ANNO SEXTO

VICTORIÆ REGINÆ.

****

Cap. xii.

An Act for removing the present Markets held in the County of the Borough of *Carmarthen*, and for providing other Market Places, and regulating the Markets to be held therein.

[11th *April* 1843.]

WHEREAS the Mayor, Aldermen, and Burgesses of the County of the Borough of *Carmarthen* claim to be the Owners of all Markets and Fairs held within the said Borough, and to be entitled to the Stallage, Pickage, Tolls, Rents, and Profits arising from or in respect of all Articles and Things sold or exposed for sale in such Markets: And whereas the Markets for supplying the Inhabitants of the said Borough with Fish, Butter, Vegetables, and other Provisions, and for buying and selling Goods, Wares, and Merchandize, and also Cattle and Live Stock, are now held in the principal Streets in the Borough of *Carmarthen*, to the great Obstruction of the Thoroughfares thereof, and to the Inconvenience of Passengers through the same: And whereas other Markets for the Sale of Meat and Poultry, and also of Corn, Seed, and Grain, are held respectively in Places within the said Borough belonging to the said Mayor, Aldermen, and Burgesses, and it would be attended with great public Advantage and Convenience if the

several Markets aforesaid were removed to a more suitable Spot or Spots within the said Borough, and if a new Market Place or Places, with suitable Buildings and Accommodations connected therewith, and Approaches thereto, were provided, and also if proper Regulations were established for the Government of the said Markets, and if the Tolls, Rents, and Charges in respect of the same were defined: And whereas the Mayor, Aldermen, and Burgesses are willing to provide such new Market Place or Places on the Lands mentioned in the Schedule to this Act annexed, or on other Lands now belonging to them, if authorized by Parliament so to do: 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, That it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough of *Carmarthen*, and their Successors, by their Council, to put this Act and the several Powers and Provisions herein contained into execution.

Council of the Borough of Carmarthen to carry this Act into execution.

Mayor and other Councillors, being Justices, empowered to act as such.

II. And be it enacted, That it shall be lawful for the Mayor and Recorder of the said Borough for the Time being, and for any Justice of the Peace having Jurisdiction within the said Borough, whether he be a Member of the Council of the said Borough or not, to act as a Justice of the Peace in any Matter relating to the Execution of this Act wherein he shall not be personally interested.

First Meeting of Council under this Act.

5 & 6 W. 4. c. 76.

III. And be it enacted, That within Twenty-eight Days next after the passing of this Act the Mayor for the Time being shall call a Meeting of the Council, in the Manner prescribed by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, for the Purpose of carrying this Act into execution.

Certain Provisions of 5 & 6 W. 4. c. 76. applied to this Act.

IV. And be it enacted, That at the First Meeting of the Council to be held as aforesaid, and at every subsequent Meeting of the Council held in pursuance of the said Act for the Regulation of Municipal Corporations, it shall be lawful for the Council to transact any Business required or authorized by this Act, in the same Manner and subject to the same Provisions and Regulations as if the said Meeting had been authorized or required by the said Act for the Regulation of Municipal Corporations.

How Notices of Meetings are to be given.

V. And be it enacted, That Notice of any Meeting of the Council to be held under the Authority of this Act shall, if not herein otherwise provided for, be given in the same Manner and with the same Interval of Time as in the Case of Meetings held under the Authority of the said recited Act for the Regulation of Municipal Corporations, and shall be posted at the Time stated in the said Act on the Door or in front of the Guildhall within the said Borough.

Orders and Proceedings to be entered

VI. And be it enacted, That the Town Clerk shall keep or cause to be kept proper Books in which shall be entered the Orders and

Proceedings at the several Meetings of the Council wherein any Business shall be transacted relating to the Execution of this Act, and the Chairman of every such Meeting shall sign the Entries and Minutes relating to the same, and all such Entries and Minutes being so signed shall, without further Proof, be admitted in Evidence in all Courts and upon all Occasions; and at any Meeting of the Council the Books aforesaid shall be open to the Inspection of any Member of the Council, and any Person being a Member of the Council, or a Burgess of the said Borough, or a Creditor on the Tolls, Rents, or Stallages, shall at all reasonable Times (except during the Transaction of Business by the Council) be permitted to inspect the same *gratis*, and to have true Copies of any of the Entries or Minutes in such Books made by the Town Clerk, upon paying for the same Copies after the Rate of Sixpence for every One hundred Words.

in Books, and to be Evidence.

VII. And be it enacted, That it shall be lawful for the Council to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Council, and for furnishing any Materials for the same or which may be required by the Council, and every such Contract shall be under the Corporate Seal of the Borough, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered in a Book to be kept by the Town Clerk for that Purpose.

For what Contracts to be made.

VIII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under any such Contract, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in execution of such Contract, shall, for the Purpose of protecting the same from Injury as herein-after mentioned, be held to be the Property of the said Mayor, Aldermen, and Burgesses.

Materials, &c. for Work contracted for to be considered the Property of the Council.

IX. And be it enacted, That in any Proceedings to be had against any Person who shall steal, take, or carry away, pull down, deface, or injure any Property, Article, or Thing belonging to the said Mayor, Aldermen, and Burgesses, it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Proceedings shall be had to be the Property of the Mayor, Aldermen, and Burgesses of the Borough of *Carmarthen*.

Indictments how to be preferred.

X. And be it enacted, That all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act shall be brought by or against the Mayor, Aldermen, and Burgesses of the Borough of *Carmarthen* in the same Manner as any other Action brought by or against the said Mayor, Aldermen, and Burgesses in their Corporate Capacity.

Actions and Suits to be brought in the Name of Corporation.

XI. And be it enacted, That all Deeds, Conveyances, Leases, and Contracts entered into by the Council under the Authority of this Act or for any Purpose herein authorized shall have the Corporate Seal of the said Borough affixed thereto.

Deeds, &c. to be under Corporate Seal.

XII. And

Town Clerk, Treasurer, and Auditors of the Borough to be Clerk, Treasurer, and Auditors under this Act.

XII. And be it enacted, That the Town Clerk, Treasurer, and Auditors for the Time being of the said Borough shall and they are hereby authorized to do and execute all the several Duties imposed upon them by virtue of this Act, in the same Manner, with the same Powers, and under the same Penalties as if the said Duties had been imposed upon them by the said Act for the Regulation of Municipal Corporations; and all the said Duties severally imposed upon them shall for all Intents and Purposes be deemed to be imposed upon them by virtue of the said last-mentioned Act.

Council to appoint Collector, Surveyor, and other Officers.

