "The Public Health Act, 1848," and "The Local Government Act, 1858," and the several Acts supplemental to those Acts respectively and from Time to Time in force and applicable to the Local Board of Health of *Southampton*:

"*Southampton*"

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“*Southampton*” means and includes the Town and County of the Town of *Southampton* and the Borough of *Southampton*, and the District of the Local Board of Health for *Southampton*, but does not include the Tithing of *Portswood*, which is not within the Limits of this Act:

“The Marsh” means and includes those Portions of the originally Waste Lands called the Marsh, and which are described in the Marsh Act as containing Sixteen Acres Three Roods and Thirty-two Perches, which now remain vested in the Corporation, subject as to Parts thereof to Building Leases, and also the Lands which from Time to Time are under this Act taken by the Corporation in exchange for Parts of those originally Waste Lands, but does not include the North-western Portion of the Marsh, or any of those originally Waste Lands which from Time to Time are under this Act sold or given in exchange and disposed of by the Corporation:

“Markets” includes the *Above Bar Fair*, held in *Southampton* in the Month of *May*.

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

4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; provided that the Expression “Superior Courts,” or “Court of competent Jurisdiction,” or any other like Expression in this Act or any Act incorporated therewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the following Expressions in the Provisions incorporated with this Act of “The Commissioners Clauses Act, 1847,” have the following Meanings; (that is to say,) “the Commissioners” means “the Corporation,” and “the Clerk to the Commissioners” means, with respect to the Corporation, the “Town Clerk,” and “the Office of the Commissioners” means, with respect to the Corporation, “the Town Clerk’s Office,” and with respect to the Local Board, “the Office of the Local Board.”

Execution of Marsh Act by Corporation.

5. The Marsh Act, as amended by this Act, shall be executed by the Corporation in their Capacity of a Municipal Corporation.

Execution of Act by Local Board and Corporation.

6. Where in this Act it is expressed that any of the Powers and Provisions thereof are to be executed by the Local Board, the same shall be executed by the Corporation as the Local Board of Health, but in all other respects the Powers and Provisions of this Act shall be executed by the Corporation as a Municipal Corporation.

7. So

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7. So far as "the Marsh Act," as amended by this Act, and this Act are to be executed by the Corporation as a Municipal Corporation, they shall be executed by the Corporation acting pursuant to the Powers and Provisions of the Act of the Sixth Year of *William* the Fourth for the Regulation of Municipal Corporations in *England*; and all other Statutes, whether General or Local, and Laws from Time to Time in force affecting the Municipal Corporation of *Southampton*, and applicable in that Behalf, and subject to the Powers and Provisions of the Marsh Act as amended by this Act, and this Act, the several Powers and Provisions of that Act for the Regulation of Municipal Corporations and those other Statutes and Laws so from Time to Time in force extend and apply to the Powers, Provisions, and Purposes of the Marsh Act, as amended by this Act, and this Act respectively, so far as the same are to be executed by the Corporation.

Execution of Marsh Act and Act by Corporation.

8. So far as this Act is to be executed by the Corporation as the Local Board of Health, it shall be executed by the Local Board acting pursuant to the Powers and Provisions of the Public Health Acts from Time to Time in force affecting the Local Board of Health for *Southampton* and applicable in that Behalf; and subject to the Powers and Provisions of this Act, the several Powers and Provisions of the Public Health Acts from Time to Time in force extend and apply to the Powers, Provisions, and Purposes of this Act, so far as the same are to be executed by the Local Board.

Execution of Act by Local Board.

9. Sections Five and Six and Seventeen and Eighteen of the Marsh Act are by this Act repealed, but the Repeal thereof shall not have any retro-active Operation.

Certain Sections of Marsh Act repealed.

10. The Marsh and the Lands, Interests, Easements, Powers, and Privileges from Time to Time acquired under this Act by the Corporation and from Time to Time not appropriated under this Act for the Purposes of the Markets shall, subject to the Provisions of this Act, be vested in the Corporation in their Capacity of a Municipal Corporation, and the several Powers by the Marsh Act as amended by this Act, and this Act respectively, conferred on the Corporation in relation thereto, shall be exercised by them accordingly.

Marsh and Lands acquired by Corporation under Act to be Part of Corporate Estates.

11. The Corporation from Time to Time may appropriate for the Purposes of the Markets all or such Parts as they think fit of the Lands described in the First Schedule to this Act annexed and of the Lands acquired by the Corporation under this Act, except Lands Part of the Marsh.

Power to Corporation to appropriate Lands for Markets.

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Markets and  
Lands so ap-  
propriated  
vested in  
Local Board.

