ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. v.

An Act for enlarging the present Market, and establishing Fish Markets, in the Town and Port of *Dovor* in the County of *Kent*; and for removing the Elections of Members and of Mayors of the said Town from the Church of *Saint Mary the Virgin* in *Dovor*. [22d *March* 1826.]

WHEREAS the Inhabitants of the Town and Port of *Dovor* in the County of *Kent* have of late Years greatly increased: And whereas a Market for supplying the Inhabitants of the said Town and Port, and the Neighbourhood thereof, with Meat, Poultry, Vegetables, Fruit, and other Provisions, hath been held, and continues to be holden, in a certain Place called the Market Place, situate in the said Town and Port, on *Wednesday* and *Saturday* in every Week: And whereas the Mayor, Jurats, and Common Councilmen of the said Town and Port of *Dovor* are, by certain Charters, or by Prescription and Usage, entitled to certain Customs, Rents, Tolls, Stallages, and Profits, arising, growing, or happening for or in respect of all Articles of Provisions exposed for Sale in the said Market, and hawked about the Town for the Sale thereof: And whereas it would be great Convenience and Accommodation to the said Inhabitants, and to Persons frequenting the said Town on Market Days, and would tend to remove Nuisances and Obstructions, if Power was given to enlarge and extend the said Market Place, and provide good and sufficient Stalls, Standings, and Accommoda-

tions therein for all Persons frequenting the said Market, and if proper Regulations were made and established for the good Government thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Mayor, Jurats, and Common Councilmen in Common Council assembled, and their Successors, to treat, contract, and agree with the Owners of or Persons entitled to or interested in all or any Messuages, Lands, and Hereditaments which shall be necessary for enlarging the said Market Place, and the Approaches thereto, and which are more particularly mentioned and described in the First Schedule to this Act annexed, for the absolute Purchase of such Premises; which said Premises, when purchased, shall be respectively conveyed to and vested in the said Mayor, Jurats, and Common Councilmen, and their Successors, in Fee Simple, for the Purposes of this Act.

Mayor, &c. empowered to purchase Houses or Lands for enlarging the Market.

Form of Conveyance to the Corporation.

II. And be it further enacted, That all Sales, Conveyances, Assignments, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Mayor, Jurats, and Common Councilmen, and their Successors, shall be made in the Form or to the Effect following; (that is to say),

'I in consideration of the Sum of to me paid by the Mayor, Jurats, and Common Councilmen of the Town and Port of *Dovor* in the County of *Kent*, by virtue of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant and convey to the said Mayor, Jurats, and Common Councilmen, and their Successors, all [*here describe the Premises to be conveyed*], and all my Estate, Right, Title, Term, and Interest to and in the same and every Part thereof, to hold to the said Mayor, Jurats, and Common Councilmen, and their Successors, for ever. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .'

And every such Sale, Conveyance, Assignment, and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall authorize or empower the said Mayor, Jurats, and Common Councilmen to take or purchase any House, Buildings, Lands, Tenements, or Hereditaments for the Purposes of this Act, without the Consent of the Owners or Occupiers thereof, other than and except those which are particularly mentioned and specified in the First Schedule hereunto annexed.

Purchases of the Messuages, &c. mentioned in the Schedule to be within Five Years.

III. Provided always, and be it further enacted, That in case the said Mayor, Jurats, and Common Councilmen of the said Town and Port, or their Successors, shall not purchase the Messuages, Lands, Tenements, or Hereditaments mentioned and described in the First Schedule of this Act, or any of them, within the Space of Five Years from

from the passing of this Act, then and in such Case it shall not be lawful for the said Mayor, Jurats, and Common Councilmen, or their Successors, to purchase any of the said Messuages, Lands, Tenements, or Hereditaments so remaining unpurchased, without the Consent in Writing of the Owner or Owners thereof for that Purpose first had and obtained.

Misnomer in describing the Premises not to retard the Execution of this Act.

IV. Provided always, and be it further enacted, That if any of the Houses, Buildings, Lands, Tenements, or Hereditaments which are mentioned or described in the First Schedule to this Act annexed, or any of the Owners thereof, or of the Persons in whose Occupation or Possession the same or any Part thereof are, or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased and conveyed, disposed of and applied to and for the Purposes of this Act, as fully and effectually as if the same were more properly named and described in the said Schedule; provided it shall appear to any Justice of the Peace for the County of *Kent*, and be certified by Writing under his Hand, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Houses, Buildings, Lands, or Hereditaments, had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Fish Market.

V. And whereas there is no Market or Place in the said Town and Port for the Sale of Fish, which is attended with much Inconvenience to the Inhabitants and Persons resorting thereto; and if a Fish Market or Fish Markets was or were established in the said Town and Port, it would be the Means of preventing Nuisances therein by the Exposure of Fish to Sale in improper Places; be it therefore enacted, That the said Mayor, Jurats, and Common Councilmen in Common Council assembled, and their Successors, shall and may, and they are hereby authorized and empowered to treat, contract, and agree with the Honorable Warden and Assistants of the Harbour of *Dovor*, or with any other Person or Persons, for the Purchase, or for a Lease for Years, of any Lands or Hereditaments which the said Mayor, Jurats, and Common Councilmen shall deem most eligible, proper, and convenient for the Scite or Scites of a Market or Markets for the Sale of Fish only; and it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, and they are hereby authorized and empowered, to build, erect, establish, and hold, or cause to be built, erected, established, and held, a Market or Markets for the Sale of Fish only, upon the Lands so to be purchased as aforesaid.

Common Council may contract;

VI. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, to contract and agree with any Person or Persons for enlarging the said first-mentioned Market and Buildings, and completing the said Fish Market or Fish Markets, and all Stands, Stalls, Shambles, and other Conveniences, and to contract with such Person or Persons for providing proper Materials for all or any of the Purposes

poses aforesaid, or for doing any of the Works hereby authorized; and all Contracts and Agreements made or entered into by and between the said Mayor, Jurats, and Common Councilmen, and their Successors, and any other Person or Persons whomsoever, relating to any Act, Matter, or Thing to be done or performed in the Execution of any of the Powers of this Act, shall be reduced or put into Writing, and signed and sealed by the Parties thereto, and shall specify the Work to be done, the Prices to be paid, the Term which the same shall be completed in, the Quality of the Materials to be used, and the Penalties for Non-performance thereof; and the said Mayor, Jurats, and Common Councilmen, or their Successors, may take such Security for the Performance of such Contract as to them shall seem necessary: Provided always, that before any such Contract or Contracts shall be entered into, Twenty-eight Days Notice at the least shall be given in One or more Newspapers circulated in the Eastern Parts of the County of *Kent*, expressing the Object of every such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Mayor, Jurats, and Common Councilmen, or their Successors, at a certain Time and Place in such Notice to be mentioned; and Copies or full Abstracts of all Contracts made in pursuance of this Act shall be entered in a Book or Books to be kept for that Purpose.

upon giving Twenty-eight Days Notice of their Intention so to do.

Corporation may compound for Breach of Contract.

VII. And be it further enacted, That it shall be lawful for the said Mayor, Jurats, and Common Councilmen, or their Successors, from Time to Time, as they shall think fit, to compound and agree with any Person or Persons on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper.

Materials vested in the Mayor, &c.

VIII. And be it further enacted, That all the Stones, Bricks, Tiles, Timber, Iron, Lead, and other Materials, to be purchased or procured for any Works to be erected or executed by virtue of or for any of the Purposes of this Act, shall belong to and be the Property of, and the same is and are hereby vested in the said Mayor, Jurats, and Common Councilmen, and their Successors, and it shall be lawful for them to bring or cause to brought any Action or Actions, or to direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take, or carry away any such Stones, Bricks, Tiles, Timber, Iron, Lead, or other Materials, or shall spoil, injure, deface, or destroy any of the Works, Erections, or Buildings to be made or erected by virtue of this Act; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, or that the Works, Erections, or Buildings, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Mayor, Jurats, and Common Councilmen of the Town and Port of *Dovor* in the County of *Kent*.

Mayor, &c. may erect Stalls in Fish

IX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their

their Successors, to order and direct Stalls and Standings to be erected and built upon the said Ground to be purchased as aforesaid for a Fish Market or Fish Markets, and upon the Ground forming the present Market, and upon any Ground which may be purchased for enlarging the said last-mentioned Market, in such Manner and Form as they shall deem eligible and proper for the Accommodation of the Persons resorting thereto respectively, and of the Inhabitants of the said Town and Port.