XIII. And be it enacted, That the Council may from Time to Time appoint a Collector or Collectors of the Tolls, Rents, and Stallages herein-after mentioned, and also a Surveyor or Surveyors, Inspector or Inspectors, and such Committee or other Officers as they shall think fit, with such Salaries and Allowances as they may think reasonable, and may remove such Collectors, Surveyors, Inspectors, or other Officers, and appoint other Persons in their Stead.

Books of Account to be kept, and to be open to Inspection.

XIV. And be it enacted, That a Book shall be kept by the Treasurer, in which he shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Books shall at all seasonable Times be open to the Inspection of any Member of the Council, or any Burgess of the said Borough, or any Creditor on the Tolls, Rents, or Stallages by this Act authorized to be levied or collected, without any Fee or Reward being demanded for such Inspection; and it shall be lawful for such Member of the Council, Burgess, or Creditor at seasonable Times to take Copies of or Extracts from the said Book, upon paying for such Copies or Extracts after the Rate of Sixpence for every One hundred Words.

Annual Accounts to be transmitted to the Town Clerk.

XV. And be it enacted, That the Council shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds raised and levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Treasurer of the said Borough, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the said Borough on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on the Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Council shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Accounts to be audited.

XVI. And be it enacted, That the Accounts herein-before mentioned shall be audited by the Auditors of the said Borough, in the same Manner as the other Accounts of the said Treasurer are directed

directed to be audited by the said Act for the Regulation of Municipal Corporations.

Power to borrow Money on Mortgage.

XVII. And be it enacted, That it shall be lawful for the said Council from Time to Time to borrow at Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, on Mortgage of the Lands, Buildings, and other Property of the said Mayor, Aldermen, and Burgesses, and of the Tolls, Rents, and Stallages by this Act granted, any Sum of Money not exceeding the Sum of Seven thousand Pounds, and, in the event of any Part of such Sum of Money being repaid by the Council, to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the said Sum of Seven thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Council may mortgage and assign over the said Lands, Buildings, and other Property, and the said Tolls, Rents, and Stallages, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Council not to sell or mortgage Estates without Consent of Lords of the Treasury.

XVIII. And be it enacted, That nothing in this Act contained shall extend to enable the Mayor, Aldermen, and Burgesses to take, appropriate, use, sell, demise, mortgage, or alienate for the Purposes of this Act, without the Approbation of the Lords Commissioners of Her Majesty's Treasury, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have taken, appropriated, used, sold, demised, mortgaged, or alienated without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Form of Mortgage.

XIX. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Corporate Seal of the Borough, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Expences of Mortgages.

XX. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Council out of the Money raised by virtue of this Act.

Register of Mortgages to be kept, and to be open to Inspection.

XXI. And be it enacted, That a Register of all Mortgages or Assignments shall be kept by the Town Clerk, and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Name of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages.

XXII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such

Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Registers of Transfers to be kept.

XXIII. And be it enacted, That within One Month after the Date of every such Transfer it shall be produced to the Town Clerk, and thereupon such Town Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment; and for such Entry the Town Clerk may demand a Sum not exceeding Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest of Mortgages to be paid half-yearly.

XXIV. And be it enacted, That, unless otherwise provided for by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

XXV. And be it enacted, That if the said Council can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and which shall then be in force shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Tolls, Rents, Stallages, and Property which they are by this Act authorized to mortgage or assign, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Sinking Fund.

XXVI. And be it enacted, That in case any Sum of Money shall be borrowed or taken up at Interest under the Powers of this Act, and be due and owing upon the Credit of the said Rents, Tolls, Stallages, Lands, Buildings, or Property, the said Council shall from Time to Time apply, out of such Rents, Tolls, and Stallages, a Sum not exceeding Ten Pounds *per Centum per Annum* on every such Sum, towards the Formation of a Sinking Fund for the gradual Payment of the Principal Sum so borrowed and owing; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then owing on the Credit or Security of the said Rents, Tolls, Stallages, Lands, Buildings, and Property, or shall be invested in Government Securities for Accumulation to pay off such Principal Money.

Mode of paying off Mortgages.

XXVII. And in order that no undue Preference may be given in paying off any Mortgages or Assignments to be created under this Act, be it enacted, That when and as often as the Council shall, under the Provisions of this Act, be enabled and think it expedient

to pay off One or more of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form and put into a Box, and the Town Clerk shall at a Meeting of the Council draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Council; and after every such Ballot the Council shall cause a Notice signed by the Town Clerk to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand pursuant to such Notice, but such Principal Money and the Interest thereof to the End of the said Six Months shall nevertheless be payable on Demand.

Application of Monies.

XXVIII. And be it enacted, That all the Monies, Rents, Tolls, and Stallages to be raised by virtue of this Act shall be applied, first, in paying the Costs, Charges, and Expences of obtaining and passing this Act or incidental thereto; secondly, in Payment of the Purchase Money for and Conveyances of any Messuages, Lands, or Buildings, and in erecting on the Site thereof, or on other Lands now belonging to the said Mayor, Aldermen, and Burgesses, One or more new Market Place or Market Places, and all necessary and suitable Buildings, Stalls, and Conveniences, and Approaches thereto, and in completing, fitting up, enlarging, improving, and repairing the same from Time to Time, or towards any other necessary Expenditure relating to such Market Places and Buildings, and in regulating the Markets; thirdly, in paying Interest on all Sums of Money borrowed from the Time of advancing the same under or by virtue of this Act on the Credit of the said Tolls, Rents, Stallages, and Property; fourthly, in paying annually to the Sinking Fund, as herein-before mentioned, Ten Pounds *per Centum per Annum* on the gross Rental of such Rents, Tolls, and Stallages or Dues; and if there be any Surplus, the same shall be applied to the general Purposes of the Borough in aid of the Borough Fund.

Tender of Amends.

XXIX. And with respect to Actions brought in respect of any Proceedings under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined,

to

to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Power to purchase Lands and build Market Places.

XXX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Council to purchase and take the Lands mentioned in Schedule (C.) to this Act annexed, or such Parts thereof as they shall think proper, and to contract and agree for the Transfer, Sale, Assignment, or Surrender to them of the same, and of all subsisting Leases therein, and all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all other Estates or Interests in such Lands of what Kind soever, and to pay the Purchase or Consideration Money out of the Monies to be raised by virtue of this Act; and on the Site or Ground of such purchased Property, or on any other Land belonging to the said Mayor, Aldermen, and Burgesses, to construct and provide, and for ever after to maintain and improve, as they shall think fit, One or more Market Place or Market Places for the Sale of Cattle, Live Stock, Provisions, and all other marketable Commodities; and also to construct and provide such Buildings, Stalls, Pens, and other Conveniences, and to make such Approaches to the said Market Places, as may be necessary for the Convenience of Parties using the same or resorting thereto.