**12.** The Markets and the Market Houses and Market Places under this Act, and the Lands from Time to Time appropriated under this Act for the Purposes of the Markets, shall be vested in the Corporation in their Capacity of a Local Board of Health and not in their Capacity of a Municipal Corporation, and the several Powers by this Act conferred on the Local Board in relation thereto shall be exercised by them accordingly.

Appropriation of Part  
of Hoglands  
in substitution  
for  
North-  
western  
Portion of  
Marsh.

**13.** The Corporation shall within Three Months after the passing of this Act put and keep in a proper Condition and appropriate for Purposes of public Recreation such a Part as they think fit of the Waste Land called *Hoglands* not being less in Area than the North-western Portion of the Marsh, and the Part of *Hoglands* so appropriated shall for ever thereafter be subject to such Rights of Common and of Recreation and other public Rights as have heretofore been exercised and enjoyed on the North-western Portion of the Marsh.

Byelaws by  
Corporation  
for Protec-  
tion of  
Pleasure  
Grounds.

**14.** In order to the better Enjoyment by the Inhabitants of *Southampton* and others resorting thereto of those Parts of the several Common Fields called respectively *East Marlands*, *West Marlands*, *Houndwell*, and *Hoglands*, which are from Time to Time planted and laid out as Pleasure Grounds, the Byelaws which the Corporation may make, alter, and repeal shall include such Byelaws as they from Time to Time think fit for the Exclusion from those Fields respectively of Horses and Cattle and the Protection of the Trees, Shrubs, Plants, Grass, Walks, Statues, Ornaments, Fences, Seats, and Conveniences there, and the Preservation of good Order therein.

Extension of  
Term of  
Marsh  
Building  
Leases to  
1,000 Years.

**15.** The Term of Years for which under Section Twenty-five of the Marsh Act Demises or Leases may, after the passing of this Act, be granted by the Corporation, is any Term of Years not exceeding One thousand Years.

Extension  
with Ap-  
proval of  
Treasury of  
Terms of  
present  
Leases.

**16.** The Corporation at the Request of any Lessee of any Part of the Marsh for a Term not exceeding Seventy-five Years, and with the Approval of the Lords Commissioners of Her Majesty's Treasury or any Two of them, may extend the Term to any Term not exceeding One thousand Years, but only on the Reservation of such an increased Rent and on such Terms and Conditions as are so approved, and the Approval of the Treasury shall be obtained in accordance with Section Ninety-four of the Act of the Session of the Fifth and Sixth Years of *William* the Fourth, Chapter Seventy-six.

Power to  
Corporation  
to take

**17.** Subject to the Provisions of this Act, the Corporation from Time to Time may enter upon, take, and use such of the Lands shown

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shown on the deposited Plans and specified in the deposited Books of Reference as they think requisite for any of the Purposes of this Act. Lands compulsorily.

**18.** The Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act. Powers for compulsory Purchases limited.

**19.** That Part of the *West Marlands* Common Field which in accordance with Section One hundred and thirty-nine of the Marsh Act has been appropriated to the Purposes of the *Above Bar Fair*, and other Purposes for which the Fair Field was heretofore used, shall for those Purposes be vested in the Corporation in their Capacity of Local Board of Health. Part of West Marlands appropriated for Above Bar Fair to vest in Local Board.

**20.** The Local Board from Time to Time may under the Authority of this Act establish, regulate, and maintain in *Southampton* such new Markets as they think fit, comprising:

- (A.) A Cattle Market for the Sale of Cattle, Sheep, Horses, Pigs, Calves, and other Animals:
- (B.) A Hay Market for the Sale of Hay and Straw:
- (C.) A general Market for the Sale of Butcher's Meat, Poultry, Fish, Butter, Cheese, Vegetables, Fruit, and other marketable Commodities.

Power to Local Board to establish new Markets in Southampton.

**21.** The Limits of the Markets of the Local Board under this Act are the Limits of *Southampton*. Limits of Markets under Act.

**22.** Subject to the Provisions of this Act, the Local Board from Time to Time may maintain and regulate the Markets under this Act for supplying the Inhabitants of *Southampton* and the Neighbourhood thereof with such marketable Commodities as the Local Board from Time to Time think fit to allow to be bought and sold therein, and may appoint for the several Markets respectively such Parts of the Lands from Time to Time appropriated for the Purposes of the Markets as the Local Board think fit. Power to Local Board to maintain and regulate Markets under Act.

