ANNO QUINQUAGESIMO

GEORGII III. REGIS.

****

Cap. 30.

An Act for regulating the New Market Place in the Town of *Halifax*, in the Weſt Riding of the County of *York*. [6th *April* 1810.]

WHEREAS the Town of *Halifax*, in the Weſt Riding of the County of *York*, is a populous and trading Town, and hath no appointed and convenient Place for holding a publick Market therein: And whereas the Paſſages along the publick Streets are greatly obſtructed and rendered very inconvenient and dangerous to the Inhabitants of the ſaid Town, and alſo to Travellers, by reaſon of the Number of Stalls and Standings placed on the Footpaths and Highways in the ſaid Town: And whereas ſeveral of the Inhabitants of the ſaid Town and others have purchaſed a Plot of Land, and ſundry Buildings, in a convenient Part of the ſaid Town, and near the Centre thereof, and have erected Shambles and various Market Shops therein, at a very conſiderable Expence, for the Accommodation of the Publick, where a Market may now be held: And whereas the ſaid New Market Place is ſtill capable of great Improvement, and it would greatly tend to promote the Cleanlineſs and Health of the ſaid Town, if the ſlaughtering of Sheep and Cattle therein was prevented, and other Nuiſances and Annoyances were removed: But as the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That for the better carrying this Act into Execution, the following Perſons, videlicet, *William* Proprietors.

Rawſon, John Waterhouſe, William Norris, Joſhua Smithſon, Samuel Hodgſon, William Hoyland, John Rhodes, John Rothwell, John Walker, Joſeph Newmarch, John Jackſon, Daniel Ruſhforth, Jeremiah Sharp, William Kerſhaw, William Bradley, Thomas Bradley, Robert Alexander, John Richardſon, Sharp Brearley, John Birkby, and *Thomas Liſter*, being the ſurviving original Proprietors who advanced the Money for making and completing the ſaid New Market Place, together with ſuch other Perſon or Perſons who have or are entitled to one or more Share or Shares therein,

Proprietors' Meetings.

ſhall hold a General Meeting at the *Old Cock* Inn in *Halifax* aforeſaid, on the Fourth *Wednesday* next after the paſſing of this Act, and One general Meeting ſhall be held by them, their Succeſſors and Aſſigns, on the Firſt *Thurſday* in the Month of *March* in every Year, at or after the Hour of Ten in the Forenoon, at ſome convenient Place within the ſaid Town of

Truſtees to be choſen.

Halifax, at which ſaid firſt General Meeting, and at every future General annual Meeting, the Proprietors aſſembled ſhall chooſe Five Perſons, being reſpectively Proprietors of One or more Share or Shares in the ſaid Undertaking, to be Truſtees for managing the Affairs of the ſaid Proprietors in ſuch Manner as is herein directed; but if at any Time it ſhall appear to any Ten or more of ſuch Proprietors that for the more effectually putting this Act in Execution, an occaſional General Meeting of Proprietors is neceſſary to be held, it ſhall be lawful for ſuch Ten or more of them, by Notice to be publiſhed once in the *Halifax Journal*, and printed and circulated amongſt the Proprietors, and alſo to be affixed on the Door of the Pariſh Church of *Halifax* aforeſaid, during the Time of Divine Service, in the Morning of two *Sundays* at leaſt before ſuch intended General Meeting; and alſo by ſuch other Means as the ſaid Proprietors at any General Meeting ſhall direct, and alſo ſpecifying in every ſuch Notice the Reaſon for and Intention of ſuch Meetings reſpectively, to call a Meeting of the Proprietors of the ſaid Market, and the Proprietors are hereby authoriſed to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers by this Act given with reſpect to the Matters ſo ſpecified only; and at all ſuch

Occaſional General Meetings.

Proprietors to vote by themſelves or Proxies.

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

Chairman of Truſtees to have the caſting Vote.

