



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 172.

An Act for erecting a New Market Place in the Town or Borough and Manor of *Gosport* in the County of *Southampton*. [15th June 1811.]

WHEREAS several Persons Inhabitants of the Town or Borough and Manor of *Gosport*, in the County of *Southampton*, have purchased of the Lord Bishop of *Winchester* the present Market House, Shambles, Fish Cross, and other Buildings thereto adjoining, and all the Tolls and Profits thereof; and the whole and sole Right of keeping and holding of Two Fairs Yearly, the one on the Fourth Day of *May*, and the other on the Tenth Day of *October*, with the Tolls thereof: And whereas the said Market House and Buildings being situated in one of the principal Streets of the said Town, the Passage along the same on Market Days is greatly obstructed: And whereas the said Inhabitants have purchased, under the Provisions of an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into one Act, and for making further Provision for the Redemption and Sale thereof, and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire, and other Members to serve in Parliament, in respect of Messuages, Lands or Tenements, the Land-tax upon which shall have been redeemed or purchased* of the said Lord Bishop Two Pieces or Parcels of Waste Ground within the said Town or Borough and Manor, on

[*Loc. & Per.*]

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which

Proprietors.

Proprietors
Meetings.Trustees to be
chosen.Occasional
General
Meetings.

which they have begun to erect a New Market House, Shambles, Fish Stalls and other requisite Conveniencies: And whereas it would be attended with great Benefit and Convenience to the Inhabitants of the said Town or Borough and Manor and to the said several Persons if the Shares in the old and New Market Houses and Buildings were vested in them, and if Power was given to sell the old Market House and Premises as aforesaid, to build the intended Market House, Shambles, and Conveniencies, and raise Money for that Purpose, and if proper Rules and Regulations were established for governing, regulating and managing the same; but as the same cannot be effected without the Aid and Authority of Parliament, May it therefore please your Majesty, That it may be enacted, and be it enacted by the King'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, That for the better carrying this Act into Execution the following Persons, videlicet; *George Porter Esquire, Samuel Jellicoe the Reverend Richard Bingham, Robert Curry, Samuel Jellicoe the Younger, John Goodeve, Joseph Goodeve, Benjamin Goodeve, Thomas Andrews Minchin, Robert Forbes, John Whitcomb, William Page, James Neale, Richard White, Richard White the Younger, Thomas Fotherley, Tristram Harper, Edward Paddon, William Midlane, Samuel Joseph, Matthias March, Thomas Norrish, Thomas Paul, James White, John Devereux, John Richards, Gay Skute, William Chase, George Harries, John Lucas, Henry Hicks, James Stening, Jane Robey Eldridge, Nathaniel Portlock, Joseph Moses, John Helby, Alexander Hart, Isaac Spires, William Mondey, John Taylor, James Westmore, Matthew Carter, George Dunn, Joseph Larcom, John Rood, Thomas Bryett, Thomas Blake Barrow, David Compigne, John Carter, Henry Whitear, John Baker, William Burney, Isaac Legg, Jacob Legg, and John Valentine,* being the surviving original Proprietors who advanced the Money for making and completing the said New Market Place; together with such other Person or Persons who are or shall be entitled to one or more Share or Shares therein, shall hold a General Meeting at the New Market House aforesaid, on the Third Monday next after the passing of this Act, and one General Meeting shall be held by them, their Successors and Assigns on the First Monday in the Month of July in every Year, at or after the Hour of Eleven in the Forenoon, at the Market House aforesaid, or some other convenient Place within the said Town of Gosport; at which said first General Meeting, and at every future General Annual Meeting, the Proprietors assembled shall choose Fifteen Persons, being respectively Proprietors of one or more Share or Shares in the said Undertaking, to be Trustees for managing the Affairs of the said Proprietors in such Manner as is herein directed; but if at any Time it shall appear to any Seven or more of such Proprietors that for the more effectually putting this Act in Execution, an occasional General Meeting of Proprietors is necessary to be held, it shall be lawful for such Seven or more of them, by Notice to be affixed on the Door of the Chapel of Gosport aforesaid, during the Time of Divine Service, in the Mornings of Two Sundays, at least, before such intended General Meeting, also on the Door of the said Market House, and by such other Means as the said Proprietors at any General Meeting shall direct, and also specifying in every such Notice the Reason for and Intention of such Meetings respectively, to call a Meeting of the Proprietors of the said Market, and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers

Powers by this Act given, with respect to the Matters so specified only; and at all such General Meetings (whether the same shall be Annual or Special) every Proprietor shall have one Vote for each Share such Proprietor shall respectively possess, which Vote may be given by him or her, or by his or her Proxy or Proxies duly constituted under his or her Hand, and that no one Proprietor shall vote in respect of more than Three Proxies at any one Time from Three individual Proprietors for the Number of their respective Shares; and the Majority of such Votes shall be binding upon all the said Proprietors: and at every such Meeting a Chairman shall be chosen, who in case of an Equality of Votes upon any Question (including the Chairman's Vote or Votes) shall have a further or casting Vote: Provided always, that no Person who shall be possessed of any less Interest than one whole Share of One hundred Pounds each in the said Undertaking, shall be entitled to vote at any Meeting or Meetings held by virtue of this Act, either in Person or by Proxy, or to hold and vote as Proxy for any other Person, or in any Manner to act or vote, or interfere in the Management of the said Undertaking as a Proprietor thereof, for any of the Purposes of this Act; nor shall any Person having less than a whole Share, be allowed to empower any Person having any joint Interest in a Share, to vote or act as a Proprietor in respect of the whole Share.

Proprietors
to vote by
themselves
or Proxies.

II. And be it further enacted, That no one Trustee to be elected by virtue of this Act, although he may be a Proprietor of several Shares in the said Gosport New Market, shall have more than one Vote at any Meeting of the Trustees of the said Market, except the Chairman, who shall have the casting Vote in case of a Division of equal Numbers; although he may have given one Vote before: and at every such Meeting the Trustee present, whose Name stands highest upon the List of Trustees, shall be the Chairman; and any Five of the said Trustees met together after Notice given to the whole, shall have Power to act in the same Manner as if the whole were present.

Chairman
Trustees to
have the
casting vote.

III. Provided always, and be it further enacted, That in case any Person or Persons who shall have been appointed a Trustee or Trustees under this Act, shall cease to be a Proprietor of one or more Share or Shares in the said Undertaking, such Person or Persons shall from thenceforth be incapable of acting as a Trustee or Trustees under this Act.

Trustee ceas-
ing to be a
Proprietor to
cease to be a
Trustee.

IV. And be it further enacted, That it shall be lawful for the said Proprietors at their first General Meeting, or at any future General Meeting, to nominate and appoint a fit and proper Person to be Clerk and Treasurer to the said Proprietors, who shall continue in such Office during his good Behaviour, and also such other Officer and Officers as may be thought necessary for the Purposes of this Act, by Writing under the Hand of the Chairman of such Meeting in the Book of Proceedings, with such Salary or Salaries as the said Proprietors shall think proper; and the said Proprietors shall and are hereby required to take such Security from every such Clerk and Treasurer and other Officers for the due and faithful Execution of his or their Office or Offices, as they shall think necessary and proper, and which said Clerk and Treasurer shall from Time to Time enter all the Proceedings of the said Proprietors and their Trustees in Books to be provided for that Purpose; and which said

A Clerk and
Treasurer to
be appointed.

Clerk

Clerk and Treasurer shall keep and enter all Accounts of Monies received and expended on Account of the said Undertaking, in such Books; and shall also from Time to Time receive and collect from the said Proprietors the several calls on account of the said Undertaking, which shall be made by the said Trustees at any General Meeting, and keep a just Account thereof, subject to the Controul of the said Trustees; and at every such General Annual Meeting all the Accounts of the said Clerk and Treasurer with the said Proprietors shall be audited, and if approved of be settled and allowed.

Power to appoint Clerk of Market, and have Weights, &c. for weighing Articles sold.

V. And be it further enacted, That it shall be lawful for the said Trustees to appoint an Inspector of Provisions and of Weights and Measures in the said Market, and a Clerk of the said Market, and to erect and appoint a public Weighing House or Place at, in or near the said Market for weighing such Meat, Goods, Articles and Things as shall be bought or sold by Weight in the same Market, and to keep good and sufficient Standard Weights, Scales, Steelyards and Measures, and to appoint the Clerk or Clerks of the same Market, or some other Person or Persons to attend the same on every Market Day during the Time the same Market shall be holden, continue and endure, and that all and every the Person or Persons selling Meat or other Things by Weight or Measure in the same Market shall weigh and measure the same in or by the said Weights, Measures, Scales or Steelyards as aforesaid, if required by the Buyer or Buyers thereof to be so weighed or measured, and that in case any Person or Persons shall refuse to weigh and measure as aforesaid, he, she or they shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees and Clerk and Treasurer and other Officer to be under the Controul of General Meetings.

VI. Provided always, and be it further enacted, That such Trustees, and Clerk and Treasurer and other Officers shall from Time to Time, be subject to the Examination and Controul of the annual or occasional General Meetings of the Proprietors as aforesaid, and shall pay due Obedience to all such lawful Orders and Directions in and about the Premises, as they shall from Time to Time receive from the said Proprietors at any such General Meetings.

A Power for Proprietors to raise Money for the Purposes of the Act.