**23.** The Local Board from Time to Time may appoint such Days for the holding of the several Markets under this Act respectively as they think fit, and may alter the Days for holding all or any of the Markets; provided that no Market shall be held on *Sunday*, *Christmas Day*, *Good Friday*, or a Day appointed for a Public Fast or Thanksgiving. Market Days.

**24.** When

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Public  
Notice of  
Market  
Days to be  
given.

**24.** When the Local Board appoint any Day for the holding of a Market, or change the Day for holding a Market, they shall give public Notice thereof by Advertisement in Two or more Newspapers published in *Southampton*, and also by Placards posted on conspicuous Places in *Southampton*.

Public  
Notice of  
Change of  
Market  
Days to be  
given.

**25.** Provided, That if the Local Board, after having appointed any Day for the holding of any Market, appoint any other Day for the holding thereof, the Change of Day shall not take effect until the Expiration of One Month after the Publication by the Local Board of the Change of the Market Day.

Evidence of  
Publication  
of Notice.

**26.** A statutory Declaration by an Officer of the Local Board that public Notice of the Appointment or Change of a Market Day has been given in accordance with this Act shall be *primâ facie* Evidence of the Facts thereby declared.

Local Board  
to build, &c.  
Market  
Houses, &c.

**27.** Subject to the Provisions of this Act, the Local Board from Time to Time may build, make, alter, add to, enlarge, improve, and maintain in Lands from Time to Time appropriated for the Purposes of the Markets all such Market Houses, Sheds, Cattle Pens, Courts, Passages, Stalls, Standings, Weighing Machines, Cranes, Water Supplies, Works, and Conveniences whatsoever for the Accommodation of Persons resorting to the Markets, as the Local Board think fit, and may fit up the Market Places and Market Houses accordingly.

Market  
Places  
exempt from  
Local Rates.

**28.** The Market Places and Market Houses, and the Works and Conveniences connected with the same, and every Part thereof respectively, and the Corporation and the Local Board with respect to the same, are by this Act wholly exempt from all municipal, parochial, and other local Rates, Assessments, and Impositions whatsoever.

Market Tolls  
as in Second  
Schedule.

**29.** The Local Board from Time to Time may demand and take from any Person occupying or using any Shop, Stall, Standing, Shed, Station, or Place in any Market Place provided under this Act, or in any Market House, Building, or Ground connected therewith, or bringing into the Market Place, Market House, Building, or Ground any marketable Commodity specified in the Second Schedule to this Act annexed, such Tolls as the Local Board from Time to Time appoint, not exceeding the respective Market Tolls specified in that Schedule.

Market Tolls  
for Stalls,  
&c. payable

**30.** The several Market Tolls payable in respect of the Occupation or User of any Stall, Shed, Standing, or Place shall be paid not only



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only by the original Taker or Occupier thereof for a Part of a Day, although he do not occupy it the whole Day, but also by every subsequent Taker or Occupier of the same for any subsequent Part of the same Day. by successive Occupiers.

**31.** The Local Board 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 any Market Place, or in any Market House, Building, or Ground connected therewith, from any Person having the Article weighed or measured at any Weighing House or Place for measuring or weighing provided by the Local Board, any Tolls not exceeding the weighing and measuring Tolls respectively specified in the Third Schedule to this Act annexed. Weighing and measuring Tolls as in Third Schedule.

**32.** The Local Board from Time to Time may demand and take, with respect to the *Above Bar Fair*, any Tolls not exceeding the Fair Tolls specified in the Fourth Schedule to this Act annexed. Fair Tolls as in Fourth Schedule.

**33.** The several Tolls which by this Act are authorized to be demanded and taken by the Local Board are by this Act vested in the Local Board. Tolls vested in Local Board.

**34.** The Local Board from Time to Time may let the Weighing Houses or Weighing Places and Weighing Machines, or any of them, for not exceeding Three Years, on such Terms, pecuniary and otherwise, and Conditions as the Local Board and the Lessees mutually agree on. Leases of Weighing Houses, &c.

**35.** The Local Board from Time to Time may let any of the Stalls, Shops, Standings, Sheds, and Places and other Conveniences in any of the Market Places and Market Houses and Buildings and Grounds connected therewith, to any Persons for not exceeding Three Years, on such Terms, pecuniary and otherwise, and Conditions as the Local Board and the Lessees mutually agree on. Leases of Stalls, &c.

**36.** The Local Board from Time to Time may let all or any of the Tolls from Time to Time payable to them under this Act, and either with or separate from all or any of the Works and Conveniences provided by the Local Board for the Markets, for not exceeding Three Years, on such Terms, pecuniary and otherwise, and Conditions as the Local Board and the Lessees mutually agree on. Leases of Tolls.