Parties under Disability enabled to sell and convey.

XXXI. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same unto the said Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees and Executors and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

XXXII. And

Parties under Disabilities to exercise other Powers.

XXXII. And be it enacted, That the Power herein-after given to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Mayor, Aldermen, and Burgesses.

Consideration to be in a gross Sum.

XXXIII. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Houses or Ground.

XXXIV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of Lands or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XXXV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not (except where the same shall have been determined by the Verdict of a Jury under the Provisions herein-after contained) be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Council, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

XXXVI. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who, by reason of Absence or from any other Incapacity or Accident, is prevented from treating or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyance.

XXXVII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule (D.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Mayor, Alder-

men, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Costs of Conveyance.

XXXVIII. And with respect to the Costs of the Conveyances of any such Lands purchased or taken by the Council, be it enacted, That all such Costs shall be borne by the Mayor, Aldermen, and Burgesses, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Council may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Mayor, Aldermen, and Burgesses enter into Possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided: Provided nevertheless, that if, within Seven Days after Notice in Writing from the Council, the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Town Clerk, then the Mayor, Aldermen, and Burgesses shall not be prevented from entering into Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

XXXIX. And be it enacted, That if the Council and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters to be taxed in the usual Manner; and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Mayor, Aldermen, and Burgesses, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Mayor, Aldermen, and Burgesses, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

XL. And

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

XL. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the County of the Borough of *Carmarthen*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds;* and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Courts, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of any other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

XLI. And be it enacted, That such Money may be so applied as aforesaid, upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon

upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands, and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited or vested in Trustees.

XLII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Common Seal of the Mayor, Aldermen, and Burgesses; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XLIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their own Use, to the respective Husbands, Guardians, Committees, or Trustees of such Person.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be paid into the Bank.

XLIV. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Council;

or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Council, it shall be lawful for the Council to order the Purchase Money or Compensation payable in respect of such Lands or any Interest therein to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Council can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Mayor, Aldermen, and Burgesses, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Mayor, Aldermen, and Burgesses.

Application of Monies so deposited.

XLV. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Council, or any Part thereof, or any Interest in the same, the said Court of Chancery may, in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may apply Money paid in respect of Leases for Lives, Years, &c. or Reversions, as they may think just.

XLVI. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

XLVII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in Possession or Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in Possession, and all Parties claiming

under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

XLVIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Mayor, Aldermen, and Burgesses; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Notice of Intention to take Lands.

XLIX. And be it enacted, That when the Council shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Council, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, signed by the Town Clerk, and shall state the Particulars of the Lands so required, and shall state that the Council are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of taking the same for the Purposes of this Act.

Parties interested to state their Claims.

L. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Lands, or to treat with the Council in respect of his Interest therein, or if such Party and the Council shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Powers of this Act, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

LI. And

Proceedings in case of Refusal to deliver Possession.

LI. And be it enacted, That where according to the Provisions of this Act the Mayor, Aldermen, and Burgesses are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands or any other Person refuse to give up Possession thereof, or hinder the Mayor, Aldermen, and Burgesses from entering upon or taking possession of the same, it shall be lawful for the Mayor, Aldermen, and Burgesses to issue their Precept under their Common Seal to the Sheriff of the County of *Carmarthen* to deliver Possession of the same to the Person appointed in such Precept to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by Jury.

LII. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Council and the Owners of any Lands or of any Interest in any such Lands taken or required for or injuriously affected by the Execution of any of the Powers hereby granted, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Council to take such Lands or to proceed in the Execution of the Powers of this Act, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Mayor, Aldermen, and Burgesses in every such Case shall be settled by the Verdict of a Jury in the Manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

LIII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds, the same shall be settled by Two Justices not being Members of the Council.

Notice of Intention to have a Jury summoned.

LIV. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at least before issuing a Warrant for summoning a Jury as herein-after provided, the Council shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned, and in such Notice the Council shall state what Sum of Money they are willing to give such Party for his Interest in such Lands,

Lands, and for the Damage to be sustained by him by the Execution of the Powers of this Act.

Requisition by Party claiming Compensation that a Jury be summoned.

LV. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands or of any Interest therein, taken for or injuriously affected by the Execution of any of the Powers hereby granted shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Council of such his Desire; and he shall in such Notice state the Nature of the Interest claimed by him in respect of such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Council be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue a Warrant, under the Common Seal of the Mayor, Aldermen, and Burgesses, to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning a Jury to be addressed to the Sheriff.

LVI. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Council shall issue a Warrant under the Common Seal of the Mayor, Aldermen, and Burgesses to the Sheriff, requiring him to summon a Jury for that Purpose; and if such Sheriff shall be in anywise interested in the Matter in question, such Warrant shall be directed to some Coroner of the said County of *Carmarthen* not interested as aforesaid; and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner, and who shall not be interested in the Matter in dispute; and with respect to the Persons last-mentioned, Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to Sheriff to apply to Coroner.

LVII. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term Sheriff is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book belonging to the said County.

Summoning of Jurymen.

LVIII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

LIX. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the

Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

LX. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Council to the other Party.

Sheriff to preside;

Witnesses to be summoned.

LXI. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had on the Trial of Actions in the Superior Courts.

Oath of Jurymen.

LXII. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict and Judgment to be recorded.

LXIII. And be it enacted, That the Sheriff before whom any such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the said County; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

LXIV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Council, all the Costs of such Inquiry shall be borne by the Mayor, Aldermen, and Burgesses; but if the Verdict of the Jury shall be given for a less Sum than the Sum previously offered by the Council, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Mayor, Aldermen, and Burgesses: Provided always, that in every Case where, by reason of Absence in Foreign

Parts or of any Disability, the Owner of the Lands shall have been prevented from treating with the Council, all the Costs shall be borne by the Mayor, Aldermen, and Burgesses.

Particulars of the Costs.

LXV. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Mayor, Aldermen, and Burgesses, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress and Sale of any Goods and Chattels of the Mayor, Aldermen, and Burgesses, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for default.

LXVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or a Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

LXVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

How Disputes as to Compensation to be settled by Justices.

LXVIII. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such

Matter, and thereupon such Justices, in presence of the Parties or such of them as shall appear (being duly summoned for that Purpose), shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Parties not to be required to sell Part of a House.

LXIX. And be it enacted, That no Party shall at any Time be required to sell or convey to the Mayor, Aldermen, and Burgesses a Part only of any House if such Party be willing to sell and convey the Whole thereof.

Compulsory Purchase limited to Five Years.