VII. And to the End that the said Proprietors may be enabled to complete, improve, and maintain the said New Market Place and Fish Stalls: Be it enacted, That it shall be lawful for the said Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, or by the Admission of new Proprietors, such Sum or Sums of Money, for making, completing, and maintaining the said New Market Place, and the Shops and other Buildings belonging thereto, and other the Purposes of this Act, as the said Proprietors at any General Meeting shall from Time to Time order and direct, not exceeding in the Aggregate the Sum of Fifteen thousand Pounds; and the Vote of such General Meeting shall be decided by the Majority of Shares, in respect of which any Proprietor present, or by Proxy as aforesaid, shall then and there vote; and the whole Money so raised and contributed being added to the Money already advanced, shall be divided and distinguished into equal Shares of One hundred Pounds each Share; and a sufficient Part of the Money so to be contributed, or which shall be otherwise raised by virtue of this Act, is hereby directed in the first Place to be applied in defraying the Charges and Expences

To be divided into Shares of 100l. each

Expences attending the obtaining and passing this Act, and all the Residue and Remainder of such Money, in the Purchase of the Ground hereinbefore mentioned; for and towards making, completing and maintaining the said New Market Place, and in widening and improving the Avenues leading thereto; and in erecting proper Shops, Sheds, Stalls, Fish Stalls, and such other Buildings and Conveniences, and for other the Purposes of this Act, as any General Meeting may order and direct, and in defraying all other necessary Charges and Expences concerning the same, and for no other Use, Intent or Purpose whatsoever.

VIII. Provided always, and be it further enacted, That the said Trustees met together under the Authority of this Act, shall have Power from Time to Time to make such Call and Calls of Money for the Purposes of this Act, from the several Proprietors of the said New Market Place in Proportion to their respective Share or Shares therein, upon any Sum or Sums of Money (not exceeding the Sum of Fifteen thousand Pounds, including the Sum already raised as aforesaid) which shall have been ordered to be contributed and raised for the Purposes of this Act by any General Meeting of the said Proprietors, as they the said Trustees shall from Time to Time find necessary and wanting, which Money so called for, shall be paid to such Person or Persons and in such Manner as the said Trustees shall order and direct for the Use of the said Undertaking; and if any Person or Persons shall neglect or refuse to pay his, her or their rateable and proportionable Part or Share of the said Money when called for as aforesaid, or any Part thereof, for the Space of One Calendar Month next after Notice thereof in Writing, to be signed by the Clerk and Treasurer, delivered to him, her or them, or left at his, her or their last usual Place or Places of Abode, he, she or they so neglecting or refusing, shall forfeit and pay any Sum not exceeding One Moiety of such Call for every Share which he, she or they shall have in the said Undertaking; and in case such Person or Persons shall continue to neglect or refuse to pay his, her or their rateable Call or Calls as aforesaid or any Part thereof, for the Space of Three Calendar Months next after the Time appointed for the Payment thereof, and after such Notice as aforesaid, then and in every such Case he, she or they neglecting or refusing shall forfeit for the Use of the said Undertaking his, her or their respective Share or Shares or Interests therein, and all the Profits and Benefits thereof, all which Shares Interests and Profits so forfeited shall thereupon merge and become wholly extinct.

Calls to be made, and Penalty and Forfeiture for Non-payment.

IX. Provided always, and be it further enacted, That no Forfeiture of any Share or Interest in the said Undertaking shall actually accrue, or the Share merge or become extinct, unless and until the same shall be declared to be forfeited at the next Meeting of the Trustees, held after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor or Proprietors so forfeiting against all Action and Actions, Suits or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement betwixt such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with regard to carrying on the said New Market Place.

Proprietors not to forfeit without such Forfeiture be declared at a General Meeting.

Shares may
be sold, and
to be deemed
Personal Es-
tate.

X. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said New Market Place, to sell and dispose of any Share or Shares he, she or they is or are, or shall hereafter be intitled to therein, subject to the Rules and Conditions herein mentioned; and that all such Shares or any Part or Parts of such Shares shall be, and are hereby vested in the several Proprietors before mentioned, and their several and respective Executors, Administrators and Assigns, to their and every of their proper Use and Behoof, in proportion to their several and respective Rights, Titles and Interests in and to the Monies already by each of them respectively heretofore advanced, and which shall hereafter be subscribed and paid at any Time or Times for the Purposes of this Act; and all and every the said Shares or Parts of Shares shall be deemed to be Personal Estate, and shall pass as such, and not in the Nature of real Property.

XI. And be it further enacted, That the said Shares shall be sold, assigned and transferred in the following form, to wit,

Form of
Transfer of
Shares in
case of Sale.