II. And be it further enacted, That no one Truſtee to be elected by virtue of this Act, although he may be a Proprietor of ſeveral Shares in the ſaid *Halifax* New Market, ſhall have more than one Vote at any Meeting of the Truſtees of the ſaid Market, except the Chairman, who

ſhall

ſhall have the caſting Vote in caſe of a Diviſion of equal Numbers, although he may have given one Vote before; and at every ſuch Meeting the Truſtee preſent whoſe Name ſtands higheſt upon the Liſt of Truſtees ſhall be the Chairman; and any Three of the ſaid Truſtees met together after Notice given to the whole, ſhall have Power to act in the ſame Manner as if the whole were preſent.

A Clerk and Treaſurer to be appointed;

III. And be it further enacted, That it ſhall be lawful for the ſaid Proprietors at their firſt General Meeting, or at any future General Meeting, from time to time to nominate and appoint One or more fit and proper Perſon or Perſons to be Clerk and Treaſurer to the ſaid Proprietors, with ſuch Salary or Salaries as the ſaid Proprietors ſhall think proper; and the ſaid Proprietors ſhall and are hereby required to take ſuch Security from every ſuch Clerk and Treaſurer for the due and faithful Execution of his or their Office or Offices as they ſhall think neceſſary and proper, and which ſaid Clerk ſhall from time to time enter all the Proceedings of the ſaid Proprietors and their Truſtees in Books to be provided for that Purpoſe, and which ſaid Treaſurer ſhall keep and enter all Accounts of Monies received and expended on account of the ſaid Undertaking, in Books likewiſe to be provided for that Purpoſe; and ſhall alſo from time to time receive and collect from the ſaid Proprietors the ſeveral Calls on account of the ſaid Undertaking which ſhall be made by the ſaid Truſtees or any General Meeting, and keep a juſt Account thereof, ſubject to the Controul of the ſaid Truſtees; and at every ſuch General annual Meeting all the Accounts of the ſaid Clerk and Treaſurer with the ſaid Proprietors ſhall be audited, and if approved of be ſettled and allowed.

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

IV. Provided always, and be it further enacted, That ſuch Truſtees and Clerk and Treaſurer ſhall from time to time be ſubject to the Examination and Controul of the annual or occaſional General Meetings of the Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes as they ſhall from time to time receive from the ſaid Proprietors at any ſuch General Meetings, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

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

To be divided into Shares of 50*l.* each.

V. And to the end that the ſaid Proprietors may be enabled to complete, improve, and maintain the ſaid New Market Place, Be it enacted, That it ſhall be lawful for the ſaid Proprietors, their Succeſſors and Aſſigns, to raiſe and contribute amongſt themſelves, or by the Admiſſion of new Proprietors, ſuch Sum or Sums of Money for making, completing, and maintaining the ſaid New Market Place, and the Shops and other Buildings belonging thereto, and other the Purpoſes of this Act, as the ſaid Proprietors, at any General Meeting, ſhall from Time to Time order and direct, not exceeding in the aggregate the Sum of Three thouſand Pounds; and the whole Money ſo raiſed and contributed, being added to the Money already advanced, ſhall be divided and diſtinguiſhed into equal Shares of fifty Pounds each Share; and a ſufficient Part of the Money ſo to be contributed, or which ſhall be otherwiſe raiſed by virtue of this Act, is hereby directed in the firſt Place to be applied in defraying the Charges and Expences attending the obtaining and paſſing this Act, and all the Reſidue and Remainder of ſuch Money, in the Purchaſe of the neceſſary Lands,

Meſſuages, Tenements, and Hereditaments, for and towards making, completing, and maintaining the ſaid New Market Place, and in widening and improving the Streets and Avenues leading thereto, and in erecting proper Shops, Sheds, Stalls, Slaughter-houſes, and ſuch other Buildings and Conveniences, and for other the Purpoſes of this Act, as any General Meeting may order and direct, and in defraying all other neceſſary Charges and Expences concerning the ſame, and for no other Uſe, Intent, or Purpoſe whatſoever.

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

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

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

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

Shares may be ſold, and to be deemed Perſonal Eſtate.