LXX. And be it enacted, That the Powers of the Council for the compulsory Purchase or taking of the Lands mentioned in the Schedule (C.) to this Act annexed for the Purposes of this Act, shall not be exercised after the Expiration of Five Years from the passing thereof.

Land Tax to be made good.

LXXI. And for the Purpose of providing against Deficiency in the Assessment for Land Tax occasioned by the making of the said Market Places in the Parish wherein the same or any Part thereof may be situate, be it enacted, That if the said Mayor, Aldermen, and Burgesses become possessed by virtue of this Act of any Lands charged with the Land Tax, the said Mayor, Aldermen, and Burgesses shall from Time to Time, until the Market Places shall be completed and assessed to such Land Tax, be liable to make good the Deficiency in the Assessment for Land Tax arising within such Parish by reason of such Lands having been taken for the Purposes of the Market Places, and such Deficiency shall be computed according to the Rental at which such Lands with any Buildings thereon were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the said Borough shall pay all such Deficiencies to the Collector of the said Assessment; nevertheless, if at any Time the Council think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Limits of the Act.

LXXII. And be it enacted, That this Act shall be put in force, and all the Powers, Provisions, and Regulations herein contained shall extend to all Places within the said Borough, and also shall extend to and include all Places within One Mile in a straight Line from the Boundaries of the said Borough.

Power to hold Markets.

LXXIII. And be it enacted, That it shall be lawful for the Council, when the new Market Places and Buildings shall be completed, to remove to the said new Market Places and Buildings all the said several Markets now held within the said Borough for the Sale of Butchers Meat, Poultry, Fish, Butter, Cheese, Corn, Seeds, Fruit, Vegetable and Farm Produce, live Cattle and other live Beasts and Stock,

Stock, Goods, Wares, and Merchandize, and all other marketable Commodities, Articles, and Things which are usually sold in the said Markets, and to appropriate the said Market Places and Buildings in such Manner as the said Council shall deem expedient for the Sale of such Cattle and Live Stock and the various other Articles aforesaid.

Weighing and measuring Houses.

LXXIV. And be it enacted, That it shall be lawful for the Council to erect on Land to be purchased by them, or now belonging to the said Mayor, Aldermen, and Burgesses, or otherwise to provide a public Weighing House or Place in or near the said Market Place or Market Places for weighing or measuring any Meat, Provisions, or other Articles which shall be sold by Weight or Measure in the said Market, and to maintain and improve the same, as they shall think fit.

Standard Weights and Measures to be kept.

LXXV. And be it enacted, That the Council shall keep in every such Weighing House or Place proper Weights, Scales, and Measures, according to the Standard Weights and Measures in the Exchequer at *Westminster*, for weighing or measuring all such Provisions or Articles as aforesaid, and shall appoint a proper Person to attend the same at all Times during which the Markets shall be holden.

Places for weighing Carts and Carriages.

LXXVI. And be it enacted, That it shall be lawful for the Council from Time to Time to purchase or provide proper Buildings or Places, in such convenient Situation within the said Borough as the Council shall think proper, for weighing Waggons, Carts, or Carriages laden with Coals, Culm, and other Goods, and to maintain the same, and to provide proper Machines for such Purpose, and to appoint a Person for the weighing of such Carts or Carriages.

Market not to be opened for Use until Report of sufficient Accommodation.

LXXVII. And be it enacted, That no Market Place under this Act shall be opened for public Use until the Recorder of the said Borough, at some General Session of the Peace for the said Borough, shall have reported that reasonable Accommodation has been provided for public Use in such Market Place.

Certificate thereof.

LXXVIII. And be it enacted, That a Certificate under the Hand and Seal of such Recorder shall be conclusive Evidence of the same, and such Recorder shall sign such Certificate on the Request of the said Council.

Notice of opening.

LXXIX. And be it enacted, That before any of the said Market Places shall be opened for public Use, the Council shall give Ten Days Notice of the Time at which the same will be opened; and every such Notice shall be given by the Publication thereof in some Newspaper published and circulating within the said Borough, and by printed Handbills or Advertisements posted on the Doors and in front of the Guildhall and on other conspicuous Places within the said Borough.

Sale elsewhere than in the Mar-

LXXX. And be it enacted, That after any of the Market Places shall be opened for public Use no Person shall sell or expose to sale in

in any Place within the Limits of this Act, except in such Market Place, or his own Dwelling House, Shop, or Premises, any Provisions or other Goods, Wares, Merchandize, or Commodities mentioned in the Schedule (F.) to this Act, or any Cattle or other live Beasts or Stock; and any Person who shall after the opening of such Market sell or expose to sale any of the Articles aforesaid, or any Cattle or other live Beasts or Stock, in any Place within the said Limits, except in the Market Places to be provided as aforesaid, or his own Dwelling House, Shop, or Premises, shall for every Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend to prevent the Sale to Merchants of Corn, Butter, or Cheese by Wholesale elsewhere than in the said Market Places: Provided also, that nothing herein contained shall extend to prevent any Person from selling or exposing to sale in any Streets or Places within the said Borough, on the Days on which the Fairs are held within the said Borough, any live Cattle or other live Beasts or Stock.

kets prohibited.

LXXXI. And be it enacted, That so long as sufficient Slaughter-houses shall be provided by the said Council no Person shall slaughter or dress, or permit to be slaughtered or dressed, any Cattle, Beast, Sheep, or Swine, for Sale in any Place within the Limits of this Act, other than in such Slaughter-houses; and if any Person shall, so long as the Council shall provide sufficient Slaughter-houses for the Accommodation of the said Borough, slaughter or dress, or permit to be slaughtered or dressed, for Sale, any such Animal as aforesaid, in any Place within the Limits of this Act other than One of such Slaughter-houses, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Penalty for slaughtering elsewhere than at Slaughter-houses provided by the Council.

LXXXII. And be it enacted, That if any Question shall arise as to whether a sufficient Number of Slaughter-houses have been or continue to be provided by the Council, such Question shall be determined by the Justices before whom any such Penalty as last aforesaid shall be sued for.

Justices to decide whether sufficient Slaughter-houses.

LXXXIII. And be it enacted, That after any such Market Place as aforesaid shall be opened for public Use, it shall be lawful for the Council from Time to Time to demand and take from any Person occupying or using any Stall, Shed, or Stand in such Market Place, or bringing therein any Cattle, Animal, Provisions, Articles, or Things specified in the Schedule (F.) to this Act annexed, such Stallage, Rents, and Tolls as the Council or their Lessee shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule (F.).

Tolls to be taken for the Market.

LXXXIV. And be it enacted, That it shall be lawful for the Council to demand and take from any Person slaughtering Cattle, Sheep, Beasts, and Swine within any such Slaughter-house such Tolls in respect thereof as they may think proper, not exceeding the several Tolls or Sums of Money specified in the Schedule (F.) to this Act annexed.