‘ I *A. B.* in consideration of paid to me by *C. D.* do
‘ hereby bargain, sell, assign and transfer to the said *C. D.* his Executors,
‘ Administrators and Assigns, [*as the Case is*] in the *Gosport* New Market
‘ Place, to hold to him the said *C. D.* his Executors, Administrators and
‘ Assigns, subject to the same Rules and Orders, and on the same Condi-
‘ tions that I held the same immediately before the Execution hereof; and
‘ I the said *C. D.* do hereby agree to accept thereof, subject to the said
‘ Rules, Orders and Conditions. Witness our Hands and Seals this
‘ Day of in the Year of our Lord

The Method
of transferring
Shares in
cases of Mar-
riages or
Death.

XII. And be it further enacted, That before any Person or Persons who shall claim any Part or Share of the Rents and Income of the said New Market Place in right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, shall be made and sworn to by some credible Person before one of the Judges at *Westminster*, a Master Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Proprietors for the Time being, who shall file and register the same, and make an Entry thereof in a Book, or Books, which shall be kept for that Purpose; and before any Person or Persons, who shall claim any Part or Share in the said New Market Place, or the Rents and Profits thereof, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the Probate Copy of the said Will or the Letters of Administration, in case the Proprietor shall have died intestate, shall be produced and shewn to the Clerk to the said Proprietors, who shall thereupon register the same in a Book to be provided and kept by the said Clerk for that Purpose, and thereupon the Stock of the Proprietor so dying shall be transferred in the Books of the said Proprietors into the Names or Name of his or her Executors or Administrators, to be by such Executors or Administrators transferred and disposed of according to the said Will, or in a due Course of Administration.

Property to
be vested in
Trustees;

XIII. And be it further enacted, That all such Messuages, Buildings, Lands, and Grounds, which have already been purchased by the said several original Subscribers to the said New Market Place, or which shall hereafter be purchased under this Act, for any of the Purposes thereof, and also

also all Messuages, Buildings, and Conveniences which have already been erected and made by them for the use of the said New Market Place, or for any of the Purposes of this Act, or in the making of any Improvement under the same, or which shall hereafter be erected, or built under this Act for any of the Purposes thereof, shall be, and the same are hereby vested in the Trustees for the Time being of the said Proprietors; their respective Heirs, Executors, Administrators and Assigns, in trust for the whole of the said Proprietors.

XIV. And be it further enacted, That it shall and may be lawful for the said Proprietors to erect and build, or contract for the erecting and building any Market House or Market Houses, and also such other proper and convenient Buildings, Slaughter-houses, Shops, Sheds, Shambles, Stalls, Standings and other Conveniences as the said Proprietors shall judge to be suitable or proper for the Use and Convenience of the several Persons attending the said Market, and to alter the same from Time to Time as they shall think fit.

Buildings may be erected and altered.

XV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered as soon after the New Market under this Act shall have been built and opened for public Use as a Market, as the same can conveniently be done, to take down and remove the present Market House, Shambles, Fish Cross and other Buildings thereto belonging, and to apply the same or dispose thereof in any Manner for the Purpose of this Act, or to sell the Materials and apply the Produce thereof as any other Money raised under this Act shall or may be applied: Provided always that nothing herein contained shall authorize or empower the said Trustees to remove or take away any or either of the Three Rooms in the present Market House or Building heretofore and now used by any of the Agents or Persons employed by the Lord Bishop of *Winchester*, until such other Provisions shall be made for the Accommodation of the Agents of the said Lord Bishop as shall be approved of by the said Lord Bishop, and Leave in Writing shall have been obtained for removing the said Three Rooms, and then and in such Cases the said Three Rooms may be removed and disposed of as the Market House and other Buildings may be disposed of under this Act; and from and after the Removal of the said Market House, Shambles, Fish Cross and other Buildings, no other Buildings shall be erected on the Scite thereof, but the same shall remain a Highway and Part of the Street of the said Town of *Gosport* for the Accommodation of the said Town.

Power to remove and sell present Market, &c. and dispose of Materials. Rooms of Bishop of Winchester not to be removed until other Convenience provided and Leave of Bishop given.

XVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to demise or let any Part or Parts of the Buildings vested in the Trustees under this Act as they shall think fit, and apply the Rents and Profits arising therefrom as the Tolls allowed to be collected under this Act are directed to be applied.

Power to let Buildings.