**37.** If and when from Time to Time the Corporation and the Local Board so think fit, the now existing Markets and Market Place of the Corporation shall be vested in the Local Board, and they shall have the Management and Control thereof, and the same shall Management of present Market of Corporation by Local Board.

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be

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be deemed Part of their Markets and Market Places under this Act.

Leases of  
Above Bar  
Fair.

**38.** The Local Board from Time to Time may let the *Above Bar* Fair and the Fair Tolls, or any of them, for not exceeding Three Years, on such Terms, pecuniary and otherwise, and Conditions as the Local Board and the Lessees mutually agree on.

User of Site  
for Above  
Bar Fair.

**39.** The Local Board from Time to Time may permit that Part of the *West Marlands* Common Field which is appropriated for the Purposes of the *Above Bar* Fair to be, on such Terms, pecuniary and otherwise, and Conditions as they think fit, used for public Exhibitions and any other Purposes for which the Fair Field was heretofore used, but no such Permission shall be for longer than Two Months at a Time.

Horses, &c.  
not to be  
sold in  
Streets when  
Above Bar  
Fair held.

**40.** No Horse, Cattle, Sheep, or Swine shall at any Time during the holding of the *Above Bar* Fair be sold or exposed for Sale, nor shall any Stallion be exposed for Hire in any of the Streets or other public Places in *Southampton* other than the Place where that Fair is held, and every Person who offends against this Enactment shall for every such Offence forfeit not exceeding Forty Shillings.

Removal of  
Chapel Fair  
for Horses.

**41.** After the passing of this Act so much of the *Chapel* Fair which is held yearly in *Southampton* in the public Streets as is a Fair for the Sale of Horses, Cattle, Sheep, and Swine shall not be held there, but shall be removed to and held exclusively in the North-western Portion of the Marsh described in the First Schedule to this Act annexed, and during the holding of that Fair no Horse, Cattle, Sheep, or Swine shall be sold or exposed for Sale, nor shall any Stallion be exposed for Hire, in any of the Streets or public Places in *Southampton* other than that Portion of the Marsh, and every Person who offends against this Enactment shall for every such Offence forfeit not exceeding Forty Shillings.

Assignment  
of Leases.

**42.** The Lessee of any Tolls, Weighing House, Weighing Machine, Stall, Shop, Standing, or other Convenience, his Executors, Administrators, and Assigns, with but not without the Consent of the Local Board, may assign the same for the Residue of his Term.

Tolls to be  
taken by  
Officers of  
Local Board,  
Lessees, &c.

**43.** The several Tolls respectively specified in the Second, Third, and Fourth Schedules to this Act annexed may be demanded and taken by the Officers of the Local Board and by the Lessees of the Local Board and their Officers respectively.

Penalty for  
selling with-  
out Licence

**44.** If any Person not being then resident in *Southampton* and not having a Licence from the Local Board sell or expose for Sale in any Place

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Place in *Southampton*, not being a Market Place or his own Dwelling House or Shop, any Article in respect of the Sale or Exposure for Sale whereof in any Market Place or of the User of any Stall or other Convenience for the Sale or Exposure for Sale whereof in any Market Place any Toll is by this Act authorized to be demanded and taken by the Local Board, every Person so offending shall for every such Offence forfeit not exceeding Twenty Shillings : Provided that nothing in this Act shall prejudice or interfere with the lawful Exercise by licensed Hawkers of the Callings for which they are so licensed or with the Sale or Exposure for Sale of Fish ; provided also, that nothing in this Act shall extend to the Sale as heretofore by Sample of Corn and Grain in the present Corn Exchange in *Southampton*.

marketable  
Articles out  
of Market  
Places.

**45.** The Corporation from Time to Time under the Authority of this Act may borrow at Interest on Mortgage of their Corporate Estates and Borough Fund such Sums for the Purposes of this Act with respect to the Marsh as they think fit not exceeding in the whole, inclusive of the Amount already borrowed by them under the Marsh Act, Forty thousand Pounds.

Power to  
Corporation  
to borrow on  
Mortgage of  
Corporate  
Estates.

**46.** Where after the passing of this Act the Corporation re-borrow any of the Money borrowed on Mortgage under the Marsh Act by them before the passing of this Act, they may and shall re-borrow at Interest the same by Mortgage of their Corporate Estates and Borough Fund.

Money re-  
borrowed  
under Marsh  
Act to be  
borrowed on  
Mortgage of  
Corporate  
Estates.