Tolls for the Slaughter-houses.

Tolls for weighing and measuring.

LXXXV. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Articles sold in the said Market by Weight or Measure from Time to Time to demand and take the several Tolls specified in that Behalf in the Schedule (F.) to this Act annexed.

Tolls for weighing Carts.

LXXXVI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggons, Carts, or Carriages to demand and receive from the Person requiring the same to be weighed such Tolls as the Council may appoint, not exceeding the Tolls specified in respect of the same in the Schedule (F.) annexed to this Act, and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

List of Tolls to be set up.

LXXXVII. And be it enacted, That the Council or their Lessee shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed and continued in some conspicuous Place in every Market Place made under the Provisions of this Act, a List of the several Stallages, Rents, and Tolls which shall from Time to Time be payable in respect of the said Markets; and no Stallage, Rent, or Toll shall be payable in respect of any Market during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed or in the State required by this Act.

Tolls may be levied by Distress.

LXXXVIII. And be it enacted, That the said several Stallages or Rents and Tolls shall be paid from Time to Time, on Demand, to the Council or their Lessee or Collector, or other Person authorized by them to take the same; and if any Person liable to the Payment of any Stallage, Rent, or Tolls shall not pay the same when demanded, or shall evade the Payment thereof, it shall be lawful for the Council, or their Lessee or Collector, or the Person authorized to take the same, to levy the same by Distress of all or any of the Provisions or other Goods in respect of which such Stallage, Rent, or Toll was payable, or of any other Provisions or Goods belonging to such Person or under his Charge in the Markets, and to detain the said Provisions and Goods until such Distress can be made, and in pursuance thereof to sell the said Provisions or Goods forthwith, and out of the Proceeds of such Sale to pay the Stallages, Rents, or Tolls so due, rendering the Overplus, on Demand, after deducting the Expences of such Sale, to the Person whose Goods shall have been so distrained.

Dispute to be settled by the Recorder or Two Justices.

LXXXIX. And be it enacted, That in case any Dispute shall arise concerning any such Stallage, Rent, or Toll, such Dispute shall be determined by the Recorder or Two Justices, and such Recorder or Justices shall summon the Parties to appear before him or them,

and hear and determine the Matter of every such Complaint upon Oath, and make such Order therein and award such Costs to either Party as to him or them shall seem proper; and in default of Payment on Demand of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and such Recorder or Justices, or either of them, shall issue his or their Warrant accordingly.

Penalty for obstructing Collector or Market Keeper.

XC. And be it enacted, That if any Person shall assault or obstruct any Collector of the said Tolls, Rents, or Stallage, or other Person authorized to receive the same or any of them, or any Person employed to superintend the said Market Places or any of them, or to keep Order therein, whilst in the Exercise of his Duty, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty for refusing to weigh Articles sold in the Market.

XCI. And be it enacted, That every Person selling any Meat or other Articles or Things in any Market Place to be made under or by virtue of this Act by Weight or Measure shall weigh or measure the same by the Weights, Measures, or Scales to be provided in pursuance of this Act; and if any Seller of any such Meat, Articles, or Things shall refuse or neglect to weigh or measure the same in manner aforesaid, he shall be liable to any Penalty not exceeding the Sum of Forty Shillings.

Waggons to be weighed at the Council's Machines.

XCII. And be it enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Coals, Culm, or any Goods, Articles, Matters, or Things brought into the said Borough to be sold therein, shall, at the Request of the Buyer or Seller of any such Goods, or the Person on whose Behalf the same shall have been consigned, or their respective Agents, take such Waggon, Cart, or Carriage, with or without the Loading thereof, to be weighed at One of the Machines so to be erected and fixed as aforesaid, if any such there shall be; and if any such Waggon, Cart, or Carriage shall, for the Purposes aforesaid, be required to go a greater Distance from the regular Course of the Road, by which it would be otherwise necessary to pass in conveying the Goods laden in the same, than Half a Mile, including the going to and returning from any such Machine, the Owner of such Waggon, Cart, or Carriage shall be paid Two-pence for every Horse which shall be used in drawing the same, and a like Sum for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the regular Road for the Purpose aforesaid; and all such Charges shall be paid by the Person requiring the same to be weighed as aforesaid before the Driver of such Waggon, Cart, or Carriage shall be obliged to go out of his Way for the Purpose of having the same weighed.

Penalty for refusing to weigh Waggons, &c.

XCIII. And be it enacted, That if the Person having the Care of any such Waggon, Cart, or Carriage shall not, upon being so requested as aforesaid, and being paid such Charges as aforesaid, if demanded, take the same to some Weighing Machine as is hereinbefore so directed, or shall refuse or neglect to assist in the weighing of the same, he shall forfeit to the Person so requiring such Waggon, Cart,

Cart, or Carriage to be weighed, any Sum of Money by way of Penalty, not exceeding Twenty Shillings, and the Party entitled to such Penalty shall be deemed a competent Witness for the Proof of such Offence.

Penalties on Drivers committing Frauds in weighing Waggons, &c.

XCIV. And be it enacted, That every Owner or Driver of any such Waggon, Cart, or Carriage weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding Five Pounds for each Offence; (that is to say,)

Every Owner or Driver who shall, at or before the Time of weighing any such Waggon, Cart, or Carriage, place or knowingly have any Matter or Thing in or about the same other than the proper Loading thereof:

Every such Owner or Driver who shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same:

Every such Owner or Driver who shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof:

Every such Owner or Driver who, after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall remove any Part of such Loading, and afterwards dispose of or attempt to dispose of the Residue of such Loading as being the full Loading denoted by such Ticket:

Every Owner or Driver of any such Waggon, Cart, or Carriage who shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or place thereon lighter Wheels, or make any Alteration, or do any other Act to such Waggon, Cart, or Carriage before the same shall be brought back to the Machine to be again weighed without the Loading thereof:

Every such Owner or Driver who, when any such Waggon, Cart, or Carriage shall have been weighed with the Loading thereof at any such Machine as aforesaid, shall not bring back the same without Alteration to be again weighed at the same Machine:

Every such Owner or Driver who shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or other Carriage, or of the Loading thereof.

Penalty on Purchaser committing Fraud in weighing.

XCV. And be it enacted, That if the Purchaser of any Coals, Goods, or Merchandize conveyed in any Waggon, Cart, or Carriage to or within the said Borough shall, after such Waggon, Cart, or Carriage, with the Loading thereof, shall have been weighed at any Machine within the said Borough provided in pursuance of this Act, and before the same shall be brought back to be re-weighed without the Loading thereof, change the Wheels thereof and put on heavier Wheels, or make any Alteration in such Waggon, Cart, or Carriage, whereby the same may become heavier, every Person so offending shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

XCVI. And

Penalties for Frauds committed by the Machine Keeper.