VIII. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Proprietors of the ſaid New Market Place, to ſell and diſpoſe of any Share or Shares he, ſhe, or they is, or are, or ſhall hereafter be entitled to therein, ſubject to the Rules and Conditions herein mentioned; and

and that all ſuch Shares, or any Part or Parts of ſuch Shares, ſhall be, and are hereby veſted in the ſeveral Proprietors before mentioned, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Behoof, in proportion to their ſeveral and reſpective Rights, Titles, and Intereſts in and to the Monies already by each of them reſpectively heretofore advanced, and which ſhall hereafter be ſubſcribed and paid at any Time or Times for the Purpoſes of this Act; and all and every the ſaid Shares or Parts of Shares ſhall be deemed to be Perſonal Eſtate, and ſhall paſs as ſuch, and not in the Nature of real Property.

Form of Transfer of Shares in caſe of Sale.

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

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

The Method of transferring Shares in Caſes of Marriage or Death.

X. And be it further enacted, That before any Perſon or Perſons who ſhall claim any Part or Share of the Rents and Income of the ſaid New Market Place in right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſon before One of the Judges at *Weſtminſter*, a Maſter extraordinary in Chancery, or One of his Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk of the ſaid Proprietors for the Time being, who ſhall file the ſame, and make an Entry thereof in a Book or Books which ſhall be kept for that Purpoſe; and before any Perſon or Perſons who ſhall claim any Part or Share in the ſaid New Market Place, or the Rents and Profits thereof, by virtue of any Bequeſt or Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the probate Copy of the ſaid Will, or the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, ſhall be produced and ſhewn to the Clerk to the ſaid Proprietors, who ſhall thereupon cauſe a Copy of the Letters of Adminiſtration, in caſe the Proprietor ſhall have died inteſtate, or if not, then of the Letters of Adminiſtration annexed to the ſaid Probate to be taken, which ſhall be collated and atteſted as a true Copy thereof by the ſaid Clerk, and ſhall be depoſited amongſt the Papers belonging to the ſaid Proprietors, and he ſhall enter and file the ſame in Manner hereinbefore mentioned, and thereupon the Stock of the Proprietor ſo dying ſhall be transferred in the Books of the ſaid Proprietors into the Names or Name of his or her Executors or Adminiſtrators, to be by ſuch Executors or Adminiſtrators transferred and diſpoſed of according to the ſaid Will, or in a due Courſe of Adminiſtration.

Property to be veſted in Truſtees;

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

Meſſuages, Buildings, and Conveniences which have already been erected and made by them for the Uſe of the ſaid New Market Place, or for any of the Purpoſes of this Act, or in the making of any Improvement under the ſame, or which ſhall hereafter be erected or built under this Act for any of the Purpoſes thereof, ſhall be, and the ſame are hereby veſted in the Truſtees for the Time being of the ſaid Proprietors, their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, in truſt for the whole of the ſaid Proprietors; and that it ſhall be lawful for the ſaid Truſtees, for and on behalf of the ſaid Proprietors, by order of any General Meeting, to treat, contract, and agree with the Owner of, or Perſons entitled to all or any Meſſuages, Tenements, Lands, and Hereditaments near the ſaid New Market Place, or in, or near to any of the Streets, Lanes, or Approaches leading thereto, which ſhall or may be neceſſary for improving and completing the ſaid New Market Place and the Approaches thereto, for the abſolute Purchaſe of ſuch Premiſes; which ſaid Premiſes, when purchaſed, ſhall be reſpectively conveyed to and veſted in the ſaid Truſtees in Fee Simple or otherwiſe for the Purpoſes of this Act: Provided always, that nothing herein contained ſhall authorize or empower the ſaid Proprietors to take or purchaſe any Lands, Tenements, Hereditaments, or Premiſes aforeſaid againſt the Conſent of the Owner, Proprietor, or Occupiers thereof, nor to a greater aggregate Amount than is hereinbefore authorized and directed.

and Power to purchaſe Lands, &c. with Conſent of Owners.

Perſons under legal Diſabilities empowered to act.