**47.** After the passing of this Act the Corporation shall not re-borrow under the Authority of the Marsh Act any Monies borrowed thereunder by them before the passing of this Act.

Restriction  
on re-bor-  
rowing  
under Marsh  
Act.

**48.** After the passing of this Act the Corporation shall not renew any Mortgage before the passing of this Act granted by them under the Authority of the Marsh Act, except by way of re-borrowing under this Act the Monies thereby secured.

Renewal of  
Mortgages  
under Marsh  
Act.

**49.** When and so soon as the several Mortgages which before the passing of this Act have been granted under the Marsh Act by the Corporation and at the Time of the passing of this Act are in force are paid off or satisfied and discharged, then Sections Thirty-two to Forty-three, both inclusive, of the Marsh Act shall be by this Act repealed.

Sections of  
Marsh Act  
as to Mort-  
gages re-  
pealed.

**50.** The Local Board from Time to Time under the Authority of this Act may borrow at Interest on Mortgage of their General District

Power to  
Local Board  
to borrow on

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Mortgage of  
General Dis-  
trict Rate.

District Rate such Sums for Purposes of the Markets as they think fit not exceeding in the whole Thirteen thousand Pounds.

Power to  
Local Board  
to raise by  
General Dis-  
trict Rate  
Expenses of  
executing  
Act as to  
Markets.

**51.** For the Purpose of defraying the Expenses of carrying this Act into execution with respect to the Markets the Local Board from Time to Time, if and when they think fit, may levy by means of their General District Rate such Monies as from Time to Time are proper and sufficient for defraying those Expenses.

Sinking  
Funds.

**52.** The Corporation and the Local Board respectively shall form Sinking Funds for paying off the Monies borrowed and re-borrowed under this Act by them respectively and from Time to Time remaining secured by Mortgages granted under this Act, and the yearly Sum to be appropriated to the Sinking Funds respectively shall be One Fiftieth Part of the Mortgage Debt of the Corporation in respect of the Marsh, and One Thirtieth Part of the Mortgage Debt of the Local Board in respect of the Markets.

Borrowing  
Powers to  
cease as to  
Money paid  
off.

**53.** When any Sum is paid off by means of any Sinking Fund provided for by this Act, the Powers of the Corporation or, as the Case shall be, the Local Board for re-borrowing the Sum so paid off shall cease.

Monies re-  
ceived by  
Corporation  
under Marsh  
Act and this  
Act to be  
carried to  
Borough  
Fund.

**54.** Except as is by this Act otherwise provided, all Monies from Time to Time borrowed by the Corporation under this Act, and all Monies from Time to Time received by or for the Corporation under the Marsh Act and this Act respectively, or in carrying the same respectively into execution, shall be paid to the Treasurer of the Borough and be carried by him to the Credit of the Borough Fund.

Money re-  
ceived by  
Local Board  
to be carried  
to General  
District  
Fund and  
Surplus to  
Borough  
Fund.

**55.** All Monies from Time to Time received by the Local Board in respect of the Markets, or otherwise in carrying this Act into execution, shall be paid to the Treasurer of the Local Board and be carried by him to the Credit of the General District Fund, and the Surplus from Time to Time of those Monies after answering the Charges thereon under this Act shall be paid to the Treasurer of the Borough and be carried by him to the Credit of the Borough Fund.

Expenditure  
of Corpora-  
tion under  
Marsh Act  
and this Act  
to be paid  
out of  
Borough  
Fund.

**56.** All the present Debts and Liabilities of the Corporation on account of the Marsh, other than the Principal Monies now secured by Mortgages granted under the Marsh Act, and all the Costs, Charges, and Expenses of and incident to the executing by the Corporation of the Marsh Act as amended by this Act, and this Act respectively, and all other Monies from Time to Time after the passing of this Act  
borrowed

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borrowed by the Corporation under this Act, and the Interest thereon, and all other the Expenditure and Liabilities after the passing of this Act of the Corporation under and with respect to the Marsh Act as amended by this Act, and this Act, are by this Act charged on the Borough Fund and Borough Rates of *Southampton*, and shall be paid out of the same accordingly as if the same were Expenses necessarily incurred in executing with respect to *Southampton* the Provisions of the Act for the Regulation of Municipal Corporations in *England*.

**57.** All the Debts, Liabilities, and Expenses of the Local Board with respect to the Markets or otherwise in carrying this Act into execution, including the principal Monies borrowed under this Act by them for Purposes of the Markets, and the Interest thereon, are by this Act charged on and shall be paid, satisfied, or discharged by means of the Monies carried under this Act to the General District Fund.

General District Fund liable to Markets Expenses.