XCVI. And be it enacted, That the Person for the Time being appointed to keep any such Weighing Machine shall forfeit any Sum not exceeding Five Pounds in any of the following Cases; (that is to say,)

If he shall wilfully neglect, on Application, duly to weigh any Waggon, Cart, or Carriage, with or without Loading, as the Case may be, that shall come to the Machine kept by him to be weighed:

If he shall not fairly weigh every such Waggon, Cart, or Carriage, with or without Loading, as the Case may be:

If he shall not deliver to the Purchaser of any such Loading or any Person interested therein, on Application, a Ticket or Account containing the true Weight of such Loading:

If he shall give to the Driver of any such Waggon, Cart, or Carriage a false Ticket or Account of the Weight of such Waggon, Cart, or Carriage, or the Loading thereof:

If he shall weigh any Waggon, Cart, or Carriage, knowing that any thing had been added to the Loading thereof so as to increase the Weight of the same, or that the Wheels thereof had been changed between the Time of the same being weighed with its Loading and the Time of its coming back to be again weighed without its Loading, and shall not give immediate Notice thereof to the Person interested therein:

If he shall knowingly assist in or connive at any Fraud to be committed or attempted concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or shall make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Fraud as to weighing.

XCVII. And be it enacted, That if any Person shall knowingly act or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Power to lease the Markets, &c. for Three Years.

XCVIII. And be it enacted, That it shall be lawful for the Council from Time to Time to demise and let the said Market Places or any Part of them, and the said Slaughter-houses, Weighing Houses or Places and Machines, or any of them, or the said Stallages, Rents, or Tolls, or any of them, for any Period not exceeding Three Years, upon such Terms as shall be agreed upon between the Council and the Person to whom such Lease shall be made.

Power to lease Standings in the Markets.

XCIX. And be it enacted, That it shall be lawful for the Council or their Lessee to let any of the Stalls, Standing Places, Benches, or other Conveniences in the said Market Places to any Person for any Term not exceeding Three Years.

Power to assign Lease of Standings.

C. And be it enacted, That it shall be lawful for the Lessee of any such Stall, Standing Place, or other Convenience, his Executors, Adminis-

Administrators, and Assigns, with Consent of the Council, to assign the same for the Residue of his Term.

Market Days.

CI. And be it enacted, That after any Market Place shall have been opened for public Use, the Markets shall be held therein on *Wednesday* and on *Saturday* in every Week, or on such other Days in lieu thereof or in addition thereto as the said Council shall direct.

No manufactured Goods, &c. to be sold within the Markets but on certain Days.

CII. And be it enacted, That no Person shall sell or expose for Sale in the said new Market Places any manufactured Goods, Wares, or Merchandize of any Kind whatsoever, save and except on *Saturday* in every Week, or any Fair, or such other Day as the Council shall appoint; and if any Person shall offend or act contrary hereto he shall forfeit for every such Offence any Sum not exceeding Twenty Shillings.

Regulation of Markets.

CIII. And be it enacted, That for the better Regulation of the said Markets it shall be lawful for the Council from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For directing the Manner of occupying and using the said Market Places, Slaughter-houses, and Weighing Machines, and regulating the Conduct of the Persons resorting thereto;

For providing for the lighting and cleansing of the Market Places;

For regulating the Conduct of the Officers and Servants of the Council, and providing for the due Management of the Affairs of the Council;

For regulating the Carriers in the Markets, and fixing the Rates for carrying all Articles carried therefrom;

For regulating the Use of Weights and Measures in the Markets according to the legal Standard, and providing for the Sale of all Provisions and other Things therein by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures;

For preventing unwholesome Provisions being sold or exposed for Sale in the Markets;

For preventing Horses and Carriages travelling or going through the Market Places or remaining there, or other Nuisances or Obstructions therein or in the Approaches to the same:

And it shall be lawful for the Council, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England*, and be reduced to Writing, and have affixed thereto the Common Seal of the Council, and, if affecting other Persons than the Officers and Servants of the Council, be printed and published as herein provided.

Provisions of 5 & 6 W. 4. applied to Bye Laws.

CIV. And be it enacted, That no Bye Law which shall be made by the Council under the Authority of this Act (except such as may relate solely to the Officers or Servants of the Council, and the Management of their own Business,) shall be valid or binding unless the same be made and published, and submitted to One of

Her Majesty's principal Secretaries of State, in the Manner prescribed by the said recited Act for the Regulation of Municipal Corporations.

Breaches of Bye Laws.

CV. And be it enacted, That all the Provisions contained in the said recited Act for the Regulation of Municipal Corporations relative to Offences against that Act punishable upon summary Conviction shall, unless otherwise directed by this Act, be taken to apply to all Offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

Penalty for pulling down Boards on which Bye Laws are painted.

CVI. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board in any Market Place made under the Provisions of this Act, on which any Bye Law or Rule of the Council, or any Stallage, Rent, or Toll to be taken in pursuance of this Act shall be painted, shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for having false Weights, &c.

CVII. And be it enacted, That any Person who shall, in any Market Place to be made under the Authority of this Act, use or have in his Possession any illegal or false Weight or Weights, shall forfeit a Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Weights and Measures to be appointed by the Council to seize and destroy such illegal Weights and Measures.

Penalty for exposing unwholesome Meat.

CVIII. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat, Fish, or Provisions in any Market Place made in pursuance of this Act, or in any Shop or other Place within the Limits of this Act, or shall sell or offer for Sale, or purchase, any Sewin or Salmon between the First Day of *November* and the First Day of *February* in the following Year, he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Provisions in such Market, appointed by the Council, to seize and destroy such unwholesome Meat, Fish, Sewin, Salmon, or Provisions.

Penalty and Damages for Nuisances in the Market Places.

CIX. And be it enacted, That any Person who shall spoil, deface, or injure any Part of any such Market Place, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market Place cause any Obstructions, or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justices before whom the Conviction for such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Provision for Damages not otherwise provided for.

CX. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices, and when by this Act any Damages or Charges are directed to

to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue a Warrant accordingly.

For ascertaining Compensation.

CXI. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, it shall be lawful for Two or more Justices to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Justices to examine Parties and Witnesses.

CXII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justices, it shall be lawful for such Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justices for going into any such Question, without reasonable Excuse to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Members of Council and Officers not disqualified as Witnesses.

CXIII. And be it enacted, That no Person shall, in any Action, Prosecution, Information, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his being a Member of the said Council, or of the Corporation of the said Borough, or holding any Office or Employment under such Council.