XII. Provided always, and be it further enacted, That it ſhall be lawful for all Bodies Politic or Corporate, Truſtees and Feoffees in Truſt, Guardians, Committees of Lunatics or Ideots, Executors, Adminiſtrators and all other Truſtees, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their Ceſtuique Truſts, Infants, Lunatics, Femes-Covert, and for all other Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or have any Eſtate, Right, Title or Intereſt in any Ground, Meſſuages, Tenements, Buildings, or Hereditaments, which ſhall or may be neceſſary to be made uſe of, or taken down for the Purpoſes of this Act, to treat, contract, and agree with the Truſtees of the ſaid Proprietors, or their Agents, for the abſolute Sale thereof, and to convey and aſſure the ſame according to the Directions of this Act; and that all Contracts, Agreements, Sales, and Conveyances which ſhall be made by virtue and in purſuance of this Act, ſhall, without any Fine or Fines, Common Recovery or Recoveries, be good, valid, and effectual, to all Intents and Purpoſes whatſoever, any Law or Statute to the contrary hereof notwithſtanding.

Application of Compenſation Money belonging to incapacitated Perſons.

XIII. And be it further enacted, That if any Money ſhall be agreed or adjudged to be paid for any 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, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity as hereinbefore 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 High Court of Chancery, to be placed to his Account *ex parte* the Proprietors of the *Halifax* New Market, to the intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court (to be ſignified by

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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 Lands or Hereditaments) in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, 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 Meſſuages, Lands, Tenements, 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 Meſſuages, Lands, Tenements, 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 mean time, and until ſuch Purchaſe ſhall be made, the ſaid Money, by Order of the ſaid Court of Chancery, 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 mean time, and until the ſaid 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 Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

XIV. Provided always, and be it further enacted, That if any Money, ſo agreed or adjudged to be paid for any 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 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 High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid Truſtees, or any Two or more of them, for executing this Act, (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 any Manner hereinbefore directed, ſo far as the Caſe may be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

If 20*l.* or under.

XV. Provided alſo, and be it further enacted, That where ſuch Money, ſo agreed or adjudged to be paid as before mentioned, ſhall not exceed the Sum

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 Lands or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit, or in caſe of Infancy, Idiotcy, or Lunacy, then to his, her, 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.

XVI. 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 Lands, Tenements, or Hereditaments, to be purchaſed, taken or uſed as aforeſaid, ſhall, for the Space of Ten 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 Truſtees, or be not known or diſcovered, or cannot be found, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo adjudged to be paid in the Bank of *England*, in the Name, and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; 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 publick 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 ſaid 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, ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums into the Bank as aforeſaid.

In caſe of Diſpute, the Perſons in Poſſeſſion of the Lands to be entitled to the Money.

XVII. 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 Chancery, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under them reſpectively, or under their Poſſeſſion, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; 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 Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order Expences of Purchaſes to be paid by the Truſtees.

XVIII. 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 Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of *Chancery*, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court of *Chancery* 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 the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees 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.

Buildings may be erected and altered.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Proprietors to alter and improve all and every or any of their Shops, Slaughter-houſes, and other Buildings already erected in and near the ſaid New Market Place, and alſo to erect and build any Market Houſe or Market Houſes, and alſo ſuch other proper and convenient Buildings, Slaughter-houſes, Shops, Sheds, Shambles, Stalls, Standings, and other Conveniences, as the ſaid Proprietors or their Truſtees ſhall judge to be ſuitable or proper for the Uſe and Convenience of the ſeveral Perſons attending the ſaid Market, and to alter the ſame from time to time as they ſhall think fit.

No Cattle &c. to be ſlaughtered in the Market Place or Streets; nor any Shops or Stalls to be ſet up in any of the Foot-paths or Highways.