**58.** The Corporation and the Local Board respectively from Time to Time may apply for the Purposes of this Act relating to them respectively any Monies raised by them respectively under this Act or any other Act, and at their respective Disposal, and not by Law appropriated for any other Purpose, or if so appropriated not required for that Purpose.

Application of Monies by Corporation and Local Board.

**59.** For the better Regulation of their respective Accounts, the Corporation and the Local Board respectively shall keep separate and distinct Accounts of their respective Receipts, Payments, Credits, and Liabilities with respect to the Execution of the Marsh Act as amended by this Act, and this Act respectively, to be respectively called "the Marsh Account," and "the Markets Account:" Provided that any Items which in the Judgment of the Corporation ought to be apportioned between the Two Accounts may be apportioned between them accordingly.

Corporation and Local Board to keep "Marsh Account" and "Markets Account."

**60.** All the Accounts of the Corporation and the Local Board respectively under this Act shall be audited in like Manner as the other Accounts of the Corporation and the Local Board respectively.

Audit of Accounts.

**61.** No Contract between the Corporation and any Member of the Council with respect to any Sale, Purchase, or Exchange of Lands under this Act, or any Lease or Surrender of a Lease under this Act, shall be absolutely binding on the Corporation unless and until it be approved by the Treasury, and any such Contract, Sale, Purchase,

Contracts with Members of Council to be approved by Treasury.

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Exchange,

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Exchange, Lease, or Surrender shall not when so approved be impeached nor shall the Validity thereof be questioned by reason of the Member of the Council Party thereto being or having been a Member thereof: Provided always, that such Approval by the Treasury shall be duly obtained as required by the Ninety-fourth Section of the Municipal Corporations Act, passed in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six.

Liability to Toll, &c. not to disqualify Justice.

**62.** The Liability to the Payment of any Toll or Sum payable under this Act shall not disqualify a Justice for acting in any respect in the Execution of this Act.

Recovery of Tolls, &c. by Distress.

**63.** All Tolls and Rents due to the Local Board, and all Damages, Costs, and Expenses payable to the Corporation and the Local Board respectively under this Act, and the Amount of which is not contested, may be levied by Distress, and any Justice on Application by the Corporation or the Local Board shall issue his Warrant accordingly, the Party proceeded against being first duly summoned.

Costs of Distress.

**64.** The Justice who issues a Warrant of Distress for the Recovery of any Money payable under this Act may order that the Costs of the Proceedings for the Recovery of the Money be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justice and included in the Warrant of Distress for the Recovery of the Money.

Recovery of Tolls, &c. otherwise than by Distress.

**65.** Nothing in this Act shall prevent the Local Board from recovering any Toll, Rent, or other Money payable to them in any Court of competent Jurisdiction, or by any other lawful Means.

Several Names in One Warrant, &c.

**66.** Any Warrant of Distress, Summons, or Notice issued under this Act may comprise in the Body thereof, or in a Schedule thereto, several Names and several Sums.

Authentication of Notices, &c.

**67.** Any Summons, Demand, Notice, or other such Document under the Marsh Act or this Act may be in Writing or in Print, or partly in Writing or partly in Print, and if it require Authentication by the Corporation or the Local Board the Signature of the Town Clerk shall be a sufficient Authentication thereof.

Service of Notices, &c.

**68.** Any Summons, Writ, Notice, or other Proceeding at Law or in Equity requiring to be served on the Corporation or on the Local Board may be served by delivering the same personally to the Town Clerk, or, as the Case shall be, the Clerk to the Local Board, or leaving the same at his respective Office.

**69.** The

*Southampton Marsh and Markets Act, 1865.*

69. The Justices before whom any Penalty under this Act is recovered shall award to the Corporation the whole of the Penalty, or such Part thereof as he does not award to the Informer. Application of Penalties.

70. This Act shall not restrict any of the Powers of the Local Board under the Public Health Acts or otherwise for borrowing Money. Act not to restrict Borrowing Powers.

71. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, Privileges, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Southampton* in their Capacity of either a Municipal Corporation or a Local Board of Health. Saving Rights of Corporation and Local Board.