Publication of Penalties.

CXIV. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures, recoverable under this Act or any Bye Law of the Council relating thereto, affecting other Persons than the Officers or Servants of the Council, be it enacted, That from Time to Time the Council shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the said Market Place, and such Particulars shall be renewed as often as the same or any Part thereof is obliterated and destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalties to be summarily recovered

CXV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made

made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding before Two or more Justices; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving a Copy of the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party so offending, it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justice shall think fit.

before Two or more Justices.

CXVI. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any such Justice shall issue a Warrant of Distress accordingly.

Penalties to be levied by Distress.

CXVII. And be it enacted, That it shall be lawful for the said Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the said Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the said Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, such Justices may refrain from issuing such Warrant of Distress, and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the said Justices, then such Justices shall by Warrant cause such Offender to be committed to some Common Gaol or House of Correction, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Imprisonment in default of Distress.

CXVIII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to be paid to the Treasurer of the said Borough, to

Application of Penalties.

the Credit and on account of the Borough Fund, and the other Half to the Informer.

Penalties to be sued for within Six Months.

CXIX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice or Justices, unless the Complaint respecting such Offence shall have been made before such Justice or Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CXX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which any Justice or Justices shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be so summoned as a Witness touching any Offence committed against this Act, or any Matter in which any Justice or Justices shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CXXI. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Council, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Two or more Justices, without any Warrant or other Authority than this Act; and such Justices shall proceed with all convenient Despatch to the hearing and determining of the Complaint againt such Offender.

Form of Conviction.

CXXII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (E.) to this Act annexed.

Informalities.

CXXIII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress, how to be levied.

CXXIV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of

the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CXXV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CXXVI. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice or Justices under the Provisions of this Act, he may appeal to the General Sessions for the County of the Borough of *Carmarthen*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXXVII. And be it enacted, That at the General Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Interpretation Clause.

CXXVIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath

Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands," or the Words "Dwelling House" or "Premises," shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Sheriff" shall mean the Sheriff of the County of *Carmarthen:*

The Word "Borough" shall be held to include the County of the Borough of *Carmarthen:*

The Word "Clerk of the Peace" shall mean the Clerk of the Peace for the County of *Carmarthen:*

The Word "Justice" or "Justices" shall mean Justice or Justices of the Peace and Recorder acting in and for the County, Borough, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Expression "the Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses for the Borough of *Carmarthen:*

The Expressions "the Council," "the Town Clerk," and "the Treasurer," shall respectively mean the Council, the Town Clerk, and the Treasurer of the said Borough.

Public Act. CXXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

We, the Mayor, Aldermen, and Burgesses of the County of the Borough of Carmarthen, by the Council of the said County of the Borough, acting in pursuance of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of paid to us by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the Market Place or Places provided by virtue of the said Act, together with such Proportion of the Tolls, Rents, and Stallage arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Market Place or Places and the said Tolls, Rents, and Stallage, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same shall be fully paid, and satisfied. In witness whereof we the said Mayor, Aldermen, and Burgesses have hereunto affixed our corporate Seal the Day of in the Year of our Lord .

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Mayor, Aldermen, and Burgesses of the County of the Borough of Carmarthen, acting in pursuance of an Act passed [*here set forth the Title of this Act*], to bearing Date the Day of for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Tolls, Rents, and Stallage thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (C.)

Description of Property.	Owners.	Lessees.	Occupiers.
Field called Park y Velvet.	Richard Mansel Phillipps and Courtenay Phillipps, Esquires.	- - -	Walter Griffiths.
House and Yard -	Same - -	- - -	Thomas Jones and Company.
Dwelling House, Shop, Outhouses, and Garden.	The Earl of Cawdor	- - -	Elizabeth Jenkins. John Williams.
Piece of Ground and Garden.	Same - -	- - -	John Williams, Mary Ann Maddox.
Garden - - -	Same - -	- - -	Mary Ann Maddox.
Back Kitchen of a Dwelling House, and an Outhouse and Part of a Garden.	William Henry Wilson, Esq.	Catherine Roberts	John Williams.
Dwelling House -	William Phillipps, Esq.	- - -	John Jones.
Cart House, Garden, Outhouse, and Sheds.	Same - -	- - -	William Phillipps, Esq.
Dwelling House and Outhouses.	Sarah Mogg -	William Howell -	William Howell.
Coal Yard - -	Same - -	Same -	David Walters.
Dwelling House and Outhouse.	Same - -	Same -	David Evans.

SCHEDULE (D.)

Form of Conveyance.

I of in consideration of the Sum of to me, [*or, as the Case may be,* into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte the Mayor, Aldermen, and Burgesses of the County of the Borough of Carmarthen, *or* to *A. B.* of and *C. D.* of Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by the Mayor, Aldermen, and Burgesses of the County of the Borough of Carmarthen in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], do hereby convey to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised, possessed of, or entitled to, or am by the said Act capacitated or empowered to convey, to hold the Premises to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord

SCHE-

SCHEDULE (E.)

Form of Conviction.

to wit.

Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before me [*or* us], *C.D.* [and *E.F.*] One [*or* Two] of Her Majesty's Justices of the Peace having Jurisdiction within the County of the Borough of Carmarthen, *or* for the County of Carmarthen [*as the Case may be*], [*here describe the Offence generally, and the Time, Place when and where committed*], contrary to an Act passed [*here set forth Title of this Act*]. Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.

C.D.
[*E.F.*]

SCHEDULE (F.)

Table of Tolls, Rents, and Stallage.

	s.	*d.*
For every Butcher's Stall per Week, not less than 10 Feet by 9	4	0
For every Stall of a less Size, per Week	3	0
For every Stall for every Wednesday or Saturday	2	6
For every Hook on any Day	0	6
For every Stall for any other Day	1	0
For the Carcase of every Bull, Ox, Steer, Cow, or Heifer, or any Part thereof, by any Person not occupying a Stall	2	0
For the Carcase of every Calf, Pig, Sheep, Goat, Lamb, or Kid, or any Part thereof, by any Person not occupying a Stall	0	8
For every Sucking Pig, by any Person not occupying a Stall	0	2

Tolls payable, exclusive of Stallage and Hooks.

For every Bull, Ox, Steer, Cow, or Heifer slaughtered without the Limits of this Act and brought to this Market	2	6
For every Calf, ditto	1	0
For every Sheep or Lamb, ditto	1	0
For every Hog or Pig, ditto	1	0
For every other Beast, ditto	2	0

Fishmongers.