Markets, and in enlarged Market Place.

X. And, for preventing any Encroachments which may hereafter be made on the said Markets, be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons to sell, or offer or expose to Sale, any Manner of Flesh or other raw Victuals, Fish, live or dead Poultry, Pigeons, Butter, Eggs, Herbs, Roots, Fruit, or Garden Stuff, or any other Sort of Provision which is usually sold in public Markets, or any live Hog or Pig, in any other Place whatsoever than the said Markets within the said Town and Port; and every Person who shall so sell, or offer or expose to Sale, any of the said Matters or Things out of the said Markets within the said Town and Port, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the said Town and Port from selling in his, her, or their Houses, Shops, and other Premises in his, her, or their Occupation, Poultry, Butchers Meat, Fish, Butter, and Eggs, or any Herbs, Roots, Vegetables, Fruit, or Garden Stuff, or any other Sort of Provision, or any live Hogs or Pigs.

For preventing Encroachments on the Markets.

XI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to compel any Person or Persons to bring to any of the aforesaid Markets, or to charge with any Tolls or Duties, any Sort of Fish which shall or may be brought on Shore within the Limits of the said Town and Port of *Dovor*, and sold by Wholesale, either with Intent to be afterwards resold by Retail or otherwise, or any Fish that may be landed for the Purpose of being sent for Sale to any Place or Places beyond the Limits of the said Town and Port; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to charge Fish sold Wholesale.

XII. Provided always, and be it further enacted, That notwithstanding any thing herein contained, it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, and they are hereby authorized to permit and suffer any Person or Persons from Time to Time to carry about and hawk for Sale, in Waggons, Carts, Barrows, Baskets, or otherwise, any Meat, Fish, Poultry, Vegetables, and Fruits, and other Provisions and Commodities, as well on Market Days as on other Days, and to charge such Tolls and Duties for the Articles and Commodities so carried about and hawked for Sale as they may think proper, not exceeding the Tolls and Duties mentioned and set forth in the Second Schedule to this Act, or to exempt from Tolls and Duties all or any of the Articles and Commodities so carried about and hawked for Sale.

Mayor, &c. may permit Meat, Fish, &c. to be hawked for Sale.

To erect and appoint public Weighing Houses, &c.

XIII. And whereas an Act was made in the Fifth Year of His present Majesty, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures:* And whereas another Act was made in the last Session of Parliament, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures, and to amend the said Act;* be it further enacted, That it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, to erect and appoint One or more public Weighing-house or Place, Weighing-houses or Places, in or near the said Provision Market, for the weighing and measuring such Meat, Provisions, or other Articles aforesaid, as shall be bought or sold by Weight or Measure in the said Market, in case the Buyers or Sellers thereof shall desire the same; and they the said Mayor, Jurats, and Common Councilmen, or their Successors, shall and they are hereby required to have and keep proper and sufficient Weights, Scales, and Measures, according to the Directions of the said Act passed in the Fifth Year of the Reign of His present Majesty, and in the last Session of Parliament, and to appoint some proper Person or Persons to attend the same on every Market Day, at such Time or Times as in the Rules, Orders, or Bye Laws to be made by virtue of this Act shall from Time to Time be directed; and all and every Person or Persons selling Meat or other Provisions or Things by Weight or Measure in the said Markets, or either of them, shall weigh and measure the same in or by the said Weights, Measures, or Scales to be kept as aforesaid, if required so to do by the Buyer or Buyers thereof; and in order to defray the Expences of providing the said Weights, Scales, and Measures as aforesaid, and a proper Person or Persons to attend the same as aforesaid, there shall be paid for the weighing thereof, by the Buyer or Buyers of such Meat, or other Provisions or Things, to the Person or Persons appointed to receive the same as aforesaid, the several Tolls or Sum or Sums of Money mentioned and specified in the Third Schedule to this Act annexed; and if any Seller of any Meat, Fish, or other Provisions in any of the said Markets shall refuse or neglect to weigh or measure the said Meat, Fish, or other Provisions, by and with the said public Scales, Weights, or Measures as aforesaid, being required so to do, or if the Buyer or Buyers of any Meat, Fish, or other Provisions which shall be so weighed or measured as aforesaid, shall refuse or neglect to pay the Tolls for the same respectively, at the Rate aforesaid, the Person or Persons in either Case so refusing or neglecting shall forfeit and pay for every such Refusal and Neglect any Sum not exceeding Five Shillings; and the said Tolls, Sums of Money, and Penalties, shall and may be recovered by Distress and Sale of the said Meat, Fish, or other Provisions, of the Person or Persons so refusing or neglecting to weigh and measure the same, or of the Goods and Chattels of such Person or Persons so refusing or neglecting as aforesaid, in like Manner as is herein-after directed concerning the Recovery of Tolls to be paid in respect of the said Markets.

Tolls to be collected by Persons appointed by Common Council.

XIV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, and they are hereby authorized and required to have, hold, and keep the said

Markets for ever in the said respective Market Places, upon the several Days following; that is to say, the Market for Meat on *Wednesday* and *Saturday* in every Week, and the Markets for Fish, Poultry, Butter, Vegetables, and other Articles of Provisions, on every Day of the Week (*Sundays* excepted); and there shall be paid to the said Mayor, Jurats, and Common Councilmen, and their Successors, or to the Person or Persons by them appointed to receive the same, by all and every the Person or Persons holding, using, or occupying any Stall or Standing, or selling, or offering or exposing to Sale, any Butchers Meat, Fish, or other Provisions, Goods, Articles, or Things as aforesaid, brought into the said Markets to be so enlarged, erected, and established as aforesaid, such Tolls, Rents, and Stallage as shall from Time to Time be fixed and appointed by the said Mayor, Jurats, and Common Councilmen, and their Successors, not exceeding the several Tolls, Rents, and Stallage in the Second Schedule to this Act annexed.

Penalties on evading Tolls.

XV. And be it further enacted, That the said Mayor, Jurats, and Common Councilmen, and their Successors, shall set up and maintain, in some conspicuous Part of each of the said Markets, a Table of the Tolls to be taken by virtue of this Act; and in case any Person holding, using, or in any Manner occupying any of the said Stalls or Standings, or selling or exposing to Sale any Butchers Meat, Fish, or any other Provisions, Goods, or Articles as aforesaid, in the said Markets, shall refuse to pay the several Sums or Tolls aforesaid, or any or either of them, or any Part thereof, then and in such Case, and as often as it shall so happen, it shall be lawful for the said Mayor, Jurats, and Common Councilmen, and their Successors, or the Person or Persons by them to be appointed to receive such Tolls, to levy the same by Distress and Sale of all or any of the Goods, Articles, and Things so exposed to Sale, and the said Distress and Sale so to be taken to sell immediately, rendering the Overplus (if any be), after deducting the Expence of such Distress and Sale, to the Person or Persons whose Property such Provisions, Goods, Chattels, or other Things as aforesaid, were at the Time of every such Distress; and in case any Dispute or Difference shall or may arise touching the same, such Dispute or Difference shall and may be settled and determined by any One or more Justice or Justices of the Peace for the said County of *Kent*, who shall, and is or are hereby empowered, by Warrant under his or their Hand and Seal or Hands and Seals, to summon the Parties to appear before him or them, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Costs to either Party, as to him or them shall in his or their Discretion seem meet, and by Warrant under his or their Hand and Seal or Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale.

Power to appoint Officers.

XVI. And be it further enacted, That it shall and may be lawful for the said Mayor, Jurats, and Common Councilmen, and their Successors,

cessors, and they are hereby required, to appoint a Collector or Collectors, Inspector or Inspectors, and also to appoint and employ such other Person or Persons as may be necessary for the Purposes of this Act, so far as the same relate to the said Markets or either of them, and may from Time to Time remove any such Collector or Collectors, Inspector or Inspectors, or other Persons so to be appointed as aforesaid, as they shall think proper, and appoint others in the Room or Stead of any such Officers so removed or dying, or declining to act; and the said Mayor, Jurats, and Common Councilmen, or their Successors, shall and may, out of the Monies to arise under or by virtue of this Act, make such Allowances to such Person or Persons respectively, as they shall judge a reasonable Compensation for their respective Trouble and Services.

Mayor, &c. to make Regulations for Markets.