XX. And whereas the ſaid Proprietors have already erected and built in a convenient Situation near the ſaid New Market Place, proper and neceſſary Slaughter-houſes and other Buildings and Conveniences thereto, and alſo a conſiderable Number of Shops and Standings in the ſaid Market Place, and are willing to enlarge the ſame from time to time when wanted; Be it therefore further enacted, That from and after the paſſing of this Act, it ſhall not be lawful for any Perſon or Perſons to kill, ſlaughter, or dreſs, or cauſe to be killed, ſlaughtered, or dreſſed, any Beaſt, Swine, Calf, Sheep, or other Cattle in the ſaid New Market Place, except in ſuch Slaughter-houſes and other Buildings erected or to be erected and ſet apart for that Purpoſe, or in any Street, Court Way, or publick Alley or Paſſage within the ſaid Town of *Halifax*, or in any Place which ſhall be open or expoſed to any Street, Court, Way, Alley, or publick Paſſage there, or ſuffer or permit the Blood thereof to run down into any ſuch Street, Court, Way, Alley, or publick Paſſage; nor ſhall any Perſon or Perſons put, place, or ſet up, or cauſe to be put, placed, or ſet up, any Shop, Stall, Shew, or Standing, or any Baſket, Stool, Table, or Board, for the Purpoſe of ſhewing or ſelling, or expoſing to ſale, any Corn, Grain, Butchers' Meat, Fiſh, Poultry, Butter, Eggs, Cheeſe, Vegetables, Fruit, or other marketable Commodities, Matters, or Things, on any of the publick Foot-paths or Highways in the ſaid Town or Townſhip of *Halifax*, other than within the Limits of the ſaid New Market Place, upon pain of every Perſon ſo offending forfeiting for every ſuch Offence, on Conviction before One or more Juſtice or

Juſtices of the Peace, any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, to be recovered and applied as is hereinafter directed.

Not to prevent Perſons from ſelling in their Houſes or Shops.

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

Proprietors to make Regulations in the Market.

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Proprietors, or their Truſtees, from time to time to direct and appoint what particular and reſpective Parts of the ſaid New Market Place ſhall be occupied and made Uſe of for expoſing to ſale any Commodities, Matters, and Things therein, and alſo from time to time to make ſuch Rules, Orders, Regulations, and Bye Laws as the ſaid Proprietors, or their Truſtees, 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 Five Pounds, as they ſhall think fit; and for fixing and aſcertaining the Time or Times at which all or any Goods, Wares, or Commodities ſhall reſpectively begin to be offered or expoſed to Sale therein, and how long the ſame ſhall continue expoſed to Sale; and alſo the Time or Times when, and the Manner in which, any moveable Shed, Stall, Standing, or Bench allowed to be uſed or ſet up in the ſaid Market Place, ſhall be ſet up, uſed, taken down, and removed from the ſaid Market Place, or depoſited or laid by therein; which Rules, Orders, Regulations, and Bye Laws ſhall be from time to time printed in legible Characters, and affixed upon ſome conſpicuous Part or Parts of the ſaid Market Place during ſuch Markets reſpectively, for Two Market Days before ſuch Orders and Regulations ſhall be deemed to be in force; and the ſaid Proprietors 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 expreſs Proviſions of this Act, or to any of the Laws of the Land; and ſuch Rules, Orders, Regulations, and Bye Laws ſhall be ſubject to Appeal at the General Quarter Seſſions next ſubſequent to the Cauſe of Complaint.

Proprietors' Dividends limited, and Surpluſes to be appropriated.

XXIII. Provided always, and be it further enacted, That if at any Time hereafter the Rents, Dues, Profits, and Produce to be received and ariſing from the ſaid New Market Place, after paying and diſcharging all Rates, Taxes, Aſſeſſments, Intereſts, Debts, Charges, and Salaries, and all other incidental Expences and Sums expended in the repairing and improving the ſaid Market or Approaches thereto, or for or in the carrying into Execution any other Purpoſes of this Act, ſhall be more than ſufficient to make the clear Dividends upon the principal Money ſubſcribed by the ſaid Proprietors for the Purpoſes of this Act, exceed the Rate of Ten Pounds *per Centum* net *per Annum*, then and in ſuch Caſe all the Surplus ariſing from the ſaid Rents, Dues, Profits, and Produce, after the Payment of ſuch Ten Pounds *per Centum* on the Shares of the ſaid Proprietors as aforeſaid, ſhall be applied and expended to and for the general Benefit and Advantage

Advantage of the Inhabitants at large of the Town and Pariſh of *Halifax*, in Manner hereinafter directed.

