ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. CXXV.

An Act for authoriſing the Commiſſioners of His Majeſty's Navy to eſtabliſh a Market at the Town of *Pembroke Dock*, in the County of *Pembroke*, and to make Regulations for the paving, lighting, cleanſing, and good Order of the ſaid Town.

[2d *July* 1819.]

WHEREAS it is expedient for the Public Service that the Commiſſioners of His Majeſty's Navy ſhould be authorized to eſtabliſh a public Market at the Town of *Pembroke Dock*, in the County of *Pembroke*, for the Accommodation of the Officers, Artificers, Labourers, and others employed in and reſorting to His Majeſty's Dock Yard there, and that the ſaid Commiſſioners ſhould be authorized to make Bye Laws, Rules, and Regulations for the good Government of the ſaid Market, and for the paving, lighting, cleanſing, and good Order of the ſaid Town: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the principal Officers and Commiſſioners of His Majeſty's Navy, by Warrant under the Hands of any Three or more of them, to eſtabliſh a Market at the Town of *Pembroke Dock* aforeſaid, to be held on ſuch Days in the Week (*Sundays*, *Saturdays*, *Good Friday*, and *Chriſtmas Day* only excepted) as they ſhall think fit to appoint, for the Sale of Butchers Meat, Poultry, Butter, Fiſh, Corn, Grain, Fruit, Vegetables, and other Pro- Market to be eſtabliſhed.

visions, Cattle and other Live Stock, and all other marketable Commodities, and to make and ordain such Bye Laws, Rules, and Regulations, and to do all such other lawful Acts as shall be requisite and necessary for the Establishment and good Government of the said Market.

Tolls to be taken in such Market.

II. And be it further enacted, That all such Tolls, Rent of Stalls, and Fees, shall be taken and received in the said Market, as are or have been accustomed or ought to be received and taken in the Market of the Borough of *Pembroke*, in the said County, and shall be recovered and collected by or under the like Authority, and be disposed of in the same Manner and to the like Uses and Purposes, as the Tolls and Fees taken in the Market of the said Borough are or ought to be disposed of.

Regulations for paving, &c. the Town.

III. And be it further enacted, That the said Commissioners, or any Three or more of them, shall have Power to make and establish from Time to Time such Bye Laws, Rules, and Regulations for the paving, lighting, cleansing, and good Order of the said Town of *Pembroke Dock*, as shall be requisite and necessary for such Purposes.

Penalties may be imposed for Breach of such Regulations not exceeding 5s.

IV. And be it further enacted, That the said Commissioners, or any Three or more of them, shall have Power in the Bye Laws, Rules, and Regulations aforesaid, as well for the said Market as for the cleansing, lighting, paving, and well-ordering of the said Town, to impose and inflict reasonable Fines and Penalties for the Breach of any such Bye Law, Rule, or Regulation; provided always, that such Fine or Penalty shall not exceed the Sum of Five Pounds for any One Offence; which said Bye Laws, Rules, and Regulations, being reduced into Writing, shall be binding upon and observed by all Persons whatsoever, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not inconsistent with or repugnant to the Laws of this Realm, and provided that Copies of such Bye Laws, Rules, and Regulations, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places in the said Market, and renewed as often as the same shall be obliterated or defaced.

Evidence to be produced in Cases of Offences committed.

V. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Bye Laws, Rules, and Regulations, the Production of the original Orders signed by the said Commissioners, or any Three or more of them, by which such Bye Laws, Rules, and Regulations were made and ordained, shall be sufficient Evidence of the Existence of such Bye Laws, Rules, and Regulations; and it shall be sufficient to prove that a printed Paper, in Characters sufficiently plain, purporting to be a Copy of such Bye Laws, Rules, and Regulations, hath been affixed and published in Manner aforesaid, and in case of its being afterwards displaced or damaged, hath been replaced with another such Paper as soon as conveniently might be, in some conspicuous Place upon or near adjoining the Place where the Offence was committed; unless Proof shall be adduced by the Defendant that such printed Paper is not a Copy of such Bye Laws, or hath not been duly kept up and generally continued at such Market in Manner aforesaid.

Recovery and Application of Penalties.

VI. And be it further enacted, That all Fines, Penalties, and Forfeitures which shall be inflicted by any such Bye Law, Rule, or Regulation, shall,

in caſe of Nonpayment thereof on Conviction of the Offenders reſpectively, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed or the Offender ſhall be or reſide; and every ſuch Juſtice is hereby authorized and required to examine Witneſſes on Oath, and hear and determine the ſame; and all ſuch Fines, Forfeitures, and Penalties, ſhall be paid and applied in ſuch and the like Manner as the ſaid Tolls, Rents of Stalls, and Fees are herein-before directed to be paid and applied; and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained; and for Want of ſufficient Diſtreſs, and in caſe the Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Diſtreſs not unlawful for Want of Form.

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

Conviction.

VIII. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn according to the following Form; *viz.*

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, One of His Majeſty's Juſtices of the Peace for the County of , [*here ſpecify the Offence and the Time and Place when and where committed, as the Caſe may be*], contrary to an Act of Parliament paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act*]; and I do therefore adjudge the ſaid *C. D.* to forfeit and pay the Sum of . Given under my Hand and Seal the Day and Year firſt above mentioned.'

Appeal to Quarter Seſſions.

IX. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgment made or given in purſuance of any ſuch Bye Law, Rule, or Regulation, may, within Six Calendar Months next after ſuch Order or Judgment ſhall have been made or given, (firſt giving Fourteen Days Notice of ſuch Complaint

plaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain to the Juſtices of the Peace at the General Quarter Seſſions to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, who ſhall in a ſummary Way either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Bye Law, Rule, or Regulation, and may alſo order and award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

X. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1819.