XVII. And be it further enacted, That it shall be lawful for the said Mayor, Jurats, and Common Councilmen, and their Successors, from Time to Time to direct and appoint what particular and respective Parts of each of the said Market Places shall be occupied or made use of for exposing to Sale any Commodities, Matters, or Things therein; and also, from Time to Time, to make such Rules, Orders, Regulations, and Bye Laws, as the said Mayor, Jurats, and Common Councilmen, and their Successors, shall think proper and necessary, for the better regulating, cleansing, letting, occupying, and using the said Markets, or any Part or Parts thereof, with such Penalty for disobeying the same, not exceeding for each and every Offence the Sum of Five Pounds, as they shall think fit, and for fixing and ascertaining the Time or Times at which all or any of such Goods, Wares, or Commodities shall respectively begin to be offered or exposed to Sale therein, and how long the same shall continue exposed to Sale therein, and also the Time or Times when, and the Manner in which any moveable Stall, Standing, or Bench, allowed to be used or set up in the said Market Places, shall be set up, used, taken down, and removed from, or deposited or laid by therein; which Rules, Orders, Regulations, and Bye Laws shall be from Time to Time printed, and when so printed shall be painted on Boards, in White Letters on a Black Ground, and affixed upon some conspicuous Part of each of the said Market Places, during such Markets respectively, for Two Market Days, before such Orders and Regulations shall be deemed to be in force; and the said Mayor, Jurats, and Common Councilmen, and their Successors, shall cause the Time or Times of beginning and concluding every Market to be announced by the ringing of a Bell, or otherwise, as they shall think proper: Provided always, that such Rules, Orders, Regulations, and Bye Laws shall not be repugnant to any of the Provisions of this Act, or to any of the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; and such Rules, Orders, Regulations, and Bye Laws, shall be subject to Appeal at the General Quarter Sessions of the Peace for the said County, as herein-after mentioned; and provided, that when such Notices, Orders, Regutions, or Bye Laws shall be obliterated, defaced, or destroyed, the same shall from Time to Time be renewed and rendered legible, as Occasion shall require.

XVIII. And

Power to seize unwholesome Food, and to fine Persons exposing the same to sale.

XVIII. And be it further enacted, That if any Person or Persons shall sell, or expose to Sale, in the aforesaid Markets, or either of them, or in any Shop or other Place or Places within the said Town and Port of *Dovor*, any Meat, Fish, or other Provisions, which shall be of an unwholesome Nature, or in a State improper for Human Food, it shall and may be lawful to and for any Justice or Justices of the Peace of and for the said Town and Port, or any other Person or Persons, to be duly authorized by any Writing under the Corporate Seal of the Mayor, Jurats, and Common Councilmen of the said Town and Port, without any other Authority than this Act, to seize and destroy, or cause to be seized and destroyed, such Meat, Fish, and other Provisions as aforesaid; and every Person selling or exposing to Sale any such Meat, Fish, or other such Provisions as aforesaid, shall, in addition to the Forfeiture thereof, for every Offence, upon Conviction before any One or more of His Majesty's Justices of the Peace for the said Town and Port of *Dovor*, forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings; and in case any Offender shall not have sufficient Goods and Chattels to answer and satisfy the said Penalty, and the Charges and Expences attending the Recovery thereof, the Justice or Justices before whom he, she, or they shall be convicted, shall and may commit the Offender or Offenders to the House of Correction for the said Town and Port, for any Period not exceeding Thirty Days, there to be kept to hard Labour, without Bail or Mainprize, unless the Penalty, and all Costs, Charges, and Expences, shall in the meantime be paid and satisfied.

Justices to grant Warrants to search for and seize unwholesome Provisions.

XIX. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace for the said Town and Port, and he and they is and are hereby authorized and required, upon Information exhibited to him or them upon Oath, that any Meat, Fish, or other Provisions of an unwholesome Nature, or in a State improper for Human Food, are concealed, or suspected to be concealed, in any of the Markets erected or to be erected by virtue of this Act, or in any Dwelling House, Shop, or other Place or Places within the said Town and Port, to issue his or their Warrant or Warrants, to search all such Markets, Dwelling Houses, Shops, and other Places, and any Meat, Fish, or other Provisions of an unwholesome Nature then and there found to seize and convey before such Justice or Justices, who, upon Proof of the unwholesome Nature thereof, either by One credible Witness, or upon his or their own Inspection, may order the same to be destroyed; and it shall be lawful for the said Justice or Justices to summon the Person or Persons in whose Custody the said unwholesome Meat, Fish, or other Provisions shall have been found, to appear before him or them; and upon the Appearance of such Person or Persons, or in case he, she, or they shall not appear, then upon due Proof of the Service of the Summons, either personally, or by leaving the same at his, her, or their last or usual Place or Places of Abode, to adjudge the said Person or Persons to have forfeited for every such Offence any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Power to demise Tolls.

XX. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, at any Time or Times, and from Time to Time, to demise and let the said Markets, or any or either of them, and to let to farm the whole or any Part or Parts of the Tolls, Stallages, Rents, or Sums of Money to be collected or to arise from or in respect of the said Markets, or either of them, by virtue of this Act, or any of the Stalls, Standings, Shambles, and other Conveniences erected or to be erected in the said Markets, to any Person or Persons who shall be willing to take and farm the same, or any of them, by public Auction or private Contract, from Year to Year, or for any less Period than a Year, or for any longer Period not exceeding Three Years, upon such Terms and Conditions, and with such Securities for the Payment of the Rent or Rents agreed upon for the same, as shall be agreed upon and contracted for by and between the said Mayor, Jurats, and Common Councilmen, or their Successors, and the Person or Persons respectively to whom such Letting or Lettings shall be made.

Consent of Corporation to Leases being assigned or conveyed.

XXI. Provided always, and be it further enacted, That no Lease of the said Tolls shall at any Time be assigned, nor any Stall, Standing, Place, Shamble, or other Conveniency, whether let by the Day only or for any longer Period, underlet, or in any Manner conveyed or assigned, without the Consent in Writing of the said Mayor, Jurats, and Common Councilmen, or their Successors; and that if any Lessee or Assignee, Lessees or Assignees, of any Lease of, or any Person or Persons having any Interest in, any such Stall, Standing, Place, Shamble, or other Conveniency as aforesaid, shall, at any Time during his, her, or their Term or Interest therein, set, let, underlet, demise, or assign, or otherwise part with the Possession of such Stall, Standing, Place, Shamble, or other Conveniency, or any Part thereof, to any other Person or Persons whomsoever, without the Consent in Writing of the said Mayor, Jurats, and Common Councilmen, or their Successors, then and from thenceforth such Lease or Letting of such Stall, Standing, Place, Shamble, or other Conveniency, and the Interest of the Person or Persons so setting, letting, underletting, demising, assigning, and parting with the Possession of the same therein, shall, at the Will and Pleasure of the said Mayor, Jurats, and Common Councilmen, or their Successors, be utterly void, frustrate, and of no Effect; and the said Mayor, Jurats, and Common Councilmen, or their Successors, or any Person or Persons duly authorized by them, shall and may thereupon enter upon such Stall, Standing, Place, Shamble, or other Conveniency, and let the same to any other Person or Persons whomsoever; and in case the former Lessee or Assignee, Lessees or Assignees of, or Person or Persons having had such Interest in, any such Stall, Standing, Place, Shamble, or other Conveniency, or any Person or Persons claiming under him, her, or them, shall in any such Case as aforesaid refuse to quit the same, he, she, or they shall and may, upon Complaint made to any One or more of His Majesty's Justices of the Peace of the said Town and Port, who is and are hereby empowered and directed to enquire into the Matter, be amoved by such Justice or

Justices therefrom, by Warrant under his or their Hand and Seal or Hands and Seals.

Rates and Taxes to be payable by Corporation.

XXII. Provided always, and be it further enacted, That all Tithes, and all Parliamentary, Church, Parochial, Paving, and other Taxes, Rates, and Assessments, which are or shall be payable for the said Market Place, Markets, Market Houses, Weighing Houses, and other Erections and Buildings belonging thereto, shall be paid by the said Mayor, Jurats, and Common Councilmen, and their Successors, and shall be charged and assessed to them; and the Persons taking Stalls, Standings, Places, Shambles, and other Conveniences in the said Market Place, Markets, Market Houses, and other Buildings, or otherwise using the same, shall not be liable to pay any Tithes, or be assessed to or pay any Parliamentary, Church, Parochial, Paving, or other Taxes, Rates, or Assessments whatsoever, for or in respect of such Stalls, Standings, Places, Shambles, and other Conveniences, or of his, her, or their using the said Market Place, Markets, and other Buildings, or any of them, or any Part thereof.

Power to appoint a Committee to carry the Act into Execution.