XVII. And be it further enacted, That from and after the Space of Six Months from the passing of this Act, it shall not be lawful for any Person or Persons to kill, slaughter or dress, or cause to be killed, slaughtered or dressed, any Beast, Swine, Calf, Sheep or other Cattle in the said New Market Place, except in such Slaughter-houses and

No Cattle, &c. to be slaughtered in the Market Place or Streets; nor any Shop or

Stalls to be
set up in any
of the Foot-
paths or
Highways.

other Buildings erected or to be erected and set apart for that Purpose, or in any Street, Court, Way or public Alley or Passage within the said Town of *Gosport*; or in any Place which shall be open or exposed to any Street, Court, Way, Alley or public Passage there, or suffer or permit the Blood thereof to run down into any such Street, Court, Way, Alley or public Passage; nor shall any Person or Persons put, place or set up, or cause to be put, placed or set up, any Shop, Stall, Shew or Standing, or any Basket, Stool, Table or Board for the Purpose of shewing or selling or exposing to sale any Corn, Grain, Butcher's Meat, Fish, Poultry, Butter, Eggs, Cheese, Vegetables, Fruit, China, Glass, Earthenware or other marketable Commodities, Matters or Things, on any of the public Footpaths or Highways in the said Town or Borough and Manor of *Gosport*, other than within the Limits of the said New Market Place (except during the Period of the Two Fairs held annually), upon Pain of every Person so offending forfeiting for every such Offence, on Conviction before one or more Justice or Justices of the Peace, any Sum not exceeding Five Pounds, to be recovered and applied as is hereinafter directed.

Not to pre-
vent Persons
from selling
in their
Houses or
Shops.

XVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters or Things whatsoever in his or her own private Dwelling House, or in his or her own Shop, in any Part of the said Town of *Gosport*.

Proprietors
may make
Bye-Laws and
Regulations
in the Mar-
ket.

XIX. And be it further enacted, That it shall be lawful for the said Proprietors or their Trustees, at any Meeting to be held in pursuance of this Act, from Time to Time to direct and appoint what particular and respective Parts of the said New Market Place shall be occupied and made use of for exposing to Sale any Commodities, Matters and Things therein, and also from Time to Time to make such Rules, Orders, Regulations and Bye-Laws for the better regulating, cleansing, letting, occupying and using the said Market-House, or any Part or Parts thereof, (not repugnant to any Thing in this Act contained, or contrary to any Law or Statute of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*), as the Nature of each particular Circumstance shall require, with such Penalty for disobeying the same, not exceeding Five Pounds for any one Offence, as they shall think fit; and for fixing and ascertaining the Time or Times at which all or any Goods, Wares, or Commodities shall respectively begin to be offered or exposed to Sale therein, and how long the same shall continue exposed to Sale; and the said Proprietors or their Trustees shall cause the Time or Times of beginning and concluding every Market to be announced by the ringing of a Bell or otherwise, as they shall think proper; and from Time to Time to alter, vary, revoke or make void any such Rules, Orders, Regulations and Bye-Laws, which Rules, Orders, Regulations and Bye-Laws so as aforesaid to be from Time to Time made shall be printed and affixed on the said Market-House on Four successive Days, and shall be valid and effectual to all Intents and Purposes: Provided always, That all such Rules, Orders, Regulations, and Bye-Laws, and all Convictions for any Penalties or Forfeitures imposed by virtue thereof, shall be liable to appeal to the Justices of the next General Quarter Sessions of the Peace from the said Proprietors in like Manner as is hereinafter

after provided or mentioned with respect to any other Matter of Appeal; but no such Rules, Orders, Regulations, and Bye-Laws shall have any Force until Four Weeks after the same shall have been fairly written out or printed, and signed by the Clerk and Treasurer to the said Proprietors, and set up or fixed at some Place within the said Market.

XX. And be it further enacted, That there shall be paid to the said Proprietors, or to the Person or Persons by them appointed to receive the same, by all and every the Person and Persons holding, using or occupying any Stall, Shed, or Standing, or selling or offering or exposing to Sale any Butcher's Meat, or other Goods, Articles or Things as aforesaid, in the said Market so to be erected and established as aforesaid, from and after the same Market shall have been opened and used as such, the several Tolls or Sums following; (that is to say)

Tolls to be collected by Persons appointed by Proprietors.

For every Stall or Shed used by a Butcher for selling Flesh Meat, Market Tolls being actually his own Property, *per Day*, One Shilling.

For each Stall or Shed used by a Person for exposing to Sale Cheese, Bacon or pickled Pork, *per Day*, One Shilling.

For every Basket, Parcel or Quantity of Butter, not exceeding Twelve Pounds, Two Pence.

For Ditto, exceeding Twelve Pounds, and not exceeding One and a Half Dozen Pounds, Three Pence.

For every Basket, Parcel or Quantity of Butter exceeding One and a Half Dozen Pounds, and not exceeding Two Dozen Pounds, Four Pence.

For Ditto, exceeding Two Dozen Pounds, *per Dozen*, One Penny.

For Poultry, including Fowls, Chickens and Ducks, Wild Fowl and Rabbits, not exceeding Half a Dozen, Three Pence.

Ditto, not exceeding One Dozen, Six Pence.

Ditto, not exceeding Two Dozen, Nine Pence.

Ditto, not exceeding Three Dozen, One Shilling.

Ditto, not exceeding Four Dozen, One Shilling and Three Pence.

And for every Dozen exceeding Four Dozen, Three Pence.