For every Fish Stall, per Week	2	0
For ditto, every Wednesday or Saturday	1	6
For ditto, every other Day	0	8
For every Cart of Fish	1	0
For every Bag, Parcel, or Basket of Fish, Cockles, Mussels, or Oysters	0	3
For every Cart of Oysters	1	0
For every Basket of Shrimps or Prawns	0	1

Poultry

Poultry and Butter.

	s.	d.
For every Stall or Stage (Three Feet Frontage) occupied every Wednesday or Saturday by any Person, for exposing to sale live or dead Poultry, Butter, Eggs, Cheese, Bacon, or any other Article or Provision, per Day - -	0	6
For every such Stall for any other Day - - -	0	3
For any Stall or Stage not exceeding Two Feet Frontage -	0	2
For every Tub, Barrel, or Cask of Salt Butter brought to the Market for Sale - - - - - -	0	4

Fruit and Vegetables.

	s.	d.
For every Stall, Standing, or Place for laying down or exposing for Sale of Fruit and Vegetables only, per Week -	2	0
For every such Stall for every Wednesday and Saturday -	1	0
For every such Stall for every other Day - - -	0	6
For every Cart of Apples, Pears, or other Fruit - -	2	0
For every Cart of Potatoes, Turnips, Cabbages, Plants, or any other Vegetables - - - - -	1	0
For every Waggon of Potatoes, Turnips, Cabbages, Plants, or other Vegetables or Fruit - - - -	2	0
For every Bag of Potatoes, Peas, Beans, Turnips, Carrots, Plants, Apples, Plums, Nuts, Pears, or other Fruit or Vegetables, not exceeding Two Feet in Length and Fifteen Inches in Breadth - - - -	0	1
For every Sack of Potatoes, Peas, Beans, Turnips, Carrots, Cabbages, Plants, Apples, Pears, Plums, Nuts, or any other Kind of Fruit or Vegetables - - -	0	6
For every Basket or Hamper of Potatoes, Peas, Beans, Carrots, Turnips, Cabbage Plants, Apples, Pears, Plums, Nuts, or other Fruit or Vegetables, not being more than Two Feet in Length, Fifteen Inches in Breadth, and Twelve Inches in Depth - - - -	0	2
For every Basket or Hamper of ditto, if a larger Size -	0	4
For every Truck or Wheelbarrow containing any of the above Articles for Sale, any Sum not exceeding - -	0	6

Corn Market.

	s.	d.
For every Imperial Bushel of Wheat, Peas, Beans, or Malt -	0	2
For any less Quantity - - - - -	0	1
For every Imperial Bushel of Barley - - - -	0	1½
For any less Quantity - - - - -	0	1
For every Bushel of Oats - - - - -	0	1
For any less Quantity - - - - -	0	0½
For every Sack of Flour, Meal, Oatmeal, Clover, Trefoil, Rye Grass, or Turnip Seed, or any other Seed - -	0	6
For every Half Sack or less of Flour or Meal - -	0	2
For every Imperial Bushel of Clover, Trefoil, Rye Grass, Turnip, or other Seed, and so in proportion for any less Quantity - - - - - -	0	1½

	s.	*d.*
For every Stand for Garden Seed not exceeding Two Feet in Length	0	2
For every larger Size, not exceeding Four Feet in Length	0	4
For every Pocket of Hops	0	6

Weighing.

For weighing every Bull, Cow, Ox, Steer, or Heifer	0	4
For every Pig	0	2
For every Sheep, Lamb, or Calf	0	1
For every other Beast	0	2
For every Flitch of Bacon	0	2
For every Bullock's Hide	0	2
For every Calf Skin	0	1
For every Lot of Fat or Tallow	0	2
For every Hundred Weight of Cheese	0	6
For every Half Hundred Weight of Cheese	0	3
For every Quarter Hundred Weight of Cheese	0	1½
And so in proportion for a less Quantity.		
For every Waggon, Cart, or other Carriage laden with Coals, Culm, or any other Goods weighing not exceeding Five Hundred Weight	0	0½
For every Waggon, Cart, or other Carriage laden as aforesaid, exceeding Five Hundred Weight and not exceeding Ten Hundred Weight	0	1
For every Waggon, Cart, or other Carriage exceeding Ten Hundred Weight and not exceeding Twenty Hundred Weight	0	2
For every Waggon, Cart, or other Carriage exceeding Twenty Hundred Weight	0	3
For every Stone of Wool or less Quantity	0	2
For every Quantity above One Stone and not exceeding Two Stones	0	4
For every Quantity above Two Stones and not exceeding Three Stones	0	6
For every Quantity above Three and not exceeding Four Stones	0	8
And so in proportion for any greater Quantity.		

Shops, &c.

For every Stall or Place for the Purchase of Sheep Skins	0	6
For every enclosed covered Shop for exposing to Sale manufactured Goods, Wares, or Merchandize, per Week	6	0
For every such enclosed covered Shop, every Wednesday or Saturday	3	0
For Ditto for every other Day	2	0
For each and every Foot of Frontage of every Stall or open Ground within the Market Place for exposing to Sale any manufactured Goods, Wares, or Merchandize, for any Market Day, any Sum not exceeding per Foot	0	4

	s.	d.
For every Hawker or Pedlar or any other Persons standing or walking and exposing for Sale any Article whatever within the said Market, on any Day, by Hand or otherwise, and not occupying any Ground in the Market, any Sum not exceeding - - - - -	1	0
Every Hawker selling Articles in or from a Cart or Waggon, or any other Carriage, any Sum not exceeding - -	3	0
For every superficial Yard of Ground in the said Market, whether covered or uncovered, used or occupied by any Person offering for Sale or selling Cabbage, Potatoes, Plants, Apple or other Fruit Trees, Shrubs, or other Flowers, any Sum not exceeding - - -	0	3
For each and every superficial Yard of Ground of the said Market used for exposing to Sale any Articles whatever not herein-before mentioned or enumerated, any Sum not exceeding - - - - -	0	2

Slaughter-house.

For every Bull, Ox, Cow, Steer, or Heifer - - -	2	6
For every Calf - - - - -	0	8
For every Hog or Pig - - - - -	1	0
For every Sheep or Lamb - - - - -	0	6
For any other Beast - - - - -	2	0

The Cattle Market.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs, as follows; that is to say,

For every Bull, Ox, Cow, Cow and Calf, Steer or Heifer - - - - -	0	2
For every Calf, except a sucking Calf - -	0	1
For every Horse, Gelding, or Mare - - -	0	6
For every Colt, Filly, Foal, Mule, or Ass - -	0	3
For every Score of Sheep or Lambs - - -	1	8
And so in proportion for a greater or less Number.		
For every Pig or Sow - - - -	0	1

The Stallage, and the several Tolls and Rents before mentioned and specified, to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he or she shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

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