72. In order that (except only as is by this Act otherwise expressly provided) all the Common and Waste Lands to which the Marsh Act applies be devoted and kept exclusively as open Spaces for the general and public Advantage of the Inhabitants of *Southampton* and Persons resorting thereto, and no Part thereof be at any Time (except on the Terms and Conditions expressed in this Section) taken or used for any other Purpose; therefore the following Provisions shall be in force and full Effect shall be given thereto; (that is to say)

(A.) Subject to the Provisions of the Marsh Act as amended by this Act, and of this Act respectively, all those Lands shall for ever hereafter be devoted and kept exclusively as Parks, Gardens, Pleasure Grounds, Playgrounds, and other open Spaces for the general and public Advantage of the Inhabitants of *Southampton* and Persons resorting thereto, and with such Statues, Fountains, Seats, and other Ornaments and Conveniences for public Use and with such Lodges as are described in Section One hundred and twenty-one of the Marsh Act, but not exceeding Five Lodges on the Common, as the Corporation from Time to Time think fit:

(B.) Every Owner, Lessee, and Occupier from Time to Time of Property in *Southampton* rateable to the Relief of the Poor shall have a separate and distinct Right to require that those Lands shall be so devoted and kept:

(C.) Except where Application is made to Parliament for Authority that any Part of those Lands be taken or used for the Defence of the Realm, or that any Part of the Common be taken or used for enlarging the Cemetery there, or for enlarging the Waterworks there, no Application to Parliament for taking or using any Part of those Lands for any Purpose other than the Purposes for which the same are to be so devoted and kept shall be made, supported, or assented to

*Southampton Marsh and Markets Act, 1865.*

to directly or indirectly by the Corporation, unless the Application has been previously assented to, as follows :

- (A.) By the Resolution of a Special Meeting of the Council of the Borough, confirmed by the Resolution of a Second Special Meeting of the Council, the Resolution in each Case being passed by at least Four Fifths of the Members of the Council :
- (B.) By a like Resolution, passed by a Meeting of the Vestry of at least Three of the Five Parishes in *Southampton* (the Parish of *All Saints* or *Saint Mary* being One), and confirmed by the Resolution of a Second Meeting of the same Vestries, the Resolution in each Case being passed by at least Three Fifths of the Ratepayers of the respective Parish present at the respective Vestry Meeting :
- (C.) The First Meeting of the Council and the First Vestry Meetings respectively being held in the Month of *August*, and the Second Meeting of the Council and the Second Vestry Meetings respectively being held between the Fifteenth and the Thirtieth Days of *November* :
- (D.) The several Meetings respectively being called by not less than Fifteen nor more than Twenty-eight Days previous public Notice thereof, stating fully the Objects of the Meetings :

Provided that this Section does not apply to the Waste Lands at the Sides of the Avenue.

Not exempt  
from Provi-  
sions of  
General  
Acts.

**73.** Nothing in this Act shall exempt the Markets or Fairs from the Provisions of any General Act hereafter passed with respect to Markets and Fairs, or from any Revision by Parliament of the Tolls by this Act granted to the Local Board.

Expenses of  
Act.

**74.** All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be borne and paid by the Corporation.



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*Southampton Marsh and Markets Act, 1865.*

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SCHEDULES referred to in the foregoing Act.  

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THE FIRST SCHEDULE.  

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LANDS to be taken and used for the Purposes of the  
aforegoing Act.

The Land in the Parish of Saint Mary which forms the North-western Portion of the Marsh, bounded eastwardly by the London and South-western Railway, southwardly by the Itchen Bridge Road, northwardly by Marsh Lane, and westwardly by the Road leading from that Lane to the Itchen Bridge Road.

The Land in the Parish of Saint Mary which forms Part of the Common Land called Hoglands, bounded eastwardly by Saint Mary's Street, northwardly by South Front, westwardly by a Footpath leading southwardly from South Front, and southwardly by Saint Mary's Place.

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THE SECOND SCHEDULE.  

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## MARKET TOLLS.

## PART ONE.

## TOLLS FOR THE CATTLE MARKET.

	<i>s.</i>	<i>d.</i>
For every Horse, Mare, or Gelding bought or exposed for Sale	-	0 4
For every Colt, Filly, or Foal	-	0 2
For every Bull, Steer, Cow, or Heifer	-	0 3
For every Calf	-	0 1
For every Mule or Ass	-	0 1
For every Sheep or Lamb	-	0 1
For every Swine or Hog	-	0 1
For every Sucking Pig	-	0 0½

And the following additional Tolls to be paid by the Buyers:

For every Horse, Mare, or Gelding sold and entered in the Toll Book an additional Toll on such Entry, to be paid by the Buyer of	-	0 4
For every Horse, Mare, or Gelding sold and not entered in the Toll Book	-	0 2
For every Colt, Filly, or Foal	-	0 1
For every Bull, Steer, Cow, Heifer, or other such Cattle	-	0 2
For every Sheep or Lamb	-	0 0½
For every Swine or Hog, except Sucking Pigs	-	0 0½

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*Southampton Marsh and Markets Act, 1865.*


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## PART TWO.