XXIII. And be it further enacted, That for the better and more effectually and advantageously carrying into Execution the several Powers and Provisions contained in this Act, it shall and may be lawful for the said Mayor, Jurats, and Common Councilmen, and their Successors, in Common Council assembled, and they are hereby authorized from Time to Time, and at any Time or Times, to nominate, elect, and appoint from amongst the said Mayor, Jurats, and Common Councilmen of the said Town and Port, Nine fit, proper, and discreet Persons (of whom the said Mayor and his Deputy for the Time being shall always be Two), to be a Committee for carrying into Execution all and every or any of the Powers and Provisions contained in this Act, so far as the same relate to the said Markets, and every Matter and Thing appertaining thereto; and that any Three or more of the said Committee (whereof the Mayor or his Deputy for the Time being to be always One), assembled together from Time to Time, shall and may have and are hereby invested with full Power and Authority to do, execute, and perform all and every or any of the said Powers and Provisions contained in this Act, so far as the same relate to the said Markets, or any Matter or Thing appertaining thereto, in as ample a Manner, and as fully and effectually, to all Intents and Purposes, as the said Mayor, Jurats, and Common Councilmen, and their Successors, in Common Council assembled, are authorized and empowered to, and might or could do the same; any thing herein contained to the contrary thereof in anywise notwithstanding.

Incapacitated Persons may sell, &c.

XXIV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life or Lives, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, but also for and on behalf of their respective Cestuique Trusts or Wards, Femes Covert, Infants, Issue unborn, Lunatics, Idiots, or other Person

son whomsoever, and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower or Interest therein, and to and for all and every other Person and Persons whomsoever who is or are or shall be seised or possessed of or interested in any Buildings, Lands, or Hereditaments, which the said Mayor, Jurats, and Common Councilmen, or their Successors, shall deem requisite to be purchased for any of the Purposes of this Act, to contract for, and to sell and convey to the said Mayor, Jurats, and Common Councilmen, and their Successors, all such Buildings, Lands, or Hereditaments, or any of them, or any Part thereof; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever, not only to convey the Estate, Term, and Interest of the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons conveying, but also all the Right, Estate, Interest, Term or Terms for Years, Use, Trust, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, Infants, or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all Persons claiming or to claim by, from, or under them; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

If Persons refuse or neglect to treat, Jury to be summoned to settle the Damages, &c.

XXV. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants in Tail or for Life or Lives, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons, in anywise interested in such Buildings, Lands, or Hereditaments required to be purchased and taken down for the Purposes of this Act, or any Occupier or Occupiers sustaining any such Loss, Injury, or Damage as aforesaid, (upon Notice to him or them given, or left in Writing at the Dwelling House or Houses, or usual or last Place or Places of Abode of such Person or Persons, or of the Principal or Head Officer or Officers of such Bodies Politic or Corporate, or Corporations, or at the House of the Tenant or Tenants in possession of such Buildings, Lands, or Hereditaments specified in the First Schedule to this Act annexed, or intended to be purchased for the Purposes of this Act,) shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in possession of, or the Interest they claim therein, to the Satisfaction of the said Mayor, Jurats, and Common Councilmen, then and in every such Case the said Mayor, Jurats, and Common Councilmen, and their Successors, shall cause the Value of and Recompence to be made for such Buildings, Lands, or Hereditaments, to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said Town and Port, or the Liberties thereof; and for the summoning and returning such Jury, the said Mayor, or in his Absence the Deputy Mayor, is hereby empowered, from Time to Time, to issue out his Warrant or Warrants to the Water Bailiff of the said Town and Port, or his Deputy for the

the Time being, thereby commanding and requiring them, or One of them, to impannel, summon, and return an indifferent Jury of Twenty-four Housekeepers within the said Town and Port, and each of whom shall be assessed to the Poor Rate within the said Town and Port at the Sum of Twenty Pounds by the Year at the least, to appear before the said Mayor or Deputy Mayor at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Water Bailiff or his Deputy are hereby required to impannel, summon, and return such Number accordingly, to attend at the Time and Place so appointed, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Mayor or his Deputy is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Mayor or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Mayor or Deputy Mayor is also hereby required and empowered, from Time to Time as Occasion shall be or require, to summon and call before the said Jury and examine upon Oath (which Oath the said Mayor or Deputy Mayor is hereby empowered to administer) all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; and he shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for his own as for the said Jury's better Information in the Premises, as the said Mayor or Deputy Mayor shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Buildings, Lands, or Hereditaments, to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damage, and given in their Verdict, the said Mayor or Deputy Mayor shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Person or Persons interested in the said Buildings, Lands, or Hereditaments, according to such Verdict or Inquisition of the said Jury.

Determination of Juries to be final.

XXVI. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Tenants in Tail or for Life or Lives, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever; and all and every such Owners, Proprietors, Occupiers, and other Persons, in anywise interested in such Buildings, Lands, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested

of all Right, Title, Claim, Remainder, Reversion, Interest, or Property, of, in, to, or out of the same; and on Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England* in Manner by this Act directed, and after such Payment, it shall and may be lawful to and for the said Mayor, or Deputy Mayor, to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and thereupon the said Premises shall vest absolutely in the said Mayor, Jurats, and Common Councilmen, and their Successors, and they shall be and be deemed to be in the actual Seizin and Possession thereof to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon shall be fairly entered and kept amongst the Records of the General Sessions of the Peace of the said Town and Port, and all Duplicates and true Copies thereof shall be admitted, received, and taken as Evidence and Proof in all Courts of Law and Equity, at all Places whatsoever, and all Persons shall have Recourse to them *gratis*, and may take Copies thereof, paying Four-pence for every Seventy-two Words, and so in proportion for any less Number of Words; and the said Mayor, or Deputy Mayor, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury and shall not appear, without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who being summoned to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Five Pounds for One Offence.

Expences of Jury how to be paid.

XXVII. And be it further enacted, That in case such Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, Bodies Politic or Corporate, in or to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for any such Damage or Injury as aforesaid, than shall have been offered or tendered by the said Mayor, Jurats, and Common Councilmen, or their Successors, before the summoning or returning of such Jury, then the Costs and Expences of such Notice or Notices, Precept or Precepts, and of summoning and returning such Jury and Witnesses, and also of the said Inquest, shall be settled by some One Justice of the Peace for the said Town and Port, or for the said County of *Kent*, and shall be borne and paid by the Chamberlains for the Time being of the said Mayor, Jurats, and Common Councilmen; and in case of Nonpayment of the same

within Twenty-one Days after the same shall have been so settled, then the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the said Chamberlains, or either of them; but if any such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money as a Recompence or Satisfaction as aforesaid than shall have been offered or tendered by the said Mayor, Jurats, and Common Councilmen, or their Successors, before the summoning or returning of the said Jury or Juries as aforesaid, then and in every such Case one Moiety of such Costs and Expences shall in like Manner be settled by any such Justice as aforesaid, and shall be borne and paid by the Person or Persons, Bodies Politic or Corporate, with whom the said Mayor, Jurats, and Common Councilmen, and their Successors, shall have had any Controversy or Dispute, and the other Moiety thereof by the said Mayor, Jurats, and Common Councilmen, and their Successors, and shall be recovered in the same Manner as any Penalties and Forfeitures are herein-after directed to be recovered; but in Cases where Parties, by reason of Absence or Disability, shall have been prevented from treating and agreeing, such Costs and Expences shall be paid and borne by the said Mayor, Jurats, and Common Councilmen, or their Successors, out of the Money arising by virtue of this Act.

Lessees or Tenants at Will to give up Possession on having Twelve Calendar Months Notice to quit.

XXVIII. And be it further enacted, That every Lessee or Tenant for Years or at Will, Mortgagee, and every other Person in Possession of any Buildings, Lands, or other Hereditaments which shall be purchased by virtue and for the Purposes of this Act, shall deliver up the Possession of the Premises to the said Mayor, Jurats, and Common Councilmen, and their Successors, upon having Twelve Calendar Months Notice from the said Mayor, Jurats, and Common Councilmen, to quit the same at such Time or Times as shall be required by such Notice, they the said Mayor, Jurats, and Common Councilmen, and their Successors, making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid (except a Mortgagee), in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Mayor, Jurats, and Common Councilmen, and their Successors, shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury in such and the like Manner as the Satisfaction and Compensation for the Purchase of any Buildings, Lands, or Hereditaments is and are herein directed to be settled and ascertained, in case of any Dispute or Difference about the same; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they may be required by the said Mayor, Jurats, and Common Councilmen, or their Successors, peaceably and quietly deliver up the Possession of the said Premises to the said Mayor, Jurats, and Common Councilmen, and their Successors; and if any such Person or Persons so in Possession as aforesaid shall refuse or neglect to deliver up such Possession, then and in every such Case it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, or their Successors, to issue their Precept or Precepts to the said Mayor to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated

nominated to receive the same, and the said Mayor is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing or execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his or their Goods and Chattels.