For every Turkey or Goose, Two Pence.

For every Half Dozen, or under One Dozen of Pigeons, Two Pence.

For one Dozen, and not exceeding Two and a half Dozen, Four Pence.

Not exceeding Two Dozen, Six Pence.

And for every Dozen exceeding Two Dozen, *per Dozen*, Two Pence.

For every Basket, Parcel or Quantity of Eggs under Two Dozen, Two Pence.

For every Dozen above Two Dozen, One Penny.

Every Person selling Fish (except Lobsters, Crawfish, Crabs, Prawns, Shrimps, Cockles or Muscles) to pay for each Basket, Hamper, Parcel or Quantity, not containing more than Two Gallons, Four Pence.

For every Basket, Hamper, Parcel or Quantity, not containing more than Half a Bushel, Eight Pence.

For every Basket, Hamper, Parcel or Quantity, not containing more than One Bushel, One Shilling and Three Pence.

For every Basket, Hamper, Parcel or Quantity, containing more than One Bushel, Two Shillings.

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For

For every Gallon of Cockles or Muscles, One Penny.

For every Basket, Parcel or Quantity of Fruit, not exceeding Half a Bushel, Two Pence.

Ditto, not exceeding a Bushel, Three Pence.

For every Basket, Parcel or Quantity of Roots, *videlicet* Potatoes, Turnips, Carrots, Parsnips, Onions, not exceeding a Bushel, Two Pence.

For every Basket, Parcel or Quantity of other Vegetables, not exceeding a Bushel, One Penny Haltpenny.

For every Basket, Parcel or Quantity of Potatoes, and other Roots or Vegetables, exceeding a Bushel, *per* Bushel, One Penny.

For every live or dead Sucking Pig, Two Pence.

For Lobsters and Crawfish, not exceeding in Weight Half a Dozen Pounds, Three Pence.

For Ditto, not exceeding in Weight a Dozen Pounds, Four Pence.

For every Half Dozen Pounds of Ditto, above One Dozen Pounds, Three Pence.

For Crabs not exceeding in Weight Half a Dozen Pounds, One Penny.

For Ditto, not exceeding in Weight One Dozen Pounds, One Penny Haltpenny.

For every Half Dozen Pounds above One Dozen Pounds, One Penny.

For every Hundred of Prawns, Two Pence.

For every Hundred of Shrimps, One Haltpenny.

For every dead Hog or Porker, Four Pence.

For fresh Pork, not exceeding in Weight Half a Dozen Pounds, One Penny.

For Ditto, not exceeding One Dozen Pounds, Two Pence.

For Ditto, not exceeding a Dozen Pounds above One Dozen Pounds, One Penny.

And every Person having or using a Stall or Shed for selling any Articles or Things which are not included in this Table, or for selling any Article or Thing for which he or she can claim a legal Exemption from Tolls, to pay for such Stall, Place or Shed, *per* Day, One Shilling.

Penalties on
evading Tolls.

XXI. And be it further enacted, That in case any Person holding, using or in any Manner occupying any of the said Shops, Sheds, Stalls or Stands, or selling or exposing to Sale any Butcher's Meat or any other Goods or Articles as aforesaid in the said Market, shall refuse to pay the several Sums or Tolls aforesaid, or any or either of them, or any Part thereof, that then and in such Case and as often as it shall so happen, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Southampton*, upon Complaint being made to him or them, to summon or issue his or their Warrant to the Parties to appear before him or them, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein and award such Costs as to him or them shall in his or their Discretion seem meet; and by Warrant under his or their Hand and Seal, or Hands and Seals, to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale.

XXII. And

XXII. And for raising a Sum of Money sufficient for completing the said ^{For borrow-} New Market House, and for other incidental Charges and Expences at- ^{ing Money} tending the said Market; be it further enacted, That it shall and may be ^{on Rents,} lawful to and for the said Proprietors, and they are hereby authorized and ^{Tolls and} empowered from Time to Time to raise, borrow, take up, and receive of ^{Profits.} and from any Person or Persons whomsoever who shall be willing to advance and lend the same, any Sum or Sums of Money not exceeding in the whole the Sum of Five Thousand Pounds upon the Credit of the said Market, and the Rents, Profits, and Tolls thereof; and to secure the Payment thereof with Interest by Mortgage of the said Market, and the Rents, Profits and Tolls thereof, and for securing the Re-payment of the Money so to be borrowed and the Interest thereof, the said Proprietors or any Seven or more of them shall and may, by Writing under their Hands and Seals, assign over or mortgage the same Rents, Tolls and Profits to the Person or Persons advancing and lending such Money, which Assignment or Mortgage shall be in the Form and to the Effect following:

