ANNO TERTIO

# VICTORIÆ REGINÆ.

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## *Cap*. lxxv.

## An Act for regulating the Markets and for erecting a Market House in the Town of *Launceston* in the County of *Cornwall*. [19th *June* 1840.]

WHEREAS the Market for supplying the Town of *Launceston* in the County of *Cornwall* and the Neighbourhood thereof with Corn, Grain, and Agricultural Produce, Live and Dead Stock, Meat, Fish, Poultry, Cheese, Fruit, Vegetables, and other Provisions, and with divers other Commodities, Goods, Wares, and Merchandizes, has been long held in Places altogether unsuitable for the Purpose, and in the principal Streets and other Thoroughfares within the said Town, whereby the same are obstructed, and rendered dangerous and inconvenient to the Inhabitants of the said Town and to the Public at large: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Launceston*, being by Law entitled to the Tolls and to the Management and ordering of the said Market, and of the Fairs held within the said Borough, are willing and desirous to provide a proper Market Place or Places and Buildings, with all other Conveniences necessary thereunto, and suitable Approaches to the same, and to establish such Regulations touching the said Markets and Fairs and the Tolls thereof as may be for the Convenience and Benefit of the said Town, Borough, and Neighbourhood; but the several Purposes aforesaid 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 Queen's most Ex-

cellent 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 the Mayor, Aldermen, and Burgesses of the said Borough of *Launceston*, and their Successors for the Time being, by the Council of the said Borough, shall be and are hereby authorized to put this Act and the several Powers herein contained into execution in manner herein-after mentioned, and shall hold their First Meeting for that Purpose at the Council House or some other convenient Place in the said Borough within One Calendar Month next after the passing of this Act, and shall, as to all Matters not herein-after especially provided for, put into execution the said Powers at any of their Meetings held under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales; and the Mode of calling such Meetings, and their Proceedings at such Meetings, as regards the Decision of Questions then arising, and the Number necessary to transact Business, and the Mode of entering and signing the Minutes of such Proceedings, and the Inspection of such Minutes by other Parties than the said Council, shall in all Matters not herein-after provided for be governed in all respects by the Directions of the said last-named Act, as fully and effectually as if the several Clauses of the said Act having reference thereto were herein set forth.

Council of the Borough of Launceston to carry into execution this Act

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

II. And be it enacted, That the Town Clerk, Treasurer, and Auditors for the Time being of the said Borough, as now and from Time to Time appointed under the said recited Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, shall act severally as Clerk and Treasurer of the said Council, and as Auditors for the Purpose of carrying into execution the Powers and Provisions in this Act.

Limits of the Act.

III. And be it enacted, That none of the Provisions or Regulations herein-after contained shall be deemed or construed to extend to any Parts of the said Borough of *Launceston* other than the Parish of *Saint Mary Magdalene* and Hamlet of *Saint Thomas Street* aforesaid.

Interpretation of Words used in this Act.

IV. And be it enacted, That whenever in this Act any Word is used importing the Singular Number only such Word shall extend to and include several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall be applied to and comprise One Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall be applied and extend to Females as well as Males; and the Word "Corporation" shall be understood to mean any Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Civil or Ecclesiastical, Aggregate or Sole; and the Word "Oath" shall extend to and include the Affirmation of a Quaker, Separatist, or Moravian; and the Word "Lands" shall extend to Messuages and all other Corporeal Hereditaments whatsoever; unless it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Power to Council to

V. And be it enacted, That it shall be lawful for the said Council at any of their Meetings to make such Rules, Orders, and Regulations for the

the Management, Direction, and Government of the Proceedings of the said Council, touching any Matters to be done in pursuance of this Act, and of any Officer of the said Council, and of any Committee or Committees to be appointed as herein-after is mentioned, as shall from Time to Time appear necessary and proper, such Rules, Orders, and Regulations respectively not being repugnant to the Laws of *England*, or to any of the Provisions of this Act, and to alter, vary, or repeal the same, as Occasion shall be or require.

make Rules and Regulations for their own Government.

VI. Provided always, and be it enacted, That no Order, Appointment, Regulation, or Proceeding whatever, made in pursuance of this Act, at any Meeting of the said Council, shall be altered or revoked at any subsequent Meeting, unless such Purpose of altering or revoking the same be specifically stated in the Notice convening such subsequent Meeting, and unless the Alteration or Revocation of the same be sanctioned and authorized at such subsequent Meeting by a Majority of the whole Number of the Members then belonging to the Council of the said Borough.

No Resolutions, &c. of a former Meeting to be altered or revoked unless upon special Notice.

VII. And be it enacted, That Notice of all Meetings of the said Council to be holden under the Provisions of this Act shall, if not herein otherwise provided for, be given in the same Manner and with the same Interval of Time as in the Case of Meetings held under the Provisions of the herein-before recited Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and that Notice of all Meetings of Creditors under this Act, to be holden under the Provisions of this Act, shall, if not herein otherwise provided for, be posted at the Time herein specified on the Door of the Council House and of every Church and Chapel within the said Borough.

Notices of Meetings of Council, &c.

VIII. And be it enacted, That the said Council shall cause to be provided and kept a proper Book or Books, and fair and regular Entries and Minutes to be made therein of the Orders and Proceedings of the said Council at their several Meetings relative to the Execution of this Act, together with the Names of the Members of the said Council who shall attend every such Meeting; and the Chairman of each Meeting respectively shall sign the same; and all such Entries and Minutes, being so signed, shall, without further Proof, be admitted in Evidence in all Courts and upon all Occasions whatsoever; and at any of the said Meetings the Book or Books aforesaid shall be open to the Inspection of each of the said Council; and each of the said Council, Burgesses of the said Borough, and all Creditors on the Tolls, Rents, and Stallage, or any of them, shall at all seasonable Times (not being during the Transaction of Business by the said Council at their Meetings) be permitted to inspect the same *gratis*, and to have true Copies of any of the Entries or Minutes in such Book or Books made by the Clerk to the said Council, upon paying for such Copies after the Rate of Sixpence for every One hundred Words.

Orders and Proceedings to be entered in Books, which may be Evidence.

IX. And be it enacted, That the said Council may sue and prosecute and be sued and prosecuted for and concerning any thing which shall be done by virtue or in pursuance of or contrary to this Act in their Corporate Name and Title, as the Mayor, Aldermen, and Burgesses of the

Council to sue and be sued for the Purposes of this Act in

their Corporate Name.

the Borough of *Launceston*; and may affix the Corporate Seal of the Borough to all Deeds, Instruments, Orders, or Authorities whatsoever to be executed, made, or given by the said Council by virtue of and at any Meeting held in pursuance of the Provisions of this Act.

Deeds, &c. to be under Corporate Seal.

X. And be it enacted, That every Deed, Conveyance, Lease, or Contract entered into by the said Council in pursuance of the Powers of this Act, or for any Purpose herein authorized, shall have the Corporate Seal of the said Borough affixed thereto, and shall be signed by the Clerk of the said Council for the Time being.

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

XI. And be it enacted, That it shall be lawful for the said Mayor, and any other Member of the said Council who shall be a Justice of the Peace having Jurisdiction within the said Borough, to act, and he is hereby empowered to act as a Justice of the Peace for putting in execution the several Powers and Authorities granted by this Act, in all Matters wherein he shall not be personally or individually interested.

Council to appoint Collector, Surveyor, and other Officers;

XII. And be it enacted, That the said Council may and they are hereby empowered, at any of their Meetings, to appoint a Collector or Collectors of the Tolls, Rents, and Stallage to be paid and collected as herein-after mentioned, also a Surveyor or Surveyors, and such other Officers for the Execution of this Act as are not herein-before nominated and appointed and as the said Council shall think proper; and it shall be lawful for the said Council from Time to Time to remove or suspend such Collectors, Surveyors, or other Officers, and to appoint another or others in the Room of any of them who shall be so removed, or who shall die, or decline such Offices, or become incapable of acting therein; and out of the Monies to be raised by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to their Clerk and Treasurer aforesaid, and to the said Collectors, Surveyors, or other Officers, in respect of their several Services under this Act, as they the said Council shall think reasonable; and the said Council shall and they are hereby required to take sufficient Security from every such Clerk, Treasurer, and other Officer.

to take Security from their Officers.

Account to be kept of Receipts and Disbursements.

XIII. And be it enacted, That the said Council shall and they are hereby required from Time to Time and at all Times to order and direct Books to be provided and kept by the said Clerk, and also by the said Treasurer for the Time being, in which Books such Clerk and Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid, which Accounts shall be kept perfectly distinct and separate from all others relating to the said Council; and the said Books shall at all seasonable Times be open to the Inspection of the said Council, or any Burgess of the said Borough, or any Creditor under this Act, without Fee or Reward; and the said Members, Burgesses, and Creditors shall or may take Copies of or Extracts from the said Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit the said Members, or Burgesses, or Creditors, or any of them, to inspect the same,

same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after directed.

Officers to account.

XIV. And be it enacted, That all such Officers so to be appointed as aforesaid shall under their Hands, at such Time and Times and in such Manner as the said Council shall direct, deliver to the said Council, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Council, or to such Person as they shall appoint to receive the same; and every such Treasurer shall, on the First *Monday* in *February* in every Year, or at the First Meeting of the said Council then next following, although not thereunto required by the said Council, lay his Accounts before the said Council, in order that the same may be audited, passed, and allowed by them, if approved of; and such Officers shall severally explain their said Accounts; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to explain his said Account, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such Person as they shall appoint to receive the same, within Fourteen Days after being thereunto required by the said Council by Notice in Writing under the Corporate Seal of the said Borough given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Council respecting the same, then and in every such Case, upon a Complaint made by the said Council, or by such Person as they shall appoint for that Purpose, of any Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, Borough, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce such Vouchers relating thereto as are in his Possession or Power, or to explain his said Accounts, or that any Books, Papers, or Writings relating to the Execution

of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice may commit such Offender to the Common Gaol or House of Correction for the County, Borough, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall make a true and perfect Account, and produce such Vouchers as aforesaid, and make full Payment as aforesaid, or compound with the said Council for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Council are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Council: Provided that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels to answer or satisfy the said Money shall be detained in Prison for any longer Time than Three Calendar Months: Provided also, that if any Money shall be due from such Officer his Commitment to Prison as aforesaid shall not (without the Consent of the said Council) be deemed a Discharge for the same, nor exonerate the Sureties for such Officer, but such Officer and his Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer had not been committed to Prison.

Officers not to take Fees or Rewards.

XV. And be it enacted, That if any Person who shall be employed by the said Council for the Purposes of this Act as Clerk, Treasurer, Auditor, Collector, Surveyor, or in any other Capacity, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as may be received by virtue of this Act, for or on account of any thing done or to be done in pursuance of this Act, or for forbearing to do any thing ordered or directed by the said Council, or any thing whatever relative to his Employment or Duty under this Act, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Council, every such Person so offending shall, on Conviction thereof at a Meeting of such Council, be incapable from that Time forth of serving or being employed under this Act.

Treasurer to pay Money.

XVI. And be it enacted, That the said Council are hereby empowered, at any Meeting thereof, by an Order or Orders in Writing under the Hands of the Chairman of the said Meeting, countersigned by the Clerk of the said Council, to direct the Treasurer of the said Council from Time to Time to pay such Sum or Sums of Money out of the several Monies borrowed, raised, and collected by virtue of or available for the Purposes of this Act, and paid to or received by such Treasurer, to such Person and in such Manner as they the said Council shall think necessary and expedient for the Purposes of this Act; and upon the Receipt of such Order or Orders such Treasurer is hereby authorized and required to pay from Time to Time the Sum or Sums of Money expressed in such Order or Orders out of such Monies as aforesaid, which Sum or Sums so paid shall be allowed to the said Treasurer in his Account.

All Monies to be paid to the Treasurer.

XVII. And be it enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Council by virtue of this Act, or which

which shall be either borrowed by them on Mortgage or be otherwise payable to them under any of the Provisions of or for the Purposes of this Act, shall from Time to Time be paid into the Hands of the Treasurer of the said Council; and no Sum or Sums of Money shall be disbursed or paid by such Treasurer on behalf or on account of such Council without such Order in Writing as herein-before directed.

Accounts to be made up annually.

XVIII. And be it enacted, That on or before the First Day of *March* in every Year a true general Account shall be made and written of all Monies received and paid and of all Contracts made by virtue of this Act during the preceding Year, ending upon the Thirty-first Day of *December* of the previous Year, and of the Amount of Debts and Liabilities of the said Council in respect thereof up to the Day last aforesaid; and such Account shall be laid before the First Meeting of the said Council held after the said First Day of *March*; and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Council, who shall permit any Member of the said Council or any Burgess of the said Borough, or any Creditor or Creditors under this Act, to inspect the same at seasonable Times; and the said Clerk shall, upon Demand, without Delay, furnish Copies of the same or any Part thereof, upon being on such Demand paid at the Rate of Fourpence for every One hundred Words, and so in proportion for a less Number of Words; and an Abstract of such yearly Account shall be yearly printed, and Ten Copies thereof sent to each Member of the Council, and a Copy posted on the Door of the Council House of the said Borough.

Accounts to be audited.

XIX. And be it enacted, That the Auditors as aforesaid shall meet on the Second *Wednesday* in the Month of *March* in the Year One thousand eight hundred and forty-one, or within Fourteen Days after, at the Council House of the said Borough, or at some other convenient Place in the said Borough to be appointed by the said Council, and proceed to audit the said Accounts of the said Council (in the Presence of their Clerk, in case he should desire to be present,) from the Time they shall have begun to execute this Act up to the Thirty-first Day of *December* next preceding the Meeting of the said Auditors; and on the Second *Wednesday* in the Month of *March* in every subsequent Year the Auditors as aforesaid shall meet at the Place aforesaid, and proceed in the like Manner and in the like Presence to audit the Accounts of the said Council relating to this Act for the Year ending respectively on the Thirty-first Day of *December* then last past; and the said Council are hereby required, by their Clerk, to produce and lay before the said Auditors at every such Meeting all Books, Papers, and Writings in their Custody or Power relating to the Execution of this Act, and a true and just Statement or Account in Writing, accompanied with proper Vouchers, of all Sums of Money which shall have come to the Hands of the said Council or of their Treasurer, by virtue of this Act, and also of all Monies paid, laid out, or expended by them during the said Period, and in and about the obtaining and carrying the same into execution, and other Expences incident thereto; and in case the said Accounts shall be found to be correct the said Auditors shall sign the same; and in case the said Auditors shall think there is just Cause to disapprove such Accounts, or any Part thereof, the said Auditors shall make a Special Report thereon, and without Delay present the same at the next practicable Meeting of the said Council.

XX. And

Power to purchase Lands, Buildings, &c.