On Payment of Money. Lands to vest in the Mayor, &c.

XXIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor or Proprietors of such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money within the said One Calendar Month into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto (but not before), it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, or their Successors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands and other Hereditaments respectively; and then and thereupon such Lands and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested and become the sole Property of the said Mayor, Jurats, and Common Councilmen, or their Successors, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Power to sell Lands not wanted for the Purposes of this Act.

XXX. And whereas some Part or Parts of the said Buildings, Lands, or Hereditaments, to be so purchased, taken, or used for the Purposes of this Act, may happen to be more than will be necessary or wanted for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Mayor, Jurats, and Common Councilmen, or their Successors, and they are hereby authorized and empowered to sell or dispose of and to convey, or cause to be sold or disposed of and conveyed, such Part or Parts of the said Buildings, Lands, or Hereditaments to be vested in them by virtue or in pursuance of this Act, to any Person or Persons willing to contract, agree for, or purchase the same, and the Money arising therefrom

therefrom shall be paid and applied for the Purposes of this Act.

First Offer thereof to be made to the Person from whom the same shall have been purchased.

XXXI. Provided always, and be it further enacted, That in case the said Mayor, Jurats, and Common Councilmen, or their Successors, shall think proper to sell and dispose of any of the same Buildings, Lands, or Hereditaments as may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom such Buildings, Lands, or Hereditaments were purchased; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said Town and Port of *Dovor*, or the said County, (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Buildings, Lands, or Hereditaments, stating that such Offer was made by or on behalf of the said Mayor, Jurats, and Common Councilmen, or that such Offer was then and there refused, or was not agreed to, by the Person or Persons to whom the same was made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was refused, or not agreed to, by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Buildings, Lands, or Hereditaments, and he, she, or they, and the said Mayor, Jurats, and Common Councilmen, or their Successors, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be settled and ascertained by a Jury, in such and the like Manner as any Sum or Sums of Money to be paid for the Purchase of any Buildings, Lands, or Hereditaments, is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same, and the same shall be recovered, levied, and applied in such and the like Manner, and the Costs and Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed, *mutatis mutandis*; and all the Money to arise by such Sale shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application of Compensation Money when amounting to 200*l.*

XXXII. And be it further enacted, That if any Money shall be agreed or adjudged to be paid for any Buildings, Lands, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infants, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Mayor, Jurats, and Common Councilmen of the Town and Port of *Dovor* in the County of *Kent*, for the limiting, pursuant to the Method

prescribed by an Act made in the First Year of the Reign of King
1 G. 4. c. 35. *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Buildings, Lands, or Hereditaments), in the Purchase or Redemption of the Land Tax, or towards the discharging of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Buildings, Lands, or Hereditaments, or affecting other Buildings, Lands, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Buildings, Lands, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Buildings, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money, by Order of the said Court of Exchequer upon Application thereto, shall be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Consolidated or Reduced Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Buildings, Lands, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement was made.

When under 200*l.* and exceeding 20*l.*

XXXIII. Provided always, and be it further enacted, That if any Money so agreed or adjudged to be paid for any Buildings, Lands, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Buildings, Lands, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under his or their respective Hands,) be paid into the Bank in the Name and with the Privity of the said Accountant General of the Court

Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, and the same shall be paid, at the like Option, to Two Persons, to be nominated as Trustees by the Person or Persons making such Option, and approved of by the said Mayor, Jurats, and Common Councilmen, or their Successors, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When under 20*l.*

XXXIV. Provided also, and be it further enacted, That when such Money so agreed and adjudged to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Buildings, Lands, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Mayor, Jurats, and Common Councilmen shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of Refusal to accept, or of not making out Titles, &c. the Money to be paid into the Bank.

XXXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed and adjudged for the Purchase of any Buildings, Lands, or Hereditaments, to be purchased, taken, or used as aforesaid, shall, for the Space of Twenty-one Days after Notice thereof, neglect or refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Mayor, Jurats, and Common Councilmen, or be not known or discovered, or cannot be found, then and in every such Case it shall be lawful for the said Mayor, Jurats, and Common Councilmen, or their Successors, to order the said Sum or Sums so adjudged to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Buildings, Lands, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying therein for what and for whose

Use

Use the same is or are received) to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

XXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer in pursuance of this Act, for the Purchase of any Buildings, Lands, or Hereditaments, or of any Estate, Right, Title, or Interest in any Buildings, Lands, or Hereditaments to be purchased in pursuance of this Act for the Purposes thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Buildings, Lands, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Buildings, Lands, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Buildings, Lands, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Corporation.

XXXVII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Buildings, Lands, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and be applied in the Purchase of other Buildings, Lands, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Mayor, Jurats, and Common Councilmen, or their Successors, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to borrow Money.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, and their Successors, from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Eight thousand Pounds, as the said Mayor, Jurats, and Common Councilmen, or their Successors, shall find necessary for enlarging the said Market, and providing and erecting a Fish Market or Fish Markets, as herein-before mentioned, upon the Credit of the Tolls,

Rents, and Stallage to be levied and collected under and by virtue of the Second and Third Schedules to this Act annexed; and by Writing under the Seal of the said Mayor, Jurats, and Common Councilmen, or their Successors, to assign all or any Part of the said Tolls, Rents, and Stallage, to be received by the said Mayor, Jurats, and Common Councilmen, or their Successors, under and by virtue of the Second and Third Schedules to this Act annexed, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security or Securities for any Sum or Sums of Money so to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignments (to be made in Manner and Form herein-after mentioned) shall be from Time to Time defrayed by the said Mayor, Jurats, and Common Councilmen, or their Successors, out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; that is to say,

Form of Assignment.

'WE, the Mayor, Jurats, and Common Councilmen of the Town and Port of *Dovor* in the County of *Kent*, acting under and in pursuance of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act, et cetera* [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by , upon the Credit of the Tolls, Rents, and Stallage arising in the Markets of the said Town and Port, do hereby grant and assign unto the said or to his or her Trustee or Trustees, *as the Case may be*, his [*or* her, *or* their] Executors, Administrators, or Assigns, such Proportion of the said Tolls, Rents, and Stallage, to be levied and collected by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or be charged upon the Credit of the said Tolls, Rents, and Stallage; to be had and holden from this Day of until the said Sum of with Interest after the Rate of *per Centum per Annum* for the same, to be paid half-yearly, at and , shall be fully paid and satisfied. In witness whereof we, the said Mayor, Jurats, and Common Councilmen, have hereunto affixed our Seal, the Day of in the Year of our Lord One thousand eight hundred and .'

And all Persons to whom such Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Tolls, Rents, and Stallage, (as the Case may be), equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Assignments; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to the Payment of the Money thereby secured, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

Power to raise Money by Annuity.

XXXIX. Provided always, and be it further enacted, That in case the said Mayor, Jurats, and Common Councilmen, or their Successors, shall think it advisable and more advantageous to raise all or any Part of the said Sum of Eight thousand Pounds, herein-before authorized to be borrowed, by granting of Annuities for Life or Lives, it shall be lawful for the said Mayor, Jurats, and Common Councilmen, or their Successors, and they are hereby authorized and empowered, by Writing under their Corporate Seal, to grant an Annuity or Annuities to any Person or Persons who shall advance and pay into the Hands of the Chamberlain or Chamberlains, Treasurer or Treasurers, to the said Mayor, Jurats, and Common Councilmen, such Sum or Sums of Money as to the said Mayor, Jurats, and Common Councilmen, or their Successors, shall seem right and proper, for the absolute Purchase of any Annuity or Annuities, to be paid or payable during the natural Life or Lives of every such Person or Persons, or the Life or Lives of any Nominee or Nominees of such Person or Persons, either with or without Benefit of Survivorship; and the Expences of every such Grant or Annuity shall be defrayed by the said Mayor, Jurats, and Common Councilmen, out of the Money so advanced; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say),

Form of Annuity.