Surpluſes to be firſt applied in erecting a Town-Hall, &c.

XXIV. And whereas the Inhabitants of the Town of *Halifax* aforeſaid have never been provided with any Town's Hall or publick Building wherein to meet on publick Occaſions, and the Magiſtrates of the ſaid Town and Neighbourhood have been frequently inconvenienced for want of ſuch Accommodation, and there being no convenient Place for holding the Courts Leet and Baron in the ſaid Town: And whereas the providing and erecting ſuch Accommodations will be of eſſential Benefit and Advantage to the ſaid Inhabitants at large; Be it therefore further enacted, That when and ſo often as it ſhall happen at the annual Settlement of the Accounts of the ſaid Proprietors that there ſhall remain any ſurplus Balance, after defraying all Coſts, Charges, and Expences, and the full Dividend of Ten Pounds *per Centum per Annum* hereinbefore authorized to be made amongſt the ſaid Proprietors, that then and in all ſuch Caſes it ſhall and may be lawful for the ſaid Proprietors, and they are hereby authorized and required from time to time to place all ſuch ſurplus Balances out at Intereſt, or inveſt the ſame in the publick Funds, in ſuch Manner as any General Meeting of the ſaid Proprietors ſhall order and direct; and alſo in like Manner to place out or inveſt the Intereſt or Dividends of the ſaid Monies as the ſame ſhall be received, in order that ſuch Balances and Intereſt may accumulate; and when and ſo ſoon as the Sum of One thouſand five hundred Pounds or any larger Sum ſhall be accumulated, then and in ſuch Caſe it ſhall be lawful for the ſaid Proprietors, and they are hereby directed and required to apply and expend the ſame in erecting and completing a Town's Hall in ſome convenient Situation in the ſaid New Market Place, with ſuitable Offices and Conveniences thereto; and after ſuch Town's Hall or publick Building and Conveniences ſhall be finiſhed and completed, it ſhall and may be lawful to and for His Majeſty's Juſtices of the Peace acting in and for the ſaid Riding to make uſe thereof, or of ſuch Part or Parts thereof as ſhall be neceſſary, for the Purpoſe of holding their private Seſſions and tranſacting their publick Buſineſs therein; and alſo, in caſe the Lords of the Manors of *Wakefield* and of *Halifax* ſhall ſo think fit and direct, for holding the Court Leet and Court Baron therein, free from any Charge to be made by the ſaid Proprietors for the Uſe thereof; and alſo that it ſhall and may be lawful to and for the Inhabitants of the Town and Pariſh of *Halifax* aforeſaid to make uſe of ſuch Town's Hall or other publick Building for holding any lawful publick Meeting on Buſineſs therein, free from any Charge to be made for the Uſe thereof, upon delivering to the Clerk of the ſaid Proprietors, Three Days previous to every ſuch Meeting, a Requeſt in Writing for that Purpoſe, ſigned by Ten or more of the Inhabitants of the ſaid Town and Pariſh, who ſhall then poſſeſs or occupy Lands or Tenements of the Value of Twenty Pounds *per Annum* (of which Number the Conſtable or Conſtables of the ſaid Town of *Halifax* for the time being ſhall always form Part): Provided always nevertheleſs, that the ſaid publick Buildings and Conveniences, ſo to be erected as aforeſaid, ſhall at all Times be under the Direction and Controul of the ſaid Truſtees, and be made uſe of by them and their Aſſigns, when the ſame ſhall not be wanted, for the Purpoſes aforeſaid, in ſuch Manner as they the ſaid Truſtees ſhall order and appoint, any Thing herein contained to the contrary notwithſtanding.

XXV. And

And further Surpluſes to general Improvements.