XX. And be it enacted, That it shall be lawful for the said Council and they are hereby authorized and empowered to purchase and take, in manner herein-after mentioned, so much of the several Messuages, Houses, Buildings, Lands, Tenements, and Hereditaments within the said Parish and Hamlet mentioned and specified in the First Schedule to this Act annexed, as they the said Council may think necessary and proper to be taken for the Purposes of this Act; and the said Council may and they are hereby authorized to treat, contract, and agree with the Owners and Occupiers of any other Messuages, Houses, Buildings, Lands, Tenements, and Hereditaments within the said Parish and Hamlet, for the Purchase thereof for the Purposes of this Act, and to take down or alter all or any of the said Messuages, Houses, Buildings, Tenements, or Hereditaments, or any Part or Parts thereof respectively, and also any Messuages, Houses, Buildings, Lands, Tenements, and Hereditaments within the said Parish and Hamlet already belonging to the said Council, and to appropriate the same, or all or any Part of the Site or Ground thereof, and also all or any Part of the said Lands, or of any Lands within the Parish and Hamlet aforesaid already belonging to the said Mayor, Aldermen, and Burgesses, and to make, erect, and build thereon a proper Market Place or Places and Buildings for the Purposes herein-after mentioned, with all necessary Stalls, Standings, and other Conveniences, with suitable Approaches, for all Persons attending or resorting to the said Market Place or Places; and also to set out in manner herein-after more especially provided, on some Part of the said Site of Ground or Lands aforesaid, a Place for exposing to Sale and selling Live Cattle, and other Live Beasts and Stock, and also on other Part of the said Site, Ground, or Lands to erect One or more Slaughter-houses in manner herein-after more especially provided, and to do and perform all such other Acts, Matters, and Things as may be necessary for maintaining, repairing, altering, and improving such Market Places, Buildings, Conveniences, and Approaches, and such Cattle Market, and such Slaughter-houses as aforesaid, and for putting into execution the other Provisions of this Act.

Misnomers or wrong Descriptions in the Schedule not to prevent the Execution of the Act.

XXI. And be it enacted, That if any of the several Messuages, Houses, Buildings, Lands, Tenements, and Hereditaments included in the First Schedule to this Act annexed, or any of the Owners or Lessees thereof, or any other Persons interested therein or in any Part thereof, or any 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 properly named and described in the said Schedule, provided it shall appear to any Two Justices of the Peace having Jurisdiction within the said Borough, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Houses, Buildings, Lands, Tenements, or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Power to treat for the Purchase of Lands.

XXII. And be it enacted, That it shall be lawful for the said Council to treat and agree, and to employ any Person to treat and agree for the Purchase

Purchase of any Lands authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Estates, Rights, and Interests therein and Charges thereon, or such of them or such Part thereof as the said Council shall think proper, and also to treat and agree and make Arrangements with the Owners and Occupiers of any other Lands which may from Time to Time be considered proper for the Purposes of this Act, and as may be from Time to Time agreed on between the Owners and Occupiers thereof and the said Council.

Parties to deliver a Statement of their Estates and Claims within one Calendar Month after Notice.

XXIII. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Council, or their Agent duly authorized, of their Intention to take or use any Lands or any Part thereof for the Purposes of this Act, and also of this Provision, shall have been given to any Person or Corporation seised, possessed of, or interested in, or authorized by this Act to accept and receive Satisfaction and Compensation for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, or left at the last known Residence of such Person, or given to the Clerk or known Agent of such Corporation, such Person or Corporation shall deliver or cause to be delivered at the Office of the Clerk of the said Council a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he or they claim to be entitled to, or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in Satisfaction and Compensation for the Value of such Estate, Share, Interest, or Charge, and for such Injury or Damage respectively.

Corporations and Persons empowered to agree for Satisfaction and Compensation.

XXIV. And be it enacted, That all Corporations and other Persons by this Act capacitated to sell and convey any Lands, or to sell and convey any other Rights or Interests in Lands, and the respective Owners, Lessees, and Occupiers of any Lands required for the Purposes of this Act, may agree to accept and receive, and may (subject to such Restrictions as in this Act are contained as to the Payment thereof) accept and receive Satisfaction for the Value of such Lands, or of the Interest therein by them conveyed, and also Compensation for or on account of any Damage occasioned to such Lands by reason of the severing or dividing of the same, or by reason or on account of the Execution of any of the Works, Buildings, or Matters by this Act authorized, and also for or on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations or other Parties by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid), Lessees and Occupiers respectively, and the said Council; and in case the said Council and the said Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them concerning which they do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein is directed.

Corporations and Persons under legal

XXV. And be it enacted, That it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or

Disability empowered to sell and convey Lands.

or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of this Act, in case they had been sole, of full Age, and sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right or Title to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any Lands authorized to be taken under the Powers of this Act, to contract for, sell, and convey the same or any Part thereof to the said Council; and all Conveyances for the Purposes of this Act shall be prepared and made by and at the Expence of the said Council, and may be in the Words or to the Effect following, or with such Variations, Covenants, or Conditions as the Number of the Parties and the Circumstances of the Case may render expedient; (that is to say,)

Form of Conveyance to the Council.

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

Provided nevertheless, that if any of the Lands, Tenements, or Hereditaments to be taken under the Powers of this Act shall be of Customary Tenure holden of the Mayor, Aldermen, and Burgesses of the said Borough, according to the Custom thereof, the same shall pass and be assured by Surrender at a Borough Court to be holden according to the Custom of the said Borough, and which Surrender the said Mayor, Aldermen, and Burgesses are hereby empowered to accept; and the said Surrender shall, without any other Form or Instrument, operate, to all Intents and Purposes, as a good and valid Conveyance of such last-mentioned

mentioned Lands, Tenements, and Hereditaments to the said Council for the Purposes of this Act; and the said Lands, Tenements, and Hereditaments shall, from the Time of the respective Surrenders thereof, and at all Times thereafter, whilst holden by the said Council under and for the Purposes of this Act, or when disposed of by the said Council by virtue of the Provisions herein-after contained, be discharged and exonerated from the Payment of the Town Rent heretofore payable to the said Mayor, Aldermen, and Burgesses in respect of the said Lands, Tenements, and Hereditaments respectively, and from all Claim in respect thereof: Provided also, that if any such Surrender shall take place on any other Day than the Day on which a Year's Town Rent in respect of the said Lands, Tenements, and Hereditaments would become payable, then and in such Case such Lands, Tenements, and Hereditaments so surrendered on any such Day other than as aforesaid shall be liable to an apportioned Share of the Town Rent which would have become payable to the said Mayor, Aldermen, and Burgesses in respect of such Lands, Tenements, and Hereditaments on the then next Day on which the yearly Town Rent reserved upon such Lands, Tenements, and Hereditaments would have been due and owing; and all such Conveyances and Assurances as aforesaid shall be valid and effectual in Law, and shall operate to bar and destroy all Estates Tail, and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and to the Lands in such Conveyances respectively comprised, which shall be compensated for by the Payment of the Compensation Money mentioned in such Conveyances, and also to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed or aliened, except where the said Council shall have express Assignments or other Dispositions made of such Terms for their Benefit, but although the said Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on foot in Trust for the said Council, and to attend the Reversion and Inheritance.

Mortgagees to convey to the Council.

XXVI. And be it enacted, That all Persons and Corporations having any Mortgage on any Lands which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Person or Corporation, and whether in Possession of such Lands by virtue of such Mortgage, or not, and whether such Mortgage shall affect such Lands solely, or jointly with any other Lands which shall not be so required,) shall, on Payment or Tender by the said Council, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Council are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Parties entitled to the Equity of Redemption of and in the Lands so mortgaged, in case the same shall be sufficient for the Purpose,) immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Lands which shall be so required to the said Council, or to such Person as they shall appoint, and which Conveyance, Assignment, or Transfer may be of the like Form as the Conveyances by this Act directed or authorized to be used in Cases of Conveyance of Lands, or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such

Mortgagees

Mortgagees shall have Notice in Writing from the said Council, or from the Parties entitled to the Equity of Redemption of and in the same Lands, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of such Six or less Number of Calendar Months, on Payment or Tender by the said Council of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Lands which shall be so required for the Purposes of this Act to the said Council, or as they shall direct; and in case any such Mortgagee shall refuse or be incompetent to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse or be incompetent to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at or at any Time after the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or, in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, or for whom he shall be Trustee, shall vest in the said Council.

As to Cases where Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.

XXVII. And be it enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Lands, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Lands, or (as the Case may be) of such Part of the Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Part so required, shall be settled and agreed upon by and between such Mortgagee, if competent thereto, and the Person or Corporation entitled to the Equity of Redemption of such Lands, whether absolutely or for such Estate as might capacitate him or them to convey for the Purposes of this Act, on the one Part, and the said Council on the other Part; and in case of the Incompetency of the Mortgagee, or of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury, in the same

same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend; and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his neglecting or refusing or being incompetent to convey, assign, or transfer, as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Lands shall become absolutely vested in the said Council, and the said Council shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the Whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of the Lands (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall on the Assignment thereof to the said Council have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Council, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Council, at their Expence, to the Person so entitled as aforesaid to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

In case the Parties refuse or are incapable to treat, the Amount of Satisfaction and Compensation to be settled by a Jury.

XXVIII. And for settling all Differences which may arise between the said Council and the several Owners and Occupiers of or Persons or Corporations interested in any Lands or Hereditaments which may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it enacted, That if any Corporation, Trustee, or other Person so interested or entitled and capacitated to sell as aforesaid, or to contract or convey as aforesaid, shall not agree with the said Council as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any of such Parties shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid as shall be offered by the said Council, and shall give Notice thereof in Writing to the said Council within One Calendar Month next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall for the Space of One Calendar Month next after Notice in Writing shall have been given to him (or, in case of any

Corporation, to the Clerk, Agent, or principal Officer of any such Corporation, either personally or by being left at his Place of Abode), neglect or refuse to treat or shall not agree with the said Council for the Sale and Conveyance of the respective Estates and Interests which they respectively are hereby capacitated to convey, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability be incapable of making such Agreement or Conveyance as shall be necessary or expedient for enabling the said Council to take such Lands, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, or the Share, Interest, or Charge which they may claim to be entitled unto or interested in, in case they shall be required by the said Council to do so, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of any of the Powers of this Act cannot be made, then and in every such Case the said Council shall and they are hereby required from Time to Time to issue a Warrant under the Corporate Seal of the said Borough to the Sheriff of the County of *Cornwall*, or in case the said Sheriff or his Under Sheriff shall be a Member of the said Council, or enjoy any Office of Trust or Profit under the said Council, or shall be in anywise interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested then to some Person then living in the said County who shall have filled the Office of Sheriff or Coroner in the said County, and be free from personal Disability, and not interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff, Coroner, or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impannel, summon, and return, a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some other Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may order and authorize such Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall, upon their Oaths, or (being Quakers) upon their solemn Affirmations,

Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of Right purchased by the said Council from any other Person or Corporation), and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Council, and which cannot or will not be further wholly obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Corporations and Persons whomsoever: Provided always, that not less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Council to the Party with whom any such Controversy shall arise, by personally serving or leaving such Notice at the Dwelling House of the Person, or the Clerk or Agent or principal Officer of any such Corporation: Provided also, that in all such Cases the Party claiming such Satisfaction or Compensation shall be the Plaintiff, and shall be entitled to all such Advantages and Privileges as Plaintiffs are in Actions tried in any of Her Majesty's Courts of Record at *Westminster* by Law entitled.

Value of Land and Compensation for Damages to be ascertained separately.

XXIX. And be it enacted, That on ascertaining the Money to be paid for the Purchase of any Lands to be taken for the Purposes of this Act the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Council for any Damages which shall or may be sustained by any Persons interested in such Lands, for or by reason of the severing or dividing of the same from other Lands whereof, wherein, or whereto any such Persons as aforesaid shall be seised, possessed, or entitled, and also for or on account of any Damage, Loss, or Inconvenience whatsoever which shall or may accrue to or be sustained by such Persons by reason of the Execution of any of the Powers of this Act, such Damages, Compensation, and Satisfaction to be settled and ascertained separately and distinctly from the Value of the Lands so to be taken as aforesaid.

Purchase Money and Compensation may be apportioned.

XXX. And be it enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to apportion the Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid among the several Persons interested in any Manner in the Premises, according to their respective Interests therein, and the Loss or Damage which they may respectively sustain.

Verdicts to be recorded.

XXXI. And be it enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding

presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Cornwall* amongst the Records of the Quarter Sessions for the said County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying to such Clerk of the Peace for such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof, paying to the said Clerk of the Peace for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff, or Jurors, or Witnesses making default.

XXXII. And be it enacted, That if any such Sheriff, Under Sheriff, Coroner, or other Person herein-before authorized and directed to act as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker to make his solemn Affirmation or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse (such Excuse to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person), shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall have been summoned, any Sum not exceeding Ten Pounds; all which Penalties and Forfeitures shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction within the said Borough, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Jurors to be under the same Regulations as those of the Superior Courts.

XXXIII. And be it enacted, That every such Jury and Juryman as aforesaid shall, in addition to the Penalties hereby inflicted, also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Westminster;* and all Persons who in any Examination to be taken by virtue of this Act upon their Oaths, or being Quakers upon their solemn Affirmations, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the Pains and Penalties to which Persons guilty of wilful Perjury shall or may by Law be subject or liable.

Allowance to Jurymen, &c.

XXXIV. And be it enacted, That every Juryman who shall be sworn for the Purposes of this Act shall be allowed the Sum of Five Shillings and no more for each Day's Attendance and Expences, notwithstanding such Juryman shall be sworn on several Inquiries and Assessments on the same

same Day; and the Sheriff, Coroner, or other Person, for summoning, impannelling, and returning of such Jury or Juries, and taking and recording their Verdict or Verdicts, and for attending on the first Day, shall be allowed the Sum of Three Pounds and no more, and for each Day's Attendance beyond the first the Sum of Two Pounds and no more, whether such Jury or Juries shall be impannelled for the Purpose of one Inquiry or several Inquiries.

Expences of Jury and Witnesses how to be paid.

XXXV. And be it enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Council for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of this Act, all the Costs, Charges, and Expences incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Expences of the Bond to be given as herein-after mentioned by the Party requiring the Jury to be summoned, shall be borne by the said Council, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Council (unless the Treasurer of the said Council shall pay such Costs, Charges, and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on the Behalf of the said Council, one Moiety of the said Costs, Charges, and Expences, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said Council shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Council; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender and Satisfaction of the whole thereof.

Persons requesting Juries to enter into Bonds to prosecute their Com-

XXXVI. And be it enacted, That all Parties with whom the said Council shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Council shall be obliged to issue their Warrant for summoning such Jury, enter into a Bond to the said Council in a Penalty of Two hundred Pounds to prosecute

plaints and pay Expences.

prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning, impannelling, and returning such Jury, taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incidental to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

Demand of Compensation for Loss or Injury to be made before any Proceedings taken.

XXXVII. And be it enacted, That the said Council shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, without the Consent of the said Council, to receive or take notice of any Complaint to be made by any Party for any Loss, Injury, or Damage by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless, after Application by the said Council setting forth this Provision, Notice in Writing by the Clerk or Treasurer or other proper Officer of the Corporation, or by the Person making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said Council within Two Calendar Months next after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased, and Thirty Days before the summoning of such Jury.

Damages not exceeding 20*l.* may be settled by Justices.

XXXVIII. And be it enacted, That in case any Difference shall arise between the said Council and any of the Owners or Occupiers of the Lands to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Council, their Deputies, Engineers, Contractors, Servants, Agents, or Workmen, to such Lands, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some One or more Justice or Justices of the Peace having Jurisdiction within the said Borough, who, upon Application made to him or them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Council.