'WE, the Mayor, Jurats, and Common Councilmen of the Town and Port of *Dovor* in the County of *Kent*, acting under and in pursuance of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of the Act*], in consideration of the Sum of paid by to the Chamberlains or Treasurer of the said Mayor, Jurats, and Common Councilmen, for enlarging and providing Markets in the said Town and Port, do hereby grant unto the said and his, her, or their Assigns [*or, if by Survivorship*, unto the said and to the Survivors or Survivor of them], an Annuity or yearly Sum of to be paid out of the Tolls, Rents, and Stallage arising in the Markets of the said Town and Port, authorized to be raised and collected by virtue of the said Act; which Annuity or yearly Sum of shall be paid to the said or his [her *or* their] Assigns, during the Term of his [*or* her] natural Life [*or, if by Survivorship*, unto and amongst them the said and the Survivor and Survivors of them], by Four equal Payments, upon the Day of , the Day of , the Day of , and the Day of , in every Year; and the first Payment thereof to be made upon the Day of next ensuing the Date of these Presents. In witness whereof we have hereunto affixed our Seal, the Day of in the Year of our Lord One thousand eight hundred and .'

And every such Grant shall be good, valid, and effectual in the Law, any Law or Statute to the contrary thereof notwithstanding; and all Annuities to be granted as aforesaid shall be and are hereby charged upon, and shall be paid and payable, free from all Charges and Deductions, by the Chamberlain or Chamberlains, Treasurer or Treasurers, to the said

Mayor, Jurats, and Common Councilmen, and their Successors, out of such of the said Funds or Revenues hereby authorized to be raised and collected as in such Grant shall be mentioned and set forth.

Restrictions as to Grants of Annuities.

XL. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two Acts, made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other made in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts, passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

Power of transferring Mortgages and Grants of Annuities.

XLI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed on Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time or Times, by Writing under their respective Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say),

Form of Transfer.

'I being entitled to the Sum of
'[*or* an Annuity of], secured to me, my Exe-
'cutors, Administrators, and Assigns, by virtue of an Assignment,
'or Grant of an Annuity, or Assignment of the original Grant, [*as*
'*the Case may be*,] bearing Date the Day of
'under the Seal of the Mayor, Jurats, and Common Councilmen of
'the Town and Port of *Dovor* in the County of *Kent*, acting in Exe-
'cution of an Act passed in the Seventh Year of the Reign of King
'*George* the Fourth, intituled [*here set forth the Title of this Act*],
'upon the Credit of the Tolls, Rents, and Stallage arising in the
'Markets of the said Town, authorized to be raised and collected
'by virtue of the said Act, do hereby transfer all my Right and
'Title in and to the same Sum [*or* Annuity], and all Interest and
'other Money now due and arising thereon, unto
'his Executors, Administrators, and Assigns. Dated the
'Day of in the Year of our Lord One thousand eight
'hundred and .'

No Preference in Payment of Mortgages or Annuities.

XLII. And be it further enacted, That the several Persons to whom any such Mortgages, or any such Grants of Annuities, shall have been made, shall severally be entitled to their respective Quota of the said Tolls, Rents, and Stallage respectively, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, and the annual Amount of the said Annuities, without any Preference by reason of the Priority in Date of any such Mortgage or Grant, or on any other Account whatsoever.

XLIII. And

Register Book to be kept.

XLIII. And be it further enacted, That a Book shall be provided by the said Mayor, Jurats, and Common Councilmen, or their Successors, and kept by their Town Clerk, or any other Clerk or Person to be by the said Mayor, Jurats, and Common Councilmen, or their Successors, for that Purpose appointed, in which Book shall be entered and registered Copies of all Mortgages and Grants of Annuities made in pursuance of this Act, and of every Transfer thereof; which Book shall be open to the Inspection of the several Holders of Mortgages and Grants of Annuities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward; and for the Entry of every such Transfer the Town Clerk or other Clerk or Person shall be paid by the Person or Persons to whom such Transfer shall be made the Sum of Four Shillings and no more; and every such Transfer, after such Entry as aforesaid, but not before, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Money may be borrowed at lower Interest to pay off existing Mortgages.

XLIV. And be it further enacted, That in case the said Mayor, Jurats, and Common Councilmen, or their Successors, shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages which may have been granted by them, and which may happen to be then existing, it shall be lawful for the said Mayor, Jurats, and Common Councilmen, or their Successors, from Time to Time to charge the said Rates or Assessments, in manner aforesaid, with any Sum or Sums of Money so borrowed at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge any of the said original and other Mortgages bearing a higher Rate of Interest, according to the Directions and Regulations herein-after prescribed for paying off Mortgages.

Provision for Payment of Mortgages by Ballot.

XLV. And, in order that no undue Preference may be given in paying off the aforesaid Mortgages, be it further enacted, That when and so often as the said Mayor, Jurats, and Common Councilmen, or their Successors, shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of all the Mortgages granted and then in force to be written upon distinct Pieces of Paper, of an equal Size, and all such Papers shall be rolled up in the same Form, and be put into a Box, and the Town Clerk, or other Clerk of the said Mayor, Jurats, and Common Councilmen, shall, in the Presence of the said Mayor, Jurats, and Common Councilmen, or any Five or more of them, draw separately out of the said Box One of the said Numbers for each Mortgage then intended to be paid off, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Mayor, Jurats, and Common Councilmen, or their Successors; and after every such Ballot, the said Mayor, Jurats, and Common Councilmen, or their Successors, shall cause Notice, signed by their Town Clerk or other Clerk, to be given the Person or Persons

sons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sum 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 Three Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money to be paid off shall, from and after the End of the said Three Calendar Months, cease and be no longer paid and payable, unless the Money shall be demanded pursuant to such Notice and not paid, but the Principal Money, in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

No Election of Members of Parliament or Mayor to be held in the Church of Saint Mary

XLVI. And whereas it has been the Custom from Time immemorial to elect the Barons to serve in Parliament for the said Town and Port, and also the Mayor of the said Town and Port, within the Church of the Parish of *Saint Mary the Virgin* in the said Town and Port, and very riotous, turbulent, and indecent Proceedings have often occurred at such Election, highly disgraceful to that sacred Edifice and to the Christian Religion; and it is therefore expedient and necessary that such Practice should be discontinued, and that some other Place or Places should be appointed for such Elections; be it therefore enacted, That from and after the passing of this Act it shall not be lawful to propose any Candidate, or take the Votes of any Person for the Election of any Baron to represent the said Town and Port in Parliament, or for the Office of Mayor thereof, within the said Church or any Part thereof; any Usage or Custom to the contrary thereof in anywise notwithstanding.

Corporation of Dovor may appoint proper Places for such Elections.

XLVII. And be it further enacted, That the said Mayor, Jurats, and Common Councilmen, in Common Council assembled, and their Successors, shall and are hereby authorized and required to direct that the Elections of the Barons to serve in Parliament for the said Town and Port, and of the Mayors thereof, shall be holden under or contiguous to or within the Guildhall of the said Town and Port, or at such other convenient and proper Place within the said Town and Port as the said Mayor, Jurats, and Common Councilmen, in Common Council assembled, shall from Time to Time direct and appoint; and all Elections of every Baron to represent the said Town and Port in Parliament, and of every Mayor of the said Town and Port, in Manner aforesaid, shall be as legal, valid, and effectual to all Intents and Purposes as if such Elections had been holden or made in the said Church.

The Mayor to provide Booths at Elections of Members of Parliament.

XLVIII. And be it further enacted, That the Mayor of the said Town and Port, or in his Absence his sufficient Deputy, shall, when it should be found necessary or proper, upon every Election of a Baron or Barons to serve in Parliament for the said Town and Port, appoint, make, or erect, or cause to be appointed, made, or erected, at the Expence of the Candidate or Candidates, a convenient Booth or Place for holding the said Election; and the said Mayor or his Deputy shall, in case of a Poll being demanded by any of the Candi-

dates, appoint a convenient Number of Clerks, not exceeding Two, to take the Poll, (which said Clerks shall be paid by the Candidate or Candidates at a Rate not exceeding One Guinea *per* Day each Clerk); and the said Mayor or his Deputy shall divide the said Booth or Polling Place into as many Parts as he shall judge necessary, for the more convenient voting or polling of the Freemen of the said Town and Port at every such Election.

Mayor to allow a Cheque Book.

XLIX. And be it further enacted, That the said Mayor or his Deputy shall, at every such Election, allow a Cheque Book for every Poll Clerk for each Candidate, to be kept by their respective Inspectors at the Place where the Poll for such Election shall be taken or carried on.