BY virtue of an Act passed in the Fifty-first Year of the Reign of ^{Form of Se-} His Majesty King George the Third, intituled [*here set forth the* ^{curity.} *Title of this Act*]; We, ^{Seven of the Pro-} prietors, appointed by virtue of the said Act for putting the same into Execution, in Consideration of the Sum of _____ advanced and paid by _____ to the Treasurer appointed in pursuance of the said Act, upon the Credit and for the Purposes of the said Act, do grant and assign unto the said _____ Executors, Administrators, and Assigns such Proportion of the Rents, Tolls, and Profits arising and payable by virtue of the said Act in respect of the Market for Flesh Meat and other Victuals and Things in the said Town of Gosport, as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the Rents, Tolls, and Profits arising and payable by virtue of the said Act, to be had and holden from this _____ Day of _____ until the said Sum of _____ with Interest at _____ per Centum per Annum, for the same to be paid Half-yearly, shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals this _____ Day of _____

And every such Grant or Mortgage shall be good, valid, and effectual in the Law.

XXIII. And be it further enacted, That before any such Money shall be borrowed at Interest on the Credit of the said Rents, Profits, and Tolls; the like Notice shall be given by the said Proprietors in like Manner, and the said Grants and Mortgages shall be executed and shall be assignable and transferable and entered by the Clerk and Treasurer to the said Proprietors, and shall be redeemable as by this Act is directed with respect to Money borrowed and to be borrowed upon the Credit of the said Rents, Profits and Tolls. ^{Securities transferrable.}

XXIV. And

Power for
Proprietors to
let Tolls.

XXIV. And be it further enacted, That it shall and may be lawful for the said Proprietors, upon Ten Days Notice thereof, signed by the Clerk and Treasurer to the said Proprietors, being set or fixed up in some public Part of the said Market, from Time to Time, by Writing, under their Hands and Seals, to let to farm the Tolls arising from the said Market, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Term not exceeding Three Years at any one Letting, upon public Bidding to the highest Bidder, and for the best Price that can be gotten for the same, and under such Covenants and with such Securities for the Payment thereof as the said Proprietors shall think fit.

Power of
Proprietors
to reduce
Tolls.

XXV. Provided always and be it further enacted, That notwithstanding the principal Monies so to be borrowed and taken up at Interest, upon Security of the Tolls arising from the said Market or any Part thereof, at any General Meeting to be held in pursuance of this Act from Time to Time, if they shall see Occasion or think fit (with the Consent and Approbation of the Person or Persons to whom any Sum or Sums of Money shall be then due and owing upon Security of the Tolls arising from the said Market), to reduce, lower and abate the said Tolls hereby made payable as aforesaid, in such Proportions as to the said Proprietors shall seem expedient; and after the said Tolls shall have been so reduced and abated, it shall and may be lawful to and for the said Proprietors, and they are hereby authorized and empowered (by and with the Consent and Approbation of the Justices of the Peace assembled at any General Quarter Sessions of the Peace for the County of *Southampton*, such Consent and Approbation to be signed by an Order of Court to be made at such General Quarter Sessions from Time to Time), to augment and raise the said Tolls so reduced and abated to any Sums not exceeding the Amount of the Tolls fixed and made payable in and by this Act; and the said Proprietors shall immediately upon every such Augmentation of the said Tolls, cause a Notice thereof, signed by their Clerk, to be set up and fixed in some public Part within the said Market, with a Table of the Tolls so augmented and raised.

Proprietors
to sue and be
sued in the
Name of the
Clerk and
Treasurer.

XXVI. And be it further enacted, That all Actions and Suits for the Recovery of any Claims or Demands now due, or which may hereafter become due to the said Proprietors, or for the enforcing any Obligations heretofore or which may hereafter be entered into with the said Proprietors, and all other Actions and Suits in relation to any Property or Concerns of the said Proprietors under this Act, and all Proceedings in Law or Equity against any Person or Persons, or Body or Bodies Politic or Corporate, in relation to any of the Concerns of the said Proprietors under this Act, and all Distresses for Rent of any Premises held by the said Proprietors under this Act, shall and lawfully may be commenced or instituted, and maintained and prosecuted, and Verdicts, Judgments and Executions had thereon in the Name of the Clerk and Treasurer for the Time being of the said Proprietors, as the nominal Plaintiff for or on Behalf of the said Proprietors; and all Actions and Suits, and Proceedings in Law or Equity against the said Proprietors, by any Person or Persons, or Body or Bodies Politic or Corporate, for the Recovery of any Claim or Demand against the said Proprietors, or for any other Cause or

Causés of Action against the said Proprietors, in relation to the said New Market, or any other Matter or Thing, shall or lawfully may be commenced, instituted and prosecuted against the Clerk and Treasurer for the Time being of the said Proprietors; who shall, in every such Case, be the nominal Defendant for and on the Behalf of the said Proprietors; and also such Actions, Suits and Proceedings, and the Processes, Verdicts and Judgments had therein for and on Behalf of and against the said Proprietors respectively, shall be as valid and effectual as if all the said Proprietors had been Plaintiffs or Defendants in such Actions, Suits or Proceedings, and had been actually named as such therein, and had all lived during the Continuance of such Actions or Suits or Proceedings respectively, and until the same had been respectively discharged and satisfied, any Law, Statute or Custom to the contrary notwithstanding.