XXV. And be it further enacted, That if after the building and completing of ſuch Town's Hall and Building as aforeſaid, any further Surplus ſhall ariſe, it ſhall be lawful for the ſaid Proprietors to apply the ſame in the Improvement of the Town or any of the Avenues leading thereto, or to ſuffer the ſame to accumulate for the Purpoſe of building or improving any publick Hoſpital, School, or Diſpenſary, or any other like Purpoſe whatever, beneficial to the ſaid Town and the Inhabitants thereof.

Limitation of Subſcriptions.

XXVI. Provided always, and be it further enacted, That no more than the Sum of One thouſand five hundred Pounds, Part of the Sum of Three thouſand Pounds hereinbefore authorized to be raiſed and ſubſcribed for the Purpoſes of this Act, ſhall be raiſed, ſubſcribed, or called for until after the ſaid Town's Hall, with proper Appurtenances thereto, ſhall have been erected and completed.

The Truſtees empowered to ſell Parcels of Land not wanted.

XXVII. And whereas by reaſon of the Purchaſes which the ſaid Proprietors are hereby empowered to make, they may happen to be poſſeſſed of ſome Piece or Pieces of Ground, or Tenements, or Premiſes, over and above what may be neceſſary for effecting the Improvements hereby authorized to be made, or for other the Purpoſes of this Act: Be it further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Piece or Pieces of Ground, Tenements, or Premiſes, either together or in Parcels, as they ſhall find moſt advantageous and convenient to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame, or to exchange the ſame for any other Lands or Tenements; and every ſuch Sale and Deed, or Inſtrument of Sale, made by ſuch Truſtees, ſhall be good, valid, and effectual againſt all the Proprietors of the ſaid Market, their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, for ever, as fully as if made by and in the Names of all the ſaid Proprietors; and that it ſhall be lawful for the ſaid Truſtees to plan, deſign, and lay out in what Manner any new Houſe or Houſes, or Edifices to be erected upon ſuch Piece or Pieces of Ground ſo to be ſold or exchanged ſhall be built or erected; and the Money to ariſe by ſale of ſuch Piece or Pieces of Ground 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 thereof.

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

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

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

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

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

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

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

Penalties how to be recovered.

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

Offenders, by Warrant under the Hand and Seal of any One or more Juſtice or Juſtices of the Peace acting in and for the ſaid Weſt Riding of the County of *York*, upon the Conviction of the Offender or Offenders by his, her, or their Confeſſion or Confeſſions, or by the Oath of One or more credible Witneſs or Witneſſes, rendering the Overplus (if any) after ſuch Forfeiture or Penalty, together with the Coſts, Charges, and Expences attending ſuch Conviction, Warrant, Diſtreſs, and Sale, ſhall be fully paid, unto the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained as aforeſaid; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalty or Forfeiture, Coſts and Charges, ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Offender or Offenders convicted as aforeſaid, to the Houſe of Correction or common Gaol, there to remain without Bail or Mainprize for any Time not exceeding Two calendar Months, unleſs ſuch Penalty or Forfeiture, Coſts and Charges, and all Expences attending ſuch Commitment, ſhall be ſooner paid and ſatisfied; and all Penalties and Forfeitures under this Act ſhall go and be applied, One half to the Perſon who ſhall inform, or ſue or proſecute for the ſame, and the other Half ſhall go and be applied to the Uſe of or towards the erecting of a publick General Diſpenſary in the ſaid Town, or of ſuch other publick Eſtabliſhment, School, or Charity in the ſaid Town, as any general Meeting of the ſaid Proprietors ſhall order and direct.

Appeal.

XXXII. And be it further enacted, That if any Perſon 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 Weſt Riding of the County of *York* 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 giving ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Weſt Riding, with Two ſufficient Sureties 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 being given, and of the entering into ſuch Recognizance as aforeſaid, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they ſhall think proper; and the Determination of ſuch Juſtices ſhall be binding, final, and concluſive to all Intents and Purpoſes whatſoever.

Public Act.

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

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