Elections of Mayors not to be held on a Sunday.

L. And be it further enacted, That from and after the passing of this Act no Election of Mayor of the said Town and Port shall be held on a *Sunday*, but when and so often as the Day of Election of Mayor shall happen to fall on a *Sunday* the said Election shall take place on the Day then next following; and that every Election so made on the Day last aforesaid shall be lawful and valid to all Intents and Purposes whatsoever.

Mayor may be prosecuted for Misconduct.

LI. And be it further enacted, That in case any such Mayor or his Deputy as aforesaid shall wilfully offend against or act contrary to the true Intent and Meaning of this Act, such Mayor or Deputy shall be liable to be prosecuted by Information or Indictment in His Majesty's Court of King's Bench at *Westminster*, in which no Nolle Prosequi or Cesset Processus shall be granted; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Manner of Proceeding in case of Offences.

LII. And be it further enacted, That it shall and may be sufficient for the Plaintiff in any Action of Debt given by this Act upon every such Election, to set forth in the Declaration or Bill that the Defendant is indebted to him in the Sum of

and to allege the particular Offence for which the Action or Suit is brought, and that the Defendant hath acted contrary to this Act, without mentioning the Writ of Summons to Parliament, the Precept thereon, or the Return thereto; and it shall be sufficient in any Indictment or Information for any Offence committed contrary to this Act, to allege the particular Offence charged upon the Defendant, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament, the Precept thereon, or the Return thereto; and upon Trial of any Issue in any such Action, Suit, or Indictment, or Information, the Plaintiff, Prosecutor, or Informer shall not be obliged to prove the Writ of Summons to Parliament, the Precept thereon, or the Return thereto, or any Warrant or Authority to the Mayor of the said Town and Port grounded upon any such Writ of Summons: Provided always, that every such Action, Suit, Indictment, or Information, given by this Act, shall be commenced within the Space of Six Calendar Months after the Fact upon which the same is grounded shall have been committed.

Limitation of Suit.

LIII. And

Statutes of Jeofails extended to the Act.

LIII. And be it further enacted, That all the Statutes of Jeofails and Amendments of the Law whatsoever shall and may be construed to extend to all Proceedings in any Action, Suit, Indictment, or Information, given or allowed by this Act, which shall be brought in pursuance thereof.

In case of Nonsuit, Defendant to recover Treble Costs.

LIV. Provided always, and be it further enacted, That in case the Plaintiff or Informer in any such Action, Suit, Indictment, or Information, given by this Act, shall discontinue the same, or be nonsuited, or Judgment be otherwise given against him; then and in any of the said Cases the Defendant against whom such Action, Suit, or Information shall have been brought shall recover his Treble Costs.

Corporation to provide Booths for Election of Mayor.

LV. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Jurats, and Common Councilmen, in Common Council assembled, to provide, make, and erect, or cause to be provided, made, and erected, a proper and convenient Booth or Place for holding the Elections of Mayors of the said Town and Port, and in case of any Poll being demanded by any Three of the Freemen of the said Town and Port, to appoint any Number of Clerks, not exceeding Two, in addition to the Town Clerk, to take the Poll at every such Election; and the Expences of providing and erecting the said Booth or Polling Place, and of the said Clerks, and all other Expences incident thereto, shall from Time to Time be paid and defrayed by the said Mayor, Jurats, and Common Councilmen, out of their Funds or Revenues; any Law, Usage, or Custom to the contrary notwithstanding.

Directing what may be deemed a Service of Notice, &c.

LVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Mayor, Jurats, and Common Councilmen, or their Successors, or any Writ or Writs, or other legal Proceedings, the Service thereof upon the Town Clerk for the Time being to the said Mayor, Jurats, and Common Councilmen, or their Successors, or left at the Office of such Town Clerk, or at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then Service upon any One of the Members of the said Corporation, or left at his last or usual Place of Abode, or upon any Agent or other Officer employed by the said Corporation, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Mayor, Jurats, and Common Councilmen, or their Successors.

In case of Non-payment of Compensation Monies, &c. directed by Justices to be paid, the same to be levied by Distress.

LVII. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Mayor, Jurats, and Common Councilmen, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Mayor, Jurats, and Common Council, to the Party

or

or Parties entitled to receive the same, within Twenty-one Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Mayor, Jurats, and Common Council, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Mayor, Jurats, and Common Council by virtue of this Act, or of the Goods and Chattels of the Mayor of the said Town and Port for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Mayor for the Time being, as the Case may be.

Form of Conviction.

LVIII. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the Form or to the Effect following; (that is to say),

' to wit. } BE it remembered, That on the Day of in the Year of our Lord is convicted before me [*or* us] of His Majesty's Justices of the Peace for the , by virtue of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act, and specify the Offence, and the Time and Place when and where the same was committed.*] Given under Hand and Seal the Day and Year first above written.'

Distress not to be unlawful for Want of Form.

LIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Proceedings not to be quashed for Want of Form.

LX. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be made void, quashed, or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Justices may proceed by Summons in the Recovery of Penalties.

LXI. And be it further enacted, That in all Cases in which, by this Act, any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Recovery of Fines and Penalties, &c.

LXII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, (the Manner of levying and Recovery whereof is not otherwise or particularly directed,) or which shall be inflicted by any Rule, Order, or Bye Law hereby authorized, may, in case of Nonpayment thereof, be recovered in a summary Way by Order and Adjudication of any One or more Justice or Justices of the Peace for the said Town and Port, or for the said County of *Kent*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceeding, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon any Witness or Witnesses upon Oath, and to examine him, her, or them of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods and Chattels so seized and distrained; and in case such Fines, Penalties, or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in the safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if

upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Fines, Penalties, Forfeitures, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for the said Justice or Justices, or any other Justice or Justices of the Peace for the said Town and Port, or for the said County, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said Town and Port, or of the said County, according to the Jurisdiction wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures, when so levied, (the Application whereof is not otherwise directed), shall be paid to the Chamberlains for the Time being of the said Mayor, Jurats, and Common Councilmen, and be applied to the Purposes of this Act: Provided nevertheless, that in every Case where any Penalty under this Act shall be incurred by the Mayor or Deputy Mayor, then such Penalty shall go and be paid to the Informer.

Appeal.

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

Limitation of Actions.

LXIV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted by virtue of this Act, against any Person or Persons, for any thing done or left undone, unless Two Calendar Months Notice thereof shall be first given in Writing to the Defendant

fendant or Defendants, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, or unless the same shall be commenced before the Expiration of Six Calendar Months next after the Fact committed, or unless Tender of reasonable Amends hath not or shall not have been made by or on the Behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any Action or Suit to be commenced for any thing done in pursuance of this Act shall and may plead the General Issue, and give this Act and the Special Matter in Evidence in any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by Authority of this Act; and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Two Calendar Months Notice thereof was given in Writing to the Defendant or Defendants, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, or if it shall appear that such Action or Suit was not commenced before the Expiration of Six Calendar Months next after the Fact committed, or if it shall appear that Tender of reasonable Amends was made by or on behalf of the Defendant or Defendants in such Action or Suit before such Action or Suit was commenced, or if such Action or Suit be brought in any other County or Place than the County aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Reasonable Amends in Satisfaction of Damages may be paid into Court by Defendant.

LXV. Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons for any Matter or Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may, before Plea pleaded, pay into Court such Sum or Sums of Money as he, she, or they shall think proper, as and by way of reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept the same, together with his, her, or their Costs to that Time (to be taxed by the proper Officer), and if the Jury who try the Cause shall not find the Damages to amount to a greater Sum or Sums of Money than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants; and such Defendant or Defendants shall have all the other Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover Treble Costs, and have the like Remedy for the same as before directed for recovering Costs by any Defendant or Defendants.

Expences of Act.

LXVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act shall be paid and discharged by the said Mayor, Jurats, and Common

Common Councilmen, or their Successors, out of the first Money which shall arise under and by virtue of this Act, together with lawful Interest from the Time of advancing, paying, or disbursing the same, in preference to all other Payments whatsoever.

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

The

The FIRST SCHEDULE referred to by the foregoing Act.