## TOLLS FOR THE HAY MARKET.

	s.	d.
For every Load of Hay, Straw, or Fodder brought or exposed for Sale	0	8
For every Cartload of Hay, Straw, or Fodder	0	4

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## PART THREE.

## TOLLS FOR THE GENERAL MARKET.

From the Occupiers of each Butcher's Stall, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot thereof:

If the Stall and Passage in front thereof be covered over from the Weather :

If taken by the Year, not exceeding the Sum of	8	0
By the Half Year, not exceeding the Sum of	4	0
By the Quarter, not exceeding the Sum of	2	0
If otherwise taken or occupied, for each Market Day or other Day in the Week	0	2

If the Stall and Passage in front thereof be not covered over as above:

If taken by the Year, not exceeding the Sum of	6	0
By the Half Year, not exceeding	3	0
By the Quarter, not exceeding	1	6
If otherwise taken or occupied, for each Market Day or other Day in the Week	0	1½

From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot thereof:

If the Stand or Passage in front be covered over from the Weather :

If taken by the Year, not exceeding	6	0
By the Half Year, not exceeding	3	0
By the Quarter, not exceeding	1	6
If otherwise taken, for every Market Day or other Day in the Week, not exceeding	0	2

If the Stand and Passage in front be not covered over as above:

If taken by the Year, not exceeding	4	0
By the Half Year, not exceeding	2	0
By the Quarter, not exceeding	1	0
If otherwise taken or occupied, for each Market Day or other Day in the Week	0	1

*Southampton Marsh and Markets Act, 1865.*

	s.	d.
From the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot thereof:		
If the Stand or Bench and Passage in front thereof be covered over from the Weather:		
If taken by the Year, not exceeding	6	0
By the Half Year, not exceeding	3	0
By the Quarter, not exceeding	1	6
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	0	2
If the Stand or Bench and Passage in front thereof be not covered over as above:		
If taken by the Year, not exceeding	4	0
By the Half Year, not exceeding	2	0
By the Quarter, not exceeding	1	0
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	0	1
From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot thereof:		
If the Compartment or Space and the Passage adjoining the same be covered over from the Weather:		
If taken by the Year, not exceeding	5	0
By the Half Year, not exceeding	2	6
By the Quarter, not exceeding	1	3
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	0	1
From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, nor any defined Compartment or Space on the Surface of the Ground:		
If the Spot where such Person shall stand be covered over from the Weather:		
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel, not exceeding	0	2
For every additional Half Bushel	0	1
If the Spot be not covered over as above:		
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel	0	1
For every additional Bushel	0	0½

## PART FOUR.

## TOLLS FOR WAGGONS AND CARTS.

For every Waggon or other Four-wheeled Carriage, with the Loading thereof, any Sum not exceeding	0	6
For every Cart or other Two-wheeled Carriage, with the Loading thereof, any Sum not exceeding	0	3

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*Southampton Marsh and Markets Act, 1865.*

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## THE THIRD SCHEDULE.

## WEIGHING AND MEASURING TOLLS.

	s.	d.
For every Quantity of Meat or Thing, weighing not exceeding 20 Pounds Avoirdupois, not exceeding the Sum of - - -	0	0½
For every Quantity of Meat or Thing, weighing more than 20 Lbs., and not exceeding 112 Pounds, not exceeding - - -	0	1
And so on in proportion for any greater or less Quantity than 112 Pounds over and above 112 Pounds.		
For every Quantity of Goods and Things sold by Measure, measuring not exceeding One Bushel, any Sum not exceeding the Sum of - - -	0	0½
For every Quantity not more than a Bushel, and not exceeding Two Bushels, any Sum not exceeding the Sum of - - -	0	1
For every Bushel beyond Two Bushels, any Sum not exceeding the Sum of - - - - - - - - -	0	0½

## THE FOURTH SCHEDULE.

## THE FAIR TOLLS.

For every Stall, Ped, Basket, Cart, Barrow, Standing, Box, Bench, Barrel, or Ground Space, occupied or used by any Person exposing to Sale any Goods, Articles, Commodities, or Things whatsoever, and for every Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, according to the Size and Dimensions thereof, viz., for every Superficial Square Foot or fractional Part of a Superficial Square Foot of the Ground Space covered by such Stall, Ped, Basket, Cart, Barrow, Standing, Box, Bench, Barrel, Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, and of any Ground Space occupied or used by him, any Sum not exceeding for each Day - - - - -	0	2
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