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

XXXIX. And be it enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers and under the Authority of this Act, or of any Interest therein, or for any Compensation or Satisfaction under this Act, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, or unborn, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed 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 there "*Ex parte* the Council "of the Borough of *Launceston* in the County of *Cornwall*," pursuant to

to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing 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, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the Lands in respect whereof such Money shall be paid, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting such Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court, upon Application thereto, 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, or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled in case the same had been so purchased and settled. 1 G. 4. c. 35.

When less than 200*l.* and not less than 20*l.*

XL. And be it enacted, That if any Money so agreed or awarded to be paid as last herein-before is mentioned shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands in respect whereof such Money shall be so awarded or agreed to be paid, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Council, signified in Writing under the Corporate Seal of the said Council, and countersigned by their Clerk aforesaid, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as last aforesaid, to be applied in manner last herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties making such Option and Nominations, to be approved of by the said Council

Council in Writing, and such Nomination to be signified in Writing under the Hand of the nominating Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

XLI. And be it enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Twenty Pounds, then the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof such Money Compensation or Satisfaction shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees.

In case of not making out Titles, or of Absence, or Refusal to convey, Money to be paid into the Bank.

XLII. And be it enacted, That in case any Party to whom any Sum of Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken under or by virtue of the Powers of this Act, or for any other Right or Interest to, in, or affecting any such Lands, or otherwise for Compensation or Satisfaction as aforesaid, shall refuse or neglect to accept the same, or shall refuse, neglect, or be unable to make a Title to such Lands, to the Satisfaction of the said Council, for the Purposes of this Act, or shall be absent from *England*, or cannot be conveniently found, or if any Party entitled unto or by this Act capacitated to convey any such Lands, Right, or Interest be not known or discovered, or be absent from *England*, or shall refuse to convey the same, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Council to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them, so far as the said Council can do so), subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money, or any Part thereof, by Petition, is hereby empowered, in a summary Way of Proceeding, or otherwise, as to such 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 Estates, Titles, or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Council, or to the Party so paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received, and in respect of what Purchase the same has been so paid in.

In case of disputed Title, Per-

XLIII. And be it enacted, That where any Question shall arise in reference to the Provisions aforesaid or otherwise upon this Act touching the Title

Title of any Party to any Lands, or to any Interest in any Lands, or to any Compensation in respect of any Damage done to any Lands, or to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of taking or using the same, and all Corporations or Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, or to such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly.

Sons in Possession to be deemed presumptively entitled.

XLIV. And be it enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands and Hereditaments, or to accept the Purchase or Compensation Money herein-after mentioned, the Purchase Money for any Lands or Hereditaments, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Council, and the said Council shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences hereinbefore mentioned as the said Court shall direct.

Court of Exchequer may order reasonable Expences of Purchases and Costs to be paid by the Council.

XLV. And be it enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Council for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Council may require to the said Lands,

Costs and Expences of Titles to be paid by the Council.

and of making out and furnishing such Abstract and such attested Copies as the said Council may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Council; and the said Council, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Council shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Council, deliver a Bill of their said Costs, Charges, and Expences to the said Council: Provided also, that in case the said Council shall not require the making out or furnishing of such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said Council, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said Council so to do, without furnishing any Abstract of his Title, and to permit at such Times such Extracts to be made therefrom by the Clerk or other Agent of the said Council for that Purpose as may be reasonably necessary for the better Convenience and Security of the said Council.

How such Costs and Expences are to be ascertained.

XLVI. And be it enacted, That if the said Council and the Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Council, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court, to be taxed in the usual Manner, and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Council to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Council shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Council shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there "*Ex parte* the Council of the Borough of *Launceston* in the County of *Cornwall*," pursuant to the Method prescribed by the herein-before mentioned Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth; which

which Sum shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Council, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Council out of the said Sum so deposited by them as aforesaid.

Power to enter Lands, on Payment or Tender of Purchase Money.

XLVII. And be it enacted, That upon Payment or legal Tender of such Money as shall have been agreed upon between the Parties, or awarded by a Jury or Justices, in manner aforesaid, for the Purchase of any Lands, or of any Estate or Interest in any Lands, to the respective Proprietors of such Lands, or other Persons entitled according to the Provisions of this Act to receive such Money, within Three Calendar Months next after the same shall have been so agreed upon or awarded, or, whenever any of the respective Cases shall happen wherein such Money, Satisfaction, or Compensation is herein-before authorized or directed to be paid into the Bank of *England*, then upon Payment into the Bank of *England* in manner in such Case herein-before authorized or directed, and thereupon all the Estate, Use, Trust, and Interest of all Parties therein, paid or offered to be paid or compensated for by such Payment, Tender, or Payment into the Bank of *England* as aforesaid, shall thenceforth be vested in and become the sole Property of the said Council to and for the Purposes of this Act; and the said Council shall not be bound to see to the Application of any such Purchase Money, Compensation, or Satisfaction; and such Payment or Tender and Conveyance as herein-before mentioned, or such Deposit in the Bank of *England* as aforesaid, shall not only bar all Right, Title, Interest, Claim, and Demand of every such Party, but shall also bar all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands so compensated and paid for as aforesaid: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid shall have been made it shall not be lawful for the said Council, or for any Person acting under their Authority, to enter upon such Lands for any of the Purposes of this Act, save for the Purpose of surveying or valuing the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Tenants at Will, for a Year, or from Year to Year, to deliver up Possession, on Six Calendar Months Notice.

XLVIII. And be it enacted, but without Prejudice to any other Powers herein contained under which the said Council may take possession of Land for the Purposes of this Act at any different Period or on different Terms, That all Tenants at Will, for a Year, or from Year to Year, and other Persons in Possession of any Lands which shall be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Lands than as Tenants at Will, or for a Year, or as Tenants from Year to Year, shall respectively deliver up the Possession of such Lands to the said Council, or to such Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Council to such

such respective Tenants or Persons in Possession, or left upon the said Lands (whether such Notice be given with reference to the Time of the Commencement of such Tenants Holding or not, and whether such Notice be given before or after the said Lands shall be purchased by the said Council), or at such Time after the Expiration of Six Calendar Months from the giving or leaving of such Notice as they shall be respectively required; and in case any such Tenant or Person so in Possession as aforesaid shall refuse to deliver up such Possession as aforesaid, or in case any Owner, Occupier, or Tenant of such Lands, other than and besides such as are herein-before last described, shall refuse to deliver up Possession of such Lands to the said Council after the Time herein-before appointed for the said Council to enter thereupon, it shall be lawful for the said Council to issue their Precept to the Constables of the said Borough to deliver Possession thereof to such Person as shall in such Precept be nominated to receive the same; and the said Constables are hereby required to deliver Possession of the said Lands accordingly, and to levy and satisfy such Costs as shall accrue by or on account of the issuing and Execution of such Precept on the Person so refusing to deliver Possession by Distress and Sale of his Goods and Chattels.

Compensation for the Interests of such Tenants to be settled by a Jury in case of Dispute.

XLIX. And be it enacted, That where any such Tenant shall be required to deliver up the Possession of any Lands so occupied by him before the Expiration of his Term therein, and such Tenant shall, within Fourteen Days after Application by the said Council setting forth this Provision, give the said Council Notice in Writing stating the Period of such unexpired Term or Interest, the said Council shall and they are hereby required to make or tender to such Tenant, before they shall issue their Precept to the Constables to give Possession of the Lands in the Occupation of such Tenant, Satisfaction or Compensation for the Value of his actual unexpired Term in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands to be taken or used under the Authority of this Act is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

L. And be it enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto, in any Lands to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Council are hereby authorized to require such Party to produce or show the Lease or Demise, or Agreement for Lease or Demise, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power; and if such Lease or Demise, or Agreement for Lease or Demise, or Grant, or such best Evidence, shall not be produced and shown within Twenty-one Days after Demand made by the said Council, the Party claiming such Compensation or Satisfaction shall be considered and treated as holding only from Year to Year.

Constables may be authorized to deliver

LI. And be it enacted, That in all Cases where by this Act the said Council are authorized or empowered to enter upon and take possession of any Lands required for the Purposes of this Act, and the Owner or Occupier

Occupier of the said Lands, or any other Person, shall refuse to give up the Possession thereof, or shall hinder or prevent the said Council from entering upon or taking possession of the same, it shall be lawful for any Justice of the Peace having Jurisdiction within the said Borough, and he is hereby required, on due Proof before him given of the said Council being so authorized and empowered to enter, by reason of their Compliance in each particular Case with the Provisions in that Behalf herein contained, to issue his Warrant to the Constables of the said Borough to deliver Possession of the said Lands to such Person as shall in such Warrant be nominated to receive the same, and the said Constables are hereby required to deliver Possession of the said Lands accordingly, and to levy and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession, or hindering or preventing the said Council from entering upon or taking possession of the same, by Distress and Sale of his Goods and Chattels.

Possession of Lands required.

LII. And whereas the said Council by virtue of this Act may happen to be seised of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Council and they are hereby required, within Fourteen Years after the passing of this Act, to sell any Lands purchased by or vested in the said Council by virtue of this Act, or any Part thereof, or any Estate or Interest therein, either together or in Parcels, by public Auction or private Contract, or partly by public Auction and partly by private Contract, and for such Price as they shall deem most convenient and think fit, and by any Deed duly executed to convey and assure the same to the Purchaser thereof, or as he may request; and all such Conveyances from the said Council shall be valid and effectual, any thing in this Act contained, or any Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Council, before they shall dispose of any such Land, shall first offer to sell the same to the Persons whose Lands shall immediately adjoin the Land so proposed to be sold, and who shall be in *England*, and conveniently to be found, and capable of entering into a Contract for the Purchase thereof; and all Persons and Corporations hereby capacitated to sell, in like Manner shall be and are hereby capacitated to purchase of the said Council; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said Council in Writing, within Ten Days after such Offer of Sale shall have been given, by Notice in Writing given to or left for him at his last known or usual Place of Abode; and in case such Persons shall decline or neglect to avail themselves of such Offer, or shall neglect so to signify their Desire and Intention to purchase such Lands for the Space of Ten Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease; and a Declaration made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace having Jurisdiction within the said Borough, by some Person not interested in the said Lands, stating that at the Time such Lands shall have been sold the Person entitled to such Right of Pre-emption was not in *England*, or was not to be found, or was not capable of entering into a Contract for the Purchase

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

of such Lands, or that such Offer was made by or on behalf of the said Council, and was refused or was not accepted or agreed to (as the Case may be) by the Person to whom the same was made, within Ten Days from the Time of making the same, shall in all Courts and on all Occasions whatever be conclusive Evidence and Proof of the Facts therein stated; and in case such Person shall be desirous of purchasing the same, he and the said Council shall not agree with respect to the Price thereof, then the Price shall be ascertained by a Jury in manner by this Act directed with respect to the disputed Value of Lands to be taken by the said Council; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Council as aforesaid, *mutatis mutandis*; and the Money produced by the Sale which may be made by the said Council of any such Lands as aforesaid shall follow the original Destination of such Lands by the said Council at the Time of the Purchase of the same, and shall be applied accordingly, either for the Purposes of the said Market Place or Places, and the Conveniences and Buildings connected therewith, and the Approaches thereunto, or if such Lands were destined for other Improvements in the said Parish and Hamlet, then for the Purposes of those Improvements, at the Discretion of the said Council.

Treasurer to give Receipts for Money paid to the Council.

LIII. And be it enacted, That upon Payment of the Money which shall arise by the Sale of any Lands authorized by this Act to be sold by the said Council, or upon Payment to the said Council of any other Money under this Act, it shall be lawful for the Treasurer of the said Council to sign and give Receipts for the Money so paid, which Receipts, when countersigned by the Clerk to the said Council, shall be sufficient Discharges to all Persons for the Purchase Money for such Lands as shall be so sold, or for such other Sums of Money as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase or other Monies, or any Part thereof respectively.

The Word "grant" in Conveyances from the Council to amount to certain Covenants.

LIV. And be it enacted, That in all Conveyances to be made by the said Council under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed, by or from the said Council, for themselves, their Successors and Assigns, and that they the said Council, notwithstanding any Act and Default done by them, were at the Time of the Execution of such Conveyances seised of or entitled to the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, and that the Purchasers thereof, their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Council, their Successors and Assigns, and all claiming under

under them, and be indemnified and saved harmless by the said Council, their Successors and Assigns, from all Incumbrances committed by the said Council, and also for further Assurance of such Lands by the said Council, their Successors and Assigns, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be thereby conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

If Land not contracted for within Three Years, Power of purchasing to cease.

LV. And be it enacted, That unless the said Council shall within the Space of Three Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take and use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of completing the Works and Improvements hereby authorized, then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void.

Provision for Deficiencies in Land Tax.

LVI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the Parish and Hamlet herein mentioned; be it therefore enacted, That for preventing the same the said Council shall, from and after they shall have become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized shall be completed and assessed to such Land Tax, (unless the said Council shall think fit to redeem the same under the Powers of the Act for Redemption of the Land Tax,) be subject and liable from Time to Time to pay or make good, to or in aid of such Parish and Hamlet, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the Assessments for Land Tax within such Parish and Hamlet by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer of the said Council shall be and he is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector of the Land Tax Assessments.

Council empowered to contract for Works, &c.

LVII. And be it enacted, That it shall be lawful for the said Council and they are hereby empowered from Time to Time to enter into any Contract or Contracts for making, erecting, and building the said Market Place or Places, and Buildings, with all necessary Stalls, Standings, and other Conveniences connected therewith, and with suitable Approaches to the same, which Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when the same Works shall be completed, and the Penalties to be suffered in case of Nonperformance thereof, and such other Things as the said Council may deem proper, and shall be signed and sealed by the Parties thereto, which Contract, or a Copy thereof, shall be entered in a Book

to

to be kept for that Purpose by the Clerk to the said Council; and the said Council shall and they are hereby required to take Security from every such Contractor for the due Performance of his Contract: Provided always, that it shall not be lawful for the said Council to enter into or make any such Contract or Agreement as aforesaid unless Twenty-one Days Notice shall have been previously given, in some Two Newspapers published or circulated in the Counties of *Cornwall* and *Devon* respectively, of the Day on which and the Place where Tenders for such Contract or Agreement will be received by the said Council: Provided also, that if the said Council shall be of opinion that it will not be advantageous to contract with the Person offering the lowest Price, or with any other Person tendering or making such Proposal, it shall be lawful for the said Council to contract or agree with any other Person whom they shall think proper, and the said Council are hereby empowered to take such other Measures as to them shall from Time to Time seem expedient for maintaining, repairing, and improving the said Market Place or Places, Buildings, Stalls, Standings, Conveniences, and Approaches, and for doing and performing all or any of the other Works by this Act authorized or directed to be done and performed.

Surveyor to inspect Works.

LVIII. And be it enacted, That the said Council shall cause all the Works to be done in pursuance of this Act to be inspected by their Surveyor, or by such other Person as they shall appoint; and in case the same shall not be well and sufficiently performed according to the Terms, Intent, and Meaning of the Contract for the same, the said Council may bring or cause to be brought any Action at Law or Suit in Equity against the Person so neglecting to perform such Contract for any Penalty contained in such Contract, or for any Damage sustained in consequence of any Breach or Nonperformance thereof: Provided always, that it shall be lawful for the said Council, if they think fit, to compound and agree with any Contractor, or his Surety or Sureties, for any Penalty incurred by him or them for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Council shall think proper.

Buildings, Works, Materials, &c. vested in the Council.

LIX. And be it enacted, That all Buildings, Works, Articles, Materials, Implements, and Things whatsoever and wheresoever erected, set up, made, or provided by the said Council for the Purposes of this Act, and all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Market Place or Places, Cattle Market and Slaughter-houses aforesaid, shall belong to and be the Property of and the same are hereby absolutely vested in the said Council for the Purposes of this Act (subject nevertheless to any Conditions or Regulations contained in any Contracts with the said Council); and the said Council in their Corporate Name and Title as aforesaid shall and may cause to be brought any Action, or direct the preferring any Bill of Indictment, Information, or Complaint, as the Case may require, against any Person who shall trespass upon, detain, spoil, injure, divert, disturb, annoy, damage, destroy, steal, take, or carry away the said Property, Articles, Matters, and Things hereby vested in them the said Council as aforesaid, or any of them, or any Part thereof; and in any such Action or Bill of Indictment, Information, or Complaint respectively it shall be sufficient to state generally that the Article, Matter, Property, or Thing for

Property how to be described in

for or on account or in respect of which such Action shall be brought, or Bill of Indictment, Information, or Complaint preferred, is the Property of the Mayor, Aldermen, and Burgesses of the Borough of *Launceston*; and the said Council shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Property, Articles, Matters, and Things, or any such Part of the same respectively as shall not be wanted for the Purposes of this Act, to such Person, at such Time, and in such Manner as they shall think proper; and the Money produced by such Sale shall be applied by the said Council in the same Manner as is herein-before directed touching Monies to be derived from the Sale of Lands purchased but not wanted for the Purposes of this Act.

Suits or Prosecutions.

LX. And be it enacted, That if any Person shall wilfully or maliciously trespass on, or injure, destroy, deface, or otherwise damage, any of the Messuages, Houses, Buildings, Land, Tenements, and Hereditaments, Matters, Articles, or Things, by the Authority of this Act or otherwise vested in the said Council, or any of the Works done by them in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of Conviction, and shall moreover pay such Sum of Money as shall be a full Satisfaction for the Damages so by him done as aforesaid; and such Damages shall be ascertained by, and may together with the said Penalty be recovered before any Justice of the Peace having Jurisdiction within the said Borough; and in case such Offender shall not on Conviction pay such Forfeit, and also such Satisfaction as aforesaid, the Justice before whom such Conviction shall take place shall be and is hereby required to commit such Offender to the Common Gaol or House of Correction of the County, Borough, or Place where such Offence shall have been committed, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and such Offender shall not be discharged before the Expiration of the Time for which he shall be so committed, unless such Penalty and Satisfaction shall be sooner paid.

Penalty on wilful Trespass, Damage, &c.

LXI. And for the better Regulation and Improvement of the said Market and Fairs, be it enacted, That all Powers, Franchises, Immunities, Liberties, Licences, or Profits whatsoever, touching or arising out of the Markets and Fairs of the said Borough of *Launceston* heretofore enjoyed by the Corporation of the said Borough, or by the Mayor thereof as Clerk of the said Market, whether by Statute, Charter, Grant, Prescription, or any other Title whatsoever, shall herein-after vest and are hereby vested in the Mayor, Aldermen, and Burgesses of the said Borough by their Council, for the Benefit of the said Borough and Neighbourhood, and for the Purposes of this Act; and the sole Management and Control of such Markets and Fairs shall herein-after vest and is hereby vested in the said Council, and such Officers as shall be by them appointed under the Provisions of this Act, any Statute, Charter, Grant, Prescription, Custom, or Usage to the contrary notwithstanding; and it shall be lawful for the said Council and they are hereby empowered to make from Time to Time such Rules, Orders, Regulations, and Bye Laws as they shall think proper and necessary, for regulating the present Markets, Cattle Market, and Fairs as now existing, and for the better regulating, cleansing, lighting, watching, watering, letting, occupying, and using the said Market Place or Places, and Buildings and other Conveniences

Market, Fairs, and Government thereof, vested in the Council.

veniences connected therewith and Approaches thereunto, and the said new Cattle Market to be made and erected by virtue of this Act, or any Part thereof; and for the appointing and adjusting all Weights and Measures to be used in the said Market, Market Place or Places, according to the legal Standard, and for the preventing the Sale or exposing to Sale of any Corn, Grain, or agricultural Produce, Meat, Fish, Provisions, Goods, Articles, or other Things, by false, deceitful, or illegal Weights and Measures; and for the better ordering and governing the several Persons using or renting Stalls within the same, or selling or buying within, or using or resorting to the same, or selling or buying within, or using or resorting to the said Cattle Market and Fairs, and the Porters or Persons working or plying for Hire within the said Market, Cattle Market, and Fairs, Market Place or Places, and the Officers and Persons employed by the said Council for the Purposes of the Market and Fairs, in pursuance of this Act; and to impose such Penalty for disobeying the said Rules, Orders, Regulations, and Bye Laws, not exceeding for each and every Offence the Sum of Five Pounds, as they may think fit, and for fixing and ascertaining the Time or Times of the Day at which it shall be lawful to begin or cease to offer or expose for Sale therein any Corn, Grain, agricultural Produce, Meat, Fish, Provisions, Goods, Articles, or Things, Cattle, Beasts, Swine, or other Animals, and also the Time when and the Manner in which any moveable Stalls, Standing, or Bench allowed to be used or set up in the said Market, Market Place or Places, shall be set up, used, taken down, and removed from or deposited or laid by therein, and such other Rules, Orders, Regulations, and Bye Laws as may be necessary for the Purposes of such Markets, Cattle Market and Fairs, Market Place or Places; which Rules, Orders, Regulations, and Bye Laws shall from Time to Time be painted or printed on Boards in large and legible Characters, and affixed in conspicuous Parts of the said Markets, Market Place or Places respectively, for the Two Market Days immediately before such Rules, Orders, Regulations, and Bye Laws shall be deemed to be in force, and the same shall be renewed as often as they shall become obliterated or defaced, and the same shall not be binding except during such Time as they shall be so continued to be affixed: Provided always, that such Rules, Orders, Regulations, and Bye Laws (except such as may relate solely to the said Council, or to any of their Officers or Servants) shall not be valid and binding unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Cornwall*, which said Justices are hereby authorized and required, on the Request of the said Council, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Council, and to allow of or disallow the same or any Part thereof as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid: Provided always, that the said Council shall and they are hereby required to give Notice of their Bye Laws, and of the Time at which the same shall be submitted for Approval by Advertisement in some Newspaper usually circulated in the County where such Application is intended to be made, One Calendar Month at least before such Application shall be made;

made; and any Person who may feel himself aggrieved by any such Bye Laws may appear before such Judge or Justices, and object to the same, provided that not more than One Person shall be heard in objection to any One and the same Bye Laws.

Power to take Tolls, &c. in the Market.

LXII. And be it enacted, That upon, from, and after the Tenth Day of *October* next after the passing of this Act, all Rates, Tolls, and Stallages heretofore payable to the said Mayor, Aldermen, and Burgesses for or in respect of any Articles, Matters, or Things in the Second Schedule to this Act mentioned, shall wholly cease and determine, and in lieu of the same there shall be paid to the said Council, or to their Collector or Treasurer, by every Person holding, using, and occupying any Stall, Shed, or Standing belonging to the said Council, or selling or offering or exposing to Sale any Provisions or other Goods, Articles, or Things, or any Cattle, Beasts, Sheep, Swine, or Live Stock whatsoever, specified in the Second Schedule to this Act annexed, in the said Market as now at present existing as aforesaid, or in the said Market Place or Places to be made and erected by virtue of this Act, or in any other Place within the said Borough which the said Council may in pursuance of this Act appoint for holding the said Market, or any Part thereof, as herein-after directed, or in any Fair held within the said Borough, or in the new Cattle Market intended hereafter to be made, or expose for Sale in manner in the said Second Schedule specified, immediately on the same being brought to such Markets, Market Place or Places, or Places so appropriated, or Fairs or new Cattle Market, or on the same being exposed for Sale in manner in the said Second Schedule specified, or, on Demand by such Collector or Treasurer, such Tolls, Rents, and Stallage as shall from Time to Time be fixed and appointed in each specific Case by the said Council, not exceeding the several Tolls, Rents, and Stallage specified in the said Second Schedule to this Act annexed, a Table of which Tolls, Rents, and Stallage the said Council shall, upon, from, and after the First Day of *October* next after the passing of this Act, set up and maintain in some conspicuous Part of the said respective Markets, Market Place or Places; and in case any Person holding, using, or in any Manner occupying any of the said Stalls or Standings, or selling or offering or exposing to Sale any of the beforementioned Provisions, Goods, Articles, Matters, or Things, or Cattle, Beasts, Sheep, Swine, or Live Stock, in any of the said Places, or in any Manner herein specified, shall refuse or neglect to pay the several Sums aforesaid, or any or either of them, or any Part thereof, then and in such Case it shall be lawful for the said Council, or the Collector or other Person by them appointed to receive such Sums, to levy the same by Detainer, Distress, and Sale of all or any of the Provisions, Goods, Articles, Matters, and Things, Cattle, Beasts, Sheep, Swine, and Live Stock, so exposed to Sale, or other the Goods and Chattels of such Person so refusing or neglecting to pay as aforesaid, and the said Distress so to be taken to sell forthwith, rendering or paying, on Demand, the Overplus (if any), after deducting the Expences of such Distress and Sale, to the Person who was the Owner of such Provisions, Goods, Articles, Matters, or Things, Cattle, Beast, Sheep, Swine, or Live Stock as aforesaid, or in whose Possession the same were at the Time of such Detainer aforesaid: Provided always, that in case of the Detainer and Distress of any Cattle, Beast, Sheep, and Swine it shall not be lawful for the said Collector or other Person to proceed to sell the same until after Four clear Days from the Day of such Detainer aforesaid: Provided also, that in case no Goods

or

or Cattle, or no sufficient Goods or Cattle of any Description, of such Person or Persons so refusing or neglecting to pay as aforesaid, can be found and taken by the said Collector or other Person under the Power for that Purpose herein-before contained, it shall and may be lawful in either of the said Cases for any such Justice of the Peace as aforesaid to summon the Parties to appear before him, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Damages and Costs to either Party, as to him shall seem proper, and by Warrant under his Hand and Seal to cause the Damages and Costs which shall be so awarded, and also the Costs of such Warrant, 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 the Goods and Chattels so to be sold, after deducting the reasonable Charges of every such Distress and Sale.

**If new Market be not opened by 10th October 1843, Tolls in Schedule to cease to be payable.**

LXIII. Provided always, and be it enacted, That in case a Site for the said new Market shall not be purchased and the same commenced within Twelve Months after the passing of this Act, or in case the said new Market Place shall not be completed and opened for public Use on or before the Tenth Day of *October* in the Year One thousand eight hundred and forty-three, it shall not be lawful for the said Council to take the Tolls set forth in the Second Schedule to this Act; and all Powers herein granted with respect to such Tolls shall in either of such Cases cease until such Time as the said Market Place shall be completed and opened for public Use, from which Time it shall be again lawful for the said Council to take the said Tolls, and all the Powers aforesaid shall be again revived and of full Force and Effect, any thing herein contained to the contrary in anywise notwithstanding: Provided also, that during such Time of the Cesser of such Tolls, it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Launceston* to demand, have, and receive all Tolls, Rents, and Dues heretofore payable for or in respect of the Articles, Matters, or Things mentioned in the said Schedule to this Act, any thing herein contained to the contrary in anywise notwithstanding.

**Justices may settle Disputes relating to Tolls.**

LXIV. And be it enacted, That in case any Dispute or Difference shall arise touching such Tolls, Rents, and Stallages, or any of them, such Dispute or Difference shall and may be settled and determined by any Justice of the Peace within his Jurisdiction, who shall and is hereby empowered and required to summon the Parties to appear before him, and to hear and to 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 shall in his Discretion seem meet, and by Warrant under his Hand and Seal to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) of the Goods and Chattels distrained, or of the Money arising from the Sale thereof, or both, to the Owner of such Goods and Chattels, after deducting the reasonable Charges of every such last-mentioned Distress and Sale.

**Power to let Stalls, &c.**

LXV. And be it enacted, That it shall be lawful for the said Council, and they are hereby empowered to let any or either of the Stalls, Shops,

Shops, Standing Places, Shambles, Benches, or other Conveniences in the said Market, Market Place or Places, to any Person who shall or may be willing or desirous of taking the same, for any Term not exceeding Three Years: Provided always, that the Tolls and Rents so to be taken shall not in any Case exceed the Sums mentioned in the said Second Schedule to this Act annexed.

Leases of Stalls, &c.

LXVI. And be it enacted, That all Leases of Stalls, Shops, Standing Places, Shambles, Benches, or other Conveniences in the said Markets, Market Place or Places, shall be made in the Form or to the Effect following; (*videlicet*,)

'WE, the Mayor, Aldermen, and Burgesses of the Borough of *Launceston*, by the Council of the said Borough, acting in pursuance of an Act of the Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], do hereby demise and let to farm unto his Executors, Administrators, and Assigns, all that Stall, Shop, Standing Place, Shamble, or other Convenience in the in the said Borough of *Launceston* numbered to hold the same unto the said his Executors, Administrators, and Assigns, for the Term of Years from the Day of at the yearly Rent of such yearly Rent to be paid to the said Mayor, Aldermen, and Burgesses by the said Council by quarterly Payments on the the the and the clear of all Deductions whatsoever. In witness whereof we the said Mayor, Aldermen, and Burgesses, by the said Council, have hereunto set our Corporate Seal the Day of .'

Leases of Stalls may be transferred.

LXVII. And be it enacted, That it shall be lawful for the Persons entitled to any Stall, Shop, Standing Place, Shamble, Bench, or other Convenience in the said Market, Market Place or Places, by virtue of any such Lease as aforesaid, and his Executors, Administrators, and Assigns, with the Consent of the said Council under their Corporate Seal, but not otherwise, by Writing under his Hand and Seal to assign and transfer such Stall, Shop, or Standing Place, Shamble, Bench, or other Convenience, for the Residue of his Term, to any Person who shall be willing to take the same; and every such Transfer shall be by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated, and may be in the Words or to the Effect following; *videlicet*,

Form of Transfer.

' being entitled to all that Stall, Shop, or Standing Place, Shamble, or other Convenience in the in the Borough of *Launceston*, numbered by virtue of a Lease granted to the said by the Mayor, Aldermen, and Burgesses of the said Borough by their Council for the Term of Years from the doth hereby in consideration of the Sum of to him paid by sell, assign, and transfer all that said Stall, Shop, Standing Place, Bench, Shamble, or Convenience, with the Appurtenances thereto belonging, unto the said his Executors, Administrators, or Assigns, for the Residue of the Term of the said Lease, subject to the Payment to the said Mayor, Aldermen,

‘ and Burgesses by their said Council of the yearly Rent of
‘ by the said Lease reserved, as the same is thereby made
‘ payable. In witness whereof the said has
‘ hereunto set his Hand and Seal this Day of .’

Power to demise the Market Place or the Tolls.

LXVIII. And be it enacted, That it shall be lawful for the said Council from Time to Time to demise and let the said Market Place or Places, or either of them, or any Slaughter-house built or appropriated under the Powers of this Act, and to let to farm the Whole or any Part of the Tolls, Rents, Stallage, or Sums of Money to be collected or to arise from or in respect of the said several Markets, Cattle Markets, Fairs, Market Place or Places, or either of them, by virtue of this Act, or any of the Stalls, Shops, Standings, Shambles, Benches, or other Conveniences erected or to be erected in the said Markets, Fairs, Market Place or Places, or from the Weighing Machines herein provided for, to any Person who shall be willing to take and farm the same or any of them, by public Auction or private Contract, for any Period not exceeding Three Years, upon such Terms and Conditions, and with such Securities for Payment of the Rent agreed upon for the same, as shall be agreed upon and contracted for by and between the said Council and the Person to whom such Letting or Lettings shall be made.

Notice to be given when new Markets are ready to be opened.

LXIX. And be it enacted, That when the said new Market Place or Places shall be made and erected, and ready to be opened for public Use, the said Council shall and they are hereby required, by Proclamation made on Two Market Days by the public Crier, and by a printed Handbill signed by their Clerk for the Time being, to be circulated in the said Borough and the Neighbourhood thereof, to give Fifteen Days Notice of such Market Place or Places or either of them having been so made and erected, and being so ready to be opened for public Use, previous to the Day on which such Market Place or Places or either of them shall be opened for public Use, and shall set forth in such Handbill the specific Uses to which such Market Place or Places severally shall be appropriated and applied; and in case such Market Place or Places shall not suffice for all the Purposes of the Market for the said Borough and Neighbourhood, shall also set forth what particular public Place heretofore used for the Purposes of the Market and Fairs in the said Borough (other than the said Market Place or Places) may be also thenceforward used for the Purposes of the said Market and Fairs, and shall direct such Place to be so appropriated, and shall specify what particular Part of such Place shall be reserved for any particular Provisions, Goods, Articles, and other Things, and in what particular Part of the same, Cattle, Beasts, Sheep, Swine, and Live Stock of various Descriptions shall be either on Market or Fair Days exposed for Sale: Provided always, that nothing herein contained shall prevent the said Council from substituting from Time to Time for such Place so appropriated as aforesaid such other public Place heretofore used for the Purposes of the Market in the said Parish and Hamlet as to them shall seem fit and advisable, or from varying the specific Uses to which such Place or the Market Place or Places shall be severally applied as aforesaid, or from confining altogether the Sale of Cattle and Live Stock to the new Cattle Market when provided, if it shall to the said Council so seem fit: Provided nevertheless, that no such

Change

Change shall be lawful unless a similar Notice of Fifteen Days shall have been in each Case proclaimed and published in manner aforesaid.

Prohibiting any other Market.

LXX. And be it enacted, That if any Person shall on any Market Day, Fair Day, or any other Day after the said intended new Market Place or Places, and the necessary Buildings and Conveniences thereto, shall have been erected, completed, and opened, (and Notice thereof shall have been given as provided by this Act,) sell or expose to Sale at any Time any Provisions, Goods, Articles, or other Things, Cattle, Beasts, Sheep, Swine, or any Live Stock whatsoever in any Place within the said Borough other than in the said Market Place or Places or other Place, or Cattle Market, in which such Provisions, Goods, Articles, or Things, Cattle, Beasts, Sheep, Swine, or other Live Stock respectively, shall have been directed to be exposed for Sale under the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to prevent or hinder any Inhabitants of the said Borough from selling or exposing for Sale, or causing to be sold or exposed for Sale, any Corn, Grain, Flour, Malt, Seeds, Hops, or Wool, or any Meat, Fish, Poultry, Vegetables, and other marketable Provisions, Commodities, Goods, Wares, or Merchandize whatsoever, within any House or Shop, in such Manner as they may now lawfully do.

For regulating Butchers Shops.

LXXI. Provided always, and be it further enacted, That no Person or Persons shall keep or use any Stall, Standing, or Shamble in or projecting into or occupying any Frontage in any Street within the said Borough, for the Purpose of selling or exposing to Sale any Butchers Meat; and if any Person or Persons shall offend in any of the Cases aforesaid such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence: Provided nevertheless, that nothing herein contained shall extend to prevent any Butcher from exposing to Sale any Meat in his own Dwelling House.

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

LXXII. And be it enacted, That no Person who shall rent any of the Stalls or Standings in the said Markets, Market Place or Places, shall sell or cause to be sold or to be exposed for Sale therein any manufactured Articles of any Kind whatsoever, save and except on *Wednesday* and *Saturday* in every Week, being the Two Market Days now appointed, or any Fair or such other Day as the said Council shall hereafter think fit to appoint; and if any Person shall offend or act contrary thereto such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

Weighing Houses, &c.

LXXIII. And be it enacted, That it shall be lawful for the said Council to erect and appoint public Weighing Houses or Places in or near the said Market, Market Place or Places, or either of them, for the weighing and measuring such Corn, Grain, or other agricultural Produce, Meat, Fish, or other Provisions or Things as shall be bought or sold by Weight or Measure in the said Market, Market Place or Places, or either of them, and they the said Council shall and they are hereby required to have and keep proper and sufficient Weights, Scales, and Measures, according to the respective Standards in the Exchequer, and to appoint some proper Person

Person to attend the same on every Market Day at such 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 every Person selling Corn, Grain, or other agricultural Produce, Meat, or other Provisions or Things by Weight or Measure in the said Market, Market Places, or either of them, shall weigh and measure the same in or by the said Weights or Measures or Scales to be kept as aforesaid, if required so to do by the Buyer thereof; and in order to defray the Expences of providing the said Weights, Scales, and Measures, and a proper Person to attend the same as aforesaid, there shall be paid for the weighing thereof, by the Buyer of such Corn, Grain, or other agricultural Produce, Meat, or other Provisions or Things, the several Tolls or Sums of Money mentioned and specified in the Second Schedule to this Act annexed; and if any Seller of any Corn, Grain, or other agricultural Produce, Meat, Fish, or other Provisions or Things in the said Market, Market Place or Places, as the Case may be, shall refuse or neglect to weigh or measure the said Corn, Grain, or other agricultural Produce, Meat, Fish, or other Provisions or Things, by and with the said public Scales, Weights, or Measures as aforesaid, being required by the Buyer so to do, or if the Buyer of any Corn, Grain, or other agricultural Produce, Meat, Fish, or other Provisions or Things 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 so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Forty Shillings; and the said Tolls, Sums of Money, and Penalty shall and may be recovered by Distress and Sale of the said Corn, Grain, or other agricultural Produce, Meat, Fish, or other Provisions, or any other Chattels or Things, the Property of the Person so refusing or neglecting as aforesaid, in like Manner as is herein directed concerning the Recovery of Tolls to be paid in respect of the said Market, Market Place or Places, under the Provisions of this Act.

Council may erect Slaughter-houses.

LXXIV. And be it enacted, That it shall be lawful for the said Council and they are hereby empowered, from Time to Time, when and as they shall deem expedient, to appropriate and set apart any Messuage, Tenement, or Building belonging to the Council, or to be by them purchased for such Purpose and lying within the said Borough, as and for a Slaughter-house, or Houses for the slaughtering of Cattle, Beasts, Sheep, or Swine; and it shall be lawful for the said Council to take such Tolls or Sums of Money for the slaughtering of Cattle, Beasts, Sheep, or Swine within the said Slaughter-house, or Houses, as they may think proper, not exceeding the several Tolls or Sums of Money mentioned or specified in the Second Schedule to this Act annexed, which said Tolls or Sums of Money shall and may be recovered by Distress and Sale of the Cattle, Beasts, Sheep, or Swine slaughtered, or of the Goods and Chattels of the Owner thereof, in like Manner as is herein-before directed concerning the Recovery of Tolls to be paid in respect of the said Markets: Provided always, that nothing herein contained shall prevent the said Council from being liable to a Prosecution for a Nuisance in respect of any such Slaughter-house.

When Slaughter-houses are erected, no

LXXV. And be it enacted, That when and so soon as the said Council shall have erected, made, and completed such sufficient and commodious Houses for the slaughtering of Cattle, Beasts, Sheep, and Swine as shall be, in the

the Judgment of the said Council, convenient and proper for that Purpose, it shall be lawful for the said Council to give Notice thereof by the public Crier of the said Borough, and also by Handbills to be circulated in the said Borough and Neighbourhood, and from and after the Expiration of Fifteen Days from the Publication and posting of such Notice no Person shall slaughter or dress any Cattle, Beasts, or Sheep (Swine excepted) for Sale in any Slaughter-house, House, Shed, Building, Outhouse, Yard, Garden, or Court, or in any other Place within One hundred Yards of any Street, inhabited Lane, or Passage, or any public Space, Walk, or Place within the said Borough, except in the Slaughter-houses so erected and set apart for that Purpose, nor shall cause or permit any Blood or Filth to run from any Slaughter-house, House, Shamble, Shop, Outhouse, Yard, Garden, Court, or Place into any of the Streets, Lanes, Ways, or Places within the said Borough; and every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cattle to be slaughtered elsewhere in the Parish or Hamlet.

LXXVI. And be it enacted, That if any Person shall sell or expose to Sale in the aforesaid Market, Market Place or Places, or in any Shop or other Place within the said Parish or Hamlet, any Meat, Fish, or other Provisions which shall be of an unwholesome Nature, or in a State improper for Human Food, it shall be lawful for any Justice of the Peace having Jurisdiction within the said Borough, or any other Person duly authorized by any Writing under the Corporate Seal of the said Borough, 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 Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every such Offence, upon Conviction before any One of Her Majesty's Justices of the Peace having Jurisdiction within the said Borough, forfeit and pay any Sum not exceeding Five Pounds.

Power to seize unwholesome Provisions.

LXXVII. And be it enacted, That it shall be lawful for any Justice of the Peace having Jurisdiction within the said Borough, and he is hereby authorized and required, upon Information exhibited to him 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 the said Markets, Market Place or Places, or in any Dwelling House, Shop, or other Place within the said Parish or Hamlet, to issue his Warrant to search such Markets, Market Place or Places, Dwelling Houses, Shops, and other Places, and to seize any Meat, Fish, or other Provisions of an unwholesome Nature then and there found; and such Justice, upon Proof of the unwholesome Nature thereof, either by One credible Witness or upon his own Inspection, may order the same to be destroyed; and it shall be lawful for the said Justice to summon the Person in whose Care or Custody the said unwholesome Meat, Fish, or other Provisions shall have been found to appear before him, and upon the Appearance of such Person, or in case he shall not appear then upon due Proof of the Service of the Summons, either personally or by leaving the same at his last or usual Place of Abode, to adjudge the said Person to forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

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

LXXVIII. And be it enacted, That it shall be lawful for the said Council and they are hereby empowered, at any Time hereafter, if they shall so think fit,

Power to provide new Cattle Market.

fit, to appropriate and set apart any Piece or Parcel of Ground or other Property which belongs to or which hereafter shall be purchased by or shall belong to the said Council, and be available for the Purposes of this Act, and being within the said Borough, as and for a public Market Place for exposing to Sale and selling therein Live Cattle and other Live Beasts or Stock, and to fence and inclose the same with proper and sufficient Fences and Gateways and Entrances into and from the same, in such Manner as the said Council shall think expedient, and also to make and erect proper and sufficient Pens and other Accommodations for the Cattle, Beasts, and Stock which may be exposed to Sale in the said Market Place, and to appropriate certain and particular Portions of the said Ground or Property, and also certain and particular Pens or Places therein, for exposing to Sale the different Sorts of Cattle, Beasts, and Stock therein, and from Time to Time to vary and alter the Form and Situation and increase or diminish the Extent of the said Market Place and Pens as the said Council shall think expedient.

Preventing Injury to Buildings, &c.

LXXIX. And be it enacted, That if any Person shall kill, slaughter, singe, scald, or dress, or cause to be killed, slaughtered, singed, scalded, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle in the said Markets, Market Place or Places, or within the Limits thereof, or shall wilfully, carelessly, or negligently injure, deface, or spoil any Part of the Stalls or Standings, or the Roofs, Walls, Windows, Fences, Rails, Gates, Pillars, Columns, Steps, or Pavements, in or belonging to the said Markets, Market Place or Places, or any Part thereof, or shall cause, do, or commit any other Kind of Obstruction, Annoyance, or Nuisance, Damage, Injury, or Spoil in any Part of the said Markets, or upon any of the Stalls, Standings, Erections, or Buildings therein, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall, over and above such Penalty, pay such Sum or Sums of Money as to the Justice or Justices having Jurisdiction within the said Borough before whom the Complaint of any such Act or Offence as aforesaid shall be heard shall think reasonable, by way of Satisfaction for any Damage so done by such Offender or Offenders as aforesaid.

Markets to be held on Wednesdays and Saturdays.

LXXX. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, by their said Council, and they are hereby authorized and required, to have, hold, and keep the said respective Markets for ever in the said respective Market, Market Place or Places, or Place appointed as aforesaid, upon *Wednesday* and *Saturday* in every Week throughout the Year, and on such other Days and at such Hours of the Day as may from Time to Time be appointed by the said Council.

Penalty for assaulting Tenant or Collector.

LXXXI. And be it enacted, That if any Person shall assault, hinder, or obstruct any Collector of the Tolls, Rents, or Stallage by this Act authorized to be taken, or other Person authorized to receive the same, or any Person employed by the said Council, or their Tenants thereof, to superintend and regulate the said Markets, Market Place or Places, or either of them, or to keep Order therein, whilst and in the Exercise of their several Callings, Offices, or Duties in and about the said Markets, Market Place or Places, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Forty Shillings, as the

the Justice of the Peace before whom such Person shall be convicted shall adjudge.

Power to borrow Money for certain Purposes on the Security of the Tolls, &c.

LXXXII. And for providing Money more readily for enabling the said Council to execute the Purposes of this Act, be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, by their Council, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as the said Council shall think necessary for defraying the Costs, Charges, and Expences of applying for and incidental to the obtaining and passing of this Act, and for the Improvement and Protection of the said Market, and for purchasing Land for, and providing, erecting, altering, repairing, maintaining, and improving the said intended Market Place or Places, with all necessary Buildings, Shambles, Stalls, Standings, and other Conveniences, with suitable Approaches to the same, and the said intended Cattle Market and Slaughter-houses, upon the Credit of the Tolls, Rents, and Stallage to be levied and collected under and by virtue of the Second Schedule to this Act annexed, and by Writing under their Corporate Seal to assign all or any Part of the said Tolls, Rents, and Stallage to be received by the said Council under and by virtue of the Second Schedule to this Act annexed to such Person as shall lend or advance any Money thereon, or to his Trustee, as a Security for any Sum of Money so to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignment (to be made in Manner and Form herein-after mentioned) shall be from Time to Time defrayed by the said Council out of the Money so borrowed; and every such Assignment shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall have the Corporate Seal of the said Mayor, Aldermen, and Burgesses affixed thereto, and shall be signed by the Clerk of the said Council, and may be in the Words or to the Effect following; (that is to say,)

Form of Assignment.

'WE, the Mayor, Aldermen, and Burgesses of the Borough of *Launceston*, by the Council of the said Borough, acting in pursuance of an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by upon the Credit of the said Act, and for the Purposes of the said Act, do hereby grant and assign unto the said (*or* his Trustees, *as the Case may be*), his Executors, Administrators, or Assigns, such Proportion of the Tolls, Rents, and Stallage granted or arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum of Money which may at any Time be borrowed, or become due or 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 together with the Interest for the same at the Rate of *per Centum per Annum*, shall be fully paid and satisfied, subject nevertheless to the Provision or Condition as to the Application of the said Tolls, Rents, and Stallage, and also to the Provision or Condition as to Priority of Payment in the said Act mentioned. In witness whereof we the said Mayor, Aldermen, and Burgesses by the said Council have hereunto affixed our Corporate Seal,

‘ Seal, the Day of in the Year of our
‘ Lord .’

Application of Tolls, Rents, and Stallage.

LXXXIII. And be it enacted, That the said Council shall and they are hereby directed to apply the Tolls, Rents, and Stallage to be received by virtue of this Act in Manner following; that is to say, in the first place, in paying and defraying the Costs, Charges, and Expences of applying for and incidental to the obtaining and passing of this Act, together with Interest thereon from the Time of advancing and disbursing the same; next in providing from Time to Time for the necessary Maintenance, Repairs, and Fittings of the said Market, Market Place or Places, and the Buildings and Conveniences connected therewith, and the Approaches thereunto, and of the said Cattle Market and Slaughter-houses, and in defraying from Time to Time such legal and other Expences as may be necessarily incurred in carrying into execution the Provisions of this Act touching the Regulation, Government, and efficient Protection of the said Market, Market Place or Places, Cattle Market, Slaughter-houses, and Fairs aforesaid; next in providing for the Payment of any Annuity, Incumbrance, or now existing Charge upon the Tolls existing before the passing of this Act or any Part thereof created by the said Mayor, Aldermen, and Burgesses, or by the Corporation of the said Borough their Predecessors; next in paying the Costs, Charges, and other legal Expences incurred in the Purchase and Conveyance of such Messuages, Lands, Tenements, Houses, and Hereditaments as shall be necessary for the Purposes of the said Market Place or Places, and in making, erecting, building and completing the said Market Place or Places and other Buildings and Conveniences connected therewith, and the Cattle Market and Slaughter-houses aforesaid; next in Payment of the Interest of all Monies which shall be borrowed under or by virtue of this Act on the Credit of the said Tolls, Rents, and Stallage alone; next in paying off the Principal of all Monies so borrowed for the Purposes last aforesaid and in Manner herein-after mentioned; and lastly, after Payment thereof, in Aid of the Borough Fund of the said Borough, and for no other Use, Intent, or Purpose whatever, any Law, Statute, Charter, Prescription, Usage, Custom, Matter, or Thing to the contrary thereof in anywise notwithstanding.

Corporation may raise Money for the Market by Mortgage or Sale, &c.

LXXXIV. And be it enacted, That it shall be lawful for the said Council and they are hereby empowered to raise or borrow from any Person any Sum of Money which they may think necessary towards carrying into effect the Purposes of this Act, on Mortgage of any Messuages, Tenements, Lands, Payments, Tolls of Fairs, or other Hereditaments, as well incorporeal as corporeal, vested in or belonging to the said Mayor, Aldermen, and Burgesses, or any Part or Parts thereof, or for such Purposes absolutely to sell, convey, and dispose of any Messuages, Lands, or corporeal Hereditaments belonging to them as aforesaid, any Law, Statute, Charter, Prescription, Custom, Usage, Matter, or Thing to the contrary thereof in anywise notwithstanding, and which said Sum shall be applied to the Purposes last aforesaid, and to no other Use or Purpose whatsoever; and any such Mortgage or other Security, Sale or Disposition of any such Messuages or Tenements, Lands, Hereditaments, Tolls or Payments may be made in the Forms herein specified for such like Purposes so far as the Circumstances of the Case will admit thereof.

LXXXV. Pro-

Saving of existing Incumbrances.

LXXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner affect any existing Mortgage or Charge made by the said Mayor, Aldermen, and Burgesses, or the Corporation of the said Borough their Predecessors, on the Tolls, Rents, and Stallage of the present Market, or on any Part thereof, or on any Messuages or Tenements, Lands or Hereditaments, Tolls or Payments, vested in or belonging to the said Mayor, Aldermen, and Burgesses, to any Person or Persons whomsoever, or any Proceeding which may have been taken at any Time before the passing of this Act, or which shall or may be taken at any Time after the passing of this Act, against the said Mayor, Aldermen, and Burgesses, for the Recovery of any Monies payable in respect thereof; and the same shall be a Charge preceding and having Priority over any Assignment of the said Tolls, Rents, and Stallage, or any Mortgages of such Messuages, Tenements, Lands, Hereditaments, Tolls, or Payments so vested in or belonging to the said Mayor, Aldermen, and Burgesses as aforesaid, which may or shall hereafter be granted or entered into by the said Mayor, Aldermen, and Burgesses under or by virtue of this Act; and that all and every the Tolls, Rents, and Stallage reserved by this Act to the said Mayor, Aldermen, and Burgesses, and such Messuages, Tenements, Lands, Hereditaments, Tolls, or Payments, shall be deemed and are hereby declared to be liable and available for any Monies payable in respect of such now existing Charges or Mortgages as aforesaid, to the same Extent as the Tolls, Rents, and Stallage, or any Part thereof, which have been heretofore received from the said Market by the said Mayor, Aldermen, and Burgesses, or by the Corporation of the said Borough their Predecessors, as such Messuages, Tenements, Lands, Hereditaments, Tolls, or Payments have been heretofore liable, and no further; and such Monies shall be from Time to Time paid thereout by the said Mayor, Aldermen, and Burgesses accordingly, any thing in this Act to the contrary notwithstanding.

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

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

Conveyances to be under the Corporate Seal.

LXXXVII. And be it enacted, That all Sales and Conveyances of Messuages, Tenements, Lands, or Hereditaments to be made by the said Mayor, Aldermen, and Burgesses under the Provisions of this Act, shall be made and executed by the said Mayor, Aldermen, and Burgesses at a Council specially convened by the Mayor for the Time being for that Purpose, and shall have the Corporate Seal of the said Mayor, Aldermen, and Burgesses affixed thereto, and shall be signed by the Clerk, and shall be by Deed duly stamped in the Form or to the Effect following; (that is to say,)

Form of Conveyance.

'WE the Mayor, Aldermen, and Burgesses of the Borough of *Launceston*, in consideration of the Sum of to us 'paid

Saving of existing Incumbrances.

LXXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner affect any existing Mortgage or Charge made by the said Mayor, Aldermen, and Burgesses, or the Corporation of the said Borough their Predecessors, on the Tolls, Rents, and Stallage of the present Market, or on any Part thereof, or on any Messuages or Tenements, Lands or Hereditaments, Tolls or Payments, vested in or belonging to the said Mayor, Aldermen, and Burgesses, to any Person or Persons whomsoever, or any Proceeding which may have been taken at any Time before the passing of this Act, or which shall or may be taken at any Time after the passing of this Act, against the said Mayor, Aldermen, and Burgesses, for the Recovery of any Monies payable in respect thereof; and the same shall be a Charge preceding and having Priority over any Assignment of the said Tolls, Rents, and Stallage, or any Mortgages of such Messuages, Tenements, Lands, Hereditaments, Tolls, or Payments so vested in or belonging to the said Mayor, Aldermen, and Burgesses as aforesaid, which may or shall hereafter be granted or entered into by the said Mayor, Aldermen, and Burgesses under or by virtue of this Act; and that all and every the Tolls, Rents, and Stallage reserved by this Act to the said Mayor, Aldermen, and Burgesses, and such Messuages, Tenements, Lands, Hereditaments, Tolls, or Payments, shall be deemed and are hereby declared to be liable and available for any Monies payable in respect of such now existing Charges or Mortgages as aforesaid, to the same Extent as the Tolls, Rents, and Stallage, or any Part thereof, which have been heretofore received from the said Market by the said Mayor, Aldermen, and Burgesses, or by the Corporation of the said Borough their Predecessors, as such Messuages, Tenements, Lands, Hereditaments, Tolls, or Payments have been heretofore liable, and no further; and such Monies shall be from Time to Time paid thereout by the said Mayor, Aldermen, and Burgesses accordingly, any thing in this Act to the contrary notwithstanding.

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

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

Conveyances to be under the Corporate Seal.

LXXXVII. And be it enacted, That all Sales and Conveyances of Messuages, Tenements, Lands, or Hereditaments to be made by the said Mayor, Aldermen, and Burgesses under the Provisions of this Act, shall be made and executed by the said Mayor, Aldermen, and Burgesses at a Council specially convened by the Mayor for the Time being for that Purpose, and shall have the Corporate Seal of the said Mayor, Aldermen, and Burgesses affixed thereto, and shall be signed by the Clerk, and shall be by Deed duly stamped in the Form or to the Effect following; (that is to say,)

Form of Conveyance.

'WE the Mayor, Aldermen, and Burgesses of the Borough of *Launceston*, in consideration of the Sum of to us 'paid

'paid by do hereby grant, sell, and convey
'unto the said all [*describe the Premises*],
'and all our Right, Title, and Interest to and in the same and every
'Part thereof, to hold to the said and his
'Heirs for ever. In witness whereof the Mayor, Aldermen, and Burgesses
'of the said Borough have hereunto set the Corporate Seal of the said
'Mayor, Aldermen, and Burgesses this
'Day of in the Year of our Lord .'

And every such Sale and Conveyance so made and executed shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any Messuages or Tenements, Lands or Hereditaments, in the Purchaser or Purchasers thereof, as the Case may be, any Law, Statute, Charter, Prescription, Usage, Custom, or other Matter or Thing, to the contrary thereof in anywise notwithstanding.

No greater Sums to be borrowed than herein specified.

LXXXVIII. And be it enacted, That all Assignments of Tolls, Rents, and Stallage shall be numbered commencing with Number One, and so proceeding in Arithmetical Progression ascending whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person to whom the same shall be made, his Executors, Administrators, or Assigns to the Payment thereof, and to all Profits and Advantages thereon, according to the true Intent and Meaning of this Act: Provided always, that no greater Sum than the Sum of Eight thousand Pounds shall be borrowed and be due and owing by the said Council at any One Time on the Credit of the said Tolls, Rents, and Stallage, save and except by an Order made at a Meeting to be holden for that express Purpose, of which Meeting Fourteen Days Notice at the least in Writing shall be given, signed by the Clerk of the said Council, specifying the Purpose of the said Meeting, nor except a Majority of Four Fifths of the Councillors present at such Meeting shall agree to the same.

Power of transferring Mortgages and Assignments.

LXXXIX. And be it enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed upon Interest as aforesaid, and their respective Executors, Administrators, or Assigns, as the Case may be, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, which Transfer shall be by Deed duly stamped, in which the Consideration for the same shall be specified and set forth, and may be in the Words or to the Effect following:

Form of Transfer.

'I *A. B.*, being entitled to the Sum of secured
'to *C. D.* and his Assigns [*or* his Executors, Administrators, and
'Assigns, *as the Case may be*,] by virtue of bearing
'Date the Day of under the
'Corporate Seal of the Mayor, Aldermen, and Burgesses of the Borough
'of *Launceston*, by the Council of the said Borough, made in pursuance
'of an Act passed in the Year of the Reign of Her Majesty
'Queen *Victoria*, intituled [*here set forth the Title of this Act*], upon the
'Credit of the Tolls, Rents, and Stallages payable under the said Act
'[*as the Case may be*], do hereby, in consideration of the Sum of
' Pounds, transfer all my Right and Title in and to the
'same

‘ same Sum, and all Interest and other Money now due and owing thereon,
‘ unto *E. F.*, his Executors, Administrators, and Assigns. In witness
‘ whereof I have hereunto set my Hand and Seal the
‘ Day of in the Year .’

Copies of Assignments to be kept by the Clerk.

And a Copy of every Security or Assignment which shall have been made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Council, which Extract or Memorial shall signify and contain the Date and Names of the Parties and Sums of Money thereby transferred, to which Book any Person interested shall at all reasonable Times have Access, and have free Liberty to inspect the same, without Fee or Reward; and for the Entry of such Transfer the said Clerk shall be paid, by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

No Preference in Payment of Mortgages.

XC. And be it enacted, That the several Persons to whom any Assignments of the said Tolls, Rents, and Stallages shall have been made shall be severally entitled to their respective Quota of the same respectively (as the Case may be) in proportion to the annual Amount of the Interest of the Monies borrowed on such Assignment, without any Preference by reason of the Priority in Date of any such Assignment, or on any other Account whatsoever.

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

XCI. And be it enacted, That in case the said Council shall at any Time be able to borrow or take up any Sum of Money at a lower Rate of Interest than shall happen to be payable upon any of the said original Assignments or Mortgages of other Property which may have been granted by the said Council under this Act, and which may happen to be then existing, it shall be lawful for the said Council from Time to Time to charge the said Tolls, Rents, and Stallage, or the said other Property mortgaged as aforesaid, as the Case may be, respectively, in manner aforesaid, with any Sum of Money to be borrowed at such lower Rate of Interest, and therewith to pay off and discharge any of the said original or other Assignments or Mortgages of the same Class bearing a higher Rate of Interest.

Money borrowed for the Purposes of the Market, &c., how to be paid off.

XCII. And be it enacted, That the said Council shall, from and after the Expiration of the first Two Years after the said Market Place or Places shall be opened, and they are hereby required, to apply, in paying off and discharging the Principal Monies borrowed on the Credit of the said Tolls, Rent, and Stallage, such net Balance or Sum of Money, being the Produce of the said Tolls, Rents, and Stallage, as may, after such Payments as are herein-before directed to be made out of such Tolls, Rents, and Stallage, be then in their Hands, except any less Sum than One hundred Pounds, as on the Statement of the Account so as aforesaid directed to be annually made and published shall appear to be the net Balance, over and above all such Payments, Disbursements, and Allowances, and shall for that Purpose cause the Numbers of all Assignments or Securities granted

granted on the said Tolls, Rents, and Stallage, and then in force for securing the Principal Monies lent and advanced as aforesaid, to be written on distinct Pieces of Paper of an equal Size; and all such Papers shall be rolled up in the same Form, or as near as may be, and be put into a Box, and the Number or Numbers of the said Assignments or Securities to the Amount then intended to be paid off shall be drawn separately out of the said Box by such Person as shall be deputed by the said Council for that Purpose; and after every such Ballot the said Council shall cause a Notice, signed by the Clerk to the said Council, to be given, or left at or sent by Post to the last or usual Place of Abode of the Person who shall be entitled to the Money to be paid off pursuant to such Ballot; and if the Place of Abode of such Person shall not be known, or cannot be found, then the said Clerk shall cause an Advertisement addressed to the Person who shall be so entitled as aforesaid to be inserted for Three successive Weeks in Two Newspapers published respectively in the Counties of *Cornwall* and *Devon*, which Notice or Advertisement shall state the Intention of the said Council to pay him as aforesaid, and express the Sum to be paid off, and that the same will be paid on a Day and at a Place specified in such Notice, such Day not being sooner than Six Calendar Months next after the Day of giving, sending, or leaving such Notice, or after the Third Day of inserting the same as aforesaid; and the Interest of the Principal Money to be so paid off shall, from and after the Day so specified in such Notice, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice or Advertisement, and shall not be paid, but the Principal Money in respect whereof such Notice or Advertisement shall be given or inserted, and also the Interest thereof to the Day so specified, shall nevertheless be payable at any future Time, on Demand, to the Person entitled to receive the same: Provided always, that in all Cases where the Amount secured by such Assignment shall exceed Two hundred Pounds the Person entitled to any such Assignment shall not be compelled or obliged to receive Payment of the Principal Sum or Sums of Money thereby secured to them or him until the Expiration of Five Years from the opening of the said Market Place or Places.

Justices may proceed by Summons in the Recovery of Penalties.

XCIII. And be it enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice of the Peace it shall 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, and any Witness the said Justice may think proper, before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the due Service of such Summons, and of the Offence, to convict the Offender, whether he be present or absent, 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 any Information in Writing was exhibited.

Mode of serving Notices, Summonses,

XCIV. And be it enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceeding, at Law or in Equity, upon the said Council, touching

touching any thing in connection with this Act, Service thereof respectively upon the Clerk of the said Council personally, or by leaving the same at the Office of such Clerk, or at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then similar Service upon any Member of such Council, or upon any Agent or Officer by them employed, shall be deemed good and sufficient Service of the same respectively on the said Council for all the Purposes of this Act. &c. on the Council.

XCV. And be it enacted, That all Notices and Summonses which by this Act are directed to be given or served by or on the Part of the said Council, or which are or may be required, in pursuance of any Rules or Regulations made under this Act, to be given or served by or on the Part of the same upon any Corporation or Person whomsoever, other than the said Mayor, Aldermen, and Burgesses by their said Council, or any Members of the same, shall, in all Cases where the Manner of drawing up and signing such Notices and Summonses is not herein otherwise provided for, be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Clerk of the said Council, or by the said Mayor, or by Two other Members of the said Council, without being required to be under the Corporate Seal of the said Borough, and may, in all Cases where the Manner of serving such Summonses, or serving or publishing such Notices, is not herein otherwise provided for, be personally delivered to such Person, or left at or sent by the Post to his last or usual Place of Abode, which shall be good and sufficient Service of any such Notice or Summons; and in all Cases whatever where Two or more Persons shall be charged with a joint Act or Omission (such Persons being in Partnership in Trade), and the Summons or Notice shall set out such joint Charge, Service of such Notice or Summons on any One of such Partners shall, if they shall have been proved to have been so jointly concerned, be as good and sufficient as if such Service had been duly effected on both. Summonses and Notices on other Parties.

XCVI. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Rule, Regulation, or Order to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any Imprisonment, Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before One or more Justice or Justices of the Peace having Jurisdiction therein, in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not, but which shall in every Case be made within One Calendar Month at the farthest next after the committing of such Offences respectively, and not afterwards; and upon any such Information or Complaint as aforesaid the said Justice or Justices shall summon the Party accused, and such Witnesses as may by such Justice or Justices be thought proper or necessary, and examine into the Matter thereof; and if upon Confession of the Party accused, or on the Oath of any One or more credible Witness or Witnesses (whether the Party accused be present or absent), the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty, Fine, or Forfeiture hereby made payable in respect of such Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forth- Recovery and Application of Penalties.

with paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided for by this Act) the same shall and may, by Warrant under the Hand and Seal of any such Justice or Justices, which he and they is and are hereby empowered and required to grant, be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party whose Goods and Chattels shall be distrained, the whole of which Penalties not herein directed to be otherwise applied shall be paid to the Treasurer of the said Council, to be applied to the Purposes of this Act, as herein-after directed (save and except in Cases where the said Council shall be subject or liable to any Penalties under this Act the Application of which Penalties is not herein-before provided for, in which Case the said Penalties shall be paid to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of such Parish or Place); and it shall be lawful for the said Justice or Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice or Justices for his Appearance before the said Justice or Justices 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 Six Days from the taking any 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 or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Fine, or Forfeiture, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to any such Justice or Justices, either upon the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods or Chattels whereon such Penalty, Fine, or Forfeiture, and such Costs as aforesaid, can be levied, were such Distress Warrant to be issued, such Justice or Justices shall not be required to issue the same, and thereupon it shall be lawful for the said Justice or Justices, and he and they is and are hereby required and empowered, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for the County wherein the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, or unless such Offender shall have sooner paid such Penalty, Fine, or Forfeiture, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law; and if any Person charged with any Offence against this Act shall refuse to disclose his Name, the necessary Proceedings may be had against him before any Justice or Justices of the Peace for any Penalty or Penalties imposed by this Act by a Description of his Person and the Offence committed, without there being any Necessity for stating his Name.

Application of Penalties and Da-

XCVII. Provided always, and be it enacted, That the said Treasurer shall apply all Fines, Penalties, Forfeitures, or Damages to him paid in behalf

behalf of the said Council by virtue of this Act, and not herein directed to be otherwise applied, in aid of the Tolls, Rents, and Stallage, and the Purposes to which such Tolls, Rents, and Stallage are herein directed to be applied.

Damages received by Treasurer.

XCVIII. And for the more easy and speedy Conviction of Offenders against this Act, or against any Order, Rule, or Regulation to be made in pursuance of or by the Authority of this Act, be it enacted, That a Conviction in the Form or to the Effect following, or as near thereto as Circumstances will permit, shall be good; (that is to say,)

Form of Conviction.

'Borough of *Launceston* in the County of *Cornwall*, to wit; *or*, County of to wit (*as the Case may be*).

BE it remembered, That on the Day of in the Year is [*or as the Case may be*] convicted before me [*or* us, *as the Case may be*,] of Her Majesty's Justices of the Peace having Jurisdiction within the Borough of *Launceston* or for the County of [*as the Case may be*,] having [*here state the Offence, and the Time and Place when and where the same was committed*] contrary to an Act [*or* contrary to an Order or Rule duly made in pursuance of an Act, *as the Case may be*,] passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act*], for which Offence I [*or* we, *as the Case may be*,] do adjudge the said to have forfeited the Sum of *or* to be committed to for [*as the Case may be*]. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may be*,] the Day and Year first above written.'

Justices empowered to administer Oaths.

XCIX. And be it enacted, That in all Cases where any Justice or Justices of the Peace shall have cognizance of any thing done in pursuance of or relating to, or any Matter contained in or relating to this Act, it shall and may be lawful to and for such Justice or Justices of the Peace to administer an Oath to any Person for his or their more certain Information in the Matter then depending; and if any Person, upon his Examination on Oath before the said Council, or before any Justice or Justices, shall wilfully and corruptly give false Evidence, such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons are subject and liable to who have been convicted of wilful and corrupt Perjury.

For securing transient Offenders.

C. And be it enacted, That it shall be lawful for the said Council or any Member thereof, or any of their Officers, Servants, or Agents, and such Person as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Council, Member, Officer, Servant, or Agent,) who shall commit any Offence against this Act, and to deliver him into the Custody of any Peace Officer of the said Borough, in order to be secured and conveyed before any Justice or Justices of the Peace having Jurisdiction within the said Borough; and such Justice or Justices is

is and are hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

Penalty on Witnesses summoned and not appearing.

CI. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices having legal Cognizance of the same, touching any Matter contained in any Information or Complaint for any Offence against this Act, or against any Bye Law, Rule, or Regulation as aforesaid, either on behalf of the Prosecution or on behalf of the Person accused, and shall (a reasonable Sum for his Costs and Charges having been tendered to him) refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse to be examined on Oath, and to give Evidence touching the Matter in question, before such Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Distress not to be unlawful for want of Form.

CII. And be it 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 making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity that shall be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover after Tender of Amends in any Action.

CIII. And be it enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance or under the Authority of this Act, if Tender of Amends in Money or otherwise shall have been made to him or to his Attorney, by or on the Behalf of the Defendant, before such Action brought; and in case no such Tender shall be made it shall be lawful for the Defendant in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he shall be advised, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal to the Quarter Sessions.

CIV. And be it enacted, That if any Person shall think himself aggrieved by any Rule or Order, or other Matter or Thing, which shall be made or done in pursuance of this Act, or if any Person shall think himself aggrieved by any Judgment or Determination of Justices or the said Council, or by any Penalty imposed, or by any Conviction made, or by any other Thing made or done in pursuance of this Act (save and except in Cases where the Inquisitions of Juries are directed to be taken), such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County wherein the Matter complained of shall arise, within Six Calendar Months next after the Cause or Causes of Complaint shall have arisen, the Person appealing first giving or causing to be given to the Person appealed against, and to the Clerk of the said Council, at least Twenty Days Notice in Writing of his Intention to bring such Appeal, and of the Cause or Matter thereof,

thereof, and within Seven Days next after such Notice entering into a Recognizance before some Justice of the Peace having Jurisdiction within the said Borough, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions or Adjournment thereof; and the Justices at the said Sessions or Adjournment thereof, upon due Proof of such Notice having been given and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal, and, whether such Proof shall have been given or not, may award such Costs to the Party appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall be levied in pursuance of such Rule, Order, Regulation, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of the said Justices shall be binding and conclusive to all Intents and Purposes whatsoever.

Orders, &c. appealed against not to be enenforced until after the General Quarter Sessions of the Peace next following Notice of Appeal.

CV. And be it enacted, That if Notice of an Intention to appeal as aforesaid shall have been given, and Security entered into as aforesaid, after the giving of such Notice, and the Order, Determination, or Judgment as aforesaid to be appealed against shall not have been perfected or carried into effect, no Order made thereon shall be executed until after the Termination of the General Quarter Sessions of the Peace for the said County which shall follow next after Notice shall be given as aforesaid, and at which the said Appeal could be prosecuted; but if Notice of Appeal shall be given, and the Party giving the same shall not be prepared to try the said Appeal at the next General Quarter Sessions as aforesaid, such Recognizances to be given as aforesaid shall be forfeited, and the Monies to arise therefrom, after Payment of all Expences to be incurred in obtaining the same, shall be paid to and received by the Treasurer of the said Council, and applied in aid of the Funds to be raised for the Purposes of this Act.

Members of the Council and Officers may be Witnesses.

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

No Order or Proceeding to be quashed for want of Form, or removed by Certiorari.

CVII. And be it enacted, That no Order, Judgment, Verdict, or other Proceeding made touching or concerning any Offence against this Act, or against any Rule or Order made by Authority thereof, or touching or concerning the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Writ of Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Council may reward Informers.

CVIII. And be it enacted, That it shall and may be lawful to and for the said Council to reward any Informer as they shall think proper, so as such Reward does not exceed One Half of the Penalty or Forfeiture proved

proved by the Information of such Informer to have been incurred, anything herein contained to the contrary notwithstanding.

**Courts within the Borough to be held as before.**

CIX. Provided always, and be it enacted, That nothing herein contained shall affect, vary, or prejudice in any way the Courts kept or held in the said Borough, or any Fines, Amerciaments, Tolls, Franchises, Rights, Customs, or Immunities belonging to the Mayor, Aldermen, and Burgesses of the said Borough, as Lords of the said Borough or of the Manor thereof, or their Officers therein, save and except only as far as is herein-before especially provided, but the same shall and may be hereafter held, enjoyed, and used in the same Manner as if this Act had not passed.

**General Saving of Rights of the Duchy of Cornwall.**

CX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estate, Right, Title, Interest, Privileges, or Authority of the Queen's most Excellent Majesty, Her Heirs and Successors, in right or in respect of Her Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity or otherwise considered as Evidence upon any Occasion to affect in any Manner such Rights of Her Majesty, Her Heirs and Successors, in right or in respect of Her said Duchy of *Cornwall*, or of the Duke of *Cornwall* for the Time being.

**Public Act.**

CXI. And be it 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.

SCHE-

# SCHEDULES to which the foregoing Act refers.

## THE FIRST SCHEDULE.

All the Property herein set forth being in the Parish of Saint Mary Magdalene aforesaid.

| Description of Property and Situation. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier or reputed Occupier. |
|---|---|---|---|
| Dwelling Houses and Offices for a Bank, and called "The East Cornwall Bank," in Broad Street. | Thomas Robins, Edward Coode, William Bolitho, Thomas Bolitho, William Foster, Thomas Foster. | - - | Themselves. |
| Dwelling House, Shop, and Part of a Passage, in Broad Street. | Thomas Rice | - - | Himself. |
| Dwelling House, Shop, and Part of a Passage, in Broad Street. | Charles Cowling | - - | Ditto. |
| Dwelling House, Shop, Courtlage, and Passage, in Butter Market and Broad Street. | Thomas Honey or William Harvey. | - - | Thomas Honey. |
| Dwelling House and Shop in Butter Market. | James Lowe | - - | John Macarthy. |
| Dwelling House, Shop, Courtlage, and Passage in Butter Market and High Street. | Thomas Pearse | - - | Unoccupied. |
| Dwelling House and Shop in Butter Market or High Street. | Ditto | - - | Richard Aunger, junior. |
| Dwelling House, Shop, and Cellar in High Street. | Henry Greenway | - - | Richard Bounsall Essery. |
| Butchers Shambles in High Street and Church Street. | Constantine Vawden. | Henry Bolt and Richard Isbell. | Henry Bolt. |
| Cellars in High Street and Church Street, under the Butchers Shambles. | Ditto | Ditto | Henry Bolt or Richard Bounsall Essery. |

| Description of Property and Situation. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier or reputed Occupier. |
|---|---|---|---|
| Dwelling House and Cellar, called "The Turk's Head," in Church Street. | Henry Greenway | - - | Robert Burt. |
| Dwelling House and Shop in Church Street. | James Lowe | - - | Richard Honey. |
| Engine House in Church Street. | The Mayor, Aldermen, and Burgesses of Launceston. | - - | Themselves. |
| Dwelling House, Offices, and Courtlage, called the London Inn, in Church Street, and the old Shambles in Church Street and High Street. | John King Mann | - - | John King Mann. |
| Part of a Courtlage, Dwelling House, and Passage in Church Street. | Mary Rowe | - - | Mary Rowe. |
| Part of a Dwelling House and Shop in Church Street. | Ditto | - - | William Tapson and Elizabeth Shapland. |
| Workshops between Broad Street and Church Street. | Ditto | - - | Thomas Rice. |
| Dwelling House and Shop in Church Street. | William Castine | - - | William Castine. |
| Dwelling House and Shop in Church Street and Broad Street. | William Spear Essery. | - - | William Derry Pearse. |
| Dwelling House, Shop, and Courtlage in Broad Street. | William Derry | - - | William Richard Derry. |
| House, Shop, and Cellar in Broad Street. | Ditto | - - | William Richard Derry and John Turner Pearse. |
| Dwelling House, Shop, Bank, and Offices in Broad Street, Back Street, and Butter Market. | Richard Dingly | - - | John Honey Snell and Richard Dingley. |
| Dwelling House and Shop in Broad Street and Back Street. | William Rogers | - - | William Rogers. |
| Plantation, Stable, and Outhouses in Blindhole. | Anne Cudlipp | - - | Anne Cudlipp. |
| A Garden in Blindhole | Ditto | - - | William Dymond. |

| Description of Property and Situation. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier or reputed Occupier. |
|---|---|---|---|
| A House and Stable in Blindhole. | Anne Cudlipp | - - | John Palmer. |
| A Stable and Gig House in Blindhole. | Ditto | - - | John Travers Lawrence. |
| Stable, Cellars, and Melting House in Blindhole. | Ditto | - - | John Doidge. |
| Dwelling House and Garden in Church Street. | Ditto | - - | Mary Oliver. |
| Dwelling House, Shop, Cellar, and Courtlage in Church Street. | Ditto | - - | John Doidge. |
| Dwelling House, Shops, Workshops, Courtlage, and Cellar in Church Street. | Ditto | - - | John George. |
| A Stable, Gig House, and Courtlage in Church Style. | His Grace the Duke of Northumberland. | - - | Joseph Branwell. |
| Dwelling House, Stable, and Garden in Church Street and Blindhole. | Ditto | - - | The Reverend George Buckmaster Gibbons. |
| Barn and Stable in Blindhole. | William Smith | - - | William Smith. |
| Dwelling House and Courtlage in Blindhole. | Mrs. Kittow | - - | Thomas Anstis Braddon. |
| Dwelling House, Shop, and Cellar in Church Street. | George Sargent Brendon. | - - | George Sargent Brendon. |
| Dwelling House, Shop, Workshops, and Courtlage in Church Street. | Thomas Eyre | - - | William Cater. |
| Dwelling House and Shop in Church Street. | Ditto | - - | Thomas Nicolls Vosper. |
| Dwelling House, Shop, Stable, Cellars, Garden, and Passage in Church Street. | John Martin | - - | Robert Lean. |
| Dwelling House, Shop, Workshops, and Part of Passage in Church Street. | Ditto | - - | George Timewell. |
| Dwelling House, Garden, and Passage in Church Street. | Ditto | - - | Harriet Gregory. |
| Part of a Dwelling House in Church Street. | Grace Tapson | - - | Grace Tapson. |

| Description of Property and Situation. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupier or reputed Occupier. |
|---|---|---|---|
| Dwelling House, Shop, Stable, and Buildings in Church Street. | Grace Tapson | - - | William Henry Syms. |
| House and Passage in Church Street. | Ditto | - - | Mr. Immey. |
| Dwelling House, Shop, and Cellar in Church Street. | Ditto | - - | Thomas Peckherd. |
| Dwelling House, Stable, Courtlage, and Cellars in Broad Street. | James Green | - - | Himself. |
| Shop and Cellar in Broad Street. | Ditto | - - | William and Edward Philp. |
| Dwelling House, Shop, Workshops, Stable, Cellars, Garden, and Passage in Broad Street. | James Treleaven | - - | James Treleaven and Samuel Clemowe Treleaven. |
| Dwelling House, Shop, and Cellar in Broad Street. | Ditto | - - | Thomas Honey. |
| Dwelling House and Passage in Broad Street. | Ditto | - - | Benjamin Trealeaven and Robert Crabb. |
| Dwelling House, Shop, Garden, Stable, Workshops, and Courtlage in Southgate Street. | William Prockter | - - | William Prockter. |
| A Stable in Blindhole | Ditto | - - | The Launceston Turnpike Trustees, by their Survey, John Huxham. |
| Dwelling House, Shop, Garden, Stable, and Passage in Southgate Street. | George Welsh Owen. | - - | John Nicolls. |
| Dwelling House, Shop, Garden, Stable, and Passage in Southgate Street. | Ditto | - - | Thomas Rowe Palmer. |
| Dwelling House, Stable, Lofts, Cellars, and Buildings, in Southgate Street and Blindhole. | Ditto | - - | John Huxham, and unoccupied. |
| Dwelling House, Shop, and Butchers Shop in Church Street. | Henry Greenway | - - | Mary Hobbs. |
| Dwelling House and Shop in Church Street. | John Maunder | - - | John Maunder. |
| Dwelling House in Tower Street. | Walter Venner | - - | Himself. |

| Description of Property and Situation. | Owner or reputed Owner. | Lessee or reputed Lessee. | Occupiers or reputed Occupiers. |
|---|---|---|---|
| Shop in Tower Street. | Walter Venner | - - | Abel Uglow. |
| Offices in Ditto | Ditto | - - | William Thaliessen Morgan. |
| Dwelling House and Shop in Broad Street and Southgate Street. | Susannah Pearse | - - | William Edgecombe Nicolls. |
| Dwelling House in Southgate Street. | Mary Mann | - - | Mary Mann. |
| Dwelling House and Shop in Southgate. | Ditto | - - | Richard Baniball. |
| Dwelling House, Shop, and Workshop in Southgate. | Joseph Littleton | - - | Joseph Littleton. |
| House in Southgate | Ditto | - - | Thomas Littleton. |
| Dwelling House in Southgate Street. | John Ralph | - - | John Ralph. |

The

## The SECOND SCHEDULE, to which the foregoing Act refers.

| | *s.* | *d.* |
|---|---|---|
| For every Bull, Ox, Cow, Steer, or Heifer exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 3 |
| For every Cow and Calf exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - - | 0 | 3 |
| For every Horse, Gelding, Mare, Colt, Filly, Foal, Mule, or Ass exposed for Sale, on a Market Day in the said Borough, any Sum not exceeding - | 0 | 6 |
| For every Head of live Swine exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - - | 0 | 2 |
| For the Carcase of every Hog or Pork Pig exposed for Sale on a Market Day in the said Borough, per Score of Twenty Pounds to the Score, any Sum not exceeding - - - - - | 0 | 1 |
| And so in proportion for a less Quantity. | | |
| For all Tallow of Bullocks, Sheep, and Lambs, the Carcases of which shall be brought into the said Borough on a Market Day, and exposed for Sale, any Sum not exceeding per Score of Twenty Pounds to the Score - - | 0 | 1 |
| For every Pannier of Sucking Pigs exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 2 |
| For every Cart with Sucking Pigs exposed for Sale on a Market Day, in the said Borough, any Sum not exceeding - - - - | 0 | 6 |
| For every Score of Sheep, or Sheep and Lambs, exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - | 2 | 0 |
| And so in proportion for any less Quantity. | | |
| And, if sold, a further Sum per Score not exceeding - - - | 1 | 0 |
| And so in proportion for any less Quantity. | | |
| For every Stallion exposed to view on a Market Day, not exceeding the Sum of - - - - - - | 1 | 0 |
| For every Fish Stall per Superficial Foot, any Sum not exceeding, per Day - - - - - - - | 0 | 1 |
| For every Pannier or Basket of Fish exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 4 |
| For every Cart of Fish exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - - - | 1 | 0 |
| For every Horse, Mule, or Ass (or other Beast of Burden) Load of Fish exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - - - | 0 | 6 |
| For every Stall, Shop, Standing Place, Shamble, Bench or other Convenience for the Sale of Meat, for every Superficial Foot in Measure on the Surface thereof, for each Market Day, any Sum not exceeding - - | 0 | 2 |
| For every additional Superficial Foot - - - | 0 | 1 |
| For every other Day in the Week, any Sum not exceeding - - | 0 | 1 |
| And for every additional Superficial Foot used on such other Day - | 0 | 0½ |
| For every Bullock's Hide exposed for Sale on a Market Day in the said Borough - - - - - - | 0 | 1 |
| For every Calf's Hide exposed for Sale on a Market Day in the said Borough - - - - - | 0 | 0½ |
| For every Sheep or Lamb's Skin exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 0¼ |

| | s. | d. |
|---|---|---|
| For every Pack or Pad of Wool of Two hundred Pounds, exposed for Sale in the said Borough on a Market Day, any Sum not exceeding - | 1 | 0 |
| For every Pad of Yarn, per Score of Twenty Pounds to the Score, exposed for Sale in the said Borough on a Market Day, any Sum not exceeding - | 0 | 4 |
| For every Cart of Potatoes or Turnips exposed for Sale in the said Borough, any Sum not exceeding per each Day - - - | 0 | 8 |
| For every Bag of Potatoes or Turnips not weighing more than One hundred and forty Pounds, exposed for Sale on a Market Day, any Sum not exceeding per each Day - - - - - - | 0 | 1 |
| For every Wheelbarrow containing any of the same Articles, any Sum not exceeding - - - - - | 0 | 2 |
| For every Hand-Basket, Hamper, or other Thing containing Poultry, Butter, Eggs, or any other Articles of Provisions, exposed for Sale on a Market Day, except Vegetables and Fruit, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Seven Inches in Depth, for each Market Day any Sum not exceeding - | 0 | 2 |
| For every Hand-Basket, Hamper, or other Thing containing Vegetables or Fruit only, exposed for Sale on a Market Day, the Size and Dimensions thereof not being more than Two Feet in Length by Fifteen Inches in Breadth and Twelve Inches in Depth, any Sum not exceeding - | 0 | 1 |
| If any of the before-mentioned Hand-Baskets, Hampers, or other Things shall exceed in Length, Breadth, and Depth the Number of Inches before respectively limited, for every additional Inch in Length, Breadth, and Depth thereof, any Sum not exceeding - - | 0 | 0¼ |
| For every Imperial Bushel of Wheat exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 2 |
| And so in proportion for a less Quantity. | | |
| For every Imperial Bushel of Barley exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 2 |
| And so in proportion for a less Quantity. | | |
| For every Imperial Bushel of Oats exposed for Sale on a Market Day in the said Borough, any Sum not exceeding - - - | 0 | 2 |
| And so in proportion for a less Quantity. | | |
| For every Fifty-six Pounds of Flour or Clover Seeds exposed for Sale in the said Borough, any Sum not exceeding - - - | 1 | 0 |
| And so in proportion for a less Quantity. | | |
| For every Fifty-six Pounds of Trefoil, Turnip, Eaver, or other Seeds, and so in proportion for a greater or less Quantity, exposed for Sale in the said Borough, any Sum not exceeding - - - | 0 | 6 |
| For every One hundred of Cabbage Plants brought into the said Borough and exposed for Sale, any Sum not exceeding - - | 0 | 0½ |
| For every Superficial Foot of uncovered Ground used or occupied on a Market Day by Persons offering for Sale Apple Trees, Shrubs, or other Plants, any Sum not exceeding - - - | 0 | 1 |
| For each and every Superficial Foot of every Stall for exposing to Sale any manufactured Goods, Wares, or Merchandizes on each Market Day, and so in proportion for a greater Quantity, any Sum not exceeding - | 0 | 1½ |
| For each and every Superficial Foot of every Stall for selling or exposing to Sale any Cheese or other Article not herein-before particularly mentioned, for each Day, not exceeding - - - | 0 | 1 |
| For every Stall, Shop, or Standing Place, uncovered Stall, or other Convenience, occupying a Space of not more than Fourteen Superficial Feet, for selling or exposing to Sale any other Article, Commodity, or Thing not herein-before particularly mentioned, for each Day, not exceeding - | 2 | 0 |
| And so in proportion for a greater or less Space. | | |

| | *s.* | *d.* |
|---|---|---|
| For every Waggon Load of Hay, Straw, or Corn in the Straw, exposed or offered for Sale in the said Borough - - - | 0 | 6 |
| For every Cart Load of Hay, Straw, or Corn in the Straw, exposed or offered for Sale in the said Borough - - - | 0 | 3 |
| For every Hundred Weight of Hay or Straw exposed or offered for Sale, or sold in the said Borough, any Sum not exceeding - - | 0 | 1 |
| The several Tolls, Rents, and Stallage before mentioned and specified to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Sitting, Bench, Compartment, or Space of Ground are to be so payable and paid for each and every Market and other Day, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day. | | |
| For all Articles weighed at the Beam and Scales kept in the Market, for each and every Hundred Weight - - - | 0 | 2 |
| And for every Twenty-eight Pounds and under so weighed - - | 0 | 0½ |
| For all Articles measured by the Measures kept in the said Market, at per Bushel or any less Quantity - - - | 0 | 0½ |
| For every Bull, Ox, Cow, Steer, or Heifer exposed for Sale in the said Borough on the great Markets held on the First Thursday in March and the Third Thursday in April in every Year - - - | 0 | 2 |
| For every Cow and Calf exposed for Sale in the said Borough on such last-mentioned Days - - - - | 0 | 3 |
| For every Horse, Gelding, Mare, Colt, Filly, Foal, Mule, or Ass exposed for Sale in the said Borough on such great Market Days as last-mentioned | 0 | 6 |
| For every Score of Sheep, or Sheep and Lambs, exposed for Sale in the said Borough on such great Market Days as herein-before mentioned - | 1 | 0 |
| And so in proportion for a less Number than a Score. | | |
| And if sold a further Sum per Score not exceeding - - | 1 | 0 |
| And so in proportion for a less Number than a Score. | | |
| For all Swine, Live Stock, and other Cattle exposed for Sale in the said Borough on such Great Market Days as herein-before mentioned - | 0 | 2 |
| For every Bull, Ox, Cow, Steer, or Heifer exposed for Sale in the said Borough on the several Fair Days held within the said Borough in every Year - - - - | 0 | 2 |
| For every Cow and Calf exposed for Sale in the said Borough on the several Fair Days lastly mentioned. - - - | 0 | 3 |
| For every Horse, Gelding, Mare, Colt, Filly, Foal, Mule, or Ass exposed for Sale in the said Borough on the several Fair Days herein-before mentioned - - - - | 0 | 6 |
| For every Score of Sheep, or Sheep and Lambs, exposed for Sale in the said Borough on the several Fair Days before mentioned - - | 2 | 0 |
| And so in proportion for a less Number than a Score, and, if sold, the further Sum of One Shilling, and so in proportion for a less Number than a Score. | | |
| For all Swine, Live Stock, and other Cattle exposed for Sale in the said Borough on such Fair Days as herein-before mentioned, at per Head - | 0 | 2 |
| For all Cattle, Beasts, or Swine slaughtered in the Slaughter-house to the said Market, not exceeding the Tolls herein-after mentioned; videlicet, | | |
| For every Bull, Ox, Cow, Steer, or Heifer, not exceeding - - | 1 | 0 |
| For every Calf, not exceeding - - - - - | 0 | 6 |
| For every Sheep, not exceeding - - - - - | 0 | 3 |
| For Swine, not exceeding per Head - - - - - | 0 | 2 |
| But if any such Bull, Ox, Cow, Steer, Heifer, Calf, Horse, Gelding, | | |

Mare, Colt, Filly, Foal, Mule, Ass, Sheep, or Sheep and Lambs, so exposed for Sale in the said Borough on such great Markets or Fair Days, shall not be removed after a Sale thereof within the Time appointed by the said Council for the Removal thereof after Sale, then another Toll at the Rates aforesaid shall become due for such Cattle, Sheep, Lambs, and other Beasts within One Hour after the Expiration of the Time allowed for the Removal of the same after the Sale thereof as aforesaid.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.