Description of Property.	Names of Owners.	Names of Occupiers.
House and Premises, being No. 12, in the Market Place in Dovor, adjoining the Gaol Lane.	William Cross - -	Hannah Carr.
House, Garden, and Premises, being No. 11, in the said Market Place, and extending to the Gaol Lane.	Mary Cook and Thomas Kingsford Wood, Devisees of Kingsford Wood, deceased.	Mary Cook.
A House, used as an Ale-house, and called The Fountain, with the Appurtenances, situate in the Market Place in Dovor.	Messrs Flint - -	Richard Reynolds.
A Warehouse, Loft, and Buildings, in a Lane or Passage at the Back of the Fountain Alehouse.	Joseph Tucker - -	Joseph Tucker.
House and Premises, being No. 2, in King Street, in Dovor.	Messrs Flint - -	John Henry Overton.
House, Stable, Garden, and Premises, being No. 3, in King Street aforesaid.	John Shipdem - -	George William Ledger.
A Stable, Loft, Garden, and Ground, in King Street aforesaid, next adjoining the House No. 3.	George Dell - -	William Cocke.
House, Garden, Stable, Buildings, and Premises, being No. 5, in King Street aforesaid, and extending from the said Street through to the Gaol Lane.	Mrs. King, Widow, William King, John Jackson King, and Thomas Wilkinson King, Heirs of William King, Surgeon, deceased.	Edward Norwood, Surgeon.
House and Premises, being No. 6, in King Street, in Dovor, and extending to the Gaol Lane.	William Kingsford -	Austen Spearpoint.
House and Premises, being No. 7, in King Street aforesaid, and extending to the Gaol Lane.	George Reeves - -	George Reeves.

Description of Propety.	Names of Owners.	Names of Occupiers.
House, Bakehouse, Storehouse, Stable, Lofts, Yards, and Premises, being No. 8, in King Street aforesaid, and extending from thence through to the Gaol Lane.	Mary Loud and Thomas Loud, Devisees under the Will of William Loud, deceased.	Thomas Loud.
A House, Ground, and Premises, being No. 9, in King Street aforesaid.	John Corbett - -	Thomas Grant, junior.
A House, Shop, Ground, and Premises, adjoining Queen Street, and fronting Bench Street, in Dovor, being No. 1.	John Corbett - -	Benjamin Gardiner.
A House, Shop, and Premises, being No. 2, in Queen Street in Dovor.	John Corbett - -	William Wills.
A Stable, Storehouse, Warehouse, and other Erections and Buildings, Grounds and Premises, in Queen Street aforesaid, and in the Gaol Lane.	John Corbett - -	John Corbett.
A Stable and Printing Office, Ground and Premises, in the Gaol Lane.	William Cross - -	Joseph Henry Standen, James Cleveland.
A House, Ground, and Premises, in the Gaol Lane.	William Cross - -	Elizabeth Bullard.
A Stable, Coachhouse, and other Erections and Buildings, Ground and Premises; partly in Queen Street aforesaid, and partly in the Gaol Lane.	Thomas Grant the elder.	Thomas Grant the elder.

The

The SECOND SCHEDULE referred to in the foregoing Act.

	s.	*d.*
Each Stall for Sale of Meat, Cheese, Bacon, Pork, or Groceries, if let to a Freeman of the Town, per Day not exceeding -	1	6
Ditto, if let to a Non-freeman, per Day not exceeding -	2	6
Each Stall for any Goods or Articles not enumerated in this Schedule (Earthenware excepted), if let to a Freeman, per Day not exceeding - - - - - - - -	1	0
Ditto, if let to a Non-freeman, per Day not exceeding - -	1	6
Earthenware, or other Goods or Articles not enumerated in this Schedule, on Standings or upon open Ground, occupying a Space not exceeding Ten Feet by Five Feet, and so in proportion for any greater Space, if let to a Freeman of the Town, per Day not exceeding - - - - -	1	0
Ditto, if let to a Non-freeman, per Day, not exceeding - -	1	6
Butter, not exceeding in Quantity Eight Pounds - - -	0	1
Ditto, exceeding Eight Pounds, and not exceeding Twelve Pounds - - - - - - - - -	0	1½
Ditto, exceeding Twelve Pounds, and not exceeding Twenty-four Pounds - - - - - - - - - And so in proportion for any greater Quantity.	0	3
Poultry (except Turkies and Geese), Wild Fowl, Hares, and other Game imported from Foreign Parts, and Rabbits, not exceeding Twelve Couple or Brace, at per Couple or Brace not exceeding - - - - - - - -	0	1
Ditto, if exceeding Twelve Couple or Brace, at per Couple or Brace not exceeding - - - - - - -	0	0¾
For every Turkey or Goose not exceeding - - - - -	0	1
Pigeons, not exceeding Six in Number, not exceeding - -	0	1
Ditto, above Six, and not more than Twelve, not exceeding -	0	1½
Ditto, above Twelve, and not more than Twenty-four, not exceeding - - - - - - - - -	0	3
And for every Dozen exceeding Two Dozen - - - -	0	1½

	s.	*d.*
Eggs, not exceeding Twenty - - - - - -	0	0½
Ditto, exceeding Twenty and not exceeding Fifty - - -	0	1
Ditto, exceeding Fifty and not exceeding One hundred - - And so in proportion for every additional Fifty.	0	2
For every Basket of Fruit of any Kind, not exceeding One Bushel - - - - - - - - -	0	1
For every larger Quantity, at per Bushel, and so in proportion - - - - - - - - - -	0	1
For every Waggon laden with Fruit or Vegetables, and sold by Wholesale by a Non-freeman, not exceeding - - -	1	0
For every Cart laden with Fruit or Vegetables, and sold by Wholesale by a Non-freeman, not exceeding - - - Waggons and Carts so laden, and selling by Retail, or partly by Retail, to pay by the Quantity, according to the Schedule, whether by Non-freemen or Freemen, the Wholesale Toll being returned if paid.	0	6
For every Higler's Waggon, or other Waggon with any other Articles not enumerated in this Schedule, any Sum not exceeding - - - - - - - - - -	1	0
For every Higler's Cart, or other Cart with Articles not enumerated, not exceeding - - - - - - - -	0	6
For every Waggon or Tug with Bavins only, sold by Retail, not exceeding - - - - - - - - - -	0	6
For every Cart with Bavins only, sold by Retail, not exceeding	0	3
For every Quantity of Potatoes, Turnips, Carrots, Parsnips, Onions, Peas, or Beans, sold by Retail, in Quantities not exceeding Three Bushels - - - - - - - - And so in proportion for any greater Quantity.	0	1
For every live or dead Sucking Pig - - - - - -	0	1
For every dead Hog or Porker not sold on Stalls or Standings -	0	3
For fresh Pork not sold on Stalls or Standings, not exceeding Twelve Pounds - - - - - - -	0	1
Ditto, exceeding Twelve Pounds and not exceeding Twenty-four Pounds - - - - - - - And so in proportion for any Quantity exceeding Twenty-four Pounds.	0	1½
For every Horse, Mare, or Gelding - - - - -	3	0
For every Colt or Filley - - - - - -	1	6
For every Mule or Ass - - - - - -	0	3

	s.	*d.*
For every Bull, Ox, Cow, Heifer, or Steer - - -	1	0
For every Calf - - - - - - -	0	6
For every Score of Sheep or Lambs - - - - And so in proportion for any greater or less Number; and One or more, not exceeding Five, to be paid as One Quarter of a Score.	2	6
For every live Swine or Pig - - - - -	0	1

FISH MARKET.

For every Fish Stall, per Day, if let to a Freeman, any Sum not exceeding - - - - - - - - -	1	0
Ditto, per Day, if let to a Non-freeman, any Sum not exceeding	1	6
Mackarel, Sprats, Herrings, and Whitings, in Baskets, not exceeding in Quantity Half a Bushel, per Day - -	0	1

The THIRD SCHEDULE referred to in the foregoing Act.

Tolls for Weighing and Measuring.

	s.	*d.*
For every Piece of Meat or Thing weighing not exceeding Twenty Pounds Avoirdupois, any Sum not exceeding - -	0	0½
For every Piece of Meat or Thing weighing more than Twenty Pounds, and not exceeding Sixty Pounds, any Sum not exceeding - - - - - - - - - -	0	0¾
For every Piece of Meat or Thing weighing more than Sixty Pounds, and not exceeding One hundred Pounds, any Sum not exceeding - - - - - - - - -	0	1
And so in proportion for any greater or less Quantity than a Hundred Pounds Weight, over and above One hundred Pounds Weight.		
For every Quantity of Goods and Things sold by Measure, measuring not exceeding One Bushel, any Sum not exceeding	0	0½
For every Quantity more than a Bushel, and not exceeding Two Bushels, the Sum of - - - - - - - -	0	1
And for every Bushel beyond Two Bushels, the Sum of - -	0	0½

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