XXVII. And be it further enacted, That all Prosecutions by or on Behalf of the said Proprietors for Fraud upon or against the said Proprietors, or for robbery of or stealing or embezzling any Money, Goods or Chattels, or other Property of the said Proprietors under this Act, or for any other Offence committed against, or with Intent to injure or defraud the said Proprietors, in relation to any Property of the said Proprietors under this Act, shall and lawfully may be so brought or instituted, and prosecuted and carried on in the Name of the Clerk and Treasurer for the Time being of the said Proprietors; and in all Indictments and Informations for the feloniously taking, stealing and embezzling any Money, Goods, Chattels or Property of or belonging to the said Proprietors under this Act, such Money, Goods, Chattels and Property may be laid and stated to be the Property of the Clerk and Treasurer of the said Proprietors for the Time being, and that the same were feloniously taken, stolen or embezzled from the said Clerk and Treasurer; and any Crime or Offence committed with Intent to injure or defraud the said Proprietors, shall and lawfully may in any Prosecution or Proceeding, be stated, charged and laid to have been done and committed, with Intent to injure and defraud the said Clerk and Treasurer for the Time being of the said Proprietors; and the Offender or Offenders may upon any such Indictment, Information, Prosecution or Proceeding be lawfully convicted, in like Manner as if all the Proprietors had been named in such Indictment, Information, Prosecution or Proceeding, and had lived during the Continuance and until the Completion thereof.

Proprietors to prosecute in the Name of the Clerk and Treasurer.

XXVIII. Provided always, and be it further enacted, That the Death, Resignation or Removal, or other Act of any Clerk and Treasurer, shall not abate any such Suit or Proceeding, Indictment, Information, Prosecution or Proceeding as aforesaid, who shall have commenced any such Action, Suit or Proceeding, or against whom any such Action, Suit or Proceeding shall have been commenced or instituted, or by whom and in whose Name or Names any Indictment, Information, Prosecution or Proceeding shall have been preferred, commenced or prosecuted.

Whose Death or Removal is not to abate any Suit, &c.

XXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence against the same, shall be levied and recovered by Distress and Sale of the Goods and Chattels

Penalties how to be recovered.

[Loc. & Per.]

45 D

tels

tels of the Offender or Offenders, by Warrant under the Hand and Seal of any one or more Justice or Justices of the Peace acting in and for the said County of *Southampton*, upon the Conviction of the Offender or Offenders by his, her or their Confession or Confessions, or by the Oath of one or more credible Witness or Witnesses, rendering the Overplus (if any) after such Forfeiture or Penalty, together with the Costs, Charges and Expences attending such Conviction, Warrant, Distress and Sale, shall be fully paid unto the Person whose Goods and Chattels shall have been so distrained as aforesaid; and in case sufficient Distress shall not be found, and such Penalty or Forfeiture, Costs and Charges, shall not be paid forthwith, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders convicted as aforesaid, to the House of Correction or Common Goal, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, Costs and Charges, and all Expences attending such Commitment, shall be sooner paid and satisfied; and all Penalties and Forfeitures under this Act shall go and be applied, One Moiety to the Person who shall inform, or sue or prosecute for the same, and the Residue thereof shall be paid to the Clerk and Treasurer of the said Trustees, and applied to the Purposes of this Act.

Appeal.

XXX. And be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, or of any Rule, Order, Regulation or Bye-law made in pursuance thereof, such Person may appeal to the Justices of the Peace at their General Quarter Sessions which shall be holden for the County of *Southampton*, next after the Cause of Complaint shall have arisen, such Appellant first giving, or causing to be given Ten Days Notice at least in Writing of his or her Intention to exhibit such Appeal and of the Matter thereof, to the Person or Persons appealed against, and within Two Days after giving such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and so abide by the Order of and pay such Costs as shall be awarded by the Justices at such Sessions, and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way; and award such Costs to the Party appealing or appealed against as they shall think proper; and the Determination of such Justices shall be binding, final and conclusive to all Intents and Purposes whatsoever.

Act not to affect Rights.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice or affect any Right or Title which any Person or Persons or Body Politic or Corporate may have to any such Messuages, Buildings, Lands and Grounds, other than and except the several Persons who shall have sold any such Messuages, Buildings, Lands or Grounds, and all Persons respectively claiming under them or in Remainder after them.

XXXII. And

XXXII. And be it further enacted, That this Act shall be deemed Public